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"billy " <president@nextfriend.us>

04/02/2009 12:57 PM

To

Greg_Langham@cod.uscourts.gov

cc

Subject

RE: From William Wiseman case # 09-CV-00309-MSK-KMT

does this lady below have the courts permission too threaten the defendants?

Subject:

Shell v. AFRA Duty to Confer re: costs of personal service

From: Suzanne Shell <dsshell@wildblue.net>
([Add as Preferred Sender](#))

Date: Thu, Apr 02, 2009 9:51 am

To:

Dear Mr. Tower, Ms. Tower, AFRA, Ringo Kamens and defendants in Shell v. Tower

I have not been notified by any of you that you do not wish to communicate with me regarding issues associated with this litigation.

I am communicating via email due to the number of defendants and the fact that for many, I only have email addresses and/or you refuse to speak with me by phone; and because this method is the cheapest and most reliable method to reach all defendants; and it is wholly consistent with your respective abilities to send and receive email communications as a normal part of your occupations-including your communications with each other; and it is the most flexible method which most effectively accommodates the diverse personal schedules and time zones of all parties; and because I can verify your receipt of the communication to provide to the court when I certify my attempts to confer as required by the local rules.

Mr. Tower, Ms. Tower, AFRA and Ringo Kamens have been personally served and the returns of service executed have been filed with the court.

Fed.R.Civ.P 4(d) provides in relevant part,

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.

The costs to be imposed on a defendant under paragraph (2) for failure to comply with a request to waive service of a summons shall include the costs subsequently incurred in

effecting service. . . together with the costs, including reasonable attorney's fee, of any motion required to collect the costs of service.

I intend to file a motion seeking reimbursement of the costs of service upon the named defendants above, including costs for locating defendants, and for filing the motion to seek reimbursement of the costs. The fact that any one of you feels it is good cause I should bear the costs of personal service to make this litigation more expensive to me is in direct contradiction to the intent of this rule, " WAIVER OF SERVICE; DUTY TO SAVE COSTS OF SERVICE"

You have the option to resolve this matter by making immediate payment to me for the amount I have already notified you constitutes the respective costs of service upon you. This payment may be made via paypal to sagewisdompress@gmail.com. I require this payment by the end of business today to resolve the matter without filing a motion. Alternatively, you may call me to discuss this.

Those of you other defendants who have also been personally served may contact me to find out the costs associated with your personal service and arrange payment before I seek the same remedies upon receipt of your respective returns of service.

Timely return of the waiver of personal service is past for the rest of the defendants. However, you may contact me regarding arriving at a mutually agreeable course of action to resolve this issue consistent with the rule and without incurring further reimbursable expenses.

And for those of you who think to make this as expensive as possible to me, please remember that you will have to incur NON-REIMBURSABLE expenses associated with appearing, discovery, and more, and you may be seeking permission from the court to employ available means to reduce those expenses for yourselves. A smart defendant would realize that it would be much easier to insure cooperation on these important issues from an adverse party whom you have teated with similar courtesy in the past.

You my contact me via email at dsshell@gmail.com or phone 719-749-2971

I again request you, as parties to this litigation, to provide me with current and accurate contact information including addresses and phone numbers. Thank you.