

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Kowa Company, Ltd.; Kowa Pharmaceuticals  
America, Inc.; and Nissan Chemical Industries, Ltd.

Plaintiff

v.

Sawai USA, Inc. and  
Sawai Pharmaceutical Co., Ltd.

Defendant

Civil Action No. **14 CV 5575**

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Sawai USA, Inc.  
11 Morgan  
Irvine, CA 92618

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: Anthony J. Viola, Andre K. Gizmarik, Jennifer L. Dereka, and Zachary W. Silverman  
Edwards Wildman Palmer LLP  
750 Lexington Avenue  
New York, NY 10022

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.

RUBY J. KRAJICK

CLERK OF COURT

Date: JUL 23 2014

*Catherine Lapsley*  
Signature of Clerk or Deputy Clerk

# Affidavit of Process Server

United States District Court Southern District of New York

(NAME OF COURT)

Kowa Company, Ltd., et al. vs Sawai USA, Inc., et al. 14CV5575  
PLAINTIFF/PETITIONER DEFENDANT/RESPONDENT CASE NUMBER

I, M. Cheyanne Abolt, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Sawai Pharmaceutical Co., Ltd.  
NAME OF PERSON / ENTITY BEING SERVED

with (list documents) Summons, Complaint, Judge Paul Crotty's Individual Practice Rules, and Standing Order

by leaving with Stephennie Stuart Authorized Receiving Agent for John Scherfing, Agent for Service At  
NAME RELATIONSHIP

Residence \_\_\_\_\_ ADDRESS CITY / STATE  
 Business 4250 Executive Square, #900 La Jolla, CA 92037  
ADDRESS CITY / STATE

On 7/31/2014 AT 5:00 pm  
DATE TIME

Inquired if subject was a member of the U.S. Military and was informed they are not.

Thereafter copies of the documents were mailed by prepaid, first class mail on \_\_\_\_\_ DATE  
from \_\_\_\_\_ CITY STATE ZIP

### Manner of Service:

- Personal:** By personally delivering copies to the person being served.
- Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of \_\_\_\_\_ and explaining the general nature of the papers.
- Substituted at Business:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.
- Posting:** By posting copies in a conspicuous manner to the front door of the person/entity being served.

**Non-Service:** After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- Unknown at Address  Moved, Left no Forwarding  Service Cancelled by Litigant  Unable to Serve in Timely Fashion
- Address Does Not Exist  Other \_\_\_\_\_

Service Attempts: Service was attempted on: (1) \_\_\_\_\_ (2) \_\_\_\_\_  
DATE TIME DATE TIME

(3) \_\_\_\_\_ (4) \_\_\_\_\_ (5) \_\_\_\_\_  
DATE TIME DATE TIME DATE TIME

Description: Age \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair \_\_\_\_\_ Beard \_\_\_\_\_ Glasses \_\_\_\_\_

[Signature]  
SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_  
Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

[Signature]  
SIGNATURE OF NOTARY PUBLIC

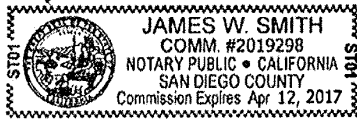
NOTARY PUBLIC for the state of \_\_\_\_\_



State of California  
County of SAN DIEGO

Subscribed and sworn to (~~or affirmed~~) before me on this 19  
day of AUGUST, 2014, by MELISSA ABOLT

proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in black ink, appearing to be "James W. Smith", written over a horizontal line.