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

Civil Action No. 1:23-cv-1097

AMENDED PROOF OF SERVICE

3:24-cv-01282

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

This summons for (name of individual and title, if any)		KATHRYN LYNN YARBROUGH	
was received by me on (date)	August 21, 2024	•	RECEIVED
Tother (specify):			NOV 252024

Proof of Service for defendant Kathryn Lynn Yarbrough was filed in this location of PID.5213-5234. However, due to concerns related to the delay of several outstanding defendants of an appearance in this matter, including defendant Yarbrough, out of an abundance of caution, service of defendant Yarbrough was initiated for a third time, this time using registered mail for added security, while requesting an electronic return receipt instead of the traditional green card, to prevent it from potentially getting detached and lost in the mail.

Despite executing service with restricted delivery exactly as outlined in Mich. Ct. R. 2.105(A), somehow <u>every</u> 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. (See 'Exhibit-A' filed in ECF 96-1, PID.5265-5285.)

On October 17, 2024 at 11:55 AM service of defendant Kathryn Lynn Yarbrough 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 *registered* U.S. mail with tracking number RF753202335US, electronic return receipt requested, with delivery restricted to the addressee. This package was successfully delivered and signed for *personally* by defendant Yarbrough on October 25, 2024, at 1:05 PM. (See the attached receipt copies from the USPS.)

"(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, I recommend changing the date in which defendant Kathryn Lynn Yarbrough is "deemed served" by the court, from the September 6, 2024 date which I originally filed in ECF 95, PID. 5214, to the date of her most recent service, where she clearly and without doubt received and signed for service herself, on October 25, 2024, at 1:05 PM. My efforts in this matter have been to err on the side of caution, for the benefit of the defendants, while successfully completing service with the highest degree of reliability I know how, for this price point.

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

Date: 10/25/2024	Marsha ann Fenton
	Server's signature
	Marsha Ann Fenton
	Printed name and title
	17195 Silver Pkwy, #150, Fenton, MI 48430-3426
	Server's address
Cose 2:24 av 01202	Decument 100 Filed 11/25/24 Dece 1 of 16 Decelo # 201

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

3:24-CV-01282

UNITED STATES DISTRICT COURT for the

	Western District of Michigan
JEFFREY RYAN FENTON Plaintiff(s) v.)))) Civil Action No. 1:23-cv-1097
VIRGINIA LEE STORY et al., Defendant(s))))

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Kathryn Lynn Yarbrough 408 Preakness Drive Thompsons Station, TN 37179

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 1 9 2024

Date:

CLERK OF COURT

RECEIVED SERVICE: 10/25/2024 at 1:05 PM

ATTORNEY LOGIN A

Board of Professional Responsibility of the Supreme Court of Tennessee

Search

ABOUT THE BOARD

FOR THE PUBLIC

FOR LEGAL PROFESSIONALS

NEWS & PUBLICATIONS

Attorney Details

Yarbrough, Kathryn Lynn

Address:

223 Town Center Pkwy Unit 1897 Spring Hill, TN 37174-3040

BPR Number:

032789

Status:

Active

Office County:

Maury

Licensed in TN Since:

2014

Law School:

Nashville School of Law

Public Information:

No Public Information Available

Informational Releases for Public Discipline:

No Public Discipline

Names Used:

Kathryn Lynn Yarbrough

ABOUT THE BOARD

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LINKS OF INTERESTS

Mission Statement

To assist the Court in protecting the public from harm from unethical lawyers by administering the disciplinary process; to assist the public by providing information about the judicial system and the disciplinary system for lawyers; and, to assist lawyers by interpreting and applying the Court's disciplinary rules.

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PRIVACY STATEMENT DISCLAIMER

2024-02

^{*} Information accurate as of Monday, October 14, 2024 6:00 PM UTC



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

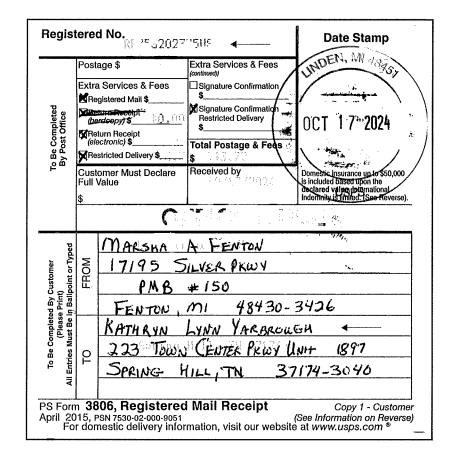
	(800) 275-8	3777	
10/17/2024			11:55 AM
Product		Price	Price
Priority Mail® Spring Hill Weight: 3 ll Expected De Sat 10/	1 , TN 37174 o 13.30 oz livery Date	, , , , , , , , , , , , , , , , , , , ,	\$14.80
Insurance			\$0.00
Restricted (Amount: Recipier	\$0.00 nt name		\$26.30
Tracking	HRYN L YARB 9 #:	ROUGH	
e-Return Red Total			\$2.62 \$43.72
Grand Total:			\$165.93
Credit Card Remi Card Name: \	t /ISA		\$165.93
Account #:) Approval #: Transaction AID: A000000 AL: VISA CRI PIN: Not Rec	017145 #: 086 00031010 EDIT		Chip

UFN: 255460-0451

Receipt #: 840-54930036-1-5595507-2

Clerk: 6

KATHRYN LYNN YARBROUGH 223 TOWN CENTER PKWY UNIT 1897 SPRING HILL, TN 37174-3040





October 27, 2024

Dear Marsha Fenton:

The following is in response to your request for proof of delivery on your item with the tracking number: RF75 3202 335U S.

Item Details

Status: Delivered, Individual Picked Up at Post Office

Status Date / Time: October 25, 2024, 1:05 pm SPRING HILL, TN 37174 Location:

Priority Mail® **Postal Product:**

Extra Services: Registered Mail Restricted Delivery

Return Receipt Electronic

KATHRYN L YARBROUGH **Recipient Name:**

Shipment Details

Weight: 3lb, 14.0oz

Recipient Signature

Signature of Recipient:

Address of Recipient:

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely, United States Postal Service® 475 L'Enfant Plaza SW Washington, D.C. 20260-0004

USPS Tracking®

FAQs >



Tracking Number:

Remove X

RF753202335US

Copy

Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

Your item was picked up at the post office at 1:05 pm on October 25, 2024 in SPRING HILL, TN 37174.

Delivered

Delivered, Individual Picked Up at Post Office

SPRING HILL, TN 37174 October 25, 2024, 1:05 pm Feedbac

Available for Pickup

SPRING HILL 223 TOWN CENTER PKWY SPRING HILL TN 37174-9998 M-F 0830-1630; SAT 0830-1100 October 24, 2024, 7:48 am

Out for Delivery

SPRING HILL, TN 37174 October 24, 2024, 7:47 am

Arrived at Post Office

SPRING HILL, TN 37174 October 24, 2024, 7:36 am

Processing at USPS Facility

NASHVILLE, TN 37230 October 23, 2024, 5:31 am

Processing at USPS Facility

NASHVILLE, TN 37230 October 23, 2024, 2:05 am

Processing at USPS Facility

NASHVILLE, TN 37230 October 23, 2024, 2:02 am

Processing at USPS Facility

DETROIT, MI 48233 October 21, 2024, 12:04 am

Processing at USPS Facility

DETROIT, MI 48233 October 21, 2024, 12:03 am

In Transit to Next Facility

October 20, 2024

Arrived at USPS Regional Origin Facility

DETROIT MI DISTRIBUTION CENTER October 19, 2024, 4:01 am

Processing at USPS Facility

PONTIAC, MI 48340 October 18, 2024, 4:01 pm

Arrived at USPS Regional Facility

PONTIAC MI DISTRIBUTION CENTER October 17, 2024, 7:16 pm

Departed USPS Facility

LINDEN, MI 48451 October 17, 2024, 2:51 pm

USPS in possession of item

LINDEN, MI 48451 October 17, 2024, 11:50 am

Hide Tracking History

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

Text & Email Updates		~
Return Receipt Electroni	ic	^
✓ Confirmation		
Your Proof of Delivery record i	s complete and will be processed shortly.	
Your confirmation will be sent	to the following:	
contact@jefffenton.com		
Product Information		^
	જ	
Postal Product:	Features:	
Priority Mail [®]	Registered Mail Restricted Delivery Return Receipt Electronic	
		T (1)
	See Less ^	reedback
Track Another Package		
Enter tra cking or ba rcode numl	oers	

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

contact@jefffenton.com

From:

auto-reply@usps.com

Sent:

Sunday, October 27, 2024 3:58 AM

To:

contact@jefffenton.com

Subject:

USPS Return Receipt (Electronic) Info for RF753202335US

Attachments:

RF753202335US.pdf



Tracking #: RF753202335US

Hello Marsha Fenton,

Thank you for using USPS.com® to request a Return Receipt (Electronic) letter for your shipment.

Tracking #: RF753202335US

Service Type: Priority Mail®

Attachment: Return Receipt (Electronic) letter (PDF) provided by the U.S. Postal Service®.

Your Return Receipt (Electronic) letter is in the attached PDF. You will need Adobe Acrobat Reader installed on your device to open the PDF. Download Adobe Acrobat Reader for free.

If you need help or have questions about USPS Tracking® services and features, visit USPS Tracking FAQs.

Want to Track on the Go?

Track packages with USPS Text Tracking® service. Simply text your tracking number to 28777 (2USPS) or select the Text Update option on the USPS Tracking site. Standard Message and Data Rates may apply. For more information, visit USPS Text Tracking.

DEFENDANT: KATHRYN YARBROUGH

SECOND SERVICE ATTEMPT

RECEIVED SERVICE: 9/06/2024

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

UNITED STATE	TES DISTRIC	T COURT	
	for the		
Western	District of Michigan	⊡	FILED- LN September 30, 2024 11:54 AM
	1		CLERK OF COURT U.S. DISTRICT COURT
	,		WESTERN DISTRICT OF MICHIGAN
) "		BY: eod scanned by: 400 9 30
JEFFREY RYAN FENTON	ý		
Plaintiff(s)	— <u> </u>		
v.) Civil Ac	tion No. 1:23-0	ev-1097
**)	1101 1101	
) 63		
)		
VIRGINIA LEE STORY et al.,)		
Defendant(s)	_		
SUMMON	IS IN A CIVIL ACTI	ION	
408 Preakness Drive Thompsons Station, T	'N 37179		
A lawsuit has been filed against you.	Sq.		
Within 21 days after service of this summons are the United States or a United States agency, or an P. 12 (a)(2) or (3) — you must serve on the plaintiff at the Federal Rules of Civil Procedure. The answer or whose name and address are: Jeffrey Fenton 17195 Silver Parkway Fenton, MI 48430	officer or employee on answer to the attach motion must be served	of the United St ned complaint o	ates described in Fed. R. Civ. or a motion under Rule 12 of
If you fail to respond, judgment by default we You also must file your answer or motion with the co AUG 1 9 2024 Date: 5-1-23-1-2024	urt.	ou for the relie	
Duto. Or DO! DULT	**************************************	1 una	601 2 0000

Case 1:23-cv-01097-PLM-RSK ECF No. 95, PageID.5214 Filed 09/30/24 Page 2 of 24

DEFENDANT: KATHRYN YARBROUGH

SECOND SERVICE ATTEMPT

RECEIVED SERVICE: 9/06/2024

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 (1))

This summons for (name of individual and title, if any,		f individual and title, if any)	KATHRYN LYNN YARBROUGH				
was re	ceived by me on (date)	8/21/2024					
	☐ I personally served the	summons on the individual at	(place)				
			on (date)	; or			
	☐ I left the summons at t	he individual's residence or us	ual place of abode with (name)				
		, a person of suitable age and discretion who resides there,					
	on (date)	, and mailed a copy to th	e individual's last known addres	s; or			
	☐ I served the summons	On (name of individual)		, who is			
	designated by law to acc	designated by law to accept service of process on behalf of (name of organization)					
			on (date)	; or			
	☐ I returned the summon	s unexecuted because		; or			
	M Other (specify):	▼ Other (specify):					
	YARBROUGH was	served via certified U	Ct. R. 2.105, defendant J.S. mail with restricte ember 6, 2024. See attached r	ed delivery, using			
	My fees are \$	for travel and \$	for services, for a total	of\$			
	I declare under penalty of	perjury that this information is	s true.				
Date:	9/26/2024	mar	sha ann Jenton Server's signature	دد			
			Marsha Ann Fenton Printed name and title				
		1710	2	MT 40420 2426			
		1719:	5 Silver Pkwy, #150, Fenton, I Server's address	VII 4043U-3420			

Additional information regarding attempted service, etc:

The first service attempt was sent via USPS, with tracking number 70203160000230014902 on August 24, 2024 at 11:25 AM with certified restricted delivery to defendant Yarbrough's long-term and last known place of employment, working with defendant Story at 136 4th Avenue South, Franklin, TN 37064-2622. This was attempted prior to her home address because it was believed to be more convenient for her in the afternoons, since her home is in a different town based upon the information on hand. (Additional information continued on the next page.)

RICO SERVICE: SHIPPED via USPS on 09/04/2024 at 1:45 PM 3:24-CV-01282 Case 1:23-cv-01097-PLM-RSK (FENTON v. STORY et al.)

Case 3:24-cv-01282 Document 180 Filed 11/25/24 Page 11 of 16 PageID #: 291

RECEIVED SERVICE: 9/06/2024 SECOND SERVICE ATTEMPT **DEFENDANT: KATHRYN YARBROUGH**

PROOF OF SERVICE—ADDITIONAL INFORMATION (CONTINUED)

According to the email tracking notifications provided by the USPS, service was delivered to the front desk of Story and Abernathy, PLLP on August 26, 2024, at 11:08 AM. Although the final tracking manifest provided by the USPS website contradicts that claim, instead showing that the package was "forwarded" from the office of Story and Abernathy on August 26th at 11:12 AM.

Ultimately this package appears to have been sent in circles, passing through the USPS Nashville Distribution Center four separate times, on 8/26, 8/29, 8/31, and on 9/4, while it was sent to the Franklin Post Office on at least two different occasions, on 8/26 and on 9/3/2024, before being returned in Michigan on September 9th, 2024.

Upon return of the package, it was stamped "ATTEMPTED - NOT KNOWN, UNABLE TO FORWARD, RETURN TO SENDER", all of which seem odd, for the following reasons:

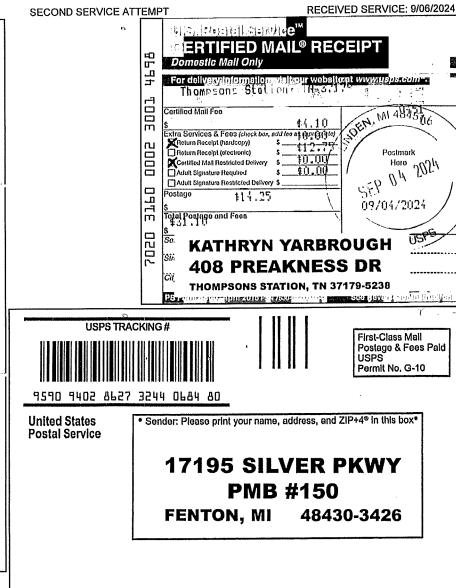
- 1) Service to defendant Yarbrough was attempted at the same time as defendant Story's service was successful, so the mail carrier was at the right office location.
- 2) This was believed to have been the place of employment for defendant Yarbrough for over a decade, so for it to be stamped as "NOT KNOWN" seems strange.
- 3) Lastly, it was stamped "UNABLE TO FORWARD", yet it was unsuccessfully forwarded several times, according to the shipping manifest and email notices.

Eventually this was returned to me in Michigan, but since I had been monitoring the tracking online, Jeff decided to initiate a second service attempt at defendant Yarbrough's home, while due to time concerns for completing service we did not wait until we received this package back. Instead, another lawsuit service package was produced and service was attempted a second time to defendant Yarbrough, this time at her home address. This attempt too had some peculiarities, but appears to have been ultimately successful.

Case 1:23-cv-01097-PLM-RSK (FENTON v. STORY et al.) RICO SERVICE: SHIPPED via USPS on 09/04/2024 at 1:45 PM 3:24-CV-01282 Case 3:24-cv-01282 Document 180 Page 12 of 16 PageID #: 292

DEFENDANT: KATHRYN YARBROUGH <u>UNITED STATES</u> POSTAL SERVICE. LINDEN 215 S MAIN ST LINDEN, MI 48451-9998 (800)275-8777 09/04/2024 01:45 PM Qty Product Unit Price Price 1 \$14.25 Priority Mail® Thompsons Station, TN 37179 Weight: 3 lb 12.00 oz Expected Delivery Date Fri 09/06/2024 Insurance \$0.00 Up to \$100.00 included Restricted Del \$12.75 Recipient name KATHRYN I. YARBROUGH Tracking #: → 70203160000230014698 Return Receipt \$4.10 Tracking #: 9590 9402 8627 3244 0684 80 Total \$31.10 \$85.40 Grand Total: Credit Card Remit \$85.40 Card Name: VISA Account #: XXXXXXXXXXXXXX8359 Approval #: 214054 Transaction #: 241 AID: A0000000031010 Chip AL: VISA CREDIT PIN: Not Required UFN: 255460-0451 Receipt #: 840-54930036-3-6764826-2

Clerk: 06



COMPLETE THIS SECTION ON DELIVERY SENDER: COMPLETE THIS SECTION A. Signature ■ Complete Items 1, 2, and 3. ☐ Agent Print your name and address on the reverse ☐ Addressee so that we can return the card to you. C. Date of Delivery B. Received by (Printed Name) Attach this card to the back of the mallpiece. or on the front if space permits. D. Is delivery address different from item 1? Yes if YES, enter delivery address below: No 1. Article Addressed to: RESTRICTED KATHRYN YARBROUGH **408 PREAKNESS DR THOMPSONS STATION, TN 37179-5238** □ Priority Mail Express® □ Registered Mail™ □ Registered Mail Restricted Delivery □ Signature Confirmation™ □ Signature Confirmation Restricted Delivery Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☐ Certified Mail® ★Certified Mail Restricted Delivery 9590 9402 8627 3244 0684 80 Collect on Delivery Collect on Delivery Collect on Delivery Insured Mail Collect on Delivery Cover \$500) 2. Article Number (Transfer from service label) 7020 3160 0002 3001 4698 PS Form 3811, July 2020 PSN 7530-02-000-9053 **Domestic Return Receipt**

DEFENDANT: KATHRYN YARBROUGH

SECOND SERVICE ATTEMPT

RECEIVED SERVICE: 9/06/2024

USPS TRACKING#

9402 8627 3244 0684 80



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

UNITED STATES
POSTAL SERVICE

¿/EDW

Customer Information

September 21 2

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

Signature 408 PREAKNESS DR, THOMPSONS STATIÔN, TN Address 37179

Enter up to 35 items separated by commas.

Select Search Type:

Quick Search

Submit

Product Tracking & Reporting, All Rights Reserved Version: 24.3.3-69ff40aa

This was returned by the USPS exactly as shown, but folded in half and stapled together.

No information was provided except what you can see here.

I interpret this to be saying that the green card fell off the package inside the delivering mail carrier's vehicle, so they had the addressee sign for the package electronically (or by some other means), which they printed out on this white piece of paper, in place of the green card. Then the best I can figure, the mail carrier must have found the green card later in their vehicle, since it was attached as shown, so they stapled this singed proof of delivery to the green card and returned stapled together.

lodis like e green

RICO SERVICE: SHIPPED via USPS on 09/04/2024 at 1:45 PM

3:24-CV-01282

Case 1:23-cv-01097-PLM-RSK (FENTON v. STORY et al.)

Case 3:24-cv-01282

Document 180

Filed 11/25/24

Page 14 of 16 PageID #: 294

DEFENDANT: KATHRYN YARBROUGH

SECOND SERVICE ATTEMPT

RECEIVED SERVICE: 9/06/2024

Help

UNITED STATES

POSTAL SERVICE :

Product Tracking & Reporting

Home

Search

Reports

Manual Entry

Rates/ Commitments

PTR / EDW

Customer Information

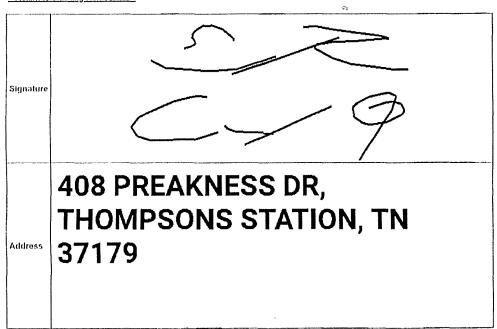
September 21

USPS Tracking Intranet
Delivery Signature and Address

Tracking Number: 7020 3160 0002 3001 4698

This item was delivered on 09/06/2024 at 11:28:00

< Return to Tracking Number View



Enter up to 35 items separated by commas.

Select Search Type:

Quick Search

Submit

Product Tracking & Reporting, All Rights Reserved
Version: 24.3.3-69ff40aa

the green card became unattached before delivery

RICO SERVICE: SHIPPED via USPS on 09/04/2024 at 1:45 PM

3:24-CV-01282

Case 1:23-cv-01097-PLM-RSK (FENTON v. STORY et al.)

Case 3:24-cv-01282

Document 180

Filed 11/25/24

Page 15 of 16 PageID #: 295

UEKTIFIED MAIL



2020 3160 0002 3001 3592

LY TO SEAL



RDC 03

Retail



37203

²⁰³ \$17.92

S2324P501513-03

U.S. POSTAGE PAID PM LINDEN, MI 48451 NOV 19, 2024



PRESS FIRMLY TO SEAL

- Expected delivery date spe
- Domestic shipments includ
- USPS Tracking® service included for domestic and many international destinations.
- Limited international insurance.**
- When used internationally, a customs declaration form is required.

'Insurance does not cover certain items. For details regarding claims exclusions see the Domestic Mail Manual at http://pe.usps.com.

** See International Mail Manual at http://pe.usps.com for availability and limitations of coverage.

FROM:

17195 SILVER PKWY PMB #150

FENTON, MI 48430-3426

RECEIVED

NOV 252024

U.S. District Court Middle District of TN

TO:

FLAT RATE ENVELOPE

ONE RATE ■ ANY WEIGHT

TRACKED = INSURED



EP14F July 2022 OD: 12 1/2 x 9 1/2 To schedule free Package Pickup scan the QR code.



LISPS COMPICKIE

UNITED STATES DISTRICT COURT

ATTN: CLERK OF THE COURT 719 CHURCH ST NASHVILLE, TN 37203-6940