## IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

ALEXANDRA WILSON,  Plaintiff,  v.  RELIABLE STREET INC., LOCKWOOD CAFÉ,  , and .  Defendants.	) CASE NO. LACL157381 ) DEFENDANTS LOCKWOOD CAFÉ, ) AND	
Defendants Lockwood Café,	and	
, through the undersigned counsel,	, who enters a limited appearance on their behalf	
for the sole purpose of bringing this motion, file	e this Pre-Answer Motion to Quash Insufficient	
Service of Process pursuant to Iowa Rule of Civ	ril Procedure 1.421(1)(c).	
If service upon them is deemed to be suf	ficient, Defendants Lockwood Café,	
, and	join the following Motions filed by	
Defendants Reliable Street Inc. and	: (I) Motion To Change Venue; (II) Motion	
To Dismiss; (III) Alternative Motion To Recast;	; (IV) Alternative Motion For A More Specific	
Statement.		
1. This action is the latest in a string	g of unsubstantiated claims pursued by Plaintiff.	
2. Defendant Reliable Street Inc. is	a non-profit that operates an art gallery and	
community space in Ames, Iowa. Defendant Lo	ckwood Café is a café that operates in the same	
building as Reliable Street. Defendant is President of Reliable Street Inc.		
Defendant is owner and operato	r of Lockwood Café. Defendant is	

a current employee of Lockwood Café.	Defendant	is a former employee of
Lockwood Café. Defendant	is a former customer at I	ockwood Café.

- 3. Plaintiff is a former customer at Lockwood Café and participant in various community events and programs held at Reliable Street.
- 4. On February 22, 2024, Returns of Service were filed in this case purporting to certify that the Original Notice and Petition was served upon all named defendants.
  - 5. Service of Process appears to be valid as to Defendants Reliable Street Inc. and
  - 6. But Defendants Lockwood Café,
    and have not been served.
- 7. Regarding Defendants Lockwood Café,
  and \_\_\_\_\_\_\_, each of the Returns of Service states that service was performed on
  February 9, 2024 via "SUBSTITUTE" service "by delivering a copy to:

  a
  person at least 18 years of age described as PRESIDENT" at 4625 Reliable Street, Ames, IA—
  the location of Reliable Street Inc. Below is an example from the Return of Service as to

  Defendant

## STATE OF IOWA STORY COUNTY } SS. I hereby certify that the described ORIGINAL NOTICE/PETITION was served to Type of service: SUBSTITUTE by delivering a copy to: a person at least 18 years of age described as PRESIDENT and pursuant to lowa Rules of Civil Procedure. Address of service: 4625 RELIABLE STREET AMES, IA 50014 Date and time of service: 2/9/2024-9:30 AM

See D0003 through D0009.

- 8. Iowa Rules of Civil Procedure 1.305(1) provides for the minimum requirements as to service on an "individual" defendant: "Original notices are 'served' by delivering a copy on the proper person. Personal service may be made . . . upon an individual . . . by serving the individually personally." (Iowa R. Civ. P. 1.305(1)). See generally, *Harbacheck v. Moorland Telephone Co.* 226 N.W. 171, 172 (Iowa 1929); *see also Collins v. Powell*, 277 N.W. 477, 481 (Iowa 1938).
- 9. To effectuate service of process on Defendants and and an and an animal, as individuals, Plaintiff is required to serve the original notice and attached petition upon the aforementioned Defendants personally, or by the other methods outlined in Iowa Rule Civil Procedure 1.305(1).
- and have not been personally served with the Original Notice and Petition—either personally or through any other valid method outlined in Iowa Rules Civil Procedure 1.305(1).
- 11. The Return of Service's purported "Substitute" service of these parties at 4625 Reliable Street, Ames, IA is not valid pursuant to 1.305(1) because that address is not their "dwelling house or usual place of abode." *See* Iowa R. Civ. P. 1.305(1).
- and through serving documents upon Ms. is defective under Rule 1.305 and must be quashed. See Iowa R. Civ. P. 1.302(5); see also *Mokhtarian v. GTE Midwest Inc.*, 578 N.W.2d 666, 668 (Iowa 1998).
- 13. Iowa Rule of Civil Procedure 1.305(6) requires service upon Defendant Lockwood Café by "serving any present or acting or last known officer thereof, or any general or

managing agent, or any agent or person now authorized by appointment or by law to receive service of original notice."

- 14. As of the date of this Motion, Lockwood Café has not been served with the Original Notice and Petition by service of any present or acting or last known officer, or any general or managing agent, or any agent or person now authorized by appointment or by law to receive service.
  - 15. Les is not an officer or agent of Lockwood Café.
- 16. Therefore, the attempted service on Lockwood Café through serving documents upon Ms. See Iowa R. Civ. P. is defective under Rule 1.305 and must be quashed. See Iowa R. Civ. P. 1.302(5); see also *Mokhtarian v. GTE Midwest Inc.*, 578 N.W.2d 666, 668 (Iowa 1998).

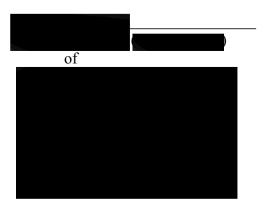
WHEREFORE, Defendants Lockwood Café, and and respectfully request the Court quash the service of process against them and grant such further relief the Court deems just and equitable under the circumstances.

If service upon them is deemed to be sufficient, Defendants Lockwood Café,

and join the Motions filed by Reliable

Street and Dynamic: (I) Motion To Change Venue; (II) Motion To Dismiss; (III)

Alternative Motion To Recast; (IV) Alternative Motion For A More Specific Statement.



ATTORNEY FOR DEFENDANTS LOCKWOOD CAFÉ.

and

Copy to:

ALEXANDRA WILSON

AMES, IA 50014-3736

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of this document was served upon the persons listed on this document at the addresses indicated on EDMS by transmitting a copy via USPS on February 29, 2024. I declare under penalty of perjury that the foregoing is true and correct.