

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 11cv2143-BEN-MDD

Date Issued:

2/10/12

PROOF OF SERVICE

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

This summons for *(name of individual and title, if any)* AJ Bernal aka Absalon Jerry Bernal aka John Doe 26
was received by me on *(date)* 2/10/12

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)* Lizzette Contreras
AJ Bernals Roommate on 2/13/12 , a person of suitable age and discretion who resides there,
on *(date)* 2/14/12 , 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 \$ _____

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

Date: 2/14/12

Timothy W. Barrett
Server's signature

Timothy W. Barrett; Process Server
Printed name and title

411 Camino Del Rio S., Ste 301, San Diego, CA 92108
Server's address

NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE JUDGE

IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE JUDGE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE JUDGE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGMENTS OF THE U.S. MAGISTRATE JUDGES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.

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Attorney for Plaintiff

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA

PLAINTIFF: Patrick Collins, Inc., a California corporation,
Case No.: 3-11-CV-02143-BDN-MDD

DEFENDANT: AJ Bernal, aka Absalon Jerry Bernal, Jacinto Trann and John Does 34-51

DECLARATION REGARDING DILIGENCE

I have received the within process on February 10, 2012. After due and diligent effort I have been unable to effect personal service on the within named party at the following address(es):

Party served: AJ Bernal aka Absalon Jerry Bernal
Residence: 7427 Sean Taylor Ln, San Diego, CA 92126

Attempts to effect service are as follows:

- | | | |
|----|------------------|--|
| 1. | 2/11/12, 9:00 am | Attempted service at residence. No answer |
| 2. | 2/12/12, 3:00 pm | Attempted service at residence. No answer |
| 3. | 2/13/12 5:56 pm | Attempted service at residence. Male roommate answered the door. He informed me that AJ was not home. |
| 4. | 2/13/12 @7:04 pm | Attempted personal service at residence. Female roommate answered the door. She informed me that AJ was not home yet. I asked if she lived at the residence, she informed me she did. I left the documents with her and informed her of the general nature of the documents. |

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Date: 2/14/12

Signature: Timothy W. Barrett
Timothy W. Barrett

DECLARATION REGARDING DILIGENCE