

PROOF OF SERVICE BY AN INMATE

ACCORDING TO PRISONER MAILBOX RULE

THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V. GAYTA, 236 F.3d.565(9th cir.2000)

WHEN THIS MAILING HAS BEEN DELIVERED INTO THE CUSTODY OF CDCR STAFF

This service and mailing was conducted by a party and inmate of CDCR, and was conducted according to California Code Regulations § 3142 and P.C. § 2501(b). This mailing was inspected and sealed in the presence of an on duty correctional officer, into a fully prepaid envelope to be delivered by the U.S.P.S. as addressed to the following parties:

united states district court  
333 w broadway #420  
s.d.ca.92101

department of justice  
600 w broadway #1800  
s.d.ca.92101

KEN

This service contained the following documents;

LEAVE OF COURT TO NAME DOES IN SUPPLEMENTAL PLEADING

NOTICE OF MOTION TO NAME PARTIES PREVIOUSLY IDENTIFIED AS DOES PURSUANT TO F.R.C.P. RULE 15(c)(1)(A) NAMING DOE SELF, DOE OLIVARRIA, DOE GARCIA, DOE FULLER, DOE PICKETT

This service was conducted by an adult over the age of 18 years of age and mailed from a state institution, which will be logged by facility mailroom parties as [LEGAL] mail. This mailing was conducted from ;

SANDIEGO

CITY

92179

ZIP CODE

This service was conducted on (DATE) September 20, 2021

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) JOHN HENRY YABLONSKY

(SIGNED) \_\_\_\_\_

My address is \_\_\_\_\_  
san

480 alta rd san diego, ca. 92179

1 JOHN HENRY YABLONSKY CDCR#AL0373  
2 17-122  
3 480 ALTA RD  
4 SANDIEGO,CA.(92179)

5  
6  
7  
8  
9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 JOHN HENRY YABLONSKY,  
12 PLAINTIFF,

13 VS.

14 CALIFORNIA DEPARTMENT OF  
15 CORRECTIONS & REHABILITATIONS,  
16 BLAHNIK, MC GUIRE, TISCORNIA,  
17 ROBLES, POWELL, MARTINEZ,  
18 DOE CAMOFLAGE MAN,  
19 SELF, OLIVARRIA, FULLER,  
20 PICKETT, GARCIA, DOES 1-10  
21 et al.

22 DEFENDANT/S, THE HONORABLE ANDREW SCHOPLER

CASE# 3;18-cv-1122-CAB-AGS

23 NOTICE OF MOTION AND MOTION  
24 TO NAME DOES PREVIOUSLY  
25 IDENTIFIED ~~AS DOES~~ NAMING,  
26 SELF, GARCIA, FULLER, OLIVARRIA  
27 AND PICKETT PURSUANT TO F.R.C.P.  
28 RULE 15(c)(1)(A)

PLAINTIFF REQUEST LEAVE OF  
COURT TO NAME DOES *IN SUPPLEMENTAL  
PLEADING*

ORIGINALLY FILED: May 31, 2018

HEARING DATE: September 24, 2021

29 If it pleases the Court, plaintiff John Henry yablonsky  
30 (PLAINTIFF) moves this Court to identify and name parties prev-  
31 iously identified as (DOES) within the second amended complaint.  
32 This motion is based upon rules of procedure and are timely  
33 with regards to statute. That plaintiff originally filed civil  
34 rights complaint naming several corrections department employees  
35 at Richard J. Donovan located in San Diego, California 92179.  
36 The complaint pursuant to 42 USC § 1983 was filed with this  
37 Court on May 31, 2018. The naming of these defendants is required.

1 There are six appeals which lasted more than two  
2 years before they had become exhausted ~~by the~~, which indicates  
3 proposed defendants participated in a long well planned  
4 collusion, causing injury upon plaintiff in the form of loss  
5 of free speech and made to suffer retaliatory activities which  
6 had no genuine penalogical purpose related to safety , secutiry  
7 or costs to inmates, staff, or institution. The facts are well  
8 outlined withinthe <sup>ORIGINAL AS WELL AS</sup> second amended complaint, and support the  
9 request by plaintiff herein. This moving paper~~s~~ is supported  
10 by statute and points of authority by the Ninth Circuit Court  
11 of Appeals regarding "THE LAW OF THE NINTH CIRCUIT COURT"  
12 regarding starting time and deadline. (RUMBERG V WEBER AIRCRAFT  
13 CORP. 424 f.supp. 294(C.D.CAL 1976)("CALIFORNIA FOUR YEAR LIMIT  
14 PERIOD GOVERNING DOE ACTION EMBODIED IN CALIFORNIA CODE OF  
15 CIVIL PROCEDURE IS SUBSTANTIVE LAW UNDER [ERIE] AND CAN BE  
16 APPLIED IN FEDERAL COURTS") :LINDLEY V GENERAL ELECTRIC CO.  
17 780 f2d 797(9th cir 1986)("WE ADOPT RUMBERG") Once a party has  
18 been notified of factual occurances within litigations, they  
19 received all the notice required. BALDWIN COUNTY WELCOME CTR  
20 V BROWN 466 US 147(1984)Supplimental pleadingare accepted at  
21 (ANY STAGE) of the action NOVAK V NBC 724 f.supp.141(SDNY 1989);  
22 ARGUS INC V EASTMAN KODAK CO, 552 f.supp. 589 (SDNY1982)(SUPPLIM  
23 EMIAL PLEADINGS ALLOWED AT SUMMARY JUDGEMENT STAGE)

24  
25 ~~September 22, 2021~~

~~John Henry Yablonsky~~

26  
27 SEPTEMBER 22, 2021

JOHN HENRY YABLONSKY

STATUTE BEGINS

1 Statute begins to toll at the disposition date of  
2 said administrative appeals process, and not the date the act  
3 itself occurred. In this instance, there are five separate  
4 appeals designated within this complaint, where (ACTORS) of  
5 state targeted plaintiff while he exercised his protected right  
6 under the First Amendment United States Constitution.

7 Pursuant to F.R.C.P. RULE 15(c)(1)(A) "RELATION BACK  
8 AMENDMENTS ARE REQUIRED TO PROTECT THE PLAINTIFF INTERESTS  
9 AND TO PREVENT AN INJUSTICE FROM OCCURRING". Defendants to  
10 be named within this ~~amending addendum~~ <sup>SUPPLEMENTAL PLEADING</sup> to the second amended  
11 complaint fall squarely upon what the actual date tolling begins.

- 12 \* PROPOSED DEFENDANT SELF (MAY 22, 2018)
- 13 \* PROPOSED DEFENDANT OLIVARRIA (May 22, 2018)
- 14 \* PROPOSED DEFENDANT GARCIA (January 3, 2018)
- 15 \* PROPOSED DEFENDANT FULLER (January 3, 2018)
- 16 \* PROPOSED DEFENDANT PICKETT (MAY 22, 2018)

17  
18 THESE PARTIES SHOULD BE NAMED  
19 BASED ON DATES OF CDCR602 DISPOSITIONS

20 On October 13, 2016 plaintiff filed formal appeal  
21 regarding law library staff violating plaintiff right to confid-  
22 ential correspondence and retaliatory acts after plaintiff  
23 filed informal demands for compliance to P.C. § 2601 CCR § 3142  
24 (c)(1-9). (INMATES HAVE A RIGHT TO CONFIDENTIAL CORRESPONDENCE)  
25 This appeal was designated as (RJD D 16 4564) and was erroneously  
26 mishandled by (PROPOSED DEFENDANTS OLIVARRIA AND SELF) (APPEALS  
27 COORDINATORS) who stripped attached records to justify rejection.  
28 ( EXHIBITS 10:13-16) This appeal was rejected on October 31, 2016.

1           The removed documents from the original filing were  
2 located in a place they should not have been. This appeal was  
3 refiled and cancelled out by appeals coordinators on January 9,  
4 2017. As a direct result of appeal (4564) [other] defendants  
5 targeted plaintiff legal papers inside his cell in violation  
6 to CCR§ 3161 (THAT INMATES MAY POSSESS LEGAL MATERIALS), remov-  
7 ing these protected papers on November 14, 2016 at the instruct-  
8 ion of named defendant D. McGuire. (Proposed) Defendant Pickett  
9 and another corrections officer were witnessed taking these  
10 protected papers without just cause. Pickett stated ("HE HAD  
11 NO IDEA WHY HE WAS TOLD TO TAKE THE FILES, ADDING ANY APPEALS  
12 FILED BY PLAINTIFF MAY HAVE CAUSED THIS ACTIVITY") (EXHIBIT 28)

13           Plaintiff filed a CDCR602 regarding the taking legal  
14 files, filing this on January 2, 2017. On January 8, 2017 at  
15 the instruction of proposed defendants (SELF AND OLIVARRIA)  
16 to pull shinnanagans called (BAIT AND SWITCH) regarding an  
17 interview for (RJD D 16 4564) in which defendant Martinez stated  
18 was the purpose of the [INTERVIEW]. Instead Mr Martinez held  
19 an appeal regarding taking legal files identified as (RJD D 17  
20 0034). This collusion was in violation to CCR § 3084 - 3084.9

21           Taking legal files appeal was obfuscated misrepresented  
22 and mishandled on January 8, 2017 causing an improper withdraw.  
23 (EXHIBIT 13;48-49) As a result of this misconduct, plaintiff  
24 sought through tracking of CDCR602 activities with appeals coord-  
25 inator which disclosed RJD D 17 0034 had been replaced for  
26 RJD D 16 4564 in the (BAIT AND SWITCH ROUTINE BY MARTINEZ AND

1 SELF AS WELL AS OLIVARRIA , MCGUIRE, BLAHNIK, POWELL, ROBLES,  
2 TISCORNIA) violated protected rights outlined by First Amendment  
3 United States Constitution free speech and to be free from  
4 retaliatory actions for such exercise. Tracking occurred and  
5 produced results on March 1, 2017 (EXHIBIT 15:158-163)

6 This resulted in another appeal to rectify the improper  
7 withdraw which was originally filed on March 15, 2017., AND  
8 DESIGNATED AS(RJD D 17 1582) This appeal was rejected on March  
9 15, 2017 and again on April 6, 2017 by (PROPOSED DEFENDANTS  
10 SELF AND OLIVARRIA). This appeal was cancelled on May 16, 2017  
11 by said same parties erroneously. ( EXHIBIT 16:180) Plaintiff  
12 filed yet another appeal targeting the erroneous cancellation  
13 on July 10, 2017. (EXHIBIT 17:266) Appeal number RJD D 17 4172  
14 was granted at the third level on or about February 2018, order-  
15 ing plaintiff to refile RJD D 17 1582 which occurred on  
16 March 4, 2018. This appeal was screened out by correction  
17 watch commander on May 22, 2018. ( EXHIBIT 18-282)

18  
19 IN SHORT

20 Proposed defendants Self, and <sup>PICKETT</sup> Garcia activities were  
21 not decided until May 22, 2018, just nine days before this  
22 ~~appeal~~ <sup>COMPLAINT</sup> had been filed. The tolling date for (PROPOSED) defendants  
23 PICKETT  
24 Self and Olivarría are May 22, 2022 under the NINTH CIRCUIT  
25 LAW (RUMBER)

26  
27 With regards to (PROPOSED) defendants Garcia and Fuller  
28 who were identified as DOES within SAC colluded with other

1 defendants in the mishandling of protected mail pursuant to  
2 18 USC § 1800-1810 , CCR § 3142 violating plaintiff First  
3 Amendment Right to Free Speech, and to be free from Retaliation  
4 for the exercise thereof. That the ~~filing of~~<sup>MISHANDLING OF</sup> legal ~~mail~~<sup>MAIL</sup>  
5 ~~filed appeal~~ occurred as a result of activity which occurred  
6 on April 14, 2017 and May 4, 2017 where labels were placed  
7 over numerical portions of an address to hinder and prevent  
8 delivery of USPS legally protected mail. ( EXHIBITS 23)

9 That on May 18, 2017 plaintiff filed formal appeal  
10 designated as RJD D 17 2597. ( EXHIBIT 17) The disposition  
11 of this appeal occurred on January 3, 2018. (EXHIBIT 23:354)  
12 During discovery phase these defendants were identified by  
13 direct contact interview and other methods which indicate  
14 (PROPOSED DEFENDANTS GARCIA AND FULLER) played significant  
15 roles in a conspiracy with named defendants McGuire, Tiscornia,  
16 Blahnik, Powell, Robles and Martinez to hinder, place a stop  
17 to the due administration of law pursuant to 18 USC § 1503.

18 Therefore the starting date of these (PROPOSED) defend-  
19 ants Garcia and Fuller deadline is January 3, 2022.  
20

21  
22  
23 POINTS AND AUTHORITIES

24 F.R.C.P. RULE 15(c)(1) permits naming defendants  
25 in RELATION BACK when amendment to pleadings relates back to  
26 the date of the original filing date. The law provides the  
27 application to statute of limitations allows relation backward.  
28

JUSTICE BLACK (383 US 363)

1  
2 "If the rules of procedure work in an honest  
3 and fair judicial system, they not only  
4 permit, but should nearly guarantee that  
5 bonofide complaints be carried to an  
6 adjudication on the merits".

7 The purpose of rule 15 is to perfect presentations of  
8 materials [EVENTS] that occur prior to the filing of the origin-  
9 al pleading, knowing that pleading and transactions or occurrence  
10 take place after filing of the original complaint. FRANKLIN  
11 V U.S. WESTING INC 3 f3d 1357(10th cir 1993) The rule allows  
12 liberal amendments in the interests of ~~selving~~ resolving cases  
13 on merits. FOMAN V DAVIS 371 US 178(1962)("ENTIRELY CONTRARY  
14 TO SPIRIT OF RULES FOR DECIDING ON MERITS TO BE AVOIDED ON  
15 ~~✓~~ BASIS OF TECHNICALITY): ZENITH RADIO CORP. HAZELTINE RESEARCH  
16 INC 401 US 321(1971)("WHEN PL:AINTIFF HAS NO BASIS FOR ANTICIP\_  
17 ATING AFFIRMATIVE STATUTES OF LIMITATIONS DEFENSE, PLAINTIFF  
18 DID NOT NEED TO SET FORTH TOLLING CLAIMS, AND IN THE INTERESTS  
19 OF JUSTICE SHOULD NOT BE PENALIZED FOR FAILING TO DO SO")

20  
21 Once a party is notified of litigations involving specific  
22 factual occurrences, the party has received all the notification  
23 and protection that the statute of limitations requires.

24 BALDWIN COUNTY WELCOME CENTER V BROWN 466 US 147(1984); UNITED  
25 STATES EXERL GOHIL V AVENTIS INC. 2017 US Dist. L:EXIS 3236  
26 at \*11-12(E.D.PA 2017) ("HALLMARK OF RELATION BACK INQUIRY  
27 IS FAIR NOTICE TO DEFENDANTS): NOBRE V LA DEPT OF PUB. SAFETY  
28 935 f3d 437 (5th ci 2015)("WHEN INITIAL COMPLAINT FILED WITHIN  
LIMITATIONS PERIOD, RECORD CONCLUSIVELY ESTABLISHES THAT DEFENDANT



1 HAD ~~BEEN~~ PLACED REASONABLY ON NOTICE OF FACTS THAT GAVE RISE  
2 TO THE PROPOSED AMENDING). As a result of these circumstances  
3 rules generally govern procedure in Federal Court, the rules  
4 are not intended to undermine the repose interests advanced  
5 by an applicable statute of limitations. NOBRE V LA DEPT. PUB  
6 SAFETY 935 f3d 437(5th cir 2019); BENSEL V ALLIED PILOTS ASSN"  
7 387 f3d 298(3rd cir 2004)(RELATION BACK PROVISIONS PREMISES  
8 ON THE NOTION THAT A PARTY IS NOT ENTITLED TO PROTECTIONS  
9 OF STATUTE OF LIMITATIONS WITH RESPECT TO LATER ASSERTIONS  
10 BY AMENDMENTS OF CLAIMS ARISING FROM THE SAME SETS OF CONDUCT,  
11 CIRCUMSTYANCES, TRANSACTIONS, OCCURANCES SET FORTH TIMELY FILED")

12 The LAW OF THE NINTH CIRCUIT are applicable and within  
13 reasonable time for this amending. RUMBERG V WEBER AIRCRAFT  
14 CORP. 424 f.supp.294(C.D.CAL 1976)("California qualified four  
15 year limited period governing DOE action embodied in California  
16 code of civil procedure is substantiver law under [ERIE] and  
17 can be applied in federal courts"); LINDLEY V GENERAL ELEC.  
18 CO. 780 f2d (9th cir 1986)(NINTH CIRCUIT ADOPTS RUMBER AS LAW  
19 OF THE CIRCUIT). (466 US 147)(724 F.SUPP 141) SUPPLEMENTAL PLEADING AT  
20 ANY STAGE. (552 F.SUPP. 589) ALLOWED AT SUMMARY STAGE.

21 Under RUMBERG the Court properly identified CCP §340(3)  
22 a one year statute of limitations. FLINGEBEIL V LOCKHEED AIR  
23 CRAFT CORP. 494 f2d 345(9th cir 1974) When , however, a plaintiff  
24 ignorant of the identity of a parties responsibility for injury,  
25 this limitation may be extended, as to the unknown defendant  
26 by naming them as (DOE) in the complaint, pursuant to CCP§581a  
27 The plaintiff then has three years to discover the identity  
28 of the unknown defendant identity. Plaintiff may amend the

1 complaint to substantiate defendants true identity for the  
2 fictional name and defendant is regarded as a party from the  
3 commencement of the suit)

4 Under the language of MARITIME ADMIN V CONTINENTAL  
5 ILLINOIS NATL BANK AND TRUST CO , 889 f2d 1248(2n cir 1989)  
6 "( " THE DEFENDANT MAY NOT RELY AND ARGUE BURDEN OF UNDERTAKING  
7 OF DISCOVERY, IN A MOTION TO AMEND AS BEING SUFFICE TO WARRANT  
8 DENIAL OF MOTION TO AMEND");

9 Under Rule 15(d) supplemental plead should be extended  
10 even if the original copmplaint fails to state a claim. MUSIC  
11 DELI & GROCERIES INC V IRS DIST. OF MANHATTEN 781 f.supp.992  
12 (S.D.N.Y. 1991)

14 NAMING OF STAFF SELF, GARCIA, OLIVARRIA, FULLER  
15 NAMING CORRECTION OFFICER PICKETT

16 Because officer Pickett was only one of the parties  
17 who acted overt to appeals filed against law library staff,  
18 by taking legally protected papers on November 14, 2016 at  
19 the instructions of, cooperations of, assistance of, in collus-  
20 ions with defendants McGuire, Tiscornia, Blahnik, Powell , his  
21 actions are explained within the original filing of this complaint.  
22 (SAC24151-55) (SAC57) This proposed defendant was given notice  
23 of the claims against him when plaintiff filed CDCR602 appeal  
24 designated as RJD D 17 0034 on January 2, 2017. Said proposed  
25 defendant was also served this information on April 2021, and  
26 again on May 2021 through alternative service outlined by  
27 F.R.C.P. RULE 4(d)(1)"WAIVER OF SERVICE TO HIS COUNSEL"  
28

(ECF11-16)

1 Proposed defendant Pickett was also served this notification  
2 on or about October 10, 2018 when his counsel waived service  
3 for several other co-conspirators of this complaint. The affected  
4 paragraphs of this naming of defendant Pickett are as follows;

5 ¶ 181 "WHEREAS defendants in this  
6 action Tiscornia, (DOES), Camoflageman  
7 Powell, McGuire, Martinez, Blahnik,  
8 Robles, and Mondet ACTED with absolute  
9 disregard to rights benefits, privileges  
afforded plaintiff when they;

10 \*Read plaintiff protected papers

11 \*Reduced acces to library because  
of apeals

12 \*Took plaintiff legal files because  
of apeals

13 \*Hindered apeals process

14 \*Bait and switch plaintiff to  
withdraw appeal

15 \* Placed labels over protected mail

17 ¶181 (SHALL NOW INCLUDE PROPOSED OFFICER PICKETT)  
18 (SHALL INCLUDE PROPOSED GARCIA, SELF, FULLER, OLIVARRIA)

19 CUASE OF ACTION THREE: (SAC73;6-10)

20 Where defendants Powell, Blahnik, Tiscornia,  
21 Robles, Mondet, McGuire, Martinez, DOES, viol  
22 ated plaintiff right to freedom of speech under  
23 the first amendment by acts designed and tailored  
24 at restricting, stopping, interfering with  
25 plaintiff exercise of free speech in violation  
26 to first amendemnt united states constitution,  
27 a protected right

27 THIS CAPTION SHALL NOW INCLUDE  
28 PROPOSED OFFICER PICKETT, SELF, GARCIA, FULLER  
OLIVARRIA

RULE15(c)10

1 PROPOSED DEFENDANTS HAVE BEEN NOTIFIED

2 As stated above, and within the original as well as  
3 second amended complaint proposed defendants Self, Olivarría,  
4 García, Fuller and corrections officer Pickett were notified  
5 within the CDCR602 appeals process which were filed on January  
6 2, 2017 (RJD D 17 0034), and again on March 15, 2017 (RJD D  
7 17 1582, and again on July 10, 2017 (RJD D 17 4172), and again  
8 on March 4 , 2018 (RJD D 17 1582) , and again on May 17, 2017  
9 (RJD D 17 2597. These same defendants counsel was notified  
10 by personal service as well as waiver of service on October 10,  
11 2018, and F.R.C.P. RULE 4(d)(1) on April 19, 2021 as well as  
12 May 2021.  
13

14 THESE PARTIES WERE NOTIFIED!

15  
16 CONCLUSION

17 The proposed defendants in this supplemental pleading  
18 identifying SELF, GARCIA, FULLER, OLIVARRIA AND  
19 OFFICER PICKETT are members of this complaint , and  
20 should be named now, prior to trial, at pretrial  
21 motions phase.

22 PRAYER

- 23 1) That this Court grant leave to named proposed  
24 defendants Self, García, Fuller, Olivarría, Pickett  
25 2) That this Court order summons to be served upon  
26 said defendants within this supplemental pleading

27 September 22, 2021

John Henry Yablonsky

1 JOHN HENRY YABLONSKY CDCR#AL0373  
2 17-122  
3 480 ALTA RD  
4 SANDIEGO,CA,92179

7 UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA

9 JOHN HENRY YABLONSKY, CASE#3:18-cv-1122-CAB-AGS  
10 PLAINTIFF,

11 SWORN DECLARATION BY JOHN  
12 HENRY YABLONSKY REGARDING  
13 EXHIBITS ATTACHED HEREIN AS  
14 EXHIBIT AAA

15 VS.

16 CALIFORNIA DEPARTMENT  
17 OF CORRECTIONS &  
18 REHABILITATIONS,

19 et al,

20 DEFENDANT/S, THE HONORABLE ANDREW SCHÖPLER

21 John Henry yablonsky (PLAINTIFF) provides this sworn  
22 declaration in support of exhibit s attached to motion to file  
23 suplimental pleading. That;

- 24 1) I am an adult over the age of consent
- 25 2) That I am a party to this actions described as plaintiff
- 26 3) That attached hereto are records of service upon  
27 proposed defendants Self, Garcia, Olivarria, Fuller,  
28 and Pickett pursuant to F.R.C.P. rule 4(d)(1)
- 29 4) That I served this waiver of service form to counsel  
30 for the department of corrections by placing the  
31 waiver of service form along with a copy of the then  
32 proposed third amended complaint along with thirty  
33 nine exhibits totalling more than six hundred pages

DECLARATION-1

- 1 5) That the waiver of service placed these proposed  
2 defendants on notice that litigations had been filed  
3 against them and that the original sets of facts  
4 identified actions by said defendants which violated  
5 protected rights of plaintiff.  
6 6) That this method of service occurred on April 19, 2021  
7 by way of mailbox service for inmates.  
8 7) That on April 19, 2021  
9 8) That these are true and accurate copies of the records  
10 of service upon proposed defendants  
11 9) That if called to testify will state that this declar-  
12 ation is according to belief and knowledge.  
13  
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25

26 September 22, 2021

John Henry Yablonsky

27  
28 ~~RECEIVED~~

A A A

EXHIBIT

PROOF OF SERVICE BY AN INMATE

ACCORDING TO PRISONER MAILBOX RULE

THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V. COVESA, 236 F.3d.563(9th cir.2000)

WHEN THIS MAILING HAS BEEN DELIVERED INTO THE CUSTODY OF CDCR STAFF

This service and mailing was conducted by a party and inmate of CDCR, and was conducted according to California Code Regulations § 3142 and P.C. § 2601(b). This mailing was inspected and sealed in the presence of an on duty correctional officer, into a fully prepaid envelope to be delivered by the U.S.P.S. as addressed to the following parties;

DEPARTMENT OF JUSTICE  
600 w broadway #1800  
s.d.ca.92101

This service contained the following documents;

REQUEST TO WAIVE SERVICE FOR SELF, OLIVARRIA, GARCIA, FULLER,  
PICKETT PURSUANT TO F.R.C.P. RULE 4(d)(1)

*SELF, OLIVARRIA, GARCIA, FULLER, PICKETT*

This service was conducted by an adult over the age of 18 years of age and mailed from a state institution, which will be logged by facility mailroom parties as [LEGAL] mail. This mailing was conducted from ;

sandiegno

92179

CITY

ZIP CODE

This service was conducted on (DATE) april 19, 2021

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) john henry yablonsky (SIGNED) \_\_\_\_\_

My address is 480 alta rd s.d.ca.92179



John Henry Yablonsky CDCR#AI.0373  
18-147  
480 Alta rd  
Sandiego,ca,92179

April 19, 2021

RE: YABLONSKY V CDCR #3;18-cv-001122-CAR-AGS  
REQUEST TO WAIVE SERVICE F.R.C.P. RULE4(d)(1)

Dear Counsel Mrs Crenshaw;

Attached you will find five sets of the third amended complaint with seperate names that are now being named in this case;

Self- Appeal coordinator  
Olivarria- Appeal coordinator  
Pickett- TSU corrections officer  
Garcia- Mailroom supervisor  
Fuller- Mailroom technician

I have attaced two copies of the notices for each defendant and have written their information inthe locations necessary. I am indi gent therefore cannot provide a S.A.S.E for the convenience but certain that this will not hinder.

It would be in the interests of your office to respond before I move the Court for additional orders to serve additionally named defendants which will include your refusal to waive service.

Your response requires your attention so that this matter may move forward corredtly.

This is not meant to harrass, delay, or frustrate your interests. The facts were already outlined withinthe complaint, and I had only recently discovered the identity of parties that should have already been named, through disco ver and other research- ing of my files. My visual impairments hunders my ability. *Scray*

*4/22/21*  
COURT CLERK REJECTED ACCESS TO SUMMONS  
TO SERVE THESE PARTIES ~~IS~~

Respectfully  
Have a wonderful day ;

John Henry yablonsky

John Henry Yablonsky CDCR#AL0373  
18-147  
480 Alta rd  
San Diego, ca, 92179

April 19, 2021

RE Yablonsky v CDCR 3:18-cv-001122-CAB-AGS

Mrs Crenshaw;

I write this in hopes that you and staff are well, busy, and productive within your endeavors. There are a couple things that I need to address.

First, that the defendants are repeatedly and at critical points targeting access into the law library. These unwarranted delays are retaliatory in nature, and causing hardships upon my ability to perform forward momentum;

- \* failure to produce records I requested
- \* research case law supporting motions to compel
- \* other methods to bring this case to trial
- \* access to the deposition you had created to authenticate
- \* possible resolutions to this case

Second , I would like to remind you that at one point you and I discussed resolutions in the form of settlement. The amount I mentioned was per defendants, and I say this because I am not sure that it was mentioned at the joint discovery plan meeting we had. That should be clear at this point.

Lastly, the mail is not being delivered when it arrives or so it seems, since the last court orders got here the same date that your opposition, on the sixth, to a previous months twenty ninth date. These delays are harmful in regards to my ability to react, respond because the mail is not synchronized with library access dates.

I am still faced with my criminal challenges that have merit, and warrant my attention. I am asking that you address the issues outlined in this with whom ever so that we can make it through this without delay.

I filed to preliminary injunction hoping to address the out of control access into library issues that your clients keep causing. You could help there by just talking to them I am certain. They appear to be reasonable people .

Thank you very much;  
John Henry Yablonsky

WAIVER OF SERVICE FORM  
NOTICE OF COMPLAINT

JOHN HENRY YABLONSKY V CALIFORNIA DEPARTMENT OF CORRECTIONS & REH.  
3;18-cv-001122-CAB-AGS (THE HONORABLE JUDGE ANDREW SCHOPLER)

42 U.S.C. § 1983

YOU ARE BEING SUED

You PICKET CORRECTION OFFICER are being sued by John Henry Yablonsky according to the statute listed above. On \_\_\_\_\_ The United States District Court entertained and granted plaintiff action on amending a complaint. In the complaint you are named as a defendant/s.

You are being served by alternative methods in an effort to avoid financial costs upon the Department of Justice by being served to the attorney for your defense Lyndsay Crenshaw for the Department of Justice 600 w Broadway#1800 Sandiego, ca,92101.

Action is now being taken against you, and you are hereby requested to accept and waive service according to F.R.C.P. Rule 4(d)(1) to avoid unnecessary expenses of serving a summons upon you. Your attorney is now hereby requested to accept service of this complaint and comply to all rules outlined by F.R.C.P. regarding the complaint now before you.

The party being served according to F.R.C.P. Rule 4 is PICKET CORRECTION OFFICER who is an employee of the California Department of Corrections and are represented by the Department of Justice. Your counsel named D.O.S. has accepted this service on your behalf.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Location of service; 600 W Broadway #1800 s.d.ca.92101

Party being served; PICKET CORRECTION OFFICER

Party accepting service; \_\_\_\_\_ Date \_\_\_\_\_

Title-- \_\_\_\_\_

The consequence of not accepting this service would be that the costs and fees of the service be absorbed by the refusing party according to F.R.C.P. Rule 4(d)(2)(A-B). These additional fees may include expense for later service, reasonable expenses aswell as attorney's fee's.

I \_\_\_\_\_ accept the service of this complaint on behalf of-- \_\_\_\_\_ on Date: \_\_\_\_\_ Time: \_\_\_\_\_ as an authorized party to accept such service. I have signed and provided plaintiff a copy of this request, and accept this service as now being waived for my client, co-worker, other party.

1 of 2

WAIVER OF SERVICE FORM  
NOTICE OF COMPLAINT

JOHN HENRY YABLONSKY V CALIFORNIA DEPARTMENT OF CORRECTIONS & REH.  
3;18-cv-001122-CAB-AGS (THE HONORABLE JUDGE ANDREW SCHOPLER)  
42 U.S.C. § 1983

YOU ARE BEING SUED

You Pickett Correction OFFICE are being sued by John Henry Yablonsky according to the statute listed above. On \_\_\_\_\_ The United States District Court entertained and granted plaintiff action on amending a complaint. In the complaint you are named as a defendant/s.

You are being served by alternative methods in an effort to avoid financial costs upon the Department of Justice by being served to the attorney for your defense Lyndsay Crenshaw for the Department of Justice 600 w Broadway#1800 Sandiego, ca,92101.

Action is now being taken against you, and you are hereby requested to accept and waive service according to F.R.C.P. Rule 4(d)(1) to avoid unnecessary expenses of serving a summons upon you. Your attorney is now hereby requested to accept service of this complaint and comply to all rules outlined by F.R.C.P. regarding the complaint now before you.

The party being served according to F.R.C.P. Rule 4 is Pickett Corr. Off who is an employee of the California Department of Corrections and are represented by the Department of Justice. Your counsel named D.C.J. has accepted this service on your behalf.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Location of service; 600 W Broadway #1800 s.d.ca.92101

Party being served; Pickett Corr. Off

Party accepting service; \_\_\_\_\_ Date \_\_\_\_\_

Title-- \_\_\_\_\_

The consequence of not accepting this service would be that the costs and fees of the service be obsorbed by the refusing party according to F.R.C.P. Rule 4(d)(2)(A-B). These additional fees may include expense for later service, reasonable expenses aswell as attorney's fee's.

I \_\_\_\_\_ accept the service of this complaint on behalf of-- \_\_\_\_\_ on Date: \_\_\_\_\_ Time: \_\_\_\_\_ as an authorized party to accept such service. I have signed and provided plaintiff a copy of this request, and accept this service as now being waived for my client, co-worker, other party.

WAIVER OF SERVICE FORM  
NOTICE OF COMPLAINT

JOHN HENRY YABLONSKY V CALIFORNIA DEPARTMENT OF CORRECTIONS & REH.  
3;18-cv-001122-CAB-AGS (THE HONORABLE JUDGE ANDREW SCHOPLER)

42 U.S.C. § 1983

YOU ARE BEING SUED

You OLIVARRIA <sup>APPEAR</sup> ~~COORDINATOR~~ are being sued by John Henry Yablonsky according to the statute listed above. On \_\_\_\_\_ The United States District Court entertained and granted plaintiff action on amending a complaint. In the complaint you are named as a defendant/s.

You are being served by alternative methods in an effort to avoid financial costs upon the Department of Justice by being served to the attorney for your defense Lyndsay Crenshaw for the Department of Justice 600 w Boradway#1800 Sandiego, ca,92101.

Action is now being taken against you, and you are hereby requested to accept and waive service according to F.R.C.P. Rule 4(d)(1) to avoid unnecessary expenses of serving a summons upon you. Your attorney is now hereby requested to accept service of this complaint and comply to all rules outlined by F.R.C.P. regarding the complaint now before you.

The party being served according to F.R.C.P. Rule 4 is OLIVARRIA <sup>APP</sup> ~~COORD~~ who is an employee of the California Department of Corrections and are represented by the Department of Justice. Your counsel named D.C.S. has accepted this service on your behalf.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Location of service; 600 W Broadway #1800 s.d.ca.92101

Party being served; OLIVARRIA <sup>APP.</sup>

Party accepting service; \_\_\_\_\_ Date \_\_\_\_\_

Title-- \_\_\_\_\_

The consequence of not accepting this service would be that the costs and fees of the service be obsorbed by the refusing party according to F.R.C.P. Rule 4(d)(2)(A-B). These additional fees may include expense for later service, reasonable expenses aswell as attorney's fee's.

I \_\_\_\_\_ accept the service of this complaint on behalf of-- \_\_\_\_\_ on Date: \_\_\_\_\_ Time: \_\_\_\_\_ as an authorized party to accept such service. I have signed and provided plaintiff a copy of this request, and accept this service as now being waived for my client, co-worker, other party.

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WAIVER OF SERVICE FORM  
NOTICE OF COMPLAINT

JOHN HENRY YABLONSKY V CALIFORNIA DEPARTMENT OF CORRECTIONS & REH.  
3;18-cv-001122-CAB-AGS (THE HONORABLE JUDGE ANDREW SCHOPLER)  
42 U.S.C. § 1983

YOU ARE BEING SUED

You CLIVARIA <sup>APPEAL</sup> ~~COORDINATOR~~ are being sued by John Henry Yablonsky according to the statute listed above. On \_\_\_\_\_ The United States District Court entertained and granted plaintiff action on amending a complaint. In the complaint you are named as a defendant/s.

You are being served by alternative methods in an effort to avoid financial costs upon the Department of Justice by being served to the attorney for your defense Lyndsay Crenshaw for the Department of Justice 600 w Boradway#1800 Sandiego, ca,92101.

Action is now being taken against you, and you are hereby requested to accept and waive service according to F.R.C.P. Rule 4(d)(1) to avoid unnecessary expenses of serving a summons upon you. Your attorney is now hereby requested to accept service of this complaint and comply to all rules outlined by F.R.C.P. regarding the complaint now before you.

The party being served according to F.R.C.P. Rule 4 is OLIVARIA <sup>APP</sup> ~~COORD~~ who is an employee of the Californai Department of Corrections and are represented by the Department of Justice. Your counsel named D.C.S has accepted this service on your behalf.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Location of service; 600 W Broadway #1800 s.d.ca.92101  
Party being served ; OLIVARIA <sup>APP</sup> ~~COORD~~  
Party accepting service; \_\_\_\_\_ Date \_\_\_\_\_  
Title-- \_\_\_\_\_

The consequence of not accepting this service would be that the costs and fees of the service be obsorbed by the refusing party according to F.R.C.P. Rule 4(d)(2)(A-B). These additional fees may include expense for later service, reasonable expenses aswell as attorney's fee's.

I \_\_\_\_\_ accept the service of this complaint on behalf of-- \_\_\_\_\_ on Date: \_\_\_\_\_ Time: \_\_\_\_\_ as an authorized party to accept such service . I have signed and provided plaintiff a copy of this request. and accept this service as now being waived for my client. co-worker, other party.

2062

WAIVER OF SERVICE FORM  
NOTICE OF COMPLAINT

JOHN HENRY YABLONSKY V CALIFORNIA DEPARTMENT OF CORRECTIONS & REH.  
3;18-cv-001122-CAB-AGS (THE HONORABLE JUDGE ANDREW SCHOPLER)

42 U.S.C. § 1983

YOU ARE BEING SUED

You FULLER MAIL ROOM TECHNICIAN are being sued by John Henry Yablonsky according to the statute listed above. On \_\_\_\_\_ The United States District Court entertained and granted plaintiff action on amending a complaint. In the complaint you are named as a defendant/s.

You are being served by alternative methods in an effort to avoid financial costs upon the Department of Justice by being served to the attorney for your defense Lyndsay Crenshaw for the Department of Justice 600 w Boradway#1800 Sandiego, ca,92101.

Action is now being taken against you, and you are hereby requested to accept and waive service according to F.R.C.P. Rule 4(d)(1) to avoid unnecessary expenses of serving a summons upon you. Your attorney is now hereby requested to accept service of this complaint and comply to all rules outlined by F.R.C.P. regarding the complaint now before you.

The party being served according to F.R.C.P. Rule 4 is FULLER MAIL TECHNICIAN who is an employee of the California Department of Corrections and are represented by the Department of Justice. Your counsel named D.C.J. has accepted this service on your behalf.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Location of service; 600 W Broadway #1800 s.d.ca.92101

Party being served; FULLER MAIL TECHNICIAN

Party accepting service; \_\_\_\_\_ Date \_\_\_\_\_

Title-- \_\_\_\_\_

The consequence of not accepting this service would be that the costs and fees of the service be obsorbed by the refusing party according to F.R.C.P. Rule 4(d)(2)(A-B). These additional fees may include expense for later service, reasonable expenses aswell as attorney's fee's.

I \_\_\_\_\_ accept the service of this complaint on behalf of-- \_\_\_\_\_ on Date: \_\_\_\_\_ Time: \_\_\_\_\_ as an authorized party to accept such service . I have signed and provided plaintiff a copy of this request, and accept this service as now being waived for my client, co-worker, other party.

10/2

WAIVER OF SERVICE FORM  
NOTICE OF COMPLAINT

JOHN HENRY YABLONSKY V CALIFORNIA DEPARTMENT OF CORRECTIONS & REH.  
3;18-cv-001122-CAB-AGS (THE HONORABLE JUDGE ANDREW SCHOPLER)

42 U.S.C. § 1983

YOU ARE BEING SUED

You FULLER, MAINTENANCE TECHNICIAN are being sued by John Henry Yablonsky according to the statute listed above. On \_\_\_\_\_ The United States District Court entertained and granted plaintiff action on amending a complaint. In the complaint you are named as a defendant/s.

You are being served by alternative methods in an effort to avoid financial costs upon the Department of Justice by being served to the attorney for your defense Lyndsay Crenshaw for the Department of Justice 600 W Broadway #1800 San Diego, ca, 92101.

Action is now being taken against you, and you are hereby requested to accept and waive service according to F.R.C.P. Rule 4(d)(1) to avoid unnecessary expenses of serving a summons upon you. Your attorney is now hereby requested to accept service of this complaint and comply to all rules outlined by F.R.C.P. regarding the complaint now before you.

The party being served according to F.R.C.P. Rule 4 is FULLER, MAINTENANCE TECHNICIAN who is an employee of the California Department of Corrections and are represented by the Department of Justice. Your counsel named D.O.J. has accepted this service on your behalf.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Location of service; 600 W Broadway #1800 s.d.ca.92101

Party being served; FULLER

Party accepting service; \_\_\_\_\_ Date \_\_\_\_\_

Title-- \_\_\_\_\_

The consequence of not accepting this service would be that the costs and fees of the service be absorbed by the refusing party according to F.R.C.P. Rule 4(d)(2)(A-B). These additional fees may include expense for later service, reasonable expenses as well as attorney's fee's.

I \_\_\_\_\_ accept the service of this complaint on behalf of-- \_\_\_\_\_ on Date: \_\_\_\_\_ Time: \_\_\_\_\_ as an authorized party to accept such service. I have signed and provided plaintiff a copy of this request, and accept this service as now being waived for my client, co-worker, other party.

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WAIVER OF SERVICE FORM  
NOTICE OF COMPLAINT

JOHN HENRY YABLONSKY V CALIFORNIA DEPARTMENT OF CORRECTIONS & REH.  
3;18-cv-001122-CAB-AGS (THE HONORABLE JUDGE ANDREW SCHOPLER)  
42 U.S.C. §1983

YOU ARE BEING SUED

You SELF APPROP. COORDINATOR are being sued by John Henry Yablonsky according to the statute listed above. On \_\_\_\_\_ The United States District Court entertained and granted plaintiff action on amending a complaint. In the complaint you are named as a defendant/s.

You are being served by alternative methods in an effort to avoid financial costs upon the Department of Justice by being served to the attorney for your defense Lyndsay Crenshaw for the Department of Justice 600 w Boradway#1800 Sandiego, ca,92101.

Action is now being taken against you, and you are hereby requested to accept and waive service according to F.R.C.P. Rule 4(d)(1) to avoid unnecessary expenses of serving a summons upon you. Your attorney is now hereby requested to accept service of this complaint and comply to all rules outlined by F.R.C.P. regarding the complaint now before you.

The party being served according to F.R.C.P. Rule 4 is SELF APP. COOR. who is an employee of the Californai Department of Corrections and are represented by the Department of Justice. Your counsel named D.C.S. has accepted this service on your behalf.

COOR

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Location of service; 600 W Broadway #1800 s.d.ca.92101  
Party being served ; SELF APP. COOR.  
Party accepting service; \_\_\_\_\_ Date \_\_\_\_\_  
Title-- \_\_\_\_\_

The consequence of not accepting this service would be that the costs and fees of the service be obsorbed by the refusing party according to F.R.C.P. Rule 4(d)(2)(A-B). These additional fees may include expense for later service, reasonable expenses aswell as attorney's fee's.

I \_\_\_\_\_ accept the service of this complaint on behalf of-- \_\_\_\_\_ on Date: \_\_\_\_\_ Time: \_\_\_\_\_ as an authorized party to accept such service . I have signed and provided plaintiff a copy of this request, and accept this service as now being waived for my client, co-worker, other party.

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WAIVER OF SERVICE FORM  
NOTICE OF COMPLAINT

JOHN HENRY YABLONSKY V CALIFORNIA DEPARTMENT OF CORRECTIONS & REH.  
3;18-cv-001122-CAB-AGS (THE HONORABLE JUDGE ANDREW SCHOPLER)

42 U.S.C. § 1983

YOU ARE BEING SUED

You SELF APPEAL COORDINATOR are being sued by John Henry Yablonsky according to the statute listed above. On \_\_\_\_\_ The United States District Court entertained and granted plaintiff action on amending a complaint. In the complaint you are named as a defendant/s.

You are being served by alternative methods in an effort to avoid financial costs upon the Department of Justice by being served to the attorney for your defense Lyndsay Crenshaw for the Department of Justice 600 w Boradway#1800 Sandiego, ca,92101.

Action is now being taken against you, and you are hereby requested to accept and waive service according to F.R.C.P. Rule 4(d)(1) to avoid unnecessary expenses of serving a summons upon you. Your attorney is now hereby requested to accept service of this complaint and comply to all rules outlined by F.R.C.P. regarding the complaint now before you.

The party being served according to F.R.C.P. Rule 4 is SELF APPEAL COORDINATOR who is an employee of the California Department of Corrections and are represented by the Department of Justice. Your counsel named D.C.J. has accepted this service on your behalf.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Location of service; 600 W Broadway #1800 s.d.ca.92101

Party being served ; SELF APPEAL COORDINATOR

Party accepting service; \_\_\_\_\_ Date \_\_\_\_\_

Title-- \_\_\_\_\_

The consequence of not accepting this service would be that the costs and fees of the service be obsorbed by the refusing party according to F.R.C.P. Rule 4(d)(2)(A-B). These additional fees may include expense for later service, reasonable expenses aswell as attorney's fee's.

I \_\_\_\_\_ accept the service of this complaint on behalf of-- \_\_\_\_\_ on Date: \_\_\_\_\_ Time: \_\_\_\_\_ as an authorized party to accept such service . I have signed and provided plaintiff a copy of this request, and accept this service as now being waived for my client, co-worker, other party.

1 of 2

WAIVER OF SERVICE FORM  
NOTICE OF COMPLAINT

JOHN HENRY YABLONSKY V CALIFORNIA DEPARTMENT OF CORRECTIONS & REH.  
3;18-cv-001122-CAB-AGS (THE HONORABLE JUDGE ANDREW SCHOPLER)  
42 U.S.C. § 1983

YOU ARE BEING SUED

You GARCIA <sup>MIL ROOM</sup> ~~SUPERVISOR~~ are being sued by John Henry Yablonsky according to the statute listed above. On \_\_\_\_\_ The United States District Court entertained and granted plaintiff action on amending a complaint. In the complaint you are named as a defendant/s.

You are being served by alternative methods in an effort to avoid financial costs upon the Department of Justice by being served to the attorney for your defense Lyndsay Crenshaw for the Department of Justice 600 w Broadway#1800 Sandiego, ca,92101.

Action is now being taken against you, and you are hereby requested to accept and waive service according to F.R.C.P. Rule 4(d)(1) to avoid unnecessary expenses of serving a summons upon you. Your attorney is now hereby requested to accept service of this complaint and comply to all rules outlined by F.R.C.P. regarding the complaint now before you.

The party being served according to F.R.C.P. Rule 4 is GARCIA <sup>MIL ROOM SUPERVISOR</sup> who is an employee of the California Department of Corrections and are represented by the Department of Justice. Your counsel named D.C. Jo has accepted this service on your behalf.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Location of service; 600 W Broadway #1800 s.d.ca.92101

Party being served ; GARCIA MIL ROOM SUPERVISOR

Party accepting service; \_\_\_\_\_ Date \_\_\_\_\_

Title-- \_\_\_\_\_

The consequence of not accepting this service would be that the costs and fees of the service be obsorbed by the refusing party according to F.R.C.P. Rule 4(d)(2)(A-B). These additional fees may include expense for later service, reasonable expenses aswell as attorney's fee's.

I \_\_\_\_\_ accept the service of this complaint on behalf of-- \_\_\_\_\_ on Date: \_\_\_\_\_ Time: \_\_\_\_\_ as an authorized party to accept such service . I have signed and provided plaintiff a copy of this request, and accept this service as now being waived for my client, co-worker, other party.

2,05 2

WAIVER OF SERVICE FORM  
NOTICE OF COMPLAINT

JOHN HENRY YABLONSKY V CALIFORNIA DEPARTMENT OF CORRECTIONS & REH.  
3;18-cv-001122-CAB-AGS (THE HONORABLE JUDGE ANDREW SCHOPLER)

42 U.S.C. § 1983

YOU ARE BEING SUED

You GARCIA <sup>MAIL ROOM</sup> ~~SUPERVISOR~~ are being sued by John Henry Yablonsky according to the statute listed above. On \_\_\_\_\_ The United States District Court entertained and granted plaintiff action on amending a complaint. In the complaint you are named as a defendant/s.

You are being served by alternative methods in an effort to avoid financial costs upon the Department of Justice by being served to the attorney for your defense Lyndsay Crenshaw for the Department of Justice 600 w Broadway#1800 Sandiego, ca,92101.

Action is now being taken against you, and you are hereby requested to accept and waive service according to F.R.C.P. Rule 4(d)(1) to avoid unnecessary expenses of serving a summons upon you. Your attorney is now hereby requested to accept service of this complaint and comply to all rules outlined by F.R.C.P. regarding the complaint now before you.

The party being served according to F.R.C.P. Rule 4 is GARCIA who is an employee of the California Department of Corrections and are represented by the Department of Justice. Your counsel named D.C.J. has accepted this service on your behalf.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Location of service; 600 W Broadway #1800 s.d.ca.92101

Party being served ; GARCIA MAIL ROOM TECHNICIAN

Party accepting service; \_\_\_\_\_ Date \_\_\_\_\_

Title-- \_\_\_\_\_

The consequence of not accepting this service would be that the costs and fees of the service be absorbed by the refusing party according to F.R.C.P. Rule 4(d)(2)(A-B). These additional fees may include expense for later service, reasonable expenses aswell as attorney's fee's.

I \_\_\_\_\_ accept the service of this complaint on behalf of-- \_\_\_\_\_ on Date: \_\_\_\_\_ Time: \_\_\_\_\_ as an authorized party to accept such service . I have signed and provided plaintiff a copy of this request, and accept this service as now being waived for my client, co-worker, other party.

1 of 2