

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
Middle District of Florida**

Case Number: 2:04-CV-391-FTM-29SP

Plaintiff:

St. Paul Fire and Marine Insurance Company

vs.

Defendant:

The Medical Protective Company of Fort Wayne Indiana, ET AL

For: Judith Simmons
Simmons & Dunlap

Received by Process Service of America, Inc. on the 27th day of August, 2004 at 9:00 am to be served on **EDWARD J. TOGGART, M.D., 2422 7th St., Santa Monica, CA 90405**. I, Jose A. Garcia, being duly sworn, depose and say that on the 9th day of September, 2004 at 7:30 p.m., executed service by delivering a true copy of the **Summons in a Civil Action and Complaint for Declaratory Relief and Exhibits** in accordance with state statutes in the manner marked below:

INDIVIDUAL SERVICE: Served the within-named person.

SUBSTITUTE SERVICE: By serving _____ as _____.

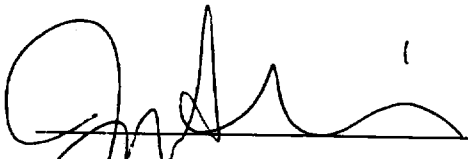
POSTED SERVICE: After attempting service on ___/___ at ___ and on ___/___ at ___ to a conspicuous place on the property described herein.

OTHER SERVICE: As described in the Comments below by serving _____ as _____.

NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: _____

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made. Pursuant to Florida Statute 92.525 and under penalty of perjury, I declare that the facts set forth are true and correct, executed on: Sept. 10, 2004



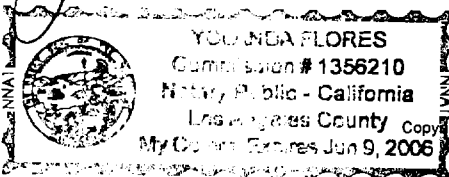
PROCESS SERVER # 4965
Appointed in accordance
with State Statutes

Process Service of America, Inc.
P.O. Box 5848
Tallahassee, FL 32314-5848
(850) 877-9809

Our Job Serial Number: 2004008607

Subscribed and Sworn to before me on the 15th day
of Sept. 2004 by the affiant who is
personally known to me.

Yolanda Flores
NOTARY PUBLIC



UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

ST. PAUL FIRE AND MARINE
INSURANCE COMPANY,

Plaintiff,

Case No.:

v.

2: 04 -c v- 391 -FTM-29 SPC

THE MEDICAL PROTECTIVE
COMPANY OF FORT WAYNE INDIANA,
SOUTHWEST FLORIDA HEART
GROUP, P.A., EDWARD J. TOGGART,
M.D., and THOMAS E. BELL,

Defendants.

SUMMONS IN A CIVIL ACTION

TO: (Name and Address of Defendant)

EDWARD J. TOGGART, M.D.
2422 7th Street
Santa Monica, CA 90405

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

JUDITH W. SIMMONS
SIMMONS & DUNLAP
100 N. Tampa St., Ste. 2075
P.O. Box 3328
TAMPA, FL 33601-3328

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

SHERYL L. LOESCH, CLERK OF COURT

Robby A. Painter

Deputy Clerk

07/22/04
DATE

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the third-party defendant. Place where _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned _____ _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed _____	Date	_____ <i>Signature of Server</i>
_____ <i>Address of Server</i>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.