

1 **THE THATER LAW GROUP, P.C.**
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8 Attorney for Plaintiffs
9 **VICTORIA G. BELO and HAYDEN KHO, JR.**

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

8 **HAYDEN KHO, JR., and VICTORIA G. BELO,**
9 **Individually, and as husband and wife,**

CASE NO.:

10 **Plaintiffs,**

COMPLAINT

11 **JIANGTIAN SUN, individually, SUN TIMEPIECE**
12 **TRADE. LLC, a Nevada limited liability company;**
13 **DOES 1 through 10 inclusive; DOES & ROES**
14 **CORPORATIONS ENTITIES 1 through 10**
15 **inclusive;**

15 **Defendants,**

16
17 **Plaintiffs HAYDEN KHO, JR. and VICTORIA G. BELO, by and through their counsel, M. Lani**
18 **Esteban-Trinidad of the Thater Law hereby complains and alleges as follows:**

19 **INTRODUCTION**

20 **This is a complaint for monies tendered by a Philippine couple in the amount of \$235,640.00 to**
21 **Defendants, a Las Vegas based individual and his business, for the purchase and sale of two limited**
22 **edition Rolex Rainbow watches. Defendants failed, refused and/or neglected to provide Plaintiffs the**
23 **watches and/or to refund the money tendered by Plaintiffs to Defendants via two separate wire transfers**
24 **as deposits for said watches, despite repeated demand by Plaintiffs to do so. Defendants have now**
25 **ceased all communication and correspondence with Plaintiffs.**

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28 ..

JURIDICTION AND VENUE

1
2 1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332(a)(2), because Plaintiffs
3 VICTORIA G. BELO and HAYDEN KHO, JR., are citizens and residents of the Republic of the
4 Philippines and Defendants JIANGTIAN SUN or “John Sun” doing business as Sun Timepiece Trade,
5 LLC, a Nevada limited liability company in default status, are citizens of the State of Nevada and the
6 amount in controversy exceeds \$75,000.00, to wit: \$235,640.00 U.S. Dollars.
7

8 2. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(a)(2), because a substantial
9 part of the events giving rise to this claim occurred in this district.

10 **PARTIES**

11 3. Plaintiff HAYDEN KHO, JR. (“KHO”) is, and at all times relevant hereto, an individual and a
12 Resident of The Republic of the Philippines and a citizen thereof.

13 4. Plaintiff VICTORIA G. BELO (“BELO”) is, and at all times relevant hereto, an individual and
14 a citizen of the Republic of the Philippines and a citizen thereof. KHO and BELO are husband and wife.
15

16 5. Defendant JIANGTIAN SUN (“SUN”) also known as “John Sun,” is a citizen of the United
17 States, and upon information and belief, residing in and doing business as SUN TIMEPIECE TRADE
18 (STT) in the State of Nevada, Las Vegas, and a resident thereof, doing business providing “timepieces,
19 diamonds and jewelry,” according to his Instagram page “j.sun.8”

20 6. Defendant SUN TIMEPIECE TRADE, LLC (STT), is and was, at all times relevant hereto, a
21 Nevada limited liability company that is currently in default status with the Nevada Secretary of State.
22

23 7. Defendants SUN and STT, at all times relevant hereto, conducted business at and/or otherwise
24 held themselves out as conducting business at a residence located at 5975 Garden Vista St., Las Vegas,
25 Nevada 89113 (“Property”).

26 8. The true names and capacities of Defendants named herein as Does 1-20, inclusive, are unknown
27
28

1 to Plaintiffs at this time and Plaintiffs therefore sues said Defendants by such fictitious names.
2 Plaintiffs will seek leave of Court to amend this complaint to allege their true names when the same are
3 ascertained.

4
5 **GENERAL ALLEGATIONS**

6 **THE TRANSACTION**

7 9. Plaintiffs are husband and wife, both are well-renowned licensed physicians in the Republic of
8 the Philippines whom own, operate and/or manage the premier medical aesthetic clinic in the
9 Philippines known as Belo Medical Group.

10 10. Defendant SUN, a resident of the United States and residing in Las Vegas, Nevada, represented
11 to Plaintiffs that SUN could obtain for Plaintiffs certain extremely limited, hard to find, Rolex watches
12 that are highly coveted by collectors known as follows: (1) “The Rolex Rainbow Daytona”
13 116585RBOW and (2) Rolex Cosmograph Daytona Rainbow with paved diamonds dial.

14 11. Defendant SUN had previously procured certain watches for a personal friend of Plaintiff KHO
15 and therefore Plaintiffs placed their trust on SUN’s ability to do the same for them.

16 12. In or about Spring, 2018, Plaintiffs entered into an agreement with Defendants SUN whereby
17 Plaintiffs would pay for and Defendant would procure said Rolex watches.

18 13. In furtherance of said agreement, SUN requested certain monetary deposits to secure
19 procurement of said watches and requested that these deposits be tendered to Defendants by wire
20 transfer to SUN’s Bank account in the United States bearing the address of 5975 Garden Vista Street,
21 Las Vegas, Nevada, 89113 with Chase in Las Vegas, Nevada.
22

23 14. On or about May 9, 2018, Plaintiff KHO caused the sum of \$77,520.00 (Seventy-Seven
24 Thousand Five Hundred Twenty Dollars and 00/100 Cents) to be wired from his Philippine bank
25 account to STT/SUN’s U.S. Bank account in Las Vegas, with Defendants address listed as 5975 Garden
26
27
28

1 Vista Street, Las Vegas, Nevada 89113, as deposit/down-payment for one Rolex Rainbow watch with a
2 purchase price of \$96,900.00 (Ninety-Six Thousand Nine Hundred Dollars and 00/100 Cents).

3 15. On or about May 17, 2018, Plaintiff BELO caused the sum of \$158,120.00 (One Hundred Fifty
4 Eight Thousand One Hundred Twenty Dollars and 00/100 Cents) to be wired from her Philippine
5 account to STT/SUN's U.S. bank account in Las Vegas, with Defendants address listed as 5975 Garden
6 Vista Street, Las Vegas, Nevada 89113 as deposit/down-payment for a Rainbow Rolex Watch (with
7 paved diamonds dial) with the purchase price of \$197,650.00 (One Hundred Ninety-Seven Six Hundred
8 Fifty Dollars and 00/100 Cents).

9 ..

10
11 16. In total Plaintiffs remitted to Defendants by wire transfer the sum of \$235,640.00 (Two Hundred
12 Thirty-Five Thousand Six Hundred Forty Dollars and 00/100 Cents) with the understanding that the
13 remaining balance to be paid for the two watches was the sum of \$58,910.00 (Fifty-Eight Thousand
14 Nine Hundred Ten Dollars and 00/100 Cents).

15
16 **THE RUN-AROUND BY DEFENDANTS**

17 17. By late September 2018, SUN had yet to deliver the watches to Plaintiffs, representing to
18 Plaintiffs that the company SUN was obtaining the watches from "just got brought out and going
19 through a transition."

20 18. In or about December 2018, Plaintiff KHO again contacted SUN directly and inquired as to the
21 status of the watches, to which SUN replied that there were no shipments of the watches but that he was
22 "on top of it."

23
24 19. In or about February 2019, SUN represented to Plaintiff KHO in certain text messages indicating
25 that "this month the watch will come according to the store," that "[t]here's been mix up on shipments
26 and the delays cause of the company buyout."

27 20. By on or about March 2019 through present date, SUN ceased all communications with
28

1 Plaintiffs, SUN failed, neglect and/or refused to provide said watches to Plaintiffs and/or refund
2 Plaintiffs the sum of \$235,640.00, tendered to Defendants as deposit for said watches, despite repeated
3 demand to do so.

4
5 **FIRST CAUSE OF ACTION**
CONVERSION/MONIES OWED

6 21. Plaintiffs repeat and reallege each and every allegation as if set forth herein

7 22. Defendants and each of them committed a distinct act of dominion wrongfully exerted over
8 Plaintiffs' property;

9 23. The act was in denial of, or inconsistent with, plaintiff's title or rights therein, or

10 24. The act was in derogation, exclusion, or defiance of plaintiff's title or rights in the personal
11 property;

12 25. As a result of Defendants actions herein, Plaintiffs are entitled to damages according to proof at
13 time of trial

14 26. Plaintiffs are entitled to attorneys' fees and costs as a result of having been compelled to bring
15 this action.

16
17
18 **SECOND CAUSE OF ACTION**
INTENTIONAL & FRAUDULENT MISREPRESENTATION

19 27. Plaintiffs repeat and reallege each and every allegation as if set forth herein.

20 28. Defendant made false representations to Plaintiffs,

21 29. Defendants knew or believed that his representations were false or defendant had an insufficient
22 basis of information for making the representation;

23 30. Defendant intended to induce and did in fact induce Plaintiffs to act upon said
24 misrepresentations;

25 31. Plaintiffs justifiably relied upon Defendant's representations;

26 32. Plaintiffs sustained damages in the amount of \$235,640.00.
27
28

1 33. Plaintiffs are entitled to an award of attorneys' fees and costs as a result of having been required
2 to pursue this action.

3 **THIRD CAUSE OF ACTION**
4 **UNJUST ENRICHMENT**

5 34. Plaintiffs repeat and reallege each and every allegation as if set forth herein.

6 35. Defendants unjustly retained money or property of another against fundamental principles of
7 justice or equity and good conscience;

8 36. Defendants have been unjustly enriched in an amount of at least \$235,640.00, to Plaintiffs'
9 damage and detriment.

10 **FOURTH CAUSE OF ACTION**
11 **BREACH OF CONTRACT**

12 37. Plaintiffs repeat and reallege each and every allegation as if set forth herein.

13 38. Plaintiffs entered into an agreement with Defendants for the purchase and sale of two Rolex
14 Watches, to wit: (1) "The Rolex Rainbow Daytona" 116585RBOW and (2) Rolex Cosmograph
15 Daytona Rainbow with paved diamonds dial.

16 39. Plaintiffs performed their obligations under the agreement by tendering deposits in the total
17 amount of \$235,640.00 for both watches.

18 40. Defendants and each of them breached this agreement with Plaintiffs by failing, refusing and/or
19 otherwise neglecting to consummate the purchase and sale by providing said watches and/or refunding
20 Plaintiffs the deposits tendered for said watches.

21 41. As a result of the Defendants breach, Plaintiffs have been damaged in an amount in excess of
22 \$235,640.00, according to proof to be determined at time of trial.

23 ..

24 ..

25 ..

1 WHEREFORE, Plaintiffs pray for judgment against all Defendants, and each of them as follows:

- 2 1) Pre-judgment relief in form of lien, attachment and/or garnishment against Defendants assets,
3 accounts and/or properties in the State of Nevada;
4
5 2) General and special damages according to proof;
6
7 3) Pre-judgment interest;
8
9 4) For costs of suit incurred herein;
10
11 5) For attorneys' fees and costs; and
12
13 6) For such other and further relief as the Court deems just and proper.

14 DATED this 5th day of April, 2019.

15 **THE THATER LAW GROUP, P.C.**

16 By: /s/ M. Lani Esteban-Trinidad

17 7215 W. Lake Mead Blvd., Ste. 300

18 Las Vegas, Nevada 89128

19 Tel: (702) 736-5297

20 Email: Lani@thaterlawgroup.com

21 *Attorney for Plaintiffs,*

22 HAYDEN KHO, JR. and VICTORIA G. BELO
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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

HAYDEN KHO, JR., AND VICTORIA G. BELO, individually and as Husband and Wife

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

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

Maile Lani Esteban-Trinidad - The Thater Law Group
7251 W. Lake Mead Blvd., Ste. 300, Las Vegas, Nevada 8912

Tel: 702-736-5297

DEFENDANTS

JIANGTIAN SUN a/k/a JOHN SUN, dba SUN TIMEPIECE TRADE and/or SUN TIMEPIECE TRADE, LLC, et. al.

County of Residence of First Listed Defendant **Clark County, Las Vegas**
(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)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | ☐ 1 | ☒ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☒ 4 |
| Citizen of Another State | ☒ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☒ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☒ 3 | ☐ 3 | Foreign Nation | ☒ 6 | ☐ 6 |

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

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☒ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

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):
28 U.S.C. 1332(a)(1)

Brief description of cause:

Conversion, Breach of Contract, Monies owed in excess of \$75,000. (\$235,640.00)

VII. REQUESTED IN COMPLAINT:

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

DEMAND \$

235,640.00

CHECK YES only if demanded in complaint:

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

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

UNITED STATES DISTRICT COURT

for the

District of Nevada

HAYDEN KHO, JR., and VICTORIA G. BELO,
individually and as husband and wife

Plaintiff(s)

v.

JIANGTIAN SUN a/ka/ JOHN SUN, individually, and
doing business as SUN TIMEPIECE TRADE and/or
SUN TIMEPIECE TRADE, LLC, a Nevada limited
liability company, DOES 1 through 10 inclusive; ET.

AL

Defendant(s)

Civil Action No. 2:19-cv-596

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* JIANGTIAN SUN a/k/a JOHN SUN
5975 Garder. Vista Street
Las Vegas, Nevada 89113

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:

Maile Lani Esteban-Trinidad, Esq., The Thater Law Group
7251 W. Lake Mead Blvd., Ste. 300
Las Vegas, Nevada 89128

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

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 \$ _____ 0.00.

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

UNITED STATES DISTRICT COURT

for the

District of Nevada

HAYDEN KHO, JR., and VICTORIA G. BELO,
individually and as husband and wife

Plaintiff(s)

v.

JIANGTIAN SUN a/ka/ JOHN SUN, individually, and
doing business as SUN TIMEPIECE TRADE and/or
SUN TIMEPIECE TRADE, LLC, a Nevada limited
liability company, DOES 1 through 10 inclusive; ET.

AL

Defendant(s)

Civil Action No. 2:19-cv-596

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) SUN TIMEPIECE TRADE, LLC
C/O United States Corporation Agents, Inc.
500 N. Rainbow Blvd., Ste. 300A
Las Vegas, Nevada 89107

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:

Maile Lani Esteban-Trinidad, Esq., The Thater Law Group
7251 W. Lake Mead Blvd., Ste. 300
Las Vegas, Nevada 89128

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

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 \$ _____ 0.00.

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: