

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America, and State of New Mexico
ex rel. State and
Zuni Indian Tribe, Navajo Nation,
Plaintiffs in Intervention

Plaintiff(s)

v.

A & R Productions, et al.,

Defendant(s)

Civil Action No. 01CV00072 MV/WPL

SUMMONS IN A CIVIL ACTION
on Amended Complaint

To: (Defendant's name and address)

John Tolman
Earnestine Tolman
8506 Vistadale Dr.
Humble, TX 77338

A lawsuit has been filed against you.

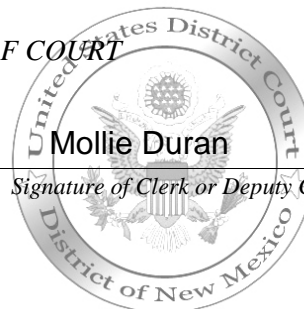
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Samuel D. Gollis
United States Department of Justice
Environment and Natural Resources Division
South Terrace - Suite 370
999 18th Street
Denver, CO 80202

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: Wednesday, March 09, 2016



Mollie Duran

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 01CV00072 MV/WPL

**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 \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

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:

**AFFIDAVIT OF SERVICE**

State of New Mexico

County of

U.S. District New Mexico Court

Case Number: 01CV00072MV/WPL

Plaintiff:

**UNITED STATES OF AMERICA AND STATE OF NEW MEXICO EX REL.  
STATE AND ZUNI INDIAN TRIBE, NAVAJO NATION, PLAINTIFF'S IN  
INTERVENTION**

vs.

Defendant:

**A&R PRODUCTIONS, ET AL**

For:

**KARMEN MILLER  
U.S. DEPT. OF JUSTICE, ENVIR.& NAT. RES. DIV.  
999 18TH ST  
SOUTH TERRACE-370  
DENVER, CO 80202**

Received by N. A. Flash Civil Process, Inc. on the 9th day of March, 2016 at 9:04 pm to be served on **JOHN TOLMAN EARNESTINE TOLMAN, 515 W. GREENS RD, 8TH FLOOR, HOUSTON, TX 77067.**

I, Michael Johnson, being duly sworn, depose and say that on the **11th day of March, 2016 at 12:00 pm, I:**

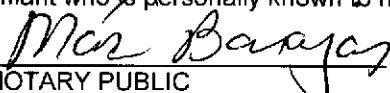
**Executed the attached CITATION by delivering a true copy of it with the date of delivery endorsed thereon together with a copy of the SUMMONS AND COMPLAINT attached thereto to: JOHN TOLMAN EARNESTINE TOLMAN, in person, at the address of: 515 W. GREENS RD, 8TH FLOOR, HOUSTON, TX 77067, and informed said person of the contents therein, in compliance with state statutes.**

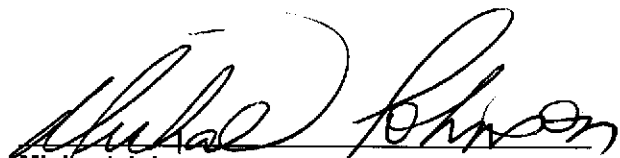
I have personal knowledge of the facts and statements contained herein and swear each is true and correct.

**AFFIDAVIT OF SERVICE For 01CV00072MV/WPL**

"I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served. I have personal knowledge of the facts set forth in this affidavit, and they are true and correct."

On this day personally appeared affiant, known to me personally to be the person whose name is subscribed to the foregoing return and, being by me duly sworn, declare under oath that the statements therein are true and correct. Subscribed and Sworn to before me on the 14th day of March, 2016 by the affiant who is personally known to me.

  
NOTARY PUBLIC

  
Michael Johnson  
SCH 700, Expires 7-31-2017

**N. A. Flash Civil Process, Inc.**  
**2915 Eagle Nest Lane**  
**Humble, TX 77396**  
**(281) 441-4126**

Our Job Serial Number: NAF-2016000181

