

UNITED STATES DISTRICT COURT

MIDDLE

District of

PENNSYLVANIA

PLAINTIFF

BABYAGE.COM, INC.

V. DEFENDANT AND THIRD PARTY PLAINTIFF

LEACHCO, INC.

JAMIE S. LEACH

**THIRD PARTY SUMMONS IN A
CIVIL ACTION**

Case Number: 3:07-CV-1600

V. THIRD PARTY DEFENDANT

JOHN M. KIEFER, JR.

To: Name and address of Third Party Defendant
(SEE COMPLAINT)**YOU ARE HEREBY SUMMONED** and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

MITCHELL A. SMOLOW
DR. MITCHELL A. SMOLOW, LL.M.
720 HAMPTON ROAD
SHAVERTOWN, PA 18708DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)GARY S. PETERSON
211 N. ROBINSON AVENUE
SUITE 450 SOUTH
OKLAHOMA CITY, OK 73102SEAN V. KEMETHER
KELLY, GRIMES, PIETRANGELO & VAKIL, P.C.
36 EAST SECOND STREET
P.O. BOX 1048
MEDIA, PA 19063-1048

an answer to the third-party complaint which is served on you with this summons, within twenty (20) days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

MARY E. D'ANDREA
CLERKNOVEMBER 15, 2007
DATE

(By) DEPUTY CLERK

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the third-party defendant. Place where served: _____ _____ </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the third-party 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: _____ </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: _____ _____ _____ </div> <div> <input type="checkbox"/> Other (specify): _____ _____ _____ </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p style="text-align: center;">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.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Executed on _____ <div style="text-align: center; margin-top: 5px;">Date</div> </div> <div style="width: 60%;"> _____ <div style="text-align: center; margin-top: 5px;">Signature of Server</div> _____ <div style="text-align: center; margin-top: 5px;">Address of Server</div> </div> </div>		

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