

DEFENDANT: VIRGINIA LEE STORY

6

LAWSUIT DELIVERED: 8/26/2024 (DEEMED SERVED: 9/16/2024)

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

UNITED STATES DISTRICT COURT

for the

Western District of Michigan

JEFFREY RYAN FENTON

Plaintiff(s)

v.

VIRGINIA LEE STORY et al.,

Defendant(s)

FILED - LN

October 21, 2024 4:17 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: / SCANNED BY:

Civil Action No. 1:23-cv-1097

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Virginia Lee Story
111 Jonathan Court
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:

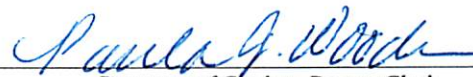
Jeffrey Fenton
17195 Silver Parkway #150
Fenton, MI 48430

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.

CLERK OF COURT

AUG 19 2024

Date: 5/23/2024



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) VIRGINIA LEE STORY
 was received by me on (date) August 21, 2024.

 Other (specify):

Service of defendant VIRGINIA LEE STORY was initiated pursuant to F.R.Civ.P. 4(e)(1) and Mich. Ct. R. 2.105(A) by delivering to her the *lawsuit service package* as itemized in ECF 69 and 69-1 of this lawsuit, via certified U.S. mail with tracking number 70203160000230014919, return receipt requested, with delivery restricted to the addressee. This package was successfully delivered to defendant Story's office on August 26, 2024, at 11:08 AM. 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 signed by "Kim Rydell".

Valerie Henning Mock of Wilson Elser Moskowitz Edelman & Dicker LLP made an *appearance* in this matter on behalf of defendant Story on September 16. Since the definitive date and time of service was defeated by having the wrong party sign the return receipt, defendant Story is *deemed served* as of the *date of first appearance* in this matter, that being on September 16, 2024, though she 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 her counsel evidenced in the record.

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

Date: 10/18/2024Marsha Ann Fenton

Server's signature

Marsha Ann Fenton

Printed name and title

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

Server's address

DEFENDANT: VIRGINIA LEE STORY

LAWSUIT DELIVERED: 8/26/2024 (DEEMED SERVED: 9/16/2024)

UNITED STATES POSTAL SERVICE.

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

08/24/2024 11:25 AM

Product	Qty	Unit Price	Price
---------	-----	------------	-------

Priority Mail®	1		\$14.25
Franklin, TN 37064			
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			
VIRGINIA L STORY			
Tracking #:			
→ 70203160000230014919			
Return Receipt		\$4.10	
Tracking #:			
9590 9402 8627 3244 0682 20			
Total			\$31.10

Grand Total: \$147.60

Credit Card Remit \$147.60

Card Name: VISA
Account #: XXXXXXXXXXXX8359
Approval #: 014252
Transaction #: 185
AID: A0000000031010 Chip
AL: VISA CREDIT
PIN: Not Required

UFN: 255460-0451
Receipt #: 840-54930036-3-6753461-2
Clerk: 06

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

For delivery information, visit our website at www.usps.com

Franklin, TN 37064

Certified Mail Fee \$4.10

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

- Return Receipt (hardcopy) \$4.10
- Return Receipt (electronic) \$0.00
- Certified Mail Restricted Delivery \$10.00
- Adult Signature Required \$0.00
- Adult Signature Restricted Delivery \$0.00

Postage \$14.25

Total Postage and Fees \$31.10

VIRGINIA LEE STORY
136 4TH AVE S
FRANKLIN, TN 37064-2622

PS Form 3800, April 2019 PSN 7530-02-000-9053 See reverse for instructions

USPS TRACKING #

9590 9402 8627 3244 0682 20

United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box •

17195 SILVER PKWY
PMB #150
FENTON, MI 48430-3426

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Kim Rydel</i></p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 8/26/2024</p>
<p>1. Article Addressed to:</p> <p>VIRGINIA LEE STORY 136 4TH AVE S FRANKLIN, TN 37064-2622</p> <p>9590 9402 8627 3244 0682 20</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>RESTRICTED DELIVERY</p>
<p>2. Article Number (Transfer from mailpiece)</p> <p>7020 3160 0002 3001 4919</p>	<p>3. Service Type</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery

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

Domestic Return Receipt

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

USPS Tracking®

FAQs >

COMPLETED

Tracking Number:

Remove X

70203160000230014919

Copy

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

Latest Update

Your item was delivered to the front desk, reception area, or mail room at 11:08 am on August 26, 2024 in FRANKLIN, TN 37064.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Front Desk/Reception/Mail Room

FRANKLIN, TN 37064
August 26, 2024, 11:08 am

Out for Delivery

FRANKLIN, TN 37064
August 26, 2024, 6:10 am

Arrived at Post Office

FRANKLIN, TN 37064
August 26, 2024, 5:53 am

Arrived at USPS Regional Destination Facility

NASHVILLE TN DISTRIBUTION CENTER
August 26, 2024, 12:00 am

In Transit to Next Facility

August 25, 2024

Arrived at USPS Regional Origin Facility

DETROIT MI DISTRIBUTION CENTER
August 24, 2024, 10:44 pm

Feedback

DEFENDANT: VIRGINIA LEE STORY

LAWSUIT DELIVERED: 8/26/2024 (DEEMED SERVED: 9/16/2024)

Arrived at USPS Regional Facility
PONTIAC MI DISTRIBUTION CENTER
August 24, 2024, 6:21 pm

Departed USPS Facility
LINDEN, MI 48451
August 24, 2024, 12:02 pm

Departed Post Office
LINDEN, MI 48451
August 24, 2024, 12:01 pm

USPS in possession of item
LINDEN, MI 48451
August 24, 2024, 11:17 am

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

Feedback

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

See tracking for related item:
[9590940286273244068220 \(/go/TrackConfirmAction?tLabels=9590940286273244068220\)](#)

See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

USPS Tracking®

[FAQs >](#)

COMPLETED

Tracking Number:

[Remove X](#)

9590940286273244068220

[Copy](#)

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

Latest Update

Your item was delivered in or at the mailbox at 3:09 pm on August 29, 2024 in FENTON, MI 48430.

Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

Delivered

Delivered, In/At Mailbox

FENTON, MI 48430

August 29, 2024, 3:09 pm

Arrived at USPS Regional Facility

PONTIAC MI DISTRIBUTION CENTER

August 28, 2024, 8:47 am

Departed USPS Regional Facility

NASHVILLE TN DISTRIBUTION CENTER

August 27, 2024, 7:38 am

Arrived at USPS Regional Facility

NASHVILLE TN DISTRIBUTION CENTER

August 26, 2024, 10:39 pm

Return Receipt Associated

August 24, 2024, 11:17 am

[Hide Tracking History](#)

[Feedback](#)