

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LEWIS MOCABY, )  
)  
Plaintiff, )

vs. )

Case No. 3:19-cv-00580

)  
THE UNITED STATES OF AMERICA )  
THE UNITED STATES ARMY CORPS OF )  
ENGINEERS, )  
MERSINO DEWATERING, INC., )  
ALBERICI CONSTRUCTORS, INC., )  
AECOM FIELD SERVICES, LLC )  
AECOM, INC., )  
AECOM SERVICES OF ILLINOIS, INC., )  
AECOM TECHNICAL SERVICES, INC., )  
AECOM SERVICES, INC. )  
TISHMAN CONSTRUCTION )  
CORPORATION OF ILLINOIS )  
AECOM MANAGEMENT SERVICES, INC. )  
AECOM NATIONAL SECURITY )  
PROGRAMS, INC. )  
AECOM USA, INC. )  
AECOM C&E, INC. and )  
AECOM ENERGY )  
& CONSTRUCTION, INC. )  
)  
Defendants. )

**COMPLAINT IN ADMIRALTY**

1. Plaintiff Lewis Mocabay brings this cause pursuant to the Suits In Admiralty Act (46 U.S. Code § 30901, et seq., including but not limited to 46 U.S. Code § 30903), 46 U.S.C. § 30104, (commonly called the Jones Act), the Public Vessels Act (46 U.S. Code § 31101), any other applicable federal statutes and the general Maritime Law of the United States, (including the doctrines of unseaworthiness and maintenance and cure).

2. This Honorable Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1333(1) and 46 U.S. Code § 30903(a).
3. Plaintiff resides in Thompsonville, Illinois, within this District, and venue is therefore proper under 46 U.S. Code § 30906. In addition, a substantial part of the events giving rise to this suit occurred in Pulaski County, Illinois, and therefore within this district within the meaning of 46 U.S.C. § 30104. Venue is therefore also proper in this district pursuant to that statute.
4. Plaintiff designates this matter as an admiralty or maritime claim within the meaning of Rule 9(h), Fed.R.Civ.P.
5. To effect the renovation of the “Olmsted Dam” at Olmsted, Pulaski County, Illinois, the United States Army Corps of Engineers contracted with defendants ALBERICI CONSTRUCTORS, INC., and one or more of the following defendant “AECOM” entities:

AECOM MANAGEMENT SERVICES, INC.

AECOM NATIONAL SECURITY PROGRAMS, INC.

AECOM C&E, INC.

AECOM ENERGY & CONSTRUCTION, INC.

AECOM USA, INC.

TISHMAN CONSTRUCTION CORPORATION OF ILLINOIS

AECOM FIELD SERVICES, LLC

AECOM SERVICES OF ILLINOIS, INC

AECOM SERVICES, INC

AECOM, INC.

AECOM TECHNICAL SERVICES, INC.

6. The Olmsted Dam Project required large sections of pipe that would then be used in the construction of the lock and dam. To fashion the final sections of pipe, smaller sections would be welded together on board a crane barge, which was at all times mentioned herein a vessel in navigation or commerce on the Ohio River. Two sections of pipe would be welded into a single 80-foot section of pipe on board the barge. The pipe sections to be welded were stored on a “mud barge” and moved one at a time with the barge crane onto a pair jack stands in a “welding rack” on the deck of the crane barge. While the pipe rested on the welding rack, the barge crane would then adjust the pipe to the correct position for welding. The barge crane would then pick up a second piece of pipe from the mud barge and place that section onto a second pair of jack stands in the welding rack and then align the two sections to facilitate welding them together. The pipe was held in the “welding rack” on the deck of the barge to prevent the pipe from rolling and injuring one of the welders or others nearby. Once the pipe was positioned on the welding rack, the crane was disconnected from the pipe. The welding rack consisted of four twin-roller topped jack stands that had been welded to the barge deck. Each of the jack stands was substantially similar to the jack stand depicted here:



Once the pipes were welded together, the welding crew would grind the weld to assure that the weld was flush with the pipe surface. When the grinding was completed, the barge crane would lift the welded pipe section and place it in a secure location on the barge. This process was followed until the pipe welding was completed.

7. Defendants Alberici Constructors, Inc. (hereinafter “Alberici”) and one or more of the defendant AECOM entities, individually or acting in concert, planned, designed, supervised, and

executed the Olmsted Dam Project. These activities also included training employees of subcontractors, including plaintiff Lewis Mocaby, designing the pipe welding system (including but not limited to the welding racks described in paragraph 6), and inspecting the job site, including the welding racks, for safety. In addition, these defendants, in combination or individually, exercised control over the method and means of plaintiff's work such that plaintiff was the joint or borrowed servant of one or more of those entities.

8. Defendant Mersino Dewatering, Inc. ("Mersino) nominally and directly employed plaintiff, Lewis Mocaby, to weld pipe on board the crane barge at the Olmsted Dam project. These welding services were provided by means of a spud barge denominated #4136-R0009 (hereinafter referred to as the "Triple 9" barge) on which a Manitowoc 999 crane was affixed. The barge had a flat deck that was approximately 30 feet wide by 130 feet long. At all times mentioned herein, the "Triple 9" spud barge was a watercraft constructed for and actually used to transport goods and persons, including pipe, over the water. The "Triple 9" barge is therefore a "vessel" within the meaning of 1 U.S.C. §3. On information and belief, the "Triple 9" barge was owned by the United States Corps of Engineers but chartered to, leased by, operated by or controlled by defendants Mersino, Alberici, and/or one or more of the Aecon entities.

9. Plaintiff was transported to the "Triple 9" barge by a tug or skiff each day of his employment on the Olmsted Dam project. Plaintiff performed his job duties on or near the "Triple 9" barge using equipment on board the "Triple 9" barge, including the welding machine, leads, hoses, grinders and the barge crane.

10. On June 3, 2017, between approximately 10:30 and 10:45 a.m., plaintiff Lewis Mocaby was on board the "Triple 9" barge in the course of his employment. At that time, the crane operator

was Josh Cook, who was nominally employed by an Aecon entity. The oiler was Jim Simpson, who was nominally employed by an Aecon entity. Jeff Webb, also nominally employed by an Aecon entity, rotated the pipe by means of a handle to facilitate plaintiff's welding. Plaintiff, Simpson, Webb and perhaps others, worked together to facilitate the pipe welding.

11. As Webb rotated the pipe, Plaintiff was grinding the circumferential coupling weld on the pipe section when a boat operated by an Aecon entity went past the crane barge. At that time, the pipe assembly fell and Plaintiff was struck and pinned by the falling or rolling pipe and suffered severe injuries.

12. At said time and place, plaintiff was a seaman within the meaning of the Jones Act (46 U.S.C. § 30104) and general maritime law employed either by defendant Mersino or by Mersino jointly with Alberici or one or more of the Aecon entities, or was the borrowed servant of Alberici or one or more of the Aecon entities, in that:

(a) Defendant Mersino was a servant and agent of the Defendants Alberici or one or more of the Aecon entities, in that the subject equipment was being handled by Mersino's crews to further the tasks of the enterprise of Alberici or one or more of the Aecon entities, and Alberici or one or more of the Aecon entities had the right to control the physical conduct of Plaintiff and other members of the Mersino crew in the performance of their work for Alberici or one or more of the Aecon entities;

(b) in the alternative, Mersino and Alberici or one or more of the Aecon entities were joint employers of Plaintiff, in that they shared in the direct control and supervision of Plaintiff, and Alberici or one or more of the Aecon entities had a significant supervisory role over the means and manner of Plaintiff's performance; and/or

(c) employees of Alberici or one or more of the Aecon entities exercised direct control, or had the right to exercise control, over Plaintiff in his work.

13. As such each defendant owed plaintiff a statutory duty to use ordinary care to provide him with a reasonably safe place to work, adequate tools and equipment to perform his job safely sufficient assistance to perform his job safely, and adequate training to perform his job safely. In addition, each defendant warranted the seaworthiness of the barge and its appurtenances to be reasonably fit for their intended use.

14. Each defendant, singly or in combination, breached their aforesaid legal duties and warranty by failing to require the crane to keep the pipe secured during the welding operation; providing jack stands that were too small for the size and weight pipe utilized; choosing to re-use pipe that had been used on previous projects and was of un-uniform size or was out of round, or had been otherwise damaged; and failing to train the plaintiff and the other crew members of the barge in how to position the jack stands properly.

15. As a cause in whole or in any part of one or more of the aforesaid negligent acts or omissions, or as a proximate cause of each unseaworthy condition, plaintiff suffered severe and permanent injuries to his left hand, wrist, and arm, his left leg, knee and ankle and left shoulder. These injuries included the following: distal femur lateral condyle fracture, tibial plateau fracture, fibula head fracture, trimalleolar ankle fracture, left wrist ulnar styloid fracture, left 3rd distal phalanx and left 4th middle phalanx fracture, possible 2nd finger distal phalanx fracture. Patient underwent irrigation and debridement, internal fixation with intramedullary nail for open intra-articular tibia fracture. The fracture was non-union and required additional surgery in December 2017. The left index finger was treated with revision amputation with neurectomies

and local tissue flap. The left long finger was treated with revision amputation with direct closure. The left long finger also underwent nail removal with nail bed repair. The middle phalanx underwent closed reduction and percutaneous pinning. The left long finger underwent a simple closure measuring 3 cm. On June 5, 2017, the patient underwent open reduction and internal fixation of the left intra-articular distal femur fracture, open reduction with internal fixation of the left distal fibular fracture and application of wound VAC. The lateral malleolus had internal plate and screw fixation with intramedullary rod fixation of the tibia with distal interlocking screws. The plaintiff also suffered a fractured scapula which was treated with physical therapy. The plaintiff subsequently underwent hardware removal from ankle. In December 2017, the intermedullary rod was removed and an iliac crest bone graft was performed. In 2018, Patient also underwent meniscus surgery in his left knee.

16. As a result of these injuries the plaintiff required a wheelchair for months. He still uses a cane and a leg brace and walks with an obvious limp. Plaintiff underwent extensive physical therapy beginning in November of 2017 and concluding around March of 2019. He still has significant pain. He still has significant mental suffering, anxiety, depression and possible post-traumatic stress disorder. Plaintiff believes his current condition is permanent. Plaintiff believes he will require future medical treatment including but not limited to a future knee replacement as a result of the tibial plateau fracture and other injuries. Plaintiff was born in 1977 and was 39 years old at the time of injury. Plaintiff was a member of the Operating Engineers Local 318. His job duties required him to be able to stand, kneel, squat, climb, and sit for extended periods of time. He must also be able to lift and hold the material to be welded. Plaintiff is still unable

to perform these job duties on a competitive basis. As of the filing of this Complaint, plaintiff has not returned to work in any capacity.

17. Each of the injuries described above has caused physical pain and mental suffering, disability, disfigurement, loss of a normal life, lost wages and benefits, loss of earning capacity, and medical expenses in the past and all of these damages will continue into the foreseeable future or permanently.

18. On information and belief, plaintiff avers that the work being done by Mersino, Alberici and the Aecon entities was performed pursuant to a contract or contracts with the United States Corps of Engineers and that under the Suits In Admiralty Act (46 U.S. Code § 30901, et seq.) and the Public Vessels Act (46 U.S. Code § 31101), the United States is liable to plaintiff to the same extent as those entities would have been under the Jones Act and general maritime law.

19. Plaintiff also alleges that, irrespective of his status as a seaman, one or more of the Aecon entities operated the vessel that passed by the “Triple 9” barge immediately before the pipe fell and struck plaintiff. Those entities owed plaintiff a duty of ordinary care under the general maritime law and under 33 U.S. Code § 905(b), including the duty to refrain from creating a wake when said defendants knew or in the exercise of ordinary care should have known that such a wake was likely to cause the pipe to roll and injure plaintiff or others similarly situated. One or more of those entities breached those duties by operating the vessel in such a manner as to create a wake sufficient to cause the pipe to fall and strike plaintiff. As a direct and proximate result of that negligent act, plaintiff suffered the injuries and damages alleged in the preceding paragraphs.

20. Plaintiff also alleges that, irrespective of his status as a seaman, and to the extent that plaintiff is found not to be a joint or borrowed employee of the Aecon entities who employed the

other persons working on the “Triple 9” barge, those Aecon entities owed plaintiff a duty of ordinary care under the general maritime law and under 33 U.S. Code § 905(b) to avoid injuring the plaintiff, including the duty to utilize the crane to support the pipe during the entire time that any worker was in a position where the pipe could potentially fall or strike such worker; the duty to turn the pipe handle away from the plaintiff while he was working on or near the pipe so as to generate torque away from plaintiff’s body rather than toward it; the duty to watch for passing vessels or other potential causes of bumps to or movements of the “Triple 9” barge that might potentially endanger persons, including plaintiff, who were working on or near the pipe and whose job duties prevented them from monitoring the river conditions and to warn plaintiff of any potential condition that could cause the pipe to fall and strike him. One or more of those Aecon entities breached their duties of care by failing to secure the pipe with the crane, turning the pipe handle toward the plaintiff rather than away from him, failing to observe, or after observing, failing to warn plaintiff of a wake from the passing vessel that caused the pipe to fall and strike plaintiff. As a direct and proximate result of one or more of those negligent acts or omissions, plaintiff suffered the injuries and damages alleged in the preceding paragraphs.

21. Plaintiff has filed an administrative claim form with the United States Corps of Engineers but has not yet received a denial of that claim. Accordingly, plaintiff reserves all rights that could be asserted directly against the United States for the direct negligence of the United States Corps of Engineers under the Federal Tort Claims Act (28 U.S.C. § § 1346, 2671, et seq.).

WHEREFORE, plaintiff Lewis Mocaby, by his undersigned attorney, prays for judgment against each and all defendants, together with costs of suit, prejudgment interest, and such other and further relief as the Court may find just under the circumstances.

Respectfully submitted,

ARMBRUSTER, DRIPPS,  
WINTERSCHIEDT & BLOTEVOGEL, LLC

By: /s/ Roy C. Dripps

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Attorneys for Plaintiff Lewis Mocaby

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. ADDITIONAL INFORMATION:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

Is a jury demanded by any party? JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Additional Information.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check YES if a jury is being demanded by any party. Check NO if no party has demanded a jury.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

Civil Action No.

\_\_\_\_\_  
*Defendant(s)*

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

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:

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.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

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)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

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)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, 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 \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

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)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, 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 \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: