

a current employee of Lockwood Café. Defendant [REDACTED] is a former employee of Lockwood Café. Defendant [REDACTED] is a former customer at Lockwood 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 [REDACTED].

6. But Defendants Lockwood Café, [REDACTED] and [REDACTED] have not been served.

7. Regarding Defendants Lockwood Café, [REDACTED] and [REDACTED], each of the Returns of Service states that service was performed on February 9, 2024 via “SUBSTITUTE” service “by delivering a copy to: [REDACTED] 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 [REDACTED].

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

10. As of the date of this Motion, [REDACTED] and [REDACTED] 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).

12. Therefore, the attempted service on [REDACTED], [REDACTED] and [REDACTED] through serving documents upon Ms. [REDACTED] 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. [REDACTED] is not an officer or agent of Lockwood Café.

16. Therefore, the attempted service on Lockwood Café through serving documents upon Ms. [REDACTED] 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, [REDACTED] [REDACTED] and [REDACTED] 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, [REDACTED] [REDACTED] and [REDACTED] join the Motions filed by Reliable Street and [REDACTED]: (I) Motion To Change Venue; (II) Motion To Dismiss; (III) Alternative Motion To Recast; (IV) Alternative Motion For A More Specific Statement.

[REDACTED] _____
[REDACTED]

of

[REDACTED]

*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.
