



obtained through Receivership records and investigation undertaken by Easy-Serve, LLC (“ES”), which the Receiver engaged to effect service of process on all individual defendants.

In this regard, service first was attempted at Clement Dr in Cedar Hill, TX. ECF No. 17-4. It was at this address that Mr. Madu had received a demand letter from the Receiver seeking the return of the funds which comprise the damages in this lawsuit. **Exhibit B**, a true and correct copy of a returned delivery receipt (green card) from the U.S. Postal Service, signed by Robert Madu. Although a “Locate Report” compiled by ES indicates that Mr. Madu lived at this address through April 2020<sup>2</sup>, the process server was told by a Chaneen Hampton on February 25, 2020 that Madu had not lived there for over a year. ECF No. 17-4. ES next attempted service at Live Oak St in Dallas, TX, which the Locate Report indicates as a potential address through July 2020. Exh. C at 3. However, management indicated that Mr. Madu had not formally been registered as a resident at that apartment complex. ECF No. 17-5.

ES next attempted service on four occasions -- on June 8, 22, 25 and 27, 2020 -- at various times of the day at Marvin D. Love Freeway in Dallas, TX, ECF No. 17-6, another address which the Locate Report indicates as a potential address through July 2020. Exh. C at 3. On the June 22 attempt, the process server left a “door tag” with contact information asking for a telephone call. *Id.* On the June 25 attempt, the process server had to leave another “door tag,” *id.*, indicating his first door tag had been retrieved. *See id.* (on June 27 attempt, declarant states the June 25 door tag was still attached). Notwithstanding the retrieval of the door tag, the process server never received a phone call from Mr. Madu.

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<sup>2</sup> See **Exhibit C**, a true and correct copy of excerpts of a “Locate Report” for Mr. Madu compiled by ES (redacted).

## II. REQUESTED RELIEF

The Receiver requests leave to effect substitute service on Mr. Madu at the Marvin D. Love Freeway address in Dallas (1) by mailing a copy of the Court's order granting this Motion, the summons, and complaint by certified mail, return receipt requested; (2) by leaving those documents with anyone over sixteen years of age; and (3) by affixing the documents to the door at that address.

“[S]ervice can be made by ‘following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made[.]’” *Younger v. Strike Team, Inc.*, Civil Action No. 3:17-CV-1287-D (N.D. Tex. Aug. 29, 2017) (Fitzwater, J.) (quoting FED. R. CIV. P. 4(e)(1)). Texas law permits the authorization of substitute service “[u]pon motion supported by affidavit stating the location of the defendant’s usual place of business or usual place of abode or other place where the defendant can probably be found and stating specifically the facts showing that service has been attempted ... but has not been successful.” TEX. R. CIV. P. 106(b). The court “may authorize service (1) by leaving a true copy of the citation, with a copy of the petition attached, with anyone over sixteen years of age at the location specified in such affidavit, or (2) in any other manner that the affidavit or other evidence before the court shows will be reasonably effective to give the defendant notice of the suit.” *Id.*

As detailed above, “service has been attempted but has not been successful.” The Receiver has made multiple attempts through a process server to serve Mr. Madu, including at a “place where the defendant can probably be found,” TEX. R. CIV. P. 106(b), including on four different days and at four different times of day. The retrieval of the “door tag” and absence of a follow up call to the process server indicates that the Defendant is avoiding service. Accordingly, the Receiver requests leave to effect substitute service on Defendant Madu.

Dated: July 31, 2020

Respectfully submitted,

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COUNSEL FOR RECEIVER

**CERTIFICATE OF SERVICE**

I certify that on July 31, 2020 I filed the foregoing document through the Court's CM/ECF system, which delivered electronic notice to all counsel of record.

/s/ Andrew M. Goforth  
Andrew M. Goforth

**Andrew M. Goforth**

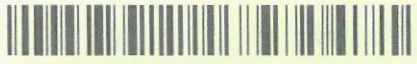
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**From:** Benjamin L. Riemer <BRiemer@bellnunnally.com>  
**Sent:** Wednesday, July 29, 2020 6:59 AM  
**To:** andrew@goforth.law  
**Cc:** Lanette Fidone  
**Subject:** RE: Case 3:20-cv-00393-D: Thomas L. Taylor III, as Receiver for Breitling Energy Corp., et al. v. Trevino, et al.

We will agree to waive service for AA, with an answer deadline of September 2nd for both AA and Mr. Thomas. Will you send the waiver of service papers?

Sent from my Verizon, Samsung Galaxy smartphone

**EXHIBIT A**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY															
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Nathan Madu</i>      <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (<i>Printed Name</i>)      C. Date of Delivery</p>															
<p>1. Article Addressed to:</p> <p style="text-align: center;">Nathan Madu              817 Clement Dr.              Cedar Hill, TX 75104</p>	<p>D. Is delivery address different from item 1?    <input type="checkbox"/> Yes              If YES, enter delivery address below:        <input type="checkbox"/> No</p>															
 9590 9402 2919 7094 4152 92	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Restricted Delivery</td> <td></td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®															
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™															
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery															
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise															
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™															
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery															
<input type="checkbox"/> Restricted Delivery																
<p>2 Article Number (<i>Transfer from service label</i>)</p> <p style="text-align: center;">7015 3010 0000 5670 1813</p>																
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt														

**EXHIBIT B**

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**Important:**

**ONLINE REPORT**

This is NOT a CONSUMER REPORT and does not constitute a "consumer report" under the Fair Credit Reporting Act ("FCRA"). This report may not be used to determine the eligibility for credit, insurance, employment or any other purpose regulated under the FCRA.

This system may be used only in accordance with your Subscriber Agreement, the Gramm-Leach-Bliley Act ("GLBA"), the Driver's Privacy Protection Act ("DPPA") and all other applicable laws. User agrees to having knowledge of all applicable laws pertaining to the usage of data. User accepts all responsibility civilly and criminally for any use of this system.

Violations of these restrictions or misuse of this system will cause your access to be terminated and will cause an immediate investigation.

**Locate Report**

**Locate Report**

Date: 07/30/2020

Reference ID: 274996-1

**Subject Information:**

Name: NATHAN KEITH MADU

Name: MADU MADU

Date of Birth: [REDACTED]/1987 Born 33 Years Ago

Gender: Male

SSN: [REDACTED] 3278, issued in TEXAS in 1989-1990

**Locate Report Summary**

Bankruptcies: None found

Possible Phones: 4 found

Driver's License: 2 found

Address(es) found: 5 found

[REDACTED]

**Possible Employers**

[REDACTED] (06/21/2019 to 07/08/2019) [ [View Business Record](#) ]

[REDACTED]

[REDACTED] (09/29/2009) [ [View Business Record](#) ]

[REDACTED]

[REDACTED]



**Best Addresses to mail:**

7878 MARVIN D LOVE FWY, DALLAS, TX 75237-3793 (DALLAS COUNTY) (10/30/2019 to 07/30/2020)  
7878 MARVIN D LOVE FWY APT 2301, DALLAS, TX 75237-3758 (DALLAS COUNTY) (08/14/2009 to 07/04/2020)  
4207 LIVE OAK ST, DALLAS, TX 75204-6705 (DALLAS COUNTY) (02/24/2017 to 07/2020)  
817 CLEMENT DR, CEDAR HILL, TX 75104-7223 (DALLAS COUNTY) (06/25/2002 to 04/2020)  
1008 VERA CT, IRVING, TX 75060-6158 (DALLAS COUNTY) (04/24/2012 to 01/18/2019)

**Possible Email Addresses:**

[REDACTED]

**Best Numbers to call for subject:**

[REDACTED]

**Commercial Numbers found at subject's addresses:**

[REDACTED]

**Best Relatives Phone Numbers:**

None Found

**Best 1<sup>st</sup> Degree Relatives Phone Numbers:**

[REDACTED]