



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

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Case Number: CGC-13-531982

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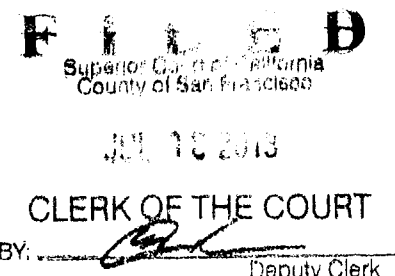
**PROOF OF SERVICE OF SUMMONS AND COMPLAINT**

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

001C04128005

**Instructions:**

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

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	<b>FOR COURT USE ONLY</b>   BY: <u>[Signature]</u> Deputy Clerk
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco</b> STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco 94102-4514 BRANCH NAME:	CASE NUMBER: CGC-13-531982
PLAINTIFF/PETITIONER: People of the State of California, ex rel San Francisco City Attorney Dennis J. Herre DEFENDANT/RESPONDENT: 44Mag Distributing LLC; et al.	Ref. No. or File No.:
<b>PROOF OF SERVICE OF SUMMONS</b>	

(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): EXILE MACHINE, LLC, d/b/a EXILEMACHINE.COM, a Texas limited liability company
  - 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):  
Mark D. Gessner, Registered Agent
4. Address where the party was served: 4116 Courtshire Drive; Dallas, TX 75229-2841
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 94102
- (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): EXILE MACHINE, LLC, d/b/a EXILEMACHINE.COM, a Texas limited liability company 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 16, 2013

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

  
(SIGNATURE)

**EXHIBIT A**


**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

4116  
Mark D. Gessner  
4416 Courtshire Drive  
Dallas, TX 75229-2841

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature:   Agent  
 Addressee

B. Received by (Printed Name): MARK GESSNER C. Date of Delivery: 7.5.13

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type:

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  G.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

7013 0600 0000 2750 7114

English

Customer Service

USPS Mobile

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Search USPS.com or Track Packages

Quick Tools  
Track & Confirm

Enter up to 10 Tracking #Find

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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
7013060000027507114	First-Class Mail®	Delivered	July 5, 2013, 4:01 pm	DALLAS, TX 75229	<b>Expected Delivery By:</b> June 14, 2013 Certified Mail™ Return Receipt
		Notice Left	June 24, 2013, 2:32 pm	DALLAS, TX 75229	
		Processed through USPS Sort Facility	June 20, 2013, 5:06 am	DALLAS, TX 75260	
		Depart USPS Sort Facility	June 15, 2013	DALLAS, TX 75260	
		Processed through USPS Sort Facility	June 14, 2013, 5:23 am	DALLAS, TX 75260	
		Depart USPS Sort Facility	June 12, 2013	CINCINNATI, OH 45234	
		Processed through USPS Sort Facility	June 12, 2013, 8:49 pm	CINCINNATI, OH 45234	
		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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- No FEAR Act EEO Data ›

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