

DISTRICT COURT, BOULDER COUNTY, STATE OF COLORADO, 1777 6th St., Boulder, CO 80302 (303) 441-3750	DATE FILED: October 7, 2020 9:28 PM FILING ID: 14CD5224AB069 CASE NUMBER: 2020CV265
ELIZABETH LORIE, NANCY HUNTER, GLOBAL DISCLOSURE, LLC Plaintiffs, v. COREY GOODE; STACEY GOODE; AND GOODE ENTERPRISE SOLUTIONS, INC., A COLORADO CORPORATION, Defendant.	<p style="text-align: center;">▲ FOR COURT USE ONLY ▲</p>
Attorney for Plaintiffs: Robinson & Henry, P.C. Mason C. Simpson, #50491 900 Castleton Road, Suite 200 Castle Rock, CO 80109 Telephone: 303-688-0944 mason@robinsonandhenry.com	Case Number: 2020CV000265 Division: 3
MOTION FOR SUBSTITUTE SERVICE	

Plaintiffs Elizabeth Lorie and Nancy Hunter, by and through their undersigned counsel Robinson & Henry, P.C., hereby files this Motion for Substitute Service pursuant to C.R.C.P. 4(f), and state as follows:

CERTIFICATION – DUTY TO CONFER

The undersigned certifies, pursuant to C.R.C.P. 121 § 1-15(8), that he has not conferred with the Defendants because Plaintiff has been unable to serve the Defendants, notwithstanding exhaustive and multiple attempts to serve Defendants.

FACTUAL BACKGROUND

1. Plaintiffs filed their Complaint and Summons on July 16, 2020 with the Douglas County District Court. See Exhibit 1.

2. Plaintiffs filed their Amended Complaint and Summons on September 16, 2020 with the Douglas County District Court. See Exhibit 2.

3. Plaintiffs filed their Motion for Change of Venue on September 17, 2020 with the Douglas County District Court because Defendants reside in Boulder County not Douglas County. See Exhibit 3. On September 23, the Clerk's Certificate and Receipt for Change of Venue was issued by the Court. See Exhibit 4 Clerk's Certificate and Receipt for Change of Venue.

3. The deadline for Plaintiffs to obtain personal service on Defendants is October 7, 2020.

4. As of this date, Plaintiffs have not been able to secure personal service on either Defendants.

5. Defendant, Goode Enterprise Solutions, Inc., is registered with the Colorado Secretary of State, with the principle address as [REDACTED], and Defendant Stacey Goode as the registered agent for the business.

6. The last known address of Corey and Stacey Goode is believed to be [REDACTED].

7. Plaintiffs attempted serving Defendant at [REDACTED], both business address for Defendant Goode Enterprises, Inc. and residential address for Defendants Stacey Goode and Corey Goode but Plaintiffs were unable to serve Defendants as the residential address of Defendants Stacey Goode and Corey Goode and the business address of

Goode Enterprises, Inc. is under surveillance. See Exhibit 5 Affidavit of Jesse Casias. Plaintiff's believe they have been unable to personally serve Defendants due to their intentional evasion of service.

8. On or about August 26, 2020 Plaintiff's attempted personal service and a note was left on the door requesting that issues regarding legal matters be directed to the Defendants attorney Valerie Yanaros. See Exhibit 5 Affidavit of Jesse Casias.

9. In an attempt to serve Defendants, Plaintiffs contacted attorney Valerie Yanaros of Yanaros Law, P.C. and Ms. Yanaros referred Plaintiffs' Lisa F. Moore of Moore Pequignot, LLC, located at [REDACTED]. On or about July 18, 2020 Plaintiffs' counsel contacted Ms. Moore to discuss waiving service of the Complaint. Ms. Moore refused.

10. In an attempt to serve Defendants, Plaintiffs contacted attorney Lisa F. Moore on or about September 27, 2020 to discuss waiving service of the Complaint. Ms. Moore refused.

11. Having made multiple diligent efforts to serve Defendants, Plaintiffs now request that this Court enter an order allowing for substituted service.

LAW

12. C.R.C.P. 304(f) states that "In the event that a party attempting service of process by personal service under section (d) is unable to accomplish service, and service by publication or mail is not otherwise permitted under section (f), the party may file a motion, supported by an affidavit of the person attempting service, for an order for substituted service."

13. Substituted service is permitted where: (1) Plaintiffs demonstrate to the Court its efforts to obtain personal service and the reason service could not be obtained; (2) identify a person

to whom the Plaintiff wishes to deliver process; and (3) produce address or last known address of the workplace and residence, if known, of the party upon whom service is to be effected. Id.

14. If the Court is satisfied that due diligence has been used to attempt personal service, further attempts would be to no avail, and that the person to whom delivery of the process is appropriate under the circumstances and reasonably calculated to give actual notice to the party upon whom service is to be effective, the court shall authorize substitute service. Id.

15. Such substitute service shall consist of (1) delivery to a person deemed appropriate for service; and (2) order mailing to the address of the party to be served by substituted service, as set forth in the motion, on or before the date of delivery. Id.

FACTS AND ARGUMENT

16. Plaintiffs made diligent efforts to serve Defendant for personal service, by hiring a private investigator/process server Jesse Casias, (See Exhibit 2) and by diligently contacting Lisa F. Moore as indicated on the note left by Defendant.

17. Plaintiffs are not currently aware of any other addresses where Defendant could be located, and Plaintiffs believe that they will not be able to personally serve Defendant.

18. Further attempts to serve Defendant under C.R.C.P. 304(d) will be to no avail.

19. 20. Pursuant to C.R.C.P. 304(e), Plaintiffs request that this Court permit substituted service on Defendant.

21. Plaintiff's request that substituted service be made on Defendant' business and residential address by mailing the Amended Complaint and Summons to their last known address:

[REDACTED]

22. Defendant are already aware of the Complaint, are working toward settlement negotiations and is the appropriate person and entity under the circumstances to accept substituted service. Said service is reasonably calculated to give actual notice to the Defendant.

WHEREFORE, Plaintiffs respectfully request this Court to find that substituted service is permitted in this case consistent with this motion and any other relief this court deems just.

Respectfully dated this 7th day of October 2020.

ROBINSON & HENRY, P.C.

By: /s/Mason Simpson
Milnor H. Senior, III, #
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on this 7th day of October, 2020, a copy of the foregoing **MOTION FOR SUBSTITUTE SERVICE** was filed with the Court and served on all parties of record via the Colorado Courts E-Filing System and on the following via the specified method below.

Via Certified Mail

Stacey Goode


Corey Goode


Goode Enterprises, Inc.


ROBINSON & HENRY, P.C.

/s/ Stephanie Delgado
Stephanie Delgado | Paralegal

Pursuant to C.R.C.P. 121, Section 1-26(7) a copy of this document with original or scanned signatures is maintained at the offices of Robinson & Henry, P.C. and will be made available for inspection by other parties or the Court upon request.