

# EXHIBIT 5

**FILED**  
**IN THE OFFICE OF THE**  
**CLERK OF COURTS**  
**FOR THE COUNTY OF MIDDLESEX**  
**COMMONWEALTH OF MASSACHUSETTS**  
JAN 20 2015  
*[Signature]*  
**CLERK**

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MIDDLESEX, SS

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION NO.15- 194

JOSE SILVA and CARLOS SANTOS,  
Individually and on Behalf of Class Members,  
Plaintiff,

v.

DFRF ENTERPRISES, LLC, DANIEL  
FERNANDES ROJO FILHO, A/K/A  
DANIEL FILHO, DANIEL SOARES FILHO,  
DANIEL MALAQUIN FILHO, DANIEL R.  
POST FILHO and other names, and  
VELITON MARCUS PEREIRA, JAIME DE  
JESUS DE CAREY, GASDEN C. JESUS,  
DANIEL FERNANDES, MARIO A.  
RODRIGUEZ FERNANDES, PEDRO  
BENEVIDES, BRITTANY BENEVIDES,  
HERBERTO P. VALDES, JAVIER RIVERA  
FERNDANDES, LUZIA MARIA  
TRINNADE, WANDERLEY M. TALMAY,  
EDWARD N. SILVA, ABDELBAKS  
BANKS, ACCEDIUM UK, LIMITED,  
CHARLES GEORGE NAPPER, MICHAEL  
ANTHONY CHRISTOPHER  
ARMSTRONG, ROMILDO DA CUNHO,  
RBS CITIZENS BANK OF  
MASSACHUSETTS, N.A., JP MORGAN  
CHASE BANK, N.A., WELLS FARGO  
BANK N.A., and JOHN DOES 1-75, Who  
Acted as Agents for DFRF Enterprises, LLC.

**MOTION FOR APPOINTMENT**  
**OF SPECIAL PROCESS SERVER**  
**PURSUANT TO THE PROVISIONS**  
**OF M.R.C.P. 4(c)**

Defendants.

Now comes the plaintiff in the above-captioned matter and respectfully moves pursuant to Massachusetts Rule of Civil Procedure 4(c) that Sean McCarthy, who is over the age of 18, a disinterested person and a duly appointed constable in and for the Commonwealth of


1/20/15 Motion Allowed  
Attest: Ellen M. DiRico  
Deputy Assistant Clerk  
Budd J.

Massachusetts, be appointed special process server for the service of process in the above-captioned matter.

Respectfully submitted,

JOSE SILVA and CARLOS SANTOS, Individually  
and on Behalf of Class Members, Plaintiffs

By their Attorney



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Evans J. Carter, Esq. (BBO #076560)  
Evans J. Carter, P.C.  
860 Worcester Road, 2<sup>nd</sup> Floor  
P.O. Box 812  
Framingham, MA 01701  
(508) 875-1669  
[ejcatty1@verizon.net](mailto:ejcatty1@verizon.net)

DATED: January 16, 2015