

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

ALAN KACHALSKY, CHRISTINA NIKOLOV and
SECOND AMENDMENT FOUNDATION, INC.,

Plaintiff

v.

SUSAN CACACE, JEFFREY A. COHEN and
COUNTY OF WESTCHESTER,

Defendant

Civil Action No.

10 CIV 05413

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Jeffrey A. Cohen
111 Dr. Martin Luther King Jr. Blvd.
White Plains, NY 10601

JUDGE SEIBEL

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Vincent Gelardi, Esq.
Gelardi & Randazzo, LLP
800 Westchester Ave., Suite S-608
Rye Brook, NY 10573

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

[Handwritten Signature]
CLERK OF COURT

Date: 07/15/2010

[Handwritten Signature]
Signature of Clerk or Deputy Clerk

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Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* JEFFREY A. COHEN
was received by me on *(date)* 07/16/2010

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* PAULA DeGAETANO
_____, a person of suitable age and discretion who resides there,
on *(date)* 07/16/2010 , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ 5.00 for travel and \$ 40.00 for services, for a total of \$ 45.00

I declare under penalty of perjury that this information is true.

Date: 07/19/2010



Server's signature

EFRAIM RAMOS
Printed name and title

800 Westchester Ave., Suite S-608
Rye Brook, NY 10573

Server's address

Additional information regarding attempted service, etc:

I first attempted to serve Judge Jeffrey A. Cohen at the courtroom, 111 Dr. Martin Luther King Jr. Blvd, but learned that he was serving in either Orange or Dutchess County. The papers were accepted by Paula DeGaetano from the Administrative Law Judge's Office on the 11th floor, who said she was authorized to accept them on behalf of Judge Cacase