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January 20, 2016

Clerk of the US District Court  
for the Eastern District of Wisconsin  
Milwaukee Division  
517 E. Wisconsin Avenue Room 362  
Milwaukee, WI 53202

U.S. DISTRICT COURT  
EASTERN DISTRICT-WI  
FILED  
2016 JAN 22 P 12:58  
JON W. SANFILIPPO  
CLERK

RE: SCHMALFELDT v. GRADY, et al, Case #2:15-cv-01516-NJ

Per the court's instruction, I mailed the Service Pack/Summons issued by the court on December 21, 2015. As you are aware, the packet also included a consent to have the case heard by a magistrate judge. Responses to that request were due 21 days after the defendant received the packet. The answer to the waiver of summons request is due January 23, as they were mailed on Dec. 24, 2015.

Of the six named defendants, three refused service.

**PATRICK GRADY** of Palatine, IL, refused to accept delivery. The packet was sent back to me.

**ERIC P. JOHNSON** of Paris, TN, refused to accept delivery. The packet was sent back to me.

**NANCY GILLY** of Groton, CT, allowed the packet to sit at the post office after receiving a notice of attempted delivery. On January 14, the Post Office returned the packet to me unserved.

If I understand the procedure, having refused service, these three defendants should be served by whatever means the court deems necessary and required to pay the cost for such service.

The remaining three defendants received their service pack. **SARAH PALMER** of Reidsville, NC received hers on December 28, 2015. This means she had until January 18 to respond to the consent to have the case served by a magistrate judge. There is no evidence that she has responded within the prescribed time.

Defendants **DIANNA DEELEY** and the **WILLIAM G. IRWIN CHARITABLE FOUNDATION** received their packets on Dec, 31, 2015, meaning their 21 days to respond to the consent for a magistrate judge expires with the close of business on January 20. I have no evidence of either defendant having responded.

Also, with the return of three packets unclaimed and the lack of response from the other three defendants, it seems clear to this plaintiff that these six defendants are of the belief that if they ignore service they will avoid the court case. I ask that the court take action against Defendants Grady, Gilly and Johnson as they have returned their packets unopened, thereby making it impossible for them to meet the 30 day deadline for response on January 23. Also, should the other three defendants fail to reply by COB January 23, they have also missed the deadline for responding and should be served a summons at their own expense, according to FRCP Title II, Rule 4(d)(2)(G) which states...

*If a defendant located within the United States fails to comply with a request for waiver made by a plaintiff located within the United States, the court shall impose the costs subsequently incurred in effecting service on the defendant unless good cause for the failure be shown.*  
(Emphasis added)

In as much as plaintiff continues to suffer from the actions covered in his Original Complaint and having since identified other players in this ongoing harassment, Plaintiff is desirous of filing a First Amended Complaint as soon as possible.

**Attached, please find printouts from the US Postal Service website outlining delivery attempts.**

Sincerely,



William M. Schmalfeldt, Sr.  
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