

U. S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED

DEC 28 2009

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

TONY R. MOORE, CLERK  
BY W DEPUTY  
SHREVEPORT

CARL BERNOFSKY and  
SHIRLEY G. BERNOFSKY

VERSUS

THE ROAD HOME CORPORATION,  
ICF EMERGENCY MANAGEMENT  
SERVICES, LLC, LOUISIANA RECOVERY  
AUTHORITY, and LOUISIANA DIVISION  
OF ADMINISTRATION THROUGH THE  
OFFICE OF COMMUNITY DEVELOPMENT

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CIVIL ACTION NO.

5:09cv1919

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WAIVER OF THE SERVICE OF SUMMONS

To: Carl Bernofsky and Shirley G. Bernofsky

I have received your request to waive service of a summons in this action along with a copy of the complaint with attachments, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from November 13th, 2009, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Address, Email, and Telephone Number:

Office of Community Development  
Louisiana Recovery Authority  
The State Office Building  
150 North 3<sup>rd</sup> Street, Ste. 200  
Baton Rouge, LA 70801

Date: 12-14-09

Name: *Paul Rainwater*

*Paul Rainwater*  
Executive Director  
on behalf of Louisiana  
Recovery Authority

225 - 342 - 1700 (F)  
225 - 342 - 1726 (F)

### **Duty to Avoid Unnecessary Expenses of Serving a Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

**Jackie West**

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**From:** Krouse, A.J. [AKrouse@frilot.com]  
**Sent:** Tuesday, December 08, 2009 4:12 PM  
**To:** Jackie West  
**Cc:** Culotta, Renee ; Ellis, Patricia  
**Subject:** RE: Bernofsky, et al v Road Home, et al CA 5:09CV1919 - USDC, Western District  
**Attachments:** A. J. Krouse .vcf

Yes.

**A.J. Krouse**

Partner

Frilot L. L.C.

*1100 Poydras St.*

*3700 Energy Centre*

*New Orleans Louisiana 70163*

Phone: (504) 599 - 8016

*Facsimile: (504) 599 - 8116*

*<http://www.Frilot.com>*

*[AKrouse@Frilot.com](mailto:AKrouse@Frilot.com)*

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**From:** Jackie West [mailto:Jackie.West@LA.GOV]  
**Sent:** Tuesday, December 08, 2009 4:05 PM  
**To:** Krouse, A.J.  
**Subject:** FW: Bernofsky, et al v Road Home, et al CA 5:09CV1919 - USDC, Western District

Did you want us to execute the Waiver of Summons of Service? Please advise.

Thanks

**Jackie V. West**

Executive Assistant, Legal/Finance

(225) 342-1715 of

(225) 342-1882 fx

[Jackie.West@la.gov](mailto:Jackie.West@la.gov)

[www.lra.louisiana.gov](http://www.lra.louisiana.gov)

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**From:** Dan Rees  
**Sent:** Monday, November 30, 2009 3:35 PM  
**To:** 'Krouse, A.J.'  
**Cc:** Patrick Keller; Jackie West; Bonita Brown  
**Subject:** FW: Bernofsky, et al v Road Home, et al CA 5:09CV1919 - USDC, Western District

AJ: See attached request for waiver of service, complaint and exhibits. I have been contacted via voicemail by Pauline Hardine at Jones Walker who will be representing ICF. Pls coordinate with her regarding our respective positions. I have left her a voicemail that you would be contacting her.

In case you are not familiar with the "registry" which is different from the application process, you will need to call me to discuss background.

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**From:** Jackie West  
**Sent:** Tuesday, November 17, 2009 4:24 PM  
**To:** Dan Rees  
**Cc:** Patrick Keller  
**Subject:** Bernofsky, et al v Road Home, et al CA 5:09CV1919 - USDC, Western District

Filed by Bernofskys' in proper person. The attachments are at my desk with the two originals.

Jackie