

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

RANDY A. SCOTT,

Case No. 2:13-cv-157-FtM-38DNF

Plaintiff,

v.

LAWRENCE NORMAN YELLON, BOB  
MUSSER, H. ERIC VENNES, LANCE  
RANDALL, RONALD R. EZELL,  
STEVEN D. GLENN, JILLINA A.  
KWIATKOWSKI, RUTH A.  
REYNOLDS, GARY CROWE,  
NATIONAL ASSOCIATION OF  
PROFESSIONAL PROCESS SERVERS,  
PAUL TAMAROFF, FLORIDA  
ASSOCIATION OF PROFESSIONAL  
PROCESS SERVERS and JOHN  
AND/OR JANE DOE 1-3,

Defendants.

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**DECLARATION OF CHRISTOPHER A. RYCEWICZ IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO ASSESS SERVICE OF  
PROCESS COSTS**

1. I am one of the attorneys for defendants National Association of Professional Process Servers ("NAPPS"), Lawrence Norman Yellon, Bob Musser, H. Eric Vennes, Lance Randall, Ronald R. Ezell, Steven D. Glenn, Jillina A. Kwiatkowski, Ruth A. Reynolds, Gary Crowe, and Paul Tamaroff. I make this declaration on personal knowledge or from sources deemed reliable. I am competent to testify with respect to the matters set forth below.

2. We received from our clients, via e-mail, pdf copies of the Notices of Lawsuit and Requests for Waivers without any attached prepaid means of returning same,

without any instructions and without envelopes within which the documents were delivered to our clients. I attach as Exhibit 1 the Notice of A Lawsuit and Request to Waive Service of A Summons, that was directed to defendant Ezell.

3. The Notices clearly listed Randy A. Scott as a party and listed his mailing address as the appropriate address for return of the waivers.

4. In the Notices, Mr. Scott certified that he "would file with the court" the returned waivers.

5. On May 23, 2013 we returned, via e-mail, the executed waivers for defendants NAPPS, Ronald R. Ezell, Steven D. Glenn, Paul Tamaroff, Ruth A. Reynolds, and Lawrence Norman Yellon directly to Mr. Scott per his request. Attached as Exhibit 2 is a true and correct copy of the e-mail correspondence.

6. From reviewing the court docket, it appears that Mr. Scott did not file the executed waivers with the court. His lack of filing of the executed waivers is beyond our control. All we could do was return the executed waivers as requested. The court docket establishes that waivers were executed by defendants Florida Association of Professional Process Servers ("FAPPS"), Bob Musser and Lance Randall, and filed with the court on May 17, 2013. *See* Docket Nos. 38, 40, and 42.

7. We did not send executed waivers on behalf of defendants Eric Vennes, Jillina Kwiatkowski, and Gary Crowe for the following reasons: Neither Mr. Crowe nor Mr. Vennes ever received a Notice of Lawsuit and Request for Waiver. Based on recent communication, Ms. Kwiatkoski executed a waiver and mailed it to me but I never received it. Even though I communicated with Mr. Scott before he filed the subject lawsuit and I advised

him that I represented NAPPS, and he was advised that I sought pro hac vice admission in this matter, Mr. Scott did not contact me or follow up with me on the waivers.

8. In addition, on June 21, 2013, local counsel Amanda Sansone filed a notice of appearance on behalf of all defendants (except FAPPS) along with a motion to dismiss, thereby accepting this court's jurisdiction. Defendants (with the exception of FAPPS) did not challenge insufficiency of service in their motion to dismiss.

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct.

Dated this 26th day of July, 2013.

/s/Christopher A. Rycewicz  
Christopher A. Rycewicz

**CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 2013, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to Richard Barton Akin, II, Henderson, Franklin, Starnes & Holt, P.A. (richard.akin@henlaw.com).

Further, I certify that that I e-mailed and mailed a copy of the foregoing to non-CM/ECF participant Randy A. Scott, 343 Hazel Wood Avenue, Lehigh Acres, Florida 33936 (randy@allclaimsprocess.com and randyscott@randyscott.us).

/s/Christopher A. Rycewicz  
Christopher A. Rycewicz (admitted Pro Hac Vice)  
Attorney