



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

# UNITED STATES DISTRICT COURT

for the  
District of Delaware

E-NUMERATE SOLUTIONS, INC. and  
E-NUMERATE, LLC,

*Plaintiff(s)*

v.

MATTRESS FIRM HOLDING CORP.,  
MERRILL COMMUNICATIONS LLC, and  
MERRILL CORPORATION

*Defendant(s)*

Civil Action No. 17-933 (RGA)

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* MERRILL COMMUNICATIONS LLC  
c/o Corporation Service Company  
251 Little Falls Dr.  
Wilmington, DE 19808

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:

Sean T. O'Kelly  
O'Kelly Ernst & Joyce, LLC  
901 N. Market Street, Suite 1000  
Wilmington, DE 19801  
(302) 778-4000  
sokelly@oelegal.com

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:

9/19/2017

*Nicole Holt*  
Signature of Clerk or Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

E-NUMERATE SOLUTIONS, INC. and  
E-NUMERATE, LLC,

Plaintiffs,

v.

MATTRESS FIRM HOLDING CORP.,  
MERRILL COMMUNICATIONS LLC, AND  
MERRILL CORPORATION,

Defendants.

Civil Action No.: 17-933-RGA

**AFFIDAVIT OF SERVICE**

STATE OF DELAWARE                     )  
   )       SS:  
COUNTY OF NEW CASTLE             )

BE IT REMEMBERED, that on this 21st day of September, 2017, did personally appear before me, the Subscriber, a Notary for the State and County aforesaid, Daniel P. Murray, who, being by me duly sworn according to law, did depose and say:

1. That he is an attorney duly licensed to practice before the Courts of the State of Delaware and is an associate with the firm of O'Kelly Ernst & Joyce, LLC, counsel for Plaintiffs herein.

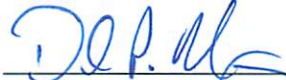
2. That on September 18, 2017, he electronically mailed a true and correct copy of the Amended Complaint, all ancillary documents associated therewith and Summonses for newly-added defendants Merrill Communications LLC and Merrill Corporation to Christine Haynes, Esquire, of the law firm of Richards, Layton & Finger, P.A., counsel to Defendant Mattress Firm Holding Corporation in the above-captioned proceeding. *See Exhibit A.*

3. That on September 19, 2017, Christine Haynes, Esquire, of the law firm of Richards, Layton & Finger, P.A., agreed to accept service of the Amended Complaint on behalf of defendants Merrill Communications LLC and Merrill Corporation. *See* Exhibit B.

4. That such service is as effectual to all intents and purposes as if service had been made upon such Defendants personally within the State of Delaware.

Dated: September 21, 2017

**O'KELLY ERNST & JOYCE, LLC**



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Daniel P. Murray (No. 5785)  
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*Attorneys for Plaintiffs  
e-Numerate Solutions, Inc. and  
e-Numerate LLC*

SWORN AND SUBSCRIBED before me the day and year aforesaid.



Notary Public  
My Commission Expires: NA  
DE Bar ID No.: 4788



# Exhibit A

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