

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-13-531982

Filing Date: Jul-09-2013 01:50 pm

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PROOF OF SERVICE OF SUMMONS AND COMPLAINT

**THE PEOPLE OF THE STATE OF CALIFORNIA, EX REL. SAN VS. 44 MAG
DISTRIBUTING LLC D/B/A 44MAG.COM, AN OREGON et al**

001C04119765

Instructions:

Please place this sheet on top of the document to be scanned.

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Kristine A. Poplawski SBN 160758 San Francisco City Attorney 1390 Market St., 7th Floor San Francisco, CA 94102 TELEPHONE NO.: 415-554-3878 FAX NO. (Optional): 415-554-3985 E-MAIL ADDRESS (Optional): kristine.poplawski@sfgov.org ATTORNEY FOR (Name): People of the State of California</p>	<p style="text-align: right;">FOR COURT USE ONLY</p> <p style="text-align: center;">FILED SUPERIOR COURT COUNTY OF SAN FRANCISCO</p> <p style="text-align: center;">2013 JUL -9 PM 1:52</p> <p style="text-align: center;">CLERK OF THE COURT MA MORAN DEPUTY CLERK</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco 94102-4514 BRANCH NAME:</p>	<p>BY: _____</p> <p>CASE NUMBER: CGC-13-531982</p>
<p>PLAINTIFF/PETITIONER: People of the State of California, ex rel San Francisco City Attorney Dennis J. Herre DEFENDANT/RESPONDENT: 44Mag Distributing LLC; et. al.</p>	<p>Ref. No. or File No.:</p>
<p>PROOF OF SERVICE OF SUMMONS</p>	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (served in complex cases only)
 - e. cross-complaint
 - f. other (specify documents): Notice of Case Management Conference
3. a. Party served (specify name of party as shown on documents served): COPEs DISTRIBUTING, INC., an Ohio corporation
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 William H. MacBeth, Registered Agent
4. Address where the party was served: 401 E. Stroop Road; Dayton, OH 45429-2929
5. I served the party (check proper box)
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or a declaration of mailing is attached.
 - (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

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DEFENDANT/RESPONDENT: 44Mag Distributing LLC; et. al.	

5. c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): June 10, 2013 (2) from (city): San Francisco, CA
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
See Exhibit "A" attached hereto and incorporated herein by this reference.
- d. **by other means (specify means of service and authorizing code section):**

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. as an individual defendant.
- b. as the person sued under the fictitious name of (specify):
- c. as occupant.
- d. On behalf of (specify): COPEL DISTRIBUTING, INC., an Ohio corporation under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**
- a. Name: Alison Lambert
- b. Address: 1390 Market Street, 7th Floor; San Francisco, CA 94102
- c. Telephone number: (415) 554-4279
- d. **The fee** for service was: \$ 0.00
- e. I am:
- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.:
- (iii) County:

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

or

9. **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date: July 9, 2013

Alison Lambert
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

EXHIBIT A

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature: <i>[Signature]</i> <input type="checkbox"/> Agent: <input checked="" type="checkbox"/> Addressee:</p> <p>B. Received by (Printed Name): <i>MACBETH</i> C. Date of Delivery: <i>6-13-17</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">William H. MacBeth, Registered Agent 401 E. Stroop Road Dayton, OH 45429-2829</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes: <input checked="" type="checkbox"/> No: If YES, enter delivery address below:</p> <p>3. Service Type: <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes: <input checked="" type="checkbox"/> No:</p>
<p>2. Article Number: (Transfer from service label)</p>	<p style="text-align: center;">7013 0600 0000 2750 7107</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

UNITED STATES POSTAL SERVICE

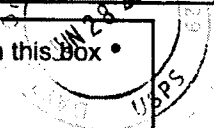


First-Class Mail
Postage & Fees Paid
USPS
Permit No. 6070

• Sender: Please print your name, address, and ZIP+4 in this box •

1390 Market Street, 7th Fl.
San Francisco, CA 94102

Attn: Alison Lambert



English

Customer Service

USPS Mobile

Register / Sign In



Search USPS.com or Track Packages

Quick Tools
Track & Confirm

Enter up to 10 Tracking #Find

Find USPS Locations

Buy Stamps

Schedule a Pickup

Calculate Postage

Find a ZIP Code™

Hold Mail

Change of Address

GET EMAIL UPDATES

PRINT DETAILS

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

Track & Confirm

YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
7013060000027507107	First-Class Mail®	Delivered	June 13, 2013, 10:10 am	DAYTON, OH 45429	Expected Delivery By: June 14, 2013 Certified Mail™ Return Receipt
		Processed through USPS Sort Facility	June 13, 2013, 4:25 am	DAYTON, OH 45401	
		Depart USPS Sort Facility	June 13, 2013	DAYTON, OH 45401	
		Processed through USPS Sort Facility	June 12, 2013, 10:27 pm	DAYTON, OH 45401	
		Depart USPS Sort Facility	June 12, 2013	CINCINNATI, OH 45234	
		Processed through USPS Sort Facility	June 12, 2013, 6:10 pm	CINCINNATI, OH 45234	
		Depart USPS Sort Facility	June 10, 2013	SAN FRANCISCO, CA 94188	
		Processed at USPS Origin Sort Facility	June 10, 2013, 10:38 pm	SAN FRANCISCO, CA 94188	
		Dispatched to Sort Facility	June 10, 2013, 5:15 pm	SAN FRANCISCO, CA 94102	
		Acceptance	June 10, 2013, 5:09 pm	SAN FRANCISCO, CA 94102	

Check on Another Item

What's your label (or receipt) number?

Find

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