

STATE OF NEW YORK
SUPREME COURT : ERIE COUNTY

SAMUEL, SON & CO. (USA) INC. d/b/a
ROLL FORM GROUP,

Plaintiff,

Index No.: 801838/2020

-vs-

SIMPSON & BROWN, INC.,

Defendant.

AFFIDAVIT OF TODD BANK

TODD BANK, being duly sworn, deposes and states:

1. I am a process server for the process service company Action Subpoena and, as such, I am fully familiar with the facts and circumstances set forth herein and I am competent to testify as to these matters.

2. I submit this Affidavit in opposition to the Defendant's Order to Show Cause seeking vacatur of a default judgment in favor of the Plaintiff.

3. I am 61 years old and have been a process server for 42 years.

4. In my over four decades of experience as a process server, I have served thousands of items of process.

5. In addition, I teach and train new process servers at Action Subpoena.

6. I was engaged by the Plaintiff to serve the Summons and Complaint upon the Defendant in this case.

7. I specifically recall serving process upon the Defendant in this case because the Defendant's offices are located in Cranford, New Jersey, an area with which I am familiar due to the fact that I reside only approximately 20 minutes from that location.

8. On February 21, 2020, I went to the Defendant's offices located at 119 North Avenue W, Cranford, New Jersey 07016.

9. Upon entering the Defendant's offices, I was greeted by a person who identified herself as Whitney Fox.

10. In my notes, I recorded that Ms. Fox was approximately 30 years old, 5'6"-5'7" tall with blonde hair.

11. As part of my usual custom and practice when serving a corporate defendant, I always ask whether the person to whom I am delivering the papers is authorized to accept service.

12. The reason that I always ask this question is to avoid a later dispute as to whether or not the person was, in fact, authorized to receive service of process.

13. I will only serve process on an individual who affirmatively states that he or she is authorized to accept service when serving a corporate defendant.

14. If a person tells me that they are not so authorized, as part of my regular custom and practice, I would ask whether anyone else in the office is authorized to receive service. If the answer to that question is also no, then I would report back to the client that a different method of service may be necessary. These occurrences would be noted in my files for purposes of inclusion in an affidavit of service, if necessary.

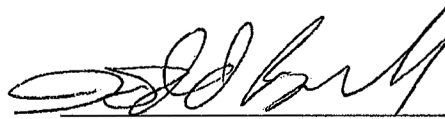
15. In this particular instance, I recorded no notes of any exceptions in my files.

16. As part of my usual custom and practice, I always (a) explain to the recipient of the papers that I am delivering legal documents, and (b) deliver the documents without an envelope. The purpose of this custom and practice is to ensure that the recipient cannot later truthfully say that I failed to explain what I was serving or misled such person.

17. On the day that I served the Defendant in this case, I handed the Summons and Complaint, together with the accompanying exhibits, to Ms. Fox and then departed from the Defendant's offices.

18. On the same day that I effected service upon the Defendant by delivery to Ms. Fox, I prepared, signed, and had notarized the Affidavit of Service attached herewith as Exhibit A.

Date: 7-20-21



Todd Bank

Sworn to before me
this 20th day of July, 2021.



Notary Public

