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15 Southern California Institute of Law

16 **UNITED STATES DISTRICT COURT**  
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 SOUTHERN CALIFORNIA  
19 INSTITUTE OF LAW, a California  
20 corporation,

21 Plaintiff,

22 vs.

23 TCS EDUCATION SYSTEM, an  
24 Illinois corporation; DAVID J.  
25 FIGULI, an individual; and GLOBAL  
26 EQUITIES, LTD. d/b/a HIGHER  
27 EDUCATION GROUP, a Colorado  
28 limited liability company,

Defendants.

CASE NO.: CV10-8026 PSG (AJWx)  
[Assigned to Hon. Philip S. Gutierrez]

**DECLARATION OF GEORGE A.  
SHOHET IN SUPPORT OF  
PLAINTIFF'S RESPONSE TO ORDER  
TO SHOW CAUSE REGARDING  
DISMISSAL PURSUANT TO FED. R.  
CIV. P. 4(m)**

Action Filed: Oct. 25, 2010

Hearing Date: None Set  
Ctrm: 880

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**DECLARATION OF GEORGE A. SHOHE**  
**T IN SUPPORT OF PLAINTIFF'S RESPONSE TO ORDER TO**  
**SHOW CAUSE REGARDING DISMISSAL PURSUANT TO FED. R. CIV. P. 4(m)**

1 I, George A. Shohet, declare:

2 1. I am an attorney licensed to practice in the courts of California and a  
3 member of the Bar of this Court. I make this declaration in support of Plaintiff's  
4 Response to Order to Show Cause Regarding Dismissal Pursuant To Fed. R. Civ. P.  
5 4(m). I have personal knowledge of the facts set forth herein and, if called as a  
6 witness, could and would testify competently about them.

7 2. On October 25, 2010, plaintiff filed this action. On October 26, 2010, I  
8 sent a courtesy copy of the Complaint for Injunctive Relief and Damages  
9 ("Complaint") with a cover letter by e-mail to David J. Figuli ("Figuli") requesting  
10 that he acknowledge service of process for himself and defendant Global Equities,  
11 Ltd. I did this as a professional courtesy to Figuli, who is a practicing attorney in  
12 Colorado. Attached hereto as Exhibit 1 is a true and correct copy of the Colorado  
13 Attorney Information record for Figuli which I downloaded from the Colorado  
14 Supreme Court's web site on April 17, 2011. The web site address is  
15 www.coloradosupremecourt.com. The e-mail address I used to write to Figuli was  
16 the same address he regularly used when corresponding with the plaintiff in 2009  
17 and 2010, namely dfiguli@figuligroup.net. I also simultaneously sent the same e-  
18 mail to Figuli at dfiguli@higherredgroup.com which I found on certain of the  
19 correspondence he had e-mailed to the plaintiff. I did not receive a response to my  
20 e-mails.

21 3. The plaintiff inadvertently named Global Equities, Ltd. as a defendant.  
22 It is the predecessor of Global Equities, LLC. Attached hereto as Exhibit 2 is a true  
23 and correct copy of the "Combined Statement of Conversion and Articles of  
24 Organization," filed on March 25, 2008 with the Colorado Secretary of State.  
25 Exhibit 2 and the other records obtained from the Colorado Secretary of State's web  
26 site that I refer to herein were downloaded by me on April 17, 2011. I began  
27 searching the Colorado Secretary of State's web site in October 2010 before the

1 Complaint was filed. The information on the web site about the defendants has not  
2 changed from the first time I began searching. It is readily available on the web site  
3 by logging on to the opening page, [www.sos.state.co.us/pubs/business/main.htm](http://www.sos.state.co.us/pubs/business/main.htm),  
4 and searching the appropriate files. In spite of the minor error in nomenclature, the  
5 Complaint correctly identified the Global Equities entity as a limited liability  
6 company and its current trade name Higher Education Group. *See* Exhibits 3 and 4.  
7 Defendant Global Equities, LLC will be referred to herein as "Global."

8 4. In an effort to effect service of process on Figuli and Global, I  
9 conducted online research through the web sites for the Colorado Supreme Court  
10 and Colorado Secretary of State. In addition, I reviewed correspondence between  
11 Figuli, defendant TCS Education System ("TCS") and the plaintiff. I also searched  
12 telephone records using the telephone number Figuli listed on the e-mails he sent to  
13 the plaintiff. This telephone number matched the one identified for Figuli on the  
14 Colorado Supreme Court's web site, namely 720-810-2495. Based on my research, I  
15 found the address for Figuli and Global at 8697 S. Blue Creek Road, Evergreen,  
16 Colorado, 80439 (the "Blue Creek Road address"). The Blue Creek Road address is  
17 the one identified on the Colorado Supreme Court's web site for Figuli and the  
18 address for Global on the Colorado Secretary of State's web site. *See* Exhibits 1 and  
19 3. Figuli is also listed as Global's agent for service of process at the Blue Creek  
20 Road address. *See* Exhibit 3. I also performed various online searches using LEXIS  
21 and PACER. Attached hereto as Exhibit 5 is a true and correct copy of the  
22 Declaration of David J. Figuli, filed on March 7, 2008 in *National Career College,*  
23 *Inc., et al. v. Margaret Spellings, etc.* Civ. Case No. 07-00075 HG-LEK (D. Haw.).  
24 In his declaration, Figuli states under oath that the Blue Creek Road address is his  
25 "residence." Exhibit 5, ¶ 1. The Blue Creek Road address is also shown on certain  
26 of the e-mail correspondence he sent to the plaintiff.  
27  
28

1           5.       Through my online research and review of plaintiff's correspondence  
2 with Figuli, I identified additional addresses for Figuli, Global and his law firm,  
3 Figuli Law Group. Figuli and Global maintain a United States Post Office Box in  
4 Conifer, Colorado. I confirmed this with the Postmaster for the Conifer Post Office.  
5 *See* Declaration of Pamela Vaughn Regarding Service of Process on Defendants  
6 David J. Figuli and Global Equities, LLC d/b/a Higher Education Group ("Vaughn  
7 Decl."), filed concurrently herewith, ¶¶ 1 and 2. The Figuli Law Group maintains a  
8 web site at <http://figulilawgroup.com>. The web site does not contain a physical  
9 address for the firm, only an e-mail address, telephone and fax numbers. Figuli is  
10 identified on the web site as a "Partner" in the firm. The information contained on  
11 the Figuli Law Group web site is readily accessible and has not changed since I first  
12 accessed it in October 2010. With additional online research, I located a physical  
13 address of the Figuli Law Group at 29713 Troutdale Scenic Drive, #C-2, Evergreen,  
14 Colorado, 80439 ("Troutdale address").

15           6.       Evergreen and Conifer are both unincorporated towns located in  
16 Jefferson County, Colorado. Jefferson County Demographics, Cities and  
17 Unincorporated Area, available at [www.co.jefferson.co.us](http://www.co.jefferson.co.us). I contacted the Jefferson  
18 County Colorado Sheriff's Department which has a civil process division. Copies of  
19 the Summons issued in this case, Complaint, and other Court papers ("Service  
20 Papers") were prepared and delivered by my office to the Jefferson County Sheriff's  
21 Department in early November 2010. I was contacted by Sherriff's Deputy Stuart  
22 Sorensen who identified himself as a civil process server. Deputy Sorensen  
23 explained to me that in 2009 he had unsuccessfully attempted service of process on  
24 Figuli at the Blue Creek Road address. I asked Deputy Sorensen to try to serve  
25 Figuli at the Troutdale address as well as the Blue Creek Road address. As set forth  
26 in Deputy Sorensen's declaration filed concurrently herewith, Deputy Sorensen's  
27 multiple attempts to personally serve Mr. Figuli and Global were unsuccessful. *See*

1 Declaration of Stuart Sorenson Regarding Attempted Service of Process on  
2 Defendants David J. Figuli and Global Equities, LLC d/b/a Higher Education Group  
3 ("Sorenson Decl."), ¶¶3-11. The Troutdale address was no longer being used by the  
4 Figuli Law Group and Deputy Sorenson encountered no one at the Blue Creek Road  
5 address after making eight attempts on different dates and at various times of the day  
6 over a period in excess of one month. *Id.*

7 7. In November 2010, plaintiff and defendant TCS agreed to explore the  
8 possibility of settlement. The initial meeting was to commence at 1 p.m. on  
9 December 1, 2010 in Los Angeles. Figuli, and TCS executives Michael Horowitz,  
10 CEO, Jeffrey Keith, CFO, and Jennifer DeMay, Vice-President and Legal Affairs  
11 Director, were to attend. Approximately four hours before the meeting began, I  
12 received an e-mail from Ms. DeMay stating that Figuli would not attend unless  
13 plaintiff's counsel agreed that they would not serve him with process. Ms. DeMay  
14 apologized for the sudden change in plans and asked if plaintiff would agree to  
15 refrain from serving Figuli. She also asked if Figuli could participate by telephone.  
16 Although I responded that we would refrain from serving Figuli at the meeting,  
17 Figuli decided not to attend in person. He participated in the meeting by telephone.  
18 True and correct copies of the e-mails Ms. DeMay and I exchanged regarding  
19 Figuli's unwillingness to be served are attached hereto as Exhibit 6.

20 8. Efforts to serve Figuli and Global by substituted service commenced in  
21 February 2011 after the parties settlement discussions ended on or about January 28,  
22 2011. Although Deputy Sorenson continued to make attempts at personally serving  
23 these defendants in December 2010 after the parties began to discuss settlement,  
24 plaintiff did not aggressively pursue substituted means for serving the defendants to  
25 conserve resources and avoid distraction. Multiple drafts of a written memorandum  
26 of terms were exchanged by the parties during December 2010 and January 2011.

1 However, once it became apparent that a settlement was not feasible, the plaintiff  
2 promptly sought to sub serve Figuli and Global.

3 9. On February 10, 2011, I prepared two envelopes which contained  
4 copies of the Service Papers for service on Figuli and Global. The envelopes were  
5 prepared in such a manner as to conceal that they were coming from plaintiff's  
6 counsel and instead appeared to be business correspondence addressed to Figuli and  
7 the Figuli Law Group. In addition, the envelopes were mailed from Boulder,  
8 Colorado rather than Los Angeles, California. On certain correspondence I reviewed,  
9 the mailing address of the Figuli Law Group was sometimes identified as the  
10 Conifer post office box. One envelope was sent by certified mail to defendants' post  
11 office box in Conifer. The other envelope was sent by certified mail to the Blue  
12 Creek Road address. Attached hereto as Exhibit 7 are true and correct copies of the  
13 certified mail receipts for the two envelopes showing mailing on February 10, 2010.  
14 The certified mail receipt that was sent to the Conifer post office box bears receipt  
15 number 7010 3090 0003 7114 5492 ("Envelope 1"). The envelope which was  
16 mailed to the Blue Creek Road address bears certified mail receipt number 7010  
17 3090 0003 7114 5508 ("Envelope 2").

18 10. Attached hereto as Exhibit 8 are true and correct copies of records  
19 obtained from the United States Post Office's Web site showing that notices for  
20 Envelope 2 were left at the Blue Creek Road address on February 11 and 17, 2011.  
21 Envelope 2 was unclaimed and returned to the post office in Boulder on March 8,  
22 2011. Exhibit 8. Attached hereto as Exhibit 9 are true and correct copies of records  
23 obtained from the United States Post Office's Web site showing that notice for  
24 Envelope 1 was left at the Conifer post office on February 11, 2011 and picked up  
25 from the post office on February 15, 2011 by one Hilarie Anderson. At my office's  
26 request Conifer Postmaster Pamela Vaughn verified that the post office box belongs  
27 to Figuli and Global and that the physical address listed by these defendants is the

1 Blue Creek Road address. *See* Exhibit 10 which is a true and correct copy of the  
2 "Request for Change of Address or Boxholder Information Needed for Service of  
3 Legal Process", dated March 17, 2011; Vaughn Decl., ¶2. Ms. Vaughn also  
4 confirmed that Ms. Anderson signed for Envelope 1 and picked it up from the  
5 Conifer post office. Vaughn Decl., ¶3.

6 11. Records obtained from the Colorado Secretary of State show that Ms.  
7 Anderson filed an Annual Report on behalf of Global on June 18, 2010. A true and  
8 correct copy of the Annual Report which I downloaded from the Secretary of State's  
9 Web site is attached hereto as Exhibit 11. This is the most recent Annual Report for  
10 Global. The Blue Creek Road address is shown to be the address of Global, Figuli,  
11 as its agent for service of process, and Ms. Anderson. Exhibit 11, pp. 1-2. In the  
12 Annual Report, Ms. Anderson attests to the following:

13 "Causing this document to be delivered to the secretary of state for filing shall  
14 constitute the affirmation or acknowledgment of each individual causing such  
15 delivery, under penalties of perjury, that the document is the individual's act  
16 and deed, or that the individual in good faith believes that the document is the  
17 act and deed of the person on whose behalf the individual is causing the  
18 document to be delivered for filing, taken in conformity with the requirements  
19 of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the  
20 organic statutes, and that the individual in good faith believes the facts stated  
21 in the document are true and the document complies with the requirements of  
22 that Part, the constituent documents, and the organic statutes. [T]his perjury  
23 notice applies to each individual who causes the document to be delivered to  
24 the secretary of state, whether or not such individual is named in the document  
25 as one who caused it to be delivered." Exhibit 11, p. 2.

26 12. Rather than immediately send additional envelopes with the Service  
27 Papers to the defendants, plaintiff's counsel waited a few weeks. This was done in  
28

1 an effort to determine if, after the passage of some time, Ms. Anderson would again  
2 collect the envelopes on defendants' behalf. On March 28, 2011, plaintiff sent by  
3 certified mail envelopes containing the Service Papers to defendants' Conifer post  
4 office box and the Blue Creek Road address. The envelopes were addressed to  
5 Figuli and Global. This time the envelopes were conspicuously marked with large  
6 labels stating that they contained the Service Papers for this case. Exhibit 12  
7 contains the certified mail receipts bearing numbers 7010 3090 0003 7115 9222  
8 ("Envelope 3" to the Conifer post office box) and 7010 3090 0003 7115 9239  
9 ("Envelope 4" to the Blue Creek Road address). Post Office records confirm that  
10 Envelope 3 was picked up by Ms. Anderson from the Conifer post office on April 6,  
11 2011. True and correct copies of these records are attached hereto as Exhibit 13.  
12 Post Office records confirm that Envelope 4 was delivered to Ms. Anderson in  
13 Evergreen, Colorado on April 7, 2011. True and correct copies of these records are  
14 attached hereto as Exhibit 14.

15 13. Through the efforts of its counsel and a civil process server, plaintiff  
16 sought to serve defendants Figuli and Global through various means over a span of  
17 approximately five and a half months. By his words and actions, Figuli has sought  
18 to evade service. As Deputy Sorenson's declaration demonstrates, the only physical  
19 address available for Figuli and Global is the Blue Creek Road address which is  
20 inaccessible. Sorenson Decl., ¶ 5. After numerous attempts at personally serving  
21 these defendants, the plaintiff used a form of substituted service authorized by  
22 California law. This substituted service took additional time to complete. As of  
23 April 7, 2011, Ms. Anderson, defendants' agent, accepted three envelopes containing  
24 the Service Papers on three separate occasions at two different addresses regularly  
25 used by the defendants. Envelopes 1 and 3 addressed to defendants at their Conifer  
26 post office box were delivered to Ms. Anderson on February 15 and April 6, 2011,  
27 respectively. On April 7, 2011, Ms. Anderson accepted delivery of Envelope 4



1 addressed to defendants at the Blue Creek Road address. Given the fact that Ms.  
2 Anderson has acted in an official capacity in filing papers for Global with the  
3 Colorado Secretary of State's office, picks up and signs for mail on behalf of the  
4 defendants and lists her own address as the Blue Creek Road address, plaintiff  
5 contends that it has completed substituted service on the defendants.

6 14. To the knowledge of the plaintiff and its counsel, the relatively short  
7 delay in accomplishing service has not prejudiced any party in this case. Figuli has  
8 actual knowledge of this case and the claims the plaintiff makes against him. He is  
9 an experienced attorney, actively participated in the parties' settlement discussions  
10 and is well aware of the facts giving rise to this action having been at the center of  
11 the negotiations for the acquisition of the plaintiff by TCS. A copy of this  
12 declaration and the other papers filed in response to the Court's Order to Show Cause  
13 are being mailed to Figuli and Global at their Conifer post office box and Blue  
14 Creek Road address by certified mail.

15  
16 I declare under penalty of perjury under the laws of the United States of  
17 America that the foregoing is true and correct. Executed April 18, 2011 at Los  
18 Angeles, California.

19  
20 

21 \_\_\_\_\_  
George A. Shohet

# **EXHIBIT 1**

# COLORADO SUPREME COURT



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## Colorado Attorney Information

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Name	Status	Registration / Bar Number
FIGULI, DAVID JOHN	ACTV	13597

**Is in Private Practice**

Yes

**Carries Professional Liability Insurance**

Yes

(What does this mean? - [Click Here for more information](#))

### Business Information

**Phone**

(720)810-2495

**Fax**

**Firm Name**

DAVID J FIGULI ESQ

**Business Address**

8697 BLUE CREEK RD

**City**

EVERGREEN

**State**

CO

**Zip Code**

80439

**Admission Date**

01/03/1984

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**Disciplinary & Disability History**

## **EXHIBIT 2**

Document processing fee  
If document is filed on paper \$150.00  
If document is filed electronically Currently Not Available

Fees & forms/cover sheets  
are subject to change.  
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and select Business Center.

Paper documents must be typewritten or machine printed.

20081160138 M  
\$ 150.00  
SECRETARY OF STATE  
03-25-2008 13:19:27

ABOVE SPACE FOR OFFICE USE ONLY

**Combined Statement of Conversion and Articles of Organization**  
filed pursuant to §7-90-201 and §7-80-204 of the Colorado Revised Statutes (C.R.S.)

**Statement of Conversion**

1. For the converting entity, its entity name or true name, ID number (if applicable), form of entity, the jurisdiction under the law of which it is formed, and the principal office address of its principal office are

Entity name or true name of the <u>converting</u> entity	GLOBAL EQUITIES, LTD.
ID number (if applicable)	19891010081 <i>(Colorado Secretary of State ID number)</i>
Form of the entity	Corporation
Jurisdiction where formed	Colorado
Principal office <u>street</u> address	8697 Blue Creek Road <i>(Street number and name)</i>
	Evergreen CO 80439 <i>(City) (State) (Postal/Zip Code)</i>
	<i>(Province - if applicable) (Country - if not US)</i>
Principal office <u>mailing</u> address (leave blank if same as above)	<i>(Street number and name or Post Office Box information)</i>
	<i>(City) (State) (Postal/Zip Code)</i>
	<i>(Province - if applicable) (Country - if not US)</i>

2. The converting entity has been converted into the resulting entity identified below.
3. For the resulting entity, its entity name, form of entity, the jurisdiction under the law of which it is formed, and the principal office address of its principal office are

Entity name of the  
resulting entity

GLOBAL EQUITIES, LLC

*(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd." §7-90-601, C.R.S.)*

*(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)*

Form of the entity

domestic limited liability company

Jurisdiction where formed

Colorado

Principal office street address

8697 Blue Creek Road

*(Street number and name)*

Evergreen

*(City)*

CO

*(State)*

80439

*(Postal/Zip Code)*

*(Province - if applicable)*

*(Country - if not US)*

Principal office mailing address  
(leave blank if same as above)

*(Street number and name or Post Office Box information)*

*(City)*

*(State)*

*(Postal/Zip Code)*

*(Province - if applicable)*

*(Country - if not US)*

*(If the following statement applies, adopt the statement by marking the box.)*

- The mailing address in the records of the Secretary of State is no longer different than the street address and is no longer required.

### Articles of Organization

1. The entity name is

GLOBAL EQUITIES, LLC

*(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd." §7-90-601, C.R.S.)*

*(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)*

2. The principal office address of the initial principal office is

Street address

8697 Blue Creek Road

*(Street number and name)*

Evergreen

*(City)*

CO

*(State)*

80439

*(Postal/Zip Code)*

*(Province - if applicable)*

*(Country - if not US)*

Mailing address  
(leave blank if same as street address)

\_\_\_\_\_  
(Street number and name or Post Office Box information)  
\_\_\_\_\_  
(City) (State) (Postal/Zip Code)  
\_\_\_\_\_  
(Province - if applicable) (Country - if not US)

3. The registered agent name and registered agent address of the initial registered agent are

Name  
(if an individual) Figuli David J.  
(Last) (First) (Middle) (Suffix)  
OR

(if an entity)  
(Caution: Do not provide both an individual and an entity name.)

The person appointed as registered agent above has consented to being so appointed.

Street address 8697 Blue Creek Road  
(Street number and name)  
Evergreen CO 80439  
(City) (State) (Postal/Zip Code)

Mailing address  
(leave blank if same as street address)  
\_\_\_\_\_  
(Street number and name or Post Office Box information)  
\_\_\_\_\_  
(City) (State) (Postal/Zip Code)

4. The true name and mailing address of the person forming the limited liability company are

Name  
(if an individual) Figuli David J.  
(Last) (First) (Middle) (Suffix)  
OR

(if an entity)  
(Caution: Do not provide both an individual and an entity name.)

Mailing address 8697 Blue Creek Road  
(Street number and name or Post Office Box information)  
Evergreen CO 80439  
(City) (State) (Postal/Zip Code)  
(Province - if applicable) (Country - if not US)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)  
This document contains the name and address of one or more additional person(s) forming the limited liability company.

5. The management of the limited liability company is vested in  
*(Mark the applicable box.)*

one or more managers.

OR

the members.

6. There is at least one member of the limited liability company.

7. *(If the following statement applies, adopt the statement by marking the box and include an attachment.)*

This document contains additional information as provided by law.

8. *(Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)*

*(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)*

The delayed effective date and, if applicable, time of this document is/are \_\_\_\_\_,  
*(mm/dd/yyyy hour:minute am/pm)*

**Notice:**

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Figuli	David	J.	
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
8697 Blue Creek Road			
<i>(Street number and name or Post Office Box information)</i>			
-----			
Evergreen	CO	80439	
<i>(City)</i>	<i>(State)</i>	<i>(Postal/Zip Code)</i>	
-----		-----	
<i>(Province - if applicable)</i>		<i>(Country - if not US)</i>	

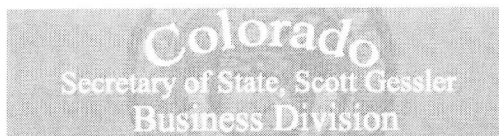
*(If the following statement applies, adopt the statement by marking the box and include an attachment.)*  
 This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

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## Summary

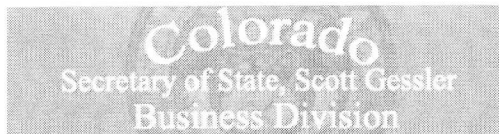
ID Number:	19891010081
Name:	GLOBAL EQUITIES, LLC
<hr/>	
Registered Agent:	David J. Figuli
Registered Agent Street Address:	8697 Blue Creek Road, Evergreen, CO 80439, United States
Registered Agent Mailing Address:	
<hr/>	
Principal Street Address:	8697 Blue Creek Road, Evergreen, CO 80439, United States
Principal Mailing Address:	
<hr/>	
Status:	Good Standing
Form:	Limited Liability Company
Jurisdiction:	Colorado
Formation Date:	02/21/1989
Term of Duration:	Perpetual
Periodic Report Month:	March

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ID Number:	20011144599
Trade Name:	HIGHER EDUCATION GROUP
<hr/>	
True Name of Registrant:	GLOBAL EQUITIES, LLC
Primary Residence or Usual Place of Business Street Address:	Not Applicable
Primary Residence or Usual Place of Business Mailing Address:	Not Applicable
<hr/>	
Status:	Effective
Form:	Limited Liability Company
Formation Date:	07/23/2001
Expiration Date:	Not Applicable
Renewal Month:	Not Applicable

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## **EXHIBIT 5**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

NATIONAL CAREER COLLEGE,	)	CIVIL NO. 07-00075 HG-LEK
INC. doing business as HAWAII	)	
BUSINESS COLLEGE, ALLEN	)	<b>DECLARATION OF DAVID J.</b>
MIRZAEI, RAMIN MIRZAEI and	)	<b>FIGULI</b>
NEIMA MIRZAEI,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
MARGARET SPELLINGS,	)	
SECRETARY, UNITED STATES	)	
DEPARTMENT OF EDUCATION,	)	
in her official capacity,	)	
	)	
Defendant.	)	
	)	

---

**DECLARATION OF DAVID J. FIGULI**

I, DAVID J. FIGULI, declare as follows:

1. I am member of the law firm of The Figuli Law Group located at 125 Niagara Street, Denver, Colorado 80220. My residence address is 8697 S. Blue Creek Road, Evergreen, Colorado 80439.

2. I am admitted to practice in the Courts for the following states, on the following dates:

<u>Court</u>	<u>Date/Year of Admission</u>
Colorado State Courts	January 3, 1984
U.S. District Court – District of Colorado	February 19, 1985
Ohio State Courts	November 7, 1975
U.S. District Court - Northern District of Ohio	August 28, 1981
South Dakota State Courts	September 7, 1977
U.S. District Court – District of South Dakota	April 29, 1977
Nebraska State Courts	April 5, 1976
Montana State Courts	December 10, 1980
U.S. District Court – District of Montana	January 16, 1981

3. I am an attorney in good standing and eligible to practice in the above-mentioned courts.

4. I have never been suspended or disbarred in any other court.

5. I have been requested by Plaintiffs to apply to this Court for permission to appear in this matter for the purpose of participating with the law firm of Chee & Markham in all aspects of this case.

6. I am not regularly employed in the State of Hawaii, nor am I regularly engaged in business, professional, or law-related activities in the State of Hawaii.

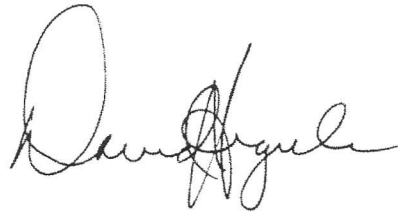
7. I am not concurrently applying to appear pro hac vice in any other cases, and I have not within in the year preceding this application made any pro hac vice application in this Court or in any other court in the State of Hawaii other than in this case.

8. I designate Kevin S. W. Chee of the law firm of Chee & Markham to serve as Co-Counsel for Plaintiffs in the above-entitled matter, as a member of the Bar of this Court with whom this Court and opposing counsel may readily communicate regarding the conduct of the case and upon whom papers may be served.

9. I respectfully request that I be admitted to practice before this Court for the purpose of appearing and participating in this particular case.

I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT.

Dated at Evergreen, Colorado, this 1st day of March, 2008.



---

DAVID J. FIGULI



## **EXHIBIT 6**



George Shohet &lt;georgeshohet@gmail.com&gt;

---

## Issues with Dave Figuli participation today

3 messages

---

**Jennifer DeMay <jdemay@tcsedsystem.org>****Wed, Dec 1, 2010 at 8:54 AM**

To: georgeshohet@gmail.com

George,

In a follow up conversation with Mr. Figuli he expressed concern about attending the meeting today if that meant you would formally serve him. He indicated he will attend only if you agree not to do so. This is not what my original understanding was and I apologize for changing course so abruptly.

I appreciate this is a challenging position and hope you can understand that I cannot compel him to consent to service or to agree to participate in the legal action.

One option is to have Mr. Figuli participate by phone. I think it is valuable to have him involved since he handles the M& A work for TCS and if this proceeds to a final resolution he will need to be directly involved. If you cannot consent to that I understand and we can proceed with Mr. Keith, Dr. Horowitz and myself today and address the other issues as they arise.

Jen

---

**George Shohet <georgeshohet@gmail.com>****Wed, Dec 1, 2010 at 9:51 AM**

To: Jennifer DeMay &lt;jdemay@tcsedsystem.org&gt;

Jen,

That's fine. We won't serve Mr. Figuli today. Please understand that does not mean we won't seek to have him served through substituted service or other legal means on another occasion if the case proceeds.

I appreciate your continuing efforts.

Regards,

George

George A. Shohet, Esq.  
Law Offices of George A. Shohet  
245 Main Street, Suite 310  
Venice, CA 90291-5216  
Tel.: (310) 452-3176  
Fax: (310) 452-2270  
E-mail: [georgeshohet@gmail.com](mailto:georgeshohet@gmail.com)

CONFIDENTIALITY NOTE -- THIS E-MAIL TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this transmission is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any

dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the Law Offices of George A. Shohet immediately by telephone at [\(310\) 452-3176](tel:3104523176) and delete this message from your system. Thank you.

---

**Jennifer DeMay <[jdemay@tcsedsystem.org](mailto:jdemay@tcsedsystem.org)>**

**Wed, Dec 1, 2010 at 9:51 AM**

To: George Shohet <[georghshohet@gmail.com](mailto:georghshohet@gmail.com)>

George,

I understand and have indicated to Mr. Figuli that you were already proceeding with substituted service and that this courtesy today is just that to allow the conversation to begin. My thanks for your accommodation and I look forward to meeting you this afternoon.

Jen

[Quoted text hidden]

---

## **EXHIBIT 7**

7010 3090 0003 7114 5508

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

CONFIER CO 80433

Postage	\$ 2.46 <del>2.92</del>	0134
Certified Fee	2.80 <del>2.80</del>	13
Return Receipt Fee (Endorsement Required)	2.30 <del>2.30</del>	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	2011
Total Postage & Fees	\$ 7.56 <del>7.52</del>	02/10/2011

Sent To: David J. Figuli, The Figuli Law Group LLC  
 Street, Apt. No., or PO Box No.: P.O. Box 392  
 City, State, ZIP+4: Conifer CO 80433

PS Form 3800, August 2006 See Reverse for Instructions

7010 3090 0003 7114 5492

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

EVERGREEN CO 80439

Postage	\$ 2.46 <del>2.92</del>	0134
Certified Fee	2.80 <del>2.80</del>	13
Return Receipt Fee (Endorsement Required)	2.30 <del>2.30</del>	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	2011
Total Postage & Fees	\$ 7.56 <del>7.52</del>	02/10/2011

Sent To: David J. Figuli, The Figuli Law Group LLC  
 Street, Apt. No., or PO Box No.: 8077 S. Five Creek Road  
 City, State, ZIP+4: Evergreen CO 80439

PS Form 3800, August 2006 See Reverse for Instructions

## **EXHIBIT 8**



[Home](#) | [Help](#) | [Sign In](#)

[Track & Confirm](#)

[FAQs](#)

## Track & Confirm

### Search Results

Label/Receipt Number: **7010 3090 0003 7114 5492**

Service(s): **Certified Mail™**

Status: **Delivered**

Your item was delivered at 8:19 am on March 08, 2011 in BOULDER, CO 80309.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

#### Detailed Results:

- **Delivered, March 08, 2011, 8:19 am, BOULDER, CO 80309**
- **Unclaimed, February 28, 2011, 3:46 pm, EVERGREEN, CO**
- **Notice Left, February 17, 2011, 9:01 am, EVERGREEN, CO 80437**
- **Notice Left, February 11, 2011, 9:47 am, EVERGREEN, CO 80439**

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No FEAR Act EEO Data

FOIA



UNITED STATES POSTAL SERVICE



UNITED STATES POSTAL SERVICE

## **EXHIBIT 9**





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[Track & Confirm](#)

[FAQs](#)

## Track & Confirm

### Search Results

Label/Receipt Number: **7010 3090 0003 7114 5508**  
Service(s): **Certified Mail™**  
Status: **Delivered**

Your item was delivered at 12:27 pm on February 15, 2011 in CONIFER, CO 80433.

#### Detailed Results:

- **Delivered, February 15, 2011, 12:27 pm, CONIFER, CO 80433**
- **Notice Left, February 11, 2011, 9:40 am, CONIFER, CO 80433**
- **Arrival at Unit, February 11, 2011, 9:36 am, CONIFER, CO 80433**

#### Notification Options

##### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

[Go >](#)

[Track & Confirm](#)

Enter Label/Receipt Number.

[Go >](#)

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**EXHIBIT 10**

Postmaster

Date: 17 March 2011

Conifer, CO, 80433

City, State, Zip Code

### Request for Change of Address or Boxholder Information Needed for Service of Legal Process

Please furnish the new address or the name and street address (if a boxholder) for the following:

NAME: David J. Figuli, Figuli Law Group

ADDRESS: P.O. Box 392 Conifer CO 80433

*NOTE: The name and last known address are required for change of address information.  
The name, if known, and post office box address are required for boxholder information.*

The following information is provided in accordance with 39 CFR 265.6 (D)(6)(II). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester (e.g., process server, attorney, party representing himself): Attorney
2. Statute or regulation that empowers me to serve process  
(not required when requester is an attorney or a party acting pro se -  
except a corporation acting pro se must cite statute): \_\_\_\_\_
3. The names of all known parties to the litigation: DAVID J. FIGULI et al.
4. The court in which the case has been or will be heard: United States District Court, Central District of California
5. The docket or other identifying number if one has been issued: CV10-8026 PSG (AJWx)
6. The capacity in which the individual is to be served (e.g. defendant of witness): defendant

#### WARNING

THE SUBMISSION OF FALSE INFORMATION EITHER (1) TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE UP TO \$10,000 OR IMPRISONMENT OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001)

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.

George A. Shonet  
Signature

George A. Shonet

Printed Name

245 Main Street, STE 310

Address

Venice, CA, 90291

City, State, Zip Code

#### FOR POST OFFICE USE ONLY

No change of address order on file.

Not known at address given.

Moved, left no forwarding address.

No such address.

Postmark

NEW ADDRESS OR BOXHOLDER'S NAME AND STREET ADDRESS

Global Equities, LLC  
David Figuli, owner Laura Figuli  
8699 S Blue Creek Rd  
Evergreen, Co 80439



**EXHIBIT 11**



Colorado Secretary of State  
 Date and Time: 06/18/2010 11:37 AM  
 ID Number: 19891010081

Document must be filed electronically.  
 Paper documents will not be accepted.

Document processing fee \$10.00  
 Late fee if entity is in noncompliant status \$40.00

Document number: 20101347841  
 Amount Paid: \$50.00

Fees & forms/cover sheets  
 are subject to change.  
 To access other information or print  
 copies of filed documents,  
 visit [www.sos.state.co.us](http://www.sos.state.co.us) and  
 select Business.  
 and select Business Center.

ABOVE SPACE FOR OFFICE USE ONLY

**Annual Report**

filed pursuant to §7-90-301, et seq. and §7-90-501 of the Colorado Revised Statutes (C.R.S)

ID number: 19891010081

Entity name: GLOBAL EQUITIES, LLC

Jurisdiction under the law of which the  
 entity was formed or registered: Colorado

1. Principal office street address: 8697 Blue Creek Road  
*(Street name and number)*

Evergreen CO 80439  
*(City) (State) (Postal/Zip Code)*  
United States  
*(Province – if applicable) (Country – if not US)*

2. Principal office mailing address:  
 (if different from above)   
*(Street name and number or Post Office Box information)*

*(City) (State) (Postal/Zip Code)*  
   
*(Province – if applicable) (Country – if not US)*

3. Registered agent name: (if an individual) Figuli David J.  
*(Last) (First) (Middle) (Suffix)*

**OR** (if a business organization)

4. The person identified above as registered agent has consented to being so appointed.

5. Registered agent street address: 8697 Blue Creek Road  
*(Street name and number)*

Evergreen CO 80439  
*(City) (State) (Postal/Zip Code)*

6. Registered agent mailing address:  
(if different from above)

<hr/>		
<i>(Street name and number or Post Office Box information)</i>		
<hr/>		
<hr/>	<hr/>	<hr/>
<i>(City)</i>	<i>(State)</i>	<i>(Postal/Zip Code)</i>
<hr/>		
<i>(Province – if applicable)</i>	<i>(Country – if not US)</i>	

**Notice:**

Causing this document to be delivered to the secretary of state for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

7. Name(s) and address(es) of the individual(s) causing the document to be delivered for filing:

<hr/>	<hr/>	<hr/>	<hr/>
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
<hr/>			
8697 Blue Creek Rd.			
<i>(Street name and number or Post Office Box information)</i>			
<hr/>			
<hr/>	<hr/>	<hr/>	
<i>(City)</i>	<i>(State)</i>	<i>(Postal/Zip Code)</i>	
<hr/>			
<i>(Province – if applicable)</i>	<i>(Country – if not US)</i>		

*(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box  and include an attachment stating the name and address of such individuals.)*

**Disclaimer:**

This form, and any related instructions, are not intended to provide legal, business or tax advice, and are offered as a public service without representation or warranty. While this form is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form. Questions should be addressed to the user's attorney.

**EXHIBIT 12**

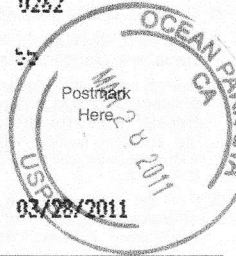
7010 3090 0003 7115 9222

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

CONFIER CO 80433

Postage	\$ 12.41	0262
Certified Fee	12.80	55
Return Receipt Fee (Endorsement Required)	12.30	
Restricted Delivery Fee (Endorsement Required)	10.00	
Total Postage & Fees	\$ 47.51	03/28/2011



Sent To  
 David J. Figuli / Global Equities, LLC  
 Street, Apt. No. or PO Box No. P.O. BOX 392  
 City, State, ZIP+4  
 Confier CO 80433

PS Form 3800, August 2006 See Reverse for Instructions

7010 3090 0003 7115 9239

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

EVERGREEN CO 80439

Postage	\$ 12.41	0262
Certified Fee	12.80	55
Return Receipt Fee (Endorsement Required)	12.30	
Restricted Delivery Fee (Endorsement Required)	10.00	
Total Postage & Fees	\$ 47.51	03/28/2011



Sent To  
 David J. Figuli / Global Equities, LLC  
 Street, Apt. No. or PO Box No. 8697 S. Blue Creek Road  
 City, State, ZIP+4  
 Evergreen CO 80439

PS Form 3800, August 2006 See Reverse for Instructions



**EXHIBIT 13**

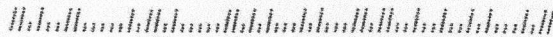
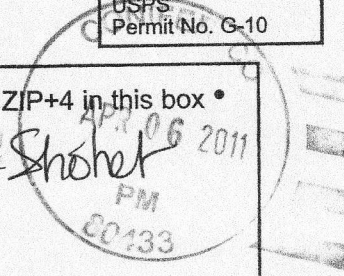
UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Law Offices of George A. Shohet  
245 Main Street  
#310  
Venice CA 90291

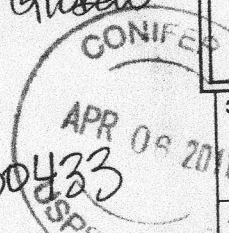


**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David J. Figlew / Global  
Equities LLC  
P.O. Box 392  
Conifer CO 80433



**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 *Michael Andrus*  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
(Transfer from service label)

7018 3090 0003 7115 9222



[Home](#) | [Help](#) | [Sign In](#)

[Track & Confirm](#)   [FAQs](#)

## Track & Confirm

### Search Results

Label/Receipt Number: **7010 3090 0003 7115 9222**  
Expected Delivery Date: **March 31, 2011**  
Class: **First-Class Mail<sup>®</sup>**  
Service(s): **Certified Mail<sup>™</sup>**  
**Return Receipt**  
Status: **Delivered**

### Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Your item was delivered at 10:48 am on April 06, 2011 in CONIFER, CO 80433.

#### Detailed Results:

- **Delivered, April 06, 2011, 10:48 am, CONIFER, CO 80433**
- **Notice Left, April 01, 2011, 10:06 am, CONIFER, CO 80433**
- **Arrival at Unit, April 01, 2011, 10:06 am, CONIFER, CO 80433**
- **Acceptance, March 28, 2011, 4:47 pm, SANTA MONICA, CA 90405**

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

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No FEAR Act EEO Data

FOIA





Date: 04/07/2011

Fax Transmission To: CAMILLE DANIELS  
Fax Number: 310-452-2270

Dear: CAMILLE DANIELS:

The following is in response to your 04/07/2011 request for delivery information on your Certified Mail(TM) item number 7010 3090 0003 7115 9222. The delivery record shows that this item was delivered on 04/06/2011 at 10:48 AM in CONIFER, CO 80433. The scanned image of the recipient information is provided below.

Signature of Recipient:

*William J. Anderson*  
*William J. Anderson*

Address of Recipient:

*POB 392*

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely

United States Postal Service

**EXHIBIT 14**



Date: 04/07/2011

Fax Transmission To: CAMILLE DANIELS  
Fax Number: 310-452-2270

Dear: CAMILLE DANIELS:

The following is in response to your 04/07/2011 request for delivery information on your Certified Mail(TM) item number 7010 3090 0003 7115 9239. The delivery record shows that this item was delivered on 04/07/2011 at 11:48 AM in EVERGREEN, CO 80439. The scanned image of the recipient information is provided below.

Signature of Recipient:

A handwritten signature in cursive script that reads "Hilvie J. Anderson".

The name "Hilvie J. Anderson" printed in a standard serif font.

Address of Recipient:

A handwritten address in cursive script that reads "8697 S. Blue Creek".

A handwritten address in cursive script that reads "Evergreen, CO 80439".

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely

United States Postal Service

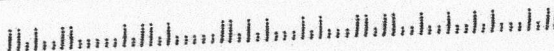
UNITED STATES POSTAL SERVICE



80439  
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-19

• Sender: Please print your name, address, and ZIP+4 in this box.

Law Offices of George A. Shohet  
245 Main Street  
Suite 310  
Venice CA 90291



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David J. Fogel / Global  
Equities, LLC  
8697 S. Blue Creek Rd.  
Evergreen CO 80439

2. Article Number-  
(Transfer from service label)

7010 3090 0003 7115 9239

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Hilarie Anderson*

- Agent
- Addressee

B. Received by (Printed Name)

*Hilarie Anderson*

C. Date of Delivery

*4/7/11*

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes



Search bar with [Track & Confirm](#) and [FAQs](#) links

## Track & Confirm

### Search Results

Label/Receipt Number: **7010 3090 0003 7115 9239**  
Expected Delivery Date: **March 31, 2011**  
Class: **First-Class Mail<sup>®</sup>**  
Service(s): **Certified Mail<sup>™</sup>**  
**Return Receipt**  
Status: **Delivered**

Your item was delivered at 11:48 am on April 07, 2011 in EVERGREEN, CO 80439.

#### Detailed Results:

- **Delivered, April 07, 2011, 11:48 am, EVERGREEN, CO 80439**
- **Notice Left, March 31, 2011, 2:47 pm, EVERGREEN, CO 80439**
- **Acceptance, March 28, 2011, 4:48 pm, SANTA MONICA, CA 90405**

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

**Track & Confirm**

Enter Label/Receipt Number.

[Go >](#)





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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who have consented to electronic service are being served with a copy of the foregoing document via Central District of California CM/ECF system on April 18, 2011

        /s/ George A. Shohet