

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GARY MOGEL

Plaintiff,

v.

CITY OF READING

Defendant.

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CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, Gary Mogel (hereinafter “Plaintiff” or “Mr. Mogel”), by and through his counsel, brings this civil action against the City of Reading (herein after “Defendant” or “Reading”) seeking all available relief under the Fair Labor Standards Act, 29.U.S.C. § 201 *et seq.* (“FLSA”). Plaintiff and other First Deputy Chiefs were misclassified as exempt under the FLSA and therefore were not paid overtime.

The following allegations are based on personal knowledge as to Plaintiff’s own conduct and are made on information and belief as to the acts of others.

JURISDICTION AND VENUE

1. The jurisdiction of this Court is invoked pursuant to 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.

2. Venue is appropriate in this Court is proper pursuant to 28 U.S.C. § 1391. The events giving rise to Plaintiff’s claims occurred within this District, and Defendant is located within this District and has its principle place of business in this District.

PARTIES

3. Plaintiff, Gary Mogel is an adult individual and resident of the Commonwealth of Pennsylvania. Mr. Mogel's written consent to be a Plaintiff in this action pursuant to 29 U.S.C. § 216(b) is attached hereto as Exhibit A.

4. Defendant, City of Reading is a City under the existing laws of the Commonwealth of Pennsylvania, with its principal place of business located in Berks County.

5. Plaintiff is expressly covered under the overtime provisions of the FLSA pursuant to 29 U.S.C. §§ 203(y), 207 and 29 C.F.R. § 541.3(b)(1). Plaintiff is thus subject to individual coverage of the FLSA pursuant to 29 U.S.C. § 207(a)(1).

6. The unlawful acts alleged in this Complaint were committed by Defendant and/or Defendant's officers, agents, employees, or representatives, while actively engaged in the management of Defendant's businesses or affairs and with the authorization of the Defendant.

7. Plaintiff was an employee of Defendant and covered by the FLSA until his retirement in July 2020.

8. Defendant is an "employer" covered by the FLSA.

9. Defendant is a "public agency" within the meaning of 29 U.S.C. § 203(x).

10. Defendant employs individuals engaged in commerce or in the production of goods for commerce and/or handling, selling, or otherwise working on goods or materials that have been moved in or produced in commerce by any person, as described by 29 U.S.C. §§ 206-207.

STATEMENT OF FACTS

11. Mr. Mogel became an employee of the City of Reading's Department of Fire and Rescue in 1988.

12. Mr. Mogel held the position of First Deputy Chief in the City of Reading's Department of Fire and Rescue from February 2011 until July 2020. He was one of four First Deputy Chiefs.

13. First Deputy Chiefs, such as Plaintiff are not exempt under the FLSA. Despite the fact that they are not exempt, Defendant has misclassified the First Deputy Chiefs, including Plaintiff, as exempt from the FLSA overtime pay requirements.

14. By misclassifying First Deputy Chiefs as exempt from the overtime pay requirements of the FLSA, Plaintiff was not compensated for all overtime hours work as required by 29 U.S.C. § 207.

15. By misclassifying First Deputy Chiefs as exempt from the overtime pay requirements of the FLSA, Plaintiff's pension benefits have been undervalued. As a result of this action, Plaintiff will receive a significantly smaller pension benefit than he is entitled to.

16. Mr. Mogel was employed by the Defendant for over 30 years in the Defendant's Department of Fire and Rescue Services.

17. During his thirty-two-year career, Mr. Mogel held the position at various times of Firefighter, Lieutenant, Second Deputy Chief, First Deputy Chief, and acting Chief.

18. Prior to September 1996, Defendant classified the First Deputy Chiefs as non-exempt and entitled to received compensatory time in lieu of overtime pay for all hours worked as required by 29 U.S.C. § 207.

19. Prior to September 1996, First Deputy Chiefs were permitted to accrue compensatory time and to received credit for such time when entering Reading's DROP program.

20. In September 1996, Defendant reclassified each First Deputy Chief as exempt from the FLSA's overtime pay requirements.

21. As a result of Defendant's reclassification each First Deputy Chief was paid on a salary basis as defined by 29 C.F.R. § 541.602.

22. As a result of Defendant's reclassification of First Deputy Chiefs as exempt, Plaintiff suffered a substantial decrease in pay.

23. As a result of Defendant's reclassification of First Deputy Chiefs as exempt Plaintiff suffered and will continue to suffer a substantial decrease in his retirement income.

24. Despite Defendant's reclassification of First Deputy Chiefs as exempt from the FLSA's overtime pay requirements, the primary duties of the First Deputy Chiefs have remained unchanged from when the position was classified as non-exempt.

25. The City of Reading's Department of Fire and Rescue Services employees approximately 135 sworn firefighters of various rank and operates seven fire stations.

26. Defendant employs four (4) First Deputy Chiefs, with one (1) First Deputy on duty at any given time.

27. All First Deputy Chiefs are assigned one (1) Platoon. Each Platoon consists of 24 firefighters and EMS employees.

28. All First Deputy Chiefs, work two shifts of ten (10) hour days, followed by two shifts of fourteen-hour (14) nights, this is the same work schedule as all other firefighters.

29. Plaintiff as a First Deputy Chief was regularly scheduled to work, and does in fact, work in excess of the maximum hour threshold for FLSA overtime compensation as it applies to first responders.

30. As a First Deputy Chief, Plaintiff was trained in fire suppression, had the legal authority and responsibility to engage in fire suppression, was employed by a fire department

of a City and was engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

31. As a First Deputy Chief, Plaintiff's primary duty was to fight fires, rescue fire and accident victims and minimize property damage from accidents and fires.

32. Defendant has adopted policies which set forth, among other things, the types of calls that Plaintiff, as a First Deputy Chief, was required to respond to.

33. As a First Deputy Chief, Plaintiff was required to be available to respond to the following types of emergency calls: all fire, all car accidents with injuries, all rescue calls, all stabbing and shooting victim calls, all hazardous material calls, all water rescue calls, all bomb threat calls, all drowning calls, all motor vehicle accident commercial, all motor vehicle accident with entrapment calls, all aircraft down calls, all technical rescue calls, all train derailment and all train engine or car fire calls.

34. While Plaintiff would direct the work of other firefighters and rescue personnel at the scene of the calls to which he responded, Plaintiff also performed the work of fire extinguishment and rescue of accident victims – his primary duty.

35. On or about April 2004, the U.S. Department of Labor ("DOL") published amended FLSA regulations rendering the FLSA overtime exemptions inapplicable to Deputy Chiefs, including but not limited to the following ways:

(a) the DOL regulations exclude emergency responders from the FLSA exemption, including firefighters regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fire, crime, or accident victims; conducting investigations or inspections; and/or similar work. 29 CFR § 541.3(b); and

(b) exempt employees must have the authority to hire or fire employees to whom

they regularly and customarily direct or that their recommendations regarding the same are given particular weight. 29 CFR § 541.100; 29 § 541.105.

36. Plaintiff did not maintain the duty of customarily or directing the work of two (2) or more full-time employees in any manner other than within the performance of his duties as an emergency first responder.

37. Plaintiff did not maintain the authority to discharge employees and particular weight is not given to his suggestions or recommendations relating to hiring, firing, or advancement to any employees that he directs or any other employees.

38. Plaintiff did not maintain primary duties that include the exercise of discretion and independent judgement with respect to matters of significance.

39. Plaintiff did not maintain primary duties of work which require knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course specialized intellectual instruction.

40. Plaintiff also regularly performed work while not on shift and for which Defendant did not maintain accurate time records. Such work includes, but was not limited to attending mandatory training and meetings on days which he was not otherwise scheduled to work.

41. Other regular work performed by Plaintiff on days he was not scheduled to work and for which Defendant did not maintain accurate time records including responding to multiple alarm fires within the City of Reading while off duty.

42. Defendant has failed to meet the requirements of any exemption from the overtime pay requirements of the FLSA for Plaintiff from on or about February 11, 2011 to date.

43. Defendant knew or should have known that the FLSA applied to Plaintiff and that no exemption from the overtime pay requirements of the FLSA existed.

44. Upon information and belief, in failing or refusing to pay Plaintiff overtime wages as required by the FLSA, Defendant has not relied on any letter ruling from the Department of Labor indicating that Plaintiff, as a First Deputy Chief whose primary duty was that of a first responder, was subject to any exemption from the overtime pay provisions of the FLSA.

45. Upon information and belief, in failing or refusing to pay Plaintiff overtime wages as required by the FLSA, Defendant has not relied on any legal advice indicating that Plaintiff, as a First Deputy Chief, was subject to any exemption from the overtime pay provisions of the FLSA.

46. Defendant has acted willfully and/or with reckless disregard of the FLSA by failing to pay for overtime compensation for hours worked pursuant to 29 U.S.C. § 207(k)(2).

CLAIMS FOR RELIEF

COUNT I **Violation of the FLSA**

47. Paragraphs 1 through 44 at incorporated herein by reference.

48. The FLSA requires that covered employees be compensated for all hours worked in excess of 212 hours during a 28-day work period at a rate not less than one and one-half (1 ½) times the regular rate at which he is employed. *See* 29 U.S.C. § 207(k)(2); 29 CFR 553.230(a).

49. At all relevant times, Defendant is an “employer” within the meaning of the FLSA, 29 U.S.C. § 203.

50. Plaintiff was a covered employee entitled to the above-described FLSA’s protections. *See* 29 U.S.C. § 203(e).

51. Plaintiff was not exempt from the requirements of the FLSA. Plaintiff was entitled to be paid overtime compensation for all hours worked over in excess of 212 hours in any given 28-day work period on the basis of one and one-half times the regular hourly rate of pay.

52. Defendant's compensation scheme applicable to Plaintiff failed to comply with either 29 U.S.C. § 207(a)(1) or 29 C.F.R. § 778.112.

53. Defendant knowingly failed to compensate Plaintiff at a rate of one and one-half (1 ½) times his regular hourly wage for hours worked in excess of 212 hours in a 28-day work period.

54. Defendant also failed to make, keep and preserve records with respect to Plaintiff sufficient to determine his wages, hours, and other conditions of employment, in violation of the FLSA, 29 U.S.C.A. § 211(c); 29 C.F.R. §§ 516.5(a), 516.6(a)(1), 516.2(c).

55. In violating the FLSA, Defendant acted willfully and with reckless disregard of clearly applicable FLSA provisions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, seeks damages and legal and equitable relief in connection with Defendant's improper conduct, and specifically prays that this Court grant the following relief:

(a) Defendant be ordered to compensate Plaintiff for all unpaid overtime compensation accrued during the liability period;

(b) Defendant be ordered to pay liquidated damages in an amount equal to the overtime compensation owed pursuant to 29 U.S.C. § 216, or in the alternative, prejudgment interest;

(c) Defendant be ordered to pay post-judgment interest and reasonable attorneys' fees and costs of Plaintiff 29 U.S.C. § 216(6);

(d) Defendant be ordered to recalculate Plaintiff's pension benefits taking into account the overtime compensation Plaintiff was unlawfully denied and make Plaintiff whole for the loss of DROP contributions including lost interest; and

(e) Such other and further relief as this Court deems just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Mr. Mogel demands a trial by jury in this action.

Dated: September 4, 2020

Respectfully submitted,

By: 

WILLIG, WILLIAMS & DAVIDSON

Jessica R. Brown

jbrown@wwdlaw.com

Ryan Allen Hancock

rhancock@wwdlaw.com

1845 Walnut Street, 24th Floor

Philadelphia, PA 19103

(215) 656-3600

Counsel for Plaintiff

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

GARY MOGEL

(b) County of Residence of First Listed Plaintiff BERKS (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) WILLIG, WILLIAMS & DAVIDSON 1845 WALNUT STREET, 24th FLOOR PHILADELPHIA, PA 19103

DEFENDANTS

CITY OF READING

County of Residence of First Listed Defendant BERKS (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Labor Standards, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: FAILURE TO COMPLY WITH FLSA 29 USC 200 et.seq.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: X Yes O No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 9-11-20 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 109 Meadow View Road, Reading, PA 19605
 Address of Defendant: 815 Washington Street, Reading, PA 19601
 Place of Accident, Incident or Transaction: Berks County

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 09/11/2020



 Attorney-at-Law / Pro Se Plaintiff

87322

 Attorney I.D. # (if applicable)

CIVIL: (Place a √ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
 (Please specify): FLSA

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
 (Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- Relief other than monetary damages is sought.

DATE: _____

 Sign here if applicable
 Attorney-at-Law / Pro Se Plaintiff

 Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA


CASE MANAGEMENT TRACK DESIGNATION FORM

GARY MOGEL : CIVIL ACTION
v. :
CITY OF READING : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

9-11-20  Gary Mogel
Date Attorney-at-law Attorney for
215 656-3600 215-651-5135 j.brown@wudlaw.com
Telephone FAX Number E-Mail Address

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

OFFICE OF THE CLERK OF COURT

**Rule 5.1.2 of the Local Rules of Civil Procedure
Electronic Case Filing**

VALIDATION OF SIGNATURE FORM

Pursuant to Rule 5.1.2, Electronic Case Filing, all attorneys who have been excused from registering as an ECF Filing User, as defined in the ECF Procedures set forth in Rule 5.1.2, are required to complete this *Validation of Signature* form validating his or her signature for submission of filings on disk in portable document format (PDF), so that the filings may be entered into the District Court's ECF system. The document on disk must be accompanied by a courtesy copy of the document in paper format for use by the court. Attorneys who complete this form will receive a signature code which must be used by the attorney on the signature line of all courtesy copies submitted with a disk. The document as submitted on the disk will constitute the original document under Section 3 of Local Civil Rule 5.1.2.

(Please Print or Type)

First Name: Jessica Middle Initial/Name: R.

Last Name: Brown Generation (i.e., Sr., Jr.): _____

Firm: Willig, Williams & Davidson Bar Id No. and State: 87322 PA

Address: 1845 Walnut Street

Address: 24th Floor

City: Philadelphia State: PA Zip: 19103

Telephone No.: () (215) 656-3600 Fax No.: () (215) 561-5135

Email Address: jbrown@wwdlaw.com

Are you admitted to practice in the Eastern District of Pennsylvania? Yes No

If yes, are you a member in good standing? Yes No

Are you admitted to practice pro hac vice in the Eastern District of Pennsylvania?
 Yes No

Are you registered as an ECF Filing User in the Eastern District of Pennsylvania?

Yes No

If no, would you like to also register as an ECF Filing User in the Eastern District of Pennsylvania?

Yes No

Case Number(s) or MDL Number(s) at the Eastern District of Pennsylvania: _____

By submitting this registration form, the undersigned agrees/consents to the following:

1. I have read and understood the provisions of Rule 5.1.2 of the Local Rules of Civil Procedure, Electronic Case Filing, and the court's *ECF Procedures* set forth in Rule 5.1.2, and I agree to abide by all provisions set forth therein.
2. I agree that this form constitutes my signature for filings which must be submitted on disk in portable document format (PDF), as required by Section 3 of Rule 5.1.2, *Electronic Case Filing*. I understand that I will be provided with a signature code which I must use on the signature line of all courtesy copies submitted with a disk. I have read and understood the provisions of Rule 11 of the Federal Rules of Civil Procedure, and I agree that my signature code used on the signature line of all courtesy copies submitted with a disk will serve as my signature for purposes of Rule 11. I further understand that the document as submitted on the disk will constitute the original document under Section 3 of Local Civil Rule 5.1.2.
3. I understand and agree that service of process will be made in accordance with those provisions set forth in Rule 5 of the Federal Rules of Civil Procedure.

I hereby certify that the above information is true and correct and that I am a member in good standing of the United States District Court for the Eastern District of Pennsylvania.



Signature



Date

Please return completed form via U.S. Mail to:

Clerk of Court
U. S. District Court
2609 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797

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

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

GARY MOGEL

Plaintiff(s)

v.

CITY OF READING

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CITY OF READING
815 Washington Street
Reading, PA 19601

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:

Jessica R. Brown, Esquire
Ryan A. Hancock, Esquire
c/o: Willig, Williams & Davidson
1845 Walnut Street, 24th Floor
Philadelphia, PA 19103

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

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: