IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JEFFREY RYAN FENTON,

PLAINTIFF

v.

VIRGINIA LEE STORY ET AL.,

DEFENDANTS

CASE NO. 3:24-CV-01282

MOTION FOR ALTERNATIVE SERVICE[1]

Plaintiff brings this motion pursuant to F.R.Civ.P. 4(f)(3) and existing case law in this circuit. Applying Rule 4(f)(3) and its predecessor, trial courts have authorized a wide variety of alternative methods of service including publication, ordinary mail, mail to the defendant's last known address, delivery to the defendant's attorney, telex, and most recently, e-mail. See *SEC v. Tome*, 833 F.2d 1086, 1094 (2nd Cir.1987) (publication); *Smith v. Islamic Emirate*, 2001 WL 1658211 (S.D.N.Y. Dec.26, 2001) (publication); *Levin v. Ruby Trading Corp.*, 248 F.Supp. 537, 541-44 (S.D.N.Y.1965) (ordinary mail); *International Controls Corp. v. Vesco*, 593 F.2d 166, 176-78 (2nd Cir.1979) (mail to last known address); *Forum Fin. Group LLC v. President & Fellows*, 199 F.R.D. 22, 23-24 (D.Me.2001) (service to defendant's attorney); *New Eng. Merchs. Nat'l Bank v. Iran Power Generation & Transmission Co.*, 495 F.Supp. 73, 80 (S.D.N.Y.1980) (telex); *Broadfoot v. Diaz*, 245 B.R. 713, 719-20 (Bankr.N.D.Ga.2000) (e-mail); and in the adjacent district: *Popular Enterprises, LLC v. Webcom Media Group, Inc.*, 225 F.R.D. 560 (E.D. Tenn. 2004) (e-mail).

[1] Citations to the court record in this lawsuit will be notated without the case name or number, using the starting ECF Number, followed by both the beginning and ending Page ID, which is abbreviated as "PID."

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Plaintiff has been trying to serve certain defendants in this matter for months. Based upon gamesmanship exhibited by most of the defendants, it is clear that the holdouts are avoiding service. Plaintiff has tried numerous times—at *significant* financial expenditure each time—to inform the remaining renegades by certified and/or registered mail, as the case may be. As of now, he can not only prove that certain emails to defendants informing them about the case have not bounced but they have, in fact, *been opened and read.* Numerous software tools exist today to track when emails have been read. False positives are not possible; false negatives are. What this means is that if an email tracking program reveals that a particular email has been read, it has been read. If that program does *not* reveal that the email has been read, it could still have been read. The science behind this behavior is beyond the scope of this motion. The above cited cases do not go to this length of ensuring reception *and opening* of the email containing the summons and complaint—indeed, no settled law yet may.

Plaintiff therefore requests that email with tracking software be used to serve the remaining defendants, and—as part of the proof-of-service affidavit—evidence will be submitted that the emails have in fact been read. Of these holdouts, *all* are associated with the bankruptcy matter that was "litigated" in this state. Of those defendants, only *one* has made an appearance in this action, that being defendant Charles M. Walker. Plaintiff suspects that the reason he has done so is that he is a federal judge who most likely will try to claim immunity and thus be released as a defendant despite Plaintiff seeking no damages from him, thereby making such a claim legally meritless.

Plaintiff also suspects that the defense knows that without key players from the bankruptcy side of the crime ring, he will have an extremely difficult time connecting the dots

and proving part of his case. These remaining holdouts—Hildebrand, Ausbrooks, Koval, Rothschild & Ausbrooks, Bankers Title, and Spragins, Barnett, & Cobb—are all associated with the "bankruptcy" in this state. It is crucial that everyone responsible for the massive financial and psychological damage done to Plaintiff be held accountable. In order for this to happen, the unserved defendants must either make an entry in this matter or risk a substantial default judgment, which would need to be ordered in a manner making it difficult for them to later have it set aside, by their friends and associates throughout Tennessee's courts.

As an alternative to email, Plaintiff suggests that U.S. marshals effect service on the remaining defendants but that the court order the service as it would a *pro se* plaintiff acting *in forma pauperis.* Plaintiff has expended more than $10,000 thus far in this matter. He cannot sustain financial expenditures without proper reimbursement from the defendants to pay attorney fees and/or other legal expenses because the defendants have stolen all his money, assets, and property.

DIGITAL SERVICE PACKAGE FOR LAWSUIT

Plaintiff built a section of his website specifically to host the files necessary to effectuate *digital service* of this lawsuit, upon the court's approval, by multiple means of alternative service. With the court's permission, all that needs to be done is to provide the outstanding defendants a simple letter or notice by mail, email, publication, or the U.S. marshals service, that they have been *officially served* and need to make an *appearance* in this matter. It could be as simple as a letter mailed to them by the court, notifying them that they can download the digital files from Plaintiff's *lawsuit service package* online, at **service.jefffenton.com**. (See attached exhibits[2] A-1 through A-5.)

[2] https://rico.jefffenton.com/evidence/3-24-cv-01282_fenton-v-story-digital-service-package.pdf

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Plaintiff also created a page[3] on his website devoted to his filings, which took place after the creation of his *lawsuit service package*, in order to quickly apprise and orient the defendants of important filings which have occurred since. (See attached exhibits[4] B-1 and B-2.)

If the court approves, neither the U.S. marshals service nor the court need expend any resources on significant printing costs. They merely need to serve the outstanding defendants with a single page letter or notice (which is suitable to the court) stating they are defendants in this lawsuit and have *now* been *officially served.* At the same time, the court could inform them that digital copies of every summons, the AMENDED COMPLAINT FOR TORTIOUS CONDUCT AND INJUNCTIVE RELIEF[5] filed in ECF 66, along with every other document in Plaintiff's *lawsuit service package*[6], as itemized in ECF 69 and 69-1, are conveniently available online, from a single webpage, at **service.jefffenton.com**. Should they like to receive a copy of the lawsuit service package in printed media, that webpage has simple instructions for ordering a copy free of charge for any defendant in this lawsuit.

The truth is that *every* outstanding defendant in this lawsuit has already physically received Plaintiff's *lawsuit service package* with printed media at *least* once (unless they blatantly refused after knowing its contents). Some have received service multiple times, but one way or another they have obfuscated, defeated or deprived Plaintiff of the *confirmation of service* required by court rules, without which his mother cannot swear the service was successful under the penalty of perjury.

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[3] https://jefffenton.com/digital-service-package-for-lawsuit/fenton-filings-since-service/

[4] https://rico.jefffenton.com/evidence/3-24-cv-01282_fenton-v-story-filings-since-service.pdf

[5] ECF 66, PID.4870-5007 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-first-amended-complaint.pdf

[6] ECF 69, PID.5030-5042 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-lawsuit-service-pack-details.pdf

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Unfortunately, the realistic "risk" of the outstanding defendants receiving a "default judgment," which they can't later get set aside (one way or another), does not appear to compel several of the bad actors (directly involved with the fraudulent bankruptcy scheme) to "risk" not making an appearance in this matter.

Short of the court requiring the outstanding defendants to make an appearance, it is doubtful there is anything Plaintiff can do to compel them to do so, to face and try to defend their actions based upon the real, honest merits of this lawsuit.

Unfortunately appeals don't use juries, so it is believed that several of the outstanding defendants would rather *risk* trying to get a default judgment set aside later by an appellate court (or file bankruptcy), than *risk* making an appearance in this matter; when there is no conceivable, good faith, lawful justification for their actions in the preceding matters, which Plaintiff has near exhaustively proven, already on court record.

STATE DEFENDANTS RUNNING INTERFERENCE FOR THE BANKRUPTCY FRAUD TEAM

It is also believed that certain defendants who have already made an appearance in this matter, who could not have realistically evaded service for long themselves, are working to frustrate and stymie justice by coaching and helping to conceal certain remaining renegades, while advocating for their interests, and notifying them of any serious developments which might justify them making a sudden appearance in this matter.

For example, by filing multiple frivolous motions to dismiss while claiming defective service and that the deadline for service had expired, in an attempt to "outperform" Plaintiff to have this lawsuit dismissed before the rest of the defendants are forced to make an appearance, contrary to the honest interests of justice, without due care and consideration for the critical

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constitutional liberty and property interests involved.

The fact is that most defendants—if not every one of them—in this lawsuit, are in significantly less danger of being held fully and justly accountable for their roles in this criminal enterprise and undertaking if only the state actors involved in Plaintiff's divorce make an appearance. Holding back those who laid the foundation for the RICO scam by coaching his ex-wife into filing a secret fraudulent bankruptcy action, while specifically motioning for the sale of their marital residence in the filing, which Plaintiff was lawfully in possession of, without notifying him or providing him an opportunity to participate in the bankruptcy or an adversarial proceeding, denied him adequate protection as was required by the Federal Rules of Bankruptcy Procedure and multiple bankruptcy laws.

BANKRUPTCY FRAUD COMMITTED BY THE BANKRUPTCY COURT

It's important to note, this wasn't just a scam set up and executed by Plaintiff's ex-wife's counsel. The crimes which took place in the United States Bankruptcy Court for the Middle District of Tennessee against Plaintiff's multiple federally protected property interests were not *reasonably possible* without the willful criminal complicity, participation, and/or extreme negligence by both the Chapter 13 bankruptcy trustee and the bankruptcy judge who presided over the case.

These are significant charges against powerful people who are trusted to behave according to law. Plaintiff has made clear significant dangers[7] to the public health and safety of residents throughout Williamson County Tennessee, sworn to under the penalty of perjury. These claims must be honestly and responsibly heard, while considering not just what harm they

[7] ECF 102, PID.5391-5468 | https://rico.jefffenton.com/evidence/2024-10-09_concerns-about-transferring-to-tennessee.pdf

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have already caused, but the potential ongoing harm which they can continue to cause, each and every day certain defendants remain actively licensed BAR members who have not been disciplined or held accountable for their actions. The potential for future damages to exceed the county and state's ability to provide a timely cure, demands this not be ignored, postponed, or dismissed for anything less than actual innocence, as determined by a jury of Plaintiff's peers.

THE TRUTH IS OBVIOUS IN THIS COURT'S RECORD

Any honest and impartial review of Plaintiff's evidence in this case, will clearly reveal that Plaintiff has and is continuing to act honestly in good faith, at tremendous expense to himself, while doing everything reasonably within his power to hold the bad actors accountable, despite the power they wield.

Plaintiff brought this action and wrestled a court for nearly a year who sought to proactively dismiss his lawsuit before he could even get it served. Plaintiff's honest goal is to help improve the judicial integrity[8] throughout Middle Tennessee while protecting litigants from experiencing the injustice which seized and destroyed his life almost instantly. He is doing this for the common benefit of both the state and the people, while seeking a remedy which will restore his freedom to live his life again and enjoy it, along with all our natural freedoms bestowed by our creator and guaranteed/protected by our government, through the rule of law.

This court has a duty to *sua sponte* act in the real interests of justice in this matter. It begins by ordering all the defendants to quit playing games and make an appearance in this case thusputting this cat and mouse game of dodging service behind us so we can begin to focus on what really matters, which can't be done without requiring the defendants to quit wasting the

[8] The actual honest judicial integrity, not the misplaced appearances which refuse to honestly question or admit defects.

court's time with frivolous motions and arguments about extraneous issues. It is time to answer the complaint based upon the merits, with all testimony sworn to under the penalty of perjury.

TECHNICAL GAMES ARE A WASTE OF TIME AND RESOURCES

The defendants need to quit searching for a technical escape hatch. This is a *pro se* complaint involving serious constitutional issues and criminal activities wherein technicalities should not be allowed to rule over substantive merits. It is time to address *why* this lawsuit has been filed and by what acts of *cruelty* every attempt to mitigate Plaintiff's damages has been repeatedly denied[9] while causing damages to compound each and every day that Plaintiff has been deprived of his property, his freedom, and justice.

CONCLUSION

Plaintiff requests that his motion be granted, i.e., service of the remaining defendants be allowed by alternative service, using email or the U.S. Marshals Service via court order and expense *if justice is to be really served.*

[9] https://rico.jefffenton.com/evidence/2024-11-08_fenton-reply-to-storys-opposition-to-sanctions.pdf

CERTIFICATION AND DECLARATION

By signing below, I, Jeffrey Ryan Fenton, certify that this document has been executed in good faith, in the honest pursuit of justice, and in strict compliance with F.R.Civ.P. 11(b). I further swear that no part of this action is motivated by a desire to cause any party financial harm, and that I have done everything physically within my means, with the resources and knowledge at my disposal, to reach a cure as quickly as possible and mitigate losses for all parties, yet the defendants have unreasonably refused my every effort and attempt.

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury that the foregoing is true and correct, except as to matters herein stated to be on information and belief, and as to such matters, I certify as aforesaid that I verily believe the same to be true.

Executed on November 18, 2024

JEFFREY RYAN FENTON, PRO SE

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