

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

ROBERT D. WHITTAKER, III

7415 Cedar Avenue
Sykesville, Maryland 21784

Plaintiff

v.

HOWARD COUNTY, MARYLAND

3430 Court House Drive
Ellicott City, Maryland 21043

Serve: Calvin Ball
County Executive
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

and

**HOWARD COUNTY FIRE AND RESCUE
SERVICES**

2201 Warwick Way
Marriottsville, MD 21104

Serve: Calvin Ball
County Executive
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

Defendants

Case No. _____

COMPLAINT AND JURY DEMAND

COMES NOW PLAINTIFF, Robert D. Whittaker, III, by and through undersigned counsel, and sues the Defendants, Howard County, Maryland and Howard County Fire and Rescue Services (hereafter “Defendants” or “HCFRS”), and as cause states:

PARTIES

1. Plaintiff Robert D. Whittaker, III resides at 7415 Cedar Avenue, Sykesville, Maryland 21784. Mr. Whittaker primarily worked at 2200 Scott Wheeler Drive Marriottsville, Maryland 21104 in Howard County, Maryland at all relevant times.

2. Defendant Howard County, Maryland is a body corporate and politic with a primary address of 3430 Court House Drive, Ellicott City, Maryland 21043.

3. Defendant Howard County Fire and Rescue Services is an agency of Howard County, Maryland with a primary address of 2201 Warwick Way, Marriottsville, Maryland 21104.

JURISDICTION AND VENUE

4. Jurisdiction in this case is based upon 28 U.S.C. § 1331 and 29 U.S.C. § 621 *et seq.* Venue in this case is based upon 28 U.S.C. § 1391, as the incidents which give rise to this case occurred in Maryland in this District and Division and Defendants maintain sufficient contacts in the State of Maryland.

5. Plaintiff has timely complied with any conditions precedent and jurisdictional prerequisites to filing suit.

6. Plaintiff exhausted any and all administrative remedies, including filing a charge of discrimination with the EEOC before filing suit. Plaintiff filed a timely Charge of Discrimination on or about September 11, 2018. On May 20, 2021 the EEOC issued its Notice of Suit Rights.

FACTS

7. Plaintiff was among 1,600 applicants for only approximately 20 positions to become a trainee for Howard County Fire and Rescue Services. Plaintiff was required to apply,

meet all testing pre-requisites, and score high enough on exams to obtain one of the few trainee slots.

8. Plaintiff performed and passed a physical examination and beat the required time by approximately two minutes.

9. In fact, Plaintiff was in excellent physical condition and had previously cycled through Spain and France, including eight stages of the Tour De France route, raced in 5ks, and raced in a Tough Mudder (an endurance race of 10 to 12 miles through multiple significant obstacles).

10. Following the physical examination process, Plaintiff was advised that he was one of 600-700 individuals who were interviewed for the trainee position. Following the interview process Plaintiff underwent extensive physical examinations, background checks, and psychological evaluations. Plaintiff passed all of these exams.

11. Plaintiff was one of just 20 individuals to be accepted as a trainee for Defendants. He began his employment with Defendants on January 22, 2018 as a Firefighter/EMT Trainee in class TC30.

12. Plaintiff was 46 at the time he began working for Defendants. At the time of his termination he was easily the oldest in the class and certainly the only trainee over 35 – virtually all were in their 20s.

13. Early in Plaintiff's employment, one of the trainers, Captain Welsh, stated "you don't do half bad for an old guy." Plaintiff was disappointed that his age became an issue for Defendants so early on but didn't respond at that time.

14. Beginning on or about April 20, 2018 and continuing until his discharge, Plaintiff was subjected to unequal terms and conditions in his employment, ultimately leading to his termination.

15. At all relevant times, Plaintiff was performing satisfactorily and passing all classroom requirements, physical requirements, and practical exams.

16. However, despite performing satisfactorily in all aspects of his training, Plaintiff was singled out for mistreatment.

17. In late April 2018 Plaintiff suffered a minor knee injury during one of the practical classes. Plaintiff was then removed from the classroom and was told he could not remain in the classroom. Defendants also informed Plaintiff he had to turn in his books, he could not park in the trainee parking lot, and he had to be segregated in an administrative room away from the class. Thus, Plaintiff was unable to continue learning the classroom components and was unable to engage in self-study during that time.

18. Other, younger trainees in Plaintiff's class (all below 35) also suffered injuries during training. However, all of those trainees were permitted to remain in class and none were removed from the classroom, had their parking taken away, had their books taken away, or put on administrative segregation.

19. Shortly after Plaintiff's injury and being removed from class without his books, the trainees, including Plaintiff, had a practical drill in late April or early May 2018. Because he missed classroom and training on this drill, Plaintiff did not pass this drill on his first attempt.

20. Not passing practical drills on the first attempt happens with some regularity amongst the trainees. In fact, some younger trainees took practicals up to five times without passing with no discipline or adverse actions against them.

21. Nevertheless, when it came to Plaintiff, the only over 40 trainee, the Assistant Chief Jose Sanchez required him to perform a ladder practical in front of him. This was a highly unusual and irregular request. He did not observe the other Trainees perform the practical, including others who did not pass them.

22. When he performed the practical before Assistant Chief Sanchez, Plaintiff performed the practical satisfactorily and passed the exam. This was despite Defendants denying him access to the classroom or even his books.

23. It was clear that Plaintiff was being set up for termination by Defendants – although Plaintiff disrupted that transparent plan by passing the exam.

24. Assistant Chief Sanchez's actions were so unusual, and Plaintiff's performance so excellent, that one of the instructors called Plaintiff that evening and stated: "I know I shouldn't have been watching; I know why he was there, he was there to get rid of you; and that was [f-ing] awesome!; for you to do it in front of him was priceless."

25. Shortly after this, in mid-May 2018, Plaintiff was counseled by one of the trainers for allegedly failing an exercise. However, this was clearly incorrect and pretextual because Captain Welsh informed the class this particular day was a free day.

26. Moreover, Plaintiff was in excellent shape and had the ability to, and actually did, satisfactorily perform all fitness-related requirements.

27. On the other hand, there were multiple younger trainees, again, all under 35, who had significant fitness issues. For example, two trainees had heart issues. One trainee by the time of graduation could still not run three miles, which was an obvious conditioning issue and deficiency for a firefighter/EMS. Another trainee on multiple occasions had to sit out drills or not perform them, but was still permitted to attend class, watch practicals, keep the textbooks,

and utilize the trainee parking lot. Another trainee, who suffered from severe dehydration, on multiple occasions had to sit out drills or not perform them, but was still permitted to attend class, watch practicals, keep the textbooks, and utilize the trainee parking lot.

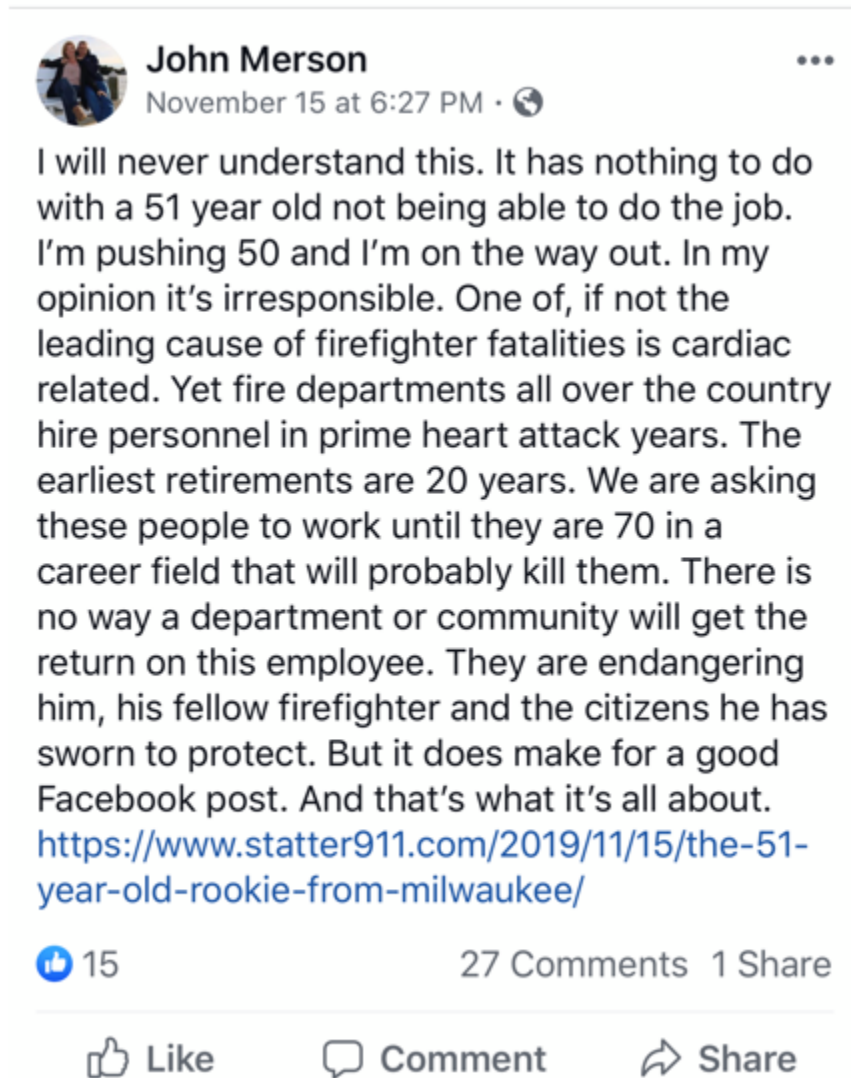
28. This favorable treatment of younger employees is in stark contrast to Defendants' harsh and negative treatment of Plaintiff.

29. On May 24, 2018, Defendants stated Plaintiff had to resign or would be terminated. Plaintiff declined to resign and Defendants terminated his employment. When Plaintiff was terminated from employment, Defendants, per Assistant Chief Sanchez, claimed he was terminated for "not meeting standards."

30. However, this was obviously false because Plaintiff was satisfactorily performing and passed every class.

31. At the time of his termination, Plaintiff was easily the oldest Trainee and certainly the only trainee over 35.

32. All of the trainers had the ability to influence employment decisions regarding Plaintiff. Incredibly, one of Plaintiff's trainers, Captain John Merson, later made his beliefs public regarding older recruits in a public Facebook post. In response to a news story out of Milwaukee titled, "*They 51-year-old rookie from Milwaukee*" with a caption stating: "The 51-year-old rookie. Congratulations to Hernan Galarz. He's the oldest person to complete recruit school in the Milwaukee (WI) Fire Department. Galarz comes to the job with no fire department background. Take a moment to watch the story." Rather than offering congratulations or words of support to Mr. Galarz, Captain Merson posted, among other things, that he "will never understand this," that "it's irresponsible," "and [t]here is no way a department or community will get the return on this employee." Captain Merson stated in his post:



33. These statements by Captain Merson, who had influence over Plaintiff's employment, reflect the discriminatory animus directed to Plaintiff.

34. Plaintiff has suffered loss of employment, benefits, shame, embarrassment and emotional distress as a result of Defendants' actions.

Count I
(ADEA Discrimination)

35. Plaintiff adopts and incorporates by reference all allegations of this Complaint as if fully set forth herein.

36. Defendant's conduct as described in this Complaint constitutes discrimination on the basis of age in violation of the ADEA and its implementing regulations. *See* 29 U.S.C. § 621 *et seq.*

37. As outlined above, Defendants violated the ADEA when they made the adverse employment decisions, culminating in termination, as discussed above.

38. At all times relevant hereto, Plaintiff performed at or above Defendants' reasonable expectations, and there was no other legitimate basis for Defendants' decision to terminate Plaintiff.

39. The above acts and practices of Defendants constitute unlawful discriminatory employment practices within the meaning of the ADEA.

40. The foregoing conduct, as alleged, constitutes a willful violation of the ADEA within the meaning of 29 U.S.C. § 626(b) and, as a result, Plaintiff is entitled to liquidated damages.

41. As a result of Defendants' discriminatory acts, Plaintiff has suffered and will continue to suffer monetary damages and damages for mental anguish and humiliation. His damages are ongoing.

WHEREFORE, Plaintiff demands judgment against Defendants for equitable relief, economic and noneconomic damages, including ongoing damages, in an amount to be determined at trial, but no less than one million dollars (\$1,000,000.00), plus interest, fees, and costs, including reasonable attorneys' fees, expert witness fees, litigation expenses, and out-of-pocket costs incurred in connection with this action, and such other and further relief this Honorable Court determines just and equitable, including all available statutory, equitable relief, and injunctive relief. In addition or in the alternative, Plaintiff further specifically demands

prospective injunctive relief in the form of an order of reinstatement to his position and an order proscribing the unlawful conduct described in this Complaint.

JURY DEMAND

Plaintiff respectfully requests a jury trial in all claims so triable.

/s/ Levi S. Zaslow

Levi S. Zaslow (Bar No. 29101)

Respectfully submitted,

SMITHEY LAW GROUP LLC

/s/ Levi S. Zaslow

Levi S. Zaslow (Bar No. 29101)

SMITHEY LAW GROUP LLC

706 Giddings Ave #200

Annapolis, Maryland 21401

P: (410) 919-2990

F: (410) 280-1602

Levi.Zaslow@smithey.com

Attorneys for Plaintiff

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

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

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

DEFENDANTS

County of Residence of First Listed Defendant _____
(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 | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 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
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 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):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

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

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 _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

____ District of ____

Defendant(s)

Signature of Clerk or Deputy Clerk

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 \$ _____.

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:

____ District of ____

Defendant(s)

Signature of Clerk or Deputy Clerk

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 \$ _____ .

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: