

Courtesy www.iptrademarkattorney.com

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FILED
NOV 11 2008
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 SANTA ANA DIVISION

BY FAX

12 SUREFIRE, LLC, a California limited
13 liability company,

14 Plaintiff,

15 v.

16 ADVANCED ARMAMENT CORP., a
17 Georgia corporation

18 Defendant.

Case No. SACV 08-1405 DOC(RNBx)

COMPLAINT

JURY TRIAL DEMANDED

19 Plaintiff SureFire, LLC ("SureFire"), for its Complaint against Defendant
20 Advanced Armament Corp. ("Advanced Armament" or "Defendant"), avers as follows:

21 **JURISDICTION**

22
23 1. This is a civil action for false advertising and unfair competition under
24 the federal Lanham Act, 15 U.S.C. § 1051, et al., California Bus. & Prof. Code §17500,
25 and California Bus. & Prof. Code §17200, et seq.

26 2. This Court has jurisdiction over the subject matter of the Complaint
27 pursuant to 28 U.S.C. §§1331 & 1338.
28

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1 10. The suppressor shown on the left side of the Comparative
2 Advertisement is identified as a "COMPETITOR BRAND SILENCER," but is
3 immediately and distinctively identifiable as a SureFire suppressor.

4 11. The suppressor shown on the right side of the Comparative
5 Advertisement is identified as an "ADVANCED ARMAMENT CORP. SILENCER."

6 12. On information and belief, the SureFire suppressor shown in the
7 Comparative Advertisement has been subjected to extremely heavy use and has been
8 modified to enhance the impression that its components have broken and/or separated.

9 13. On information and belief, the Advanced Armament suppressor
10 shown in the Comparative Advertisement has not been used.

11 14. The Comparative Advertisement is intended to create and does create
12 the false impression that suppressors manufactured using "spot welds" are inherently less
13 durable than suppressors manufactured and sold by Advanced Armament.

14 15. The Comparative Advertisement is intended to create and does create
15 the false impression that the welds used on suppressors manufactured and sold by
16 Advanced Armament will not fatigue, crack, or break under the "high-stress environment
17 of semi and full-auto firing."

18 16. The Comparative Advertisement is intended to create and does create
19 the false impression that suppressors manufactured and sold by SureFire are unreliable and
20 are likely to fail during ordinary use.

21 17. The Comparative Advertisement is intended to create and does create
22 the false impression that suppressors manufactured and sold by Advanced Armament are
23 the strongest suppressors on the market, and that suppressors manufactured and sold by
24 Advanced Armament are stronger and more durable than competing suppressors sold by
25 SureFire.

26 18. The 2008 catalog published by Advanced Armament includes certain
27 test data and instructs consumers that those seeking "independent verification of the dB
28

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1 reduction figures" it has reported need look no further than "the independent website
2 Silencertests.com."

3 19. On information and belief, the website www.silencertest.com is
4 authored by an individual named Robert Silvers, who currently designs suppressors for
5 Advanced Armament.

6
7 **FIRST CAUSE OF ACTION**

8 **(False Advertising In Violation Of 15 USC § 1125(a))**

9
10 20. SureFire realleges and incorporates the previous paragraphs of this
11 Complaint as though set forth in full herein.

12 21. In its advertisements, Advanced Armament has made express and/or
13 impliedly false and misleading statements about SureFire and Advanced Armament's
14 products.

15 22. These advertisements actually mislead or have a tendency to mislead
16 a substantial segment of their audience.

17 23. Such deception is material, in that it is likely to influence the
18 purchasing decision.

19 24. The falsely advertised goods are in interstate commerce.

20 25. SureFire has been or is likely to be injured as a result of the
21 advertisements, either by direct diversion of sales from itself to Advanced Armament or by
22 a lessening of its goodwill.

23 **SECOND CAUSE OF ACTION**

24 **(False Advertising In Violation of Cal. Bus. & Prof. Code §17500 et seq.)**

25
26 26. SureFire realleges and incorporates the previous paragraphs of this
27 Complaint as though set forth in full herein.

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1. Entering preliminary and permanent injunctive relief prohibiting Advanced Armament from making these false and misleading statements, and requiring Advanced Armament to use best efforts to prevent any further publication of these false and misleading statements, and to publish appropriate corrective advertising;
2. Awarding SureFire damages in an amount to be determined;
3. Disgorging all profits obtained by Advanced Armament;
4. Awarding SureFire its costs of suit and reasonable attorneys' fees incurred in this action;
5. Awarding SureFire enhanced damages for Advanced Armament's willful false advertising;
6. Entering any other relief the Court deems just and proper.

DATED: December 11, 2008

X-PATENTS, APC

By



JONATHAN HANGARTNER

Attorneys for Plaintiff SureFire, LLC

Courtesy www.iptrademarkattorney.com

EXHIBIT A

COMBAT

SELF-DEFENSE & THE LAW
YOU SHOT TO SURVIVE
Words That Can Hang You
8 Case Reports

NEW KIMBER .45ACPs
DYNAMIC DUO!

CRIMSON CARRY II
2"/75" ACCURATE
PRO COVERT II
2"/45" ACCURATE

TACTICS
RESTAURANT
AMBUSH!
Worst Threat...
First Target!

ROBAR'S AX
ALL-METAL
GLOCK .40

"IT HAPPENED TO ME"
ADDICTS WITH BATS
"GIVE ME YOUR MONEY"
Your NAA PUG Salvation!

COMBAT CORNER
S&W J-FRAMES
8 FAVORITE LOADS

TACTICAL RESPONSE PISTOL
Springfield's .45ACP

- GEN TESTS**
- PARA USA PDA 9MM
 - RUGER GP100 .357MAG
 - S&W M40-1 38 SPECIAL
 - BERETTA M8 9MM
 - ROBAR ALLOY XTREME .40



FEBRUARY 2009

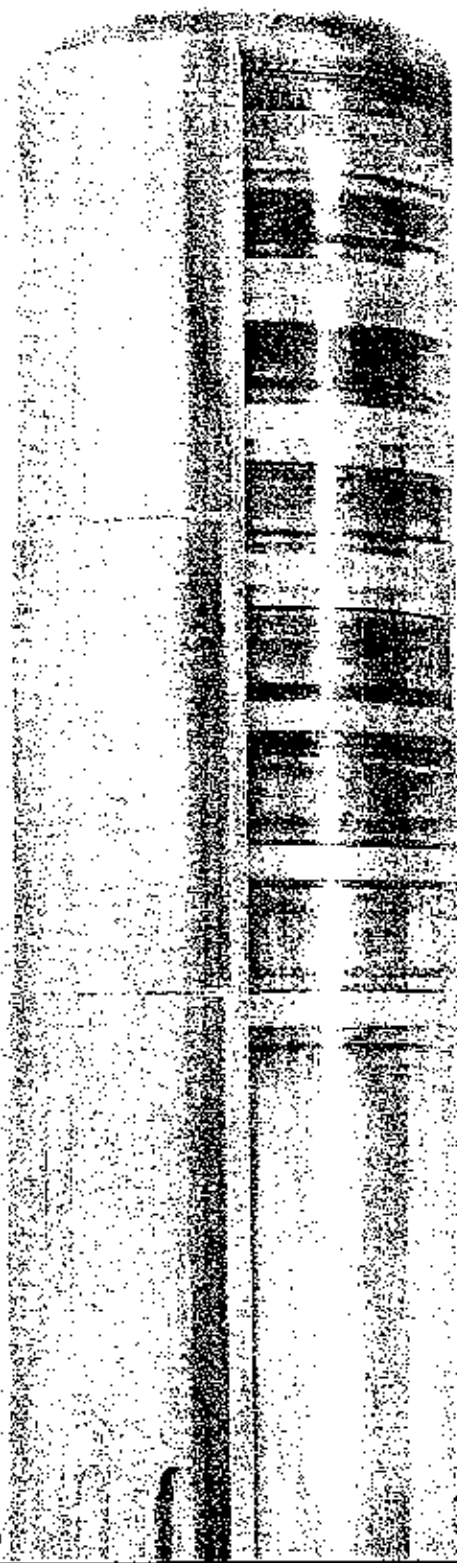
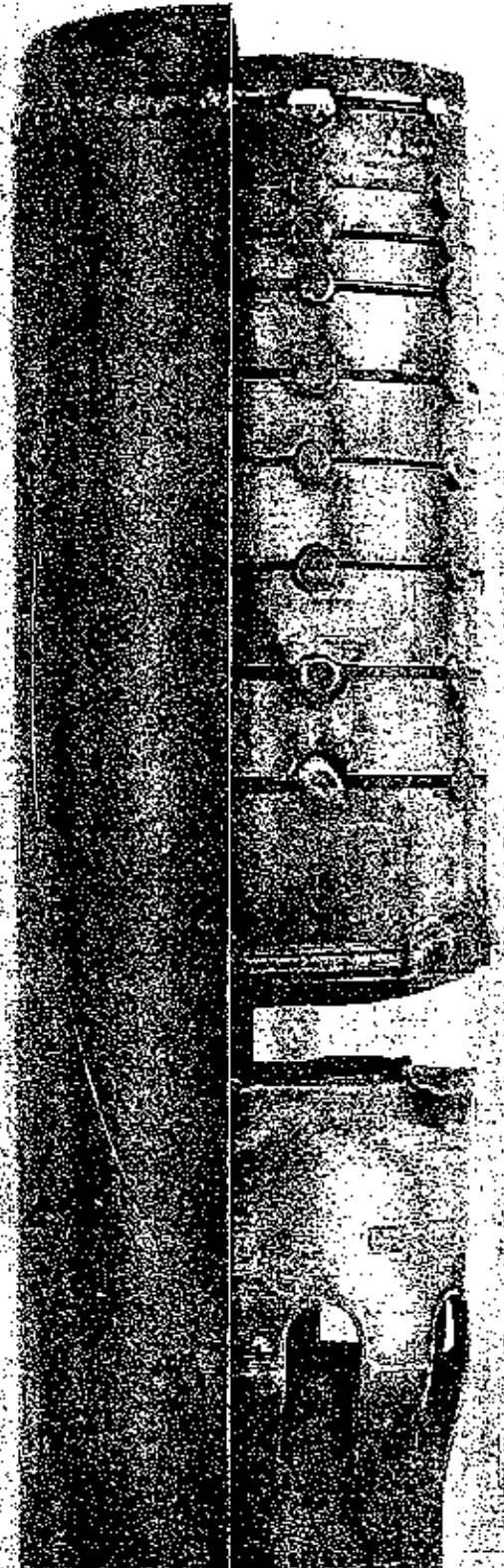
SPOT-WELDED CORE

FULLY-WELDED CORE

Courtesy www.iptrademarkattorney.com

COMPACTOR BRAND SILENCER CUTAWAY

ADVANCED ARMAMENT CORP. SILENCER CUTAWAY



STRENGTH MEANS DURABILITY.

Advanced technology yields advanced results. Advanced Armament Corp. sound suppressors employ 360° circumferential fusion welds to achieve maximum strength and durability. Most manufacturers do not. Traditional spot welds can fatigue, crack, and break under the high-stress environment of semi and full-auto firing. AAC's™ automated robots weld an extremely precise, incredibly strong core. Rely on the strongest. Depend on the best. Choose Advanced Armament Corp.

WWW.ADVANCED-ARMAMENT.COM



Advanced Armament Corp.
Manufactured in the USA

Courtesy www.iptrademarkattorney.com

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge David O. Carter and the assigned discovery Magistrate Judge is Robert N. Block.

The case number on all documents filed with the Court should read as follows:

8:CV08- 1405 DOC (RNBx)

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Stats

Courtesy www.iptrademarkattorney.com
 UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
 CIVIL COVER SHEET

<p>I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>)</p> <p>SUREFIRE, LLC, a California limited liability company</p>	<p>DEFENDANTS</p> <p>ADVANCED ARMAMENT CORP., a Georgia corporation</p>
<p>(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same)</p> <p>Jonathan Hangartner, Esq., (Telephone: 858-454-4313) X-Patents, APC 5670 La Jolla Boulevard, La Jolla, CA 92037</p>	<p>Attorneys (If Known)</p>

<p>II. BASIS OF JURISDICTION (Place an X in one box only.)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:30%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;"><input type="checkbox"/> 4</td> <td style="width:10%;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify): 6 Multi-District Litigation 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Lanham Act, 15 U.S.C. section 1051, et al., Cal. Bus. & Prof. Code sections 17200, et seq., section 17500, Claim of False Advertising

VII. NATURE OF SUIT (Place an X in one box only.)

<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Act</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Info. Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>	<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p> <p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Tons to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Fed. Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury-Med Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury-Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 463 Habeas Corpus-Alien Detained</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>TORTS</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage-Product Liability</p> <p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 American with Disabilities - Employment</p> <p><input type="checkbox"/> 446 American with Disabilities - Other</p> <p><input type="checkbox"/> 440 Other Civil Rights</p>	<p>PRISONER PLEASONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus/Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p>FORFEITURE</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. & Truck</p> <p><input type="checkbox"/> 650 Airline Regs</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p>	<p>PROFESSIONAL FEES</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p> <p>PROFESSIONAL FEES</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input checked="" type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DTWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAXES</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>
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SACV 08-1405 DOC(RNBx)

BY FAX

FOR OFFICE USE ONLY: Case Number: _____
 AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

Courtesy www.iptrademarkattorney.com
 UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
 CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
County of Orange	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

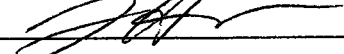
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	State of Georgia

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
County of Orange	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date December 11, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

Courtesy www.iptrademarkattorney.com

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Central District of California

SUREFIRE, LLC, a California limited liability company,

Plaintiff,

v.

ADVANCED ARMAMENT CORP., a Georgia corporation,

Defendant.

SUMMONS IN A CIVIL CASE

CASE NUMBER: SACV 08-1405 DOC(RNBx)


TO: (Name and address of Defendant)

ADVANCED ARMAMENT CORP.
1434 Hillcrest Road
Norcross, GA 30093

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Jonathan Hangartner, Esq.
X-PATENTS, APC
5679 La Jolla Boulevard
La Jolla, California 92037

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.


CLERK



DEC 11

DATE

(BY) DEPUTY CLERK