

Form 02 - SUITABLE WITH MILITARY

TUCKNER, SIPSER, WEINSTOCK & SIPSER, ESQS

ATTN: BILL SIPSER

U.S. EASTERN DIST. COURT NEW YORK COUNTY

SHEZ JACKSON

plaintiff

Index No. CV 04 5407

- against -

Date Filed

STERLING METS, L.P., ETAL

defendant

Office No.

Court Date: / /

STATE OF NEW YORK, COUNTY OF NEW YORK

:SS:

HOWARD HERTZFELD being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the

3rd day of January, 2005 12:50 PM at

%STERLING METS, LP.SHEA STADIUM

123-01 ROOSEVELT AVE FLUSHING, NY 11368-1699

I served the SUMMONS AND COMPLAINT

CONSENT PURSUANT TO 29 USC 216(B)

upon DAVID COHEN

the DEFENDANT therein named by delivering and leaving a true copy or copies of the aforementioned documents with

HELENE WEINTRAUB, LEGAL CLERK AUTHORIZED TO ACCEPT SERVICE

AS PER COMPANY POLICY a person of suitable age and discretion.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows:

SEX: FEMALE COLOR: WHITE HAIR: BROWN AGE: 43 HEIGHT: 5:5 WEIGHT: 135

OTHER IDENTIFYING FEATURES:

On 01/06/2005 I deposited in the United States mail a true copy of the aforementioned documents properly enclosed and sealed in a post-paid wrapper addressed to the said

DEFENDANT at the above address. That address being

actual place of employment of the DEFENDANT.

Copy mailed 1st class mail marked personal & confidential not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns action against the person to be served.

AS EVIDENCED BY CERTIFICATE OF MAILING HERewith ATTACHED.

That at the time of service as aforesaid, I asked person spoken to whether DEFENDANT was in the military service of the State of New York or United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid I aver that the DEFENDANT is not in the military service, and is not dependent on anyone in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

Sworn to before me this

6th day of January, 2005

TERRY GOLUB

Notary Public, State of New York
No.01GO5041250

Qualified in KINGS COUNTY

Commission Expires 03/27/2007

HOWARD HERTZFELD 778037

AETNA CENTRAL JUDICIAL SERVICES

225 BROADWAY, SUITE 1802

NEW YORK, NY, 10007

Reference No: 3TSWS810950

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE POSTAGE			
Re		00 /AJS	
		SUITE 1802	
		— 225 BROADWAY	
		— NEW YORK NY 10007	
One piece of ordinary mail addressed to:			
72 /TSWS			
DAVID COHEN			
%STERLING METS, LP.SHEA STADIUM			
123-01 ROOSEVELT AVE FLUSHING, NY		11368-1699	

Stamp: JAN - 6 2005

Small text at bottom: JAN 6 2005

