

DEFENDANT: MICHAEL WEIMAR BINKLEY

LAWSUIT DELIVERED: 8/26/2024 (DEEMED SERVED: 9/17/2024)

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Western District of Michigan

**FILED - LN**  
October 21, 2024 4:17 PM  
CLERK OF COURT  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: plw / SCANNED BY: [Signature]

JEFFREY RYAN FENTON

*Plaintiff(s)*

v.

VIRGINIA LEE STORY et al.,

*Defendant(s)*

Civil Action No. 1:23-cv-1097

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Michael Weimar Binkley  
1109 Sneed Glen Drive  
Franklin, TN 37069

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jeffrey Fenton  
17195 Silver Parkway #150  
Fenton, MI 48430

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

AUG 19 2024

Date: 5/23/2024

CLERK OF COURT

[Signature]  
Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:23-cv-1097

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) MICHAEL WEIMAR BINKLEY  
 was received by me on (date) August 21, 2024.

Other (specify):

Service of defendant MICHAEL WEIMAR BINKLEY was initiated pursuant to F.R.Civ.P. 4(e)(1) and Mich. Ct. R. 2.105(A) by delivering to him the *lawsuit service package* as itemized in ECF 69 and 69-1 of this lawsuit, via certified U.S. mail with tracking number 70203160000230014711, return receipt requested, with delivery restricted to the addressee. This package was successfully delivered to defendant Binkley's residence on August 26, 2024, at 12:39 PM. See the attached receipt copies from the USPS.

Despite executing service with *restricted delivery* exactly as outlined in Mich. Ct. R. 2.105(A), somehow *every* individual bar defendant in this lawsuit managed to defeat, or persuade their mail carrier(s) to help defeat, the successful *confirmation of service* as intended in this rule, by either interfering with return of the "*return receipt requested*", returning it blank and unsigned devoid of any delivery information, or returning it signed by someone other than the named defendant to whom the lawsuit service was clearly addressed, despite delivery being restricted to that specific individual.

In this instance, the return receipt was never mailed back from Tennessee.

Brian Joseph Gallagher of Lennon Miller PLC made an appearance in this matter on behalf of defendant Binkley on September 17. Since the definitive date and time of service was defeated by some failure to mail back the return receipt, defendant Binkley is *deemed served* as of the date of *first appearance* in this matter, that being on September 17, 2024, though he likely received service weeks earlier.

“(3) An action shall not be dismissed for improper service of process unless the service failed to inform the defendant of the action within the time provided in these rules for service.” Rule 2.105(K)(3) - Process; Manner of Service, Mich. Ct. R. 2.105(K)(3).

In the spirit of Mich. Ct. R. 2.105(K)(3) above, the objective here was to err on the side of caution while completing service since clearly the defendant must have been informed about this action prior to the *date of first appearance* of his counsel evidenced in the record.

I declare under penalty of perjury that this information is true.

Date: 10/19/2024

Marsha Ann Fenton

Server's signature

Marsha Ann Fenton

Printed name and title

17195 Silver Pkwy, #150, Fenton, MI 48430-3426

Server's address



DEFENDANT: MICHAEL WEIMAR BINKLEY

LAWSUIT DELIVERED: 8/26/2024 (DEEMED SERVED: 9/17/2024)



LINDEN  
215 S MAIN ST  
LINDEN, MI 48451-9998  
(800)275-8777

08/23/2024 02:51 PM

Product	Qty	Unit Price	Price
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Priority Mail®	1		\$14.25
Franklin, TN 37069			
Weight: 3 lb 10.60 oz			
Expected Delivery Date			
Mon 08/26/2024			
Insurance			\$0.00
Up to \$100.00 included			
Restricted Del			\$12.75
Recipient name			
MICHAEL W BINKLEY			
Tracking #:			
70203160000230014711			
Return Receipt			\$4.10
Tracking #:			
9590 9402 8627 3244 0685 03			
<b>Total</b>			<b>\$31.10</b>

Grand Total: \$31.10

Credit Card Remit \$31.10

Card Name: VISA  
Account #: XXXXXXXXXXXX8359  
Approval #: 313215  
Transaction #: 660  
AID: A0000000031010 Chip  
AL: VISA CREDIT  
PIN: Not Required

UFN: 255460-0451  
Receipt #: 840-54930036-1-5521667-2  
Clerk: 6

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Franklin, TN 37069

Certified Mail Fee \$4.10

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$0.00

Return Receipt (electronic) \$12.75

Certified Mail Restricted Delivery \$10.00

Adult Signature Required \$0.00

Adult Signature Restricted Delivery \$

Postage \$14.25

Total Postage and Fees \$31.10

LINDEN, MI 48451  
0451  
6  
AUG 23 2024  
Postmark Here  
08/23/2024  
USPS

**MICHAEL W. BINKLEY**  
**1109 SNEED GLEN DR**  
**FRANKLIN, TN 37069-7057**

7020 3160 0002 3001 4711

**COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**MICHAEL W. BINKLEY**  
**1109 SNEED GLEN DR**  
**FRANKLIN, TN 37069-7057**



9590 9402 8627 3244 0685 03

2. Article Number (Transfer from service label)

7020 3160 0002 3001 4711

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
**X**  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

**This USPS Return Receipt**  
**Mysteriously Disappeared,**  
**Was Never Returned Even**  
**After Successful Delivery.**

3. Service Type  Priority Mail Express®  
 Adult Signature  Registered Mail™  
 Adult Signature Restricted Delivery  Registered Mail Restricted Delivery  
 Certified Mail®  Signature Confirmation™  
 Certified Mail Restricted Delivery  Signature Confirmation Restricted Delivery  
 Collect on Delivery  
 Collect on Delivery Restricted Delivery  
 Insured Mail  
 Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

Help



# Product Tracking & Reporting

Home

Search

Reports

Manual Entry

Rates/  
Commitments

PTR / EDW

Customer  
Information

October 18, 2024

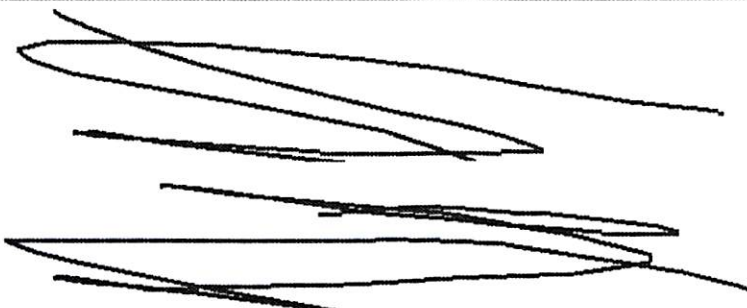

## USPS Tracking Intranet

### Delivery Signature and Address

Tracking Number: 7020 3160 0002 3001 4711

This item was delivered on 08/26/2024 at 12:39:00

[Return to Tracking Number View](#)

Signature	
Address	

Enter up to 35 items separated by commas.

Select Search Type:

Quick Search



Submit

Product Tracking & Reporting, All Rights Reserved  
Version: 24.4.3-de6c5246

This page is the U.S. Postal Service's internal delivery confirmation with "signature image" from the mail carrier's electronic keypad, signed by the recipient at the time of delivery.

This page was provided by Postmaster Danielle Weisenstein, from the Linden Post Office in Genessee County Michigan, who researched this parcel and provided this confirmation.

ALERT: TROPICAL STORM FRANCINE, FLOODING, AND SEVERE WEATHER IN THE SOUTHERN U.S. M...

# USPS Tracking®

FAQs >



Tracking Number:

Remove X

## 70203160000230014711

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item was delivered to an individual at the address at 12:39 pm on August 26, 2024 in FRANKLIN, TN 37069.

Get More Out of USPS Tracking:

USPS Tracking Plus®

#### Delivered

Delivered, Left with Individual

FRANKLIN, TN 37069

August 26, 2024, 12:39 pm

#### Out for Delivery

FRANKLIN, TN 37069

August 26, 2024, 7:41 am

#### Arrived at Post Office

FRANKLIN, TN 37064

August 26, 2024, 7:30 am

#### In Transit to Next Facility

August 25, 2024

#### Arrived at USPS Regional Destination Facility

NASHVILLE TN DISTRIBUTION CENTER

August 24, 2024, 6:13 pm

#### Arrived at USPS Regional Origin Facility

DETROIT MI DISTRIBUTION CENTER

August 23, 2024, 7:36 pm

#### Arrived at USPS Regional Facility

Feedback



DEFENDANT: MICHAEL WEIMAR BINKLEY

LAWSUIT DELIVERED: 8/26/2024 (DEEMED SERVED: 9/17/2024)

PONTIAC MI DISTRIBUTION CENTER  
August 23, 2024, 6:34 pm

**Departed USPS Facility**

LINDEN, MI 48451  
August 23, 2024, 2:59 pm

**USPS in possession of item**

LINDEN, MI 48451  
August 23, 2024, 2:36 pm

[Hide Tracking History](#)

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (https://faq.usps.com/s/article/Where-is-my-package)

**Text & Email Updates**



**USPS Tracking Plus®**



**Product Information**



**Postal Product:** Certified Mail Restricted Delivery  
Priority Mail® Up to \$100 insurance included. Restrictions Apply ⓘ

**See tracking for related item:**  
[9590940286273244068503 \(/go/TrackConfirmAction?tLabels=9590940286273244068503\)](#)

Feedback

[See Less](#) ^

Track Another Package

Enter tracking or barcode numbers

## Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)

# USPS Tracking®

[FAQs >](#)

**This is the tracking for the Return Receipt. This shows that the Return Receipt was purchased, but it was never mailed back from Tennessee.**

[Remove X](#)

Tracking Number:

## 9590940286273244068503

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

### Latest Update

The U.S. Postal Service has received electronic notification on August 23, 2024 at 2:36 pm that you have associated a return receipt to your item.

#### Get More Out of USPS Tracking:

**USPS Tracking Plus®**

#### Pre-Shipment

**Return Receipt Associated**

August 23, 2024, 2:36 pm

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates 

USPS Tracking Plus® 

Product Information 

Postal Product:  
USPS Ground Advantage™

Features:  
Return Receipt  
USPS Tracking®

See tracking for related item: [70203160000230014711 \(/go/TrackConfirmAction?tLabels=70203160000230014711\)](https://go/TrackConfirmAction?tLabels=70203160000230014711)