

U. S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

AO 399 (6/1/07) Waiver of the Service of Summons

DEC 28 2009

UNITED STATES DISTRICT COURT

TONY R. MOORE, CLERK  
BY [Signature] DEPUTY  
SHREVEPORT

for the  
Western District of Louisiana

Carl Bernofsky and Shirley G. Bernofsky

Plaintiff

v.

The Road Home Corporation, et al.

Defendant

Civil Action No. 5:09cv1919

Waiver of the Service of Summons

To: Carl Bernofsky

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, 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 11/13/2009, 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.

Date 11/30/2009

[Signature]  
Signature of the attorney or unrepresented party

Michael C. Drew, atty. for ICF Emer. Mgmt. Svcs., LLC

Printed name

Jones, Walker, Waechter, Poitevent, Carrere &  
Denegre, LLP, 201 St. Charles Avenue, New  
Orleans, LA 70170

Address

mdrew@joneswalker.com

E-mail address

504-582-8318

Telephone number

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.



Michael C. Drew  
Direct Dial 504-582-8318  
Direct Fax 504-589-8318  
mdrew@joneswalker.com

November 30, 2009

Carl Bernofsky, Ph.D.  
Apartment 51H  
109 Southfield Road  
Shreveport, LA 71105

Re: Carl Bernofsky and Shirley G. Bernofsky  
vs. The Road Home Corporation  
No. 09-1919, USDC-Western District of Louisiana  
Our File: 107830-00

Dear Mr. Bernofsky:

Enclosed, please find an executed Waiver of Service of Summons form, which I return on behalf of my client, ICF Emergency Management Services, LLC.

Sincerely,

A handwritten signature in cursive script that reads "Michael C. Drew/jc".

Michael C. Drew

MCD/jc  
Enclosure

JONES, WALKER, WAECHTER, POITEVENT, CARRÈRE & DENÈGRE L.L.P.