

Form 10 - AFFIDAVIT OF MAILING ONLY



P23371196

PETROFF AMSHEN, LLP Carl Vetrogon
 U S DISTRICT COURT EASTERN DISTRICT OF NEW YORK

WILLIAM KOLBERT

PLAINTIFF

- vs -

BENWORTH CAPITAL PARTNERS LLC, ETAL

DEFENDANT

Index No. 1:25-CV-00117-FB-
 VMS

Date Filed

Office No.

Court Date.

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

DOUGLAS PHILIP being duly affirmed, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on **13th day of February, 2025** at a regular postal depository maintained by the United States of America, Deponent mailed the copy of

EXHIBIT(S), SUMMONS AND COMPLAINT

to **TOBY SCAMMELL A/K/A TOBY G. SCAMMELL**
 the **DEFENDANT** at
5940 S RAINBOW BLVD STE 400
LAS VEGAS NV 89118

Copy mailed by first class mail marked PERSONAL & CONFIDENTIAL not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

COMMENTS:

Affirmed before me this
 20TH day of FEBRUARY, 2025


 SELENA INES ADAMES
 Notary Public, State of New York
 No. 01AD6365042
 Qualified in QUEENS COUNTY
 Commission Expires 09/25/2025


 DOUGLAS PHILIP 2121937-DCWP
 Lexitas - DCWP #2098109
 1235 BROADWAY 2ND FLOOR
 NEW YORK, NY 10001
 Reference No: 3-PLFPC-23371196

2a

AFFIDAVIT OF SERVICE



P23371196

PETROFF AMSHEN, LLP Carl Vetrogon
 U S DISTRICT COURT EASTERN DISTRICT OF NEW YORK
 WILLIAM KOLBERT

PLAINTIFF

- vs -
 BENWORTH CAPITAL PARTNERS LLC, ETAL

DEFENDANT

index No. 1:25-CV-00117-
 FB-VMS
 Date Filed
 File No.
 Court Date:
 AFFIDAVIT OF SERVICE

STATE OF NEVADA, COUNTY OF CLARK :SS:
AVERY IMAN RANDOLPH, being duly sworn deposes and says:

Deponent is not a party herein, is over 18 years of age and resides in the State of Nevada.

On FEBRUARY 6, 2025 at 10:05 AM,

at 5940 S RAINBOW BLVD STE 400 LAS VEGAS, NV 89118

deponent served the within EXHIBIT(S), SUMMONS AND COMPLAINT on: TOBY SCAMMELL A/K/A TOBY G. SCAMMELL, the DEFENDANT therein named.

- ☐ #1 INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.
- ☐ #2 CORPORATION By delivering a true copy of each personally to who provided verbal confirmation that he or she is authorized by appointment or law to receive service on behalf of the DEFENDANT.
- ☒ #3 SUITABLE AGE PERSON Deponent knew the person so served to be the of the corporation, and authorized to accept service on behalf of the corporation.
 By delivering a true copy of each to MEKKO "DOE"- ADMINISTRATIVE ASSISTANT a person of suitable age and discretion. (WHO REFUSED LAST NAME)
 Said premises is DEFENDANT's: ☒ actual place of business ☐ dwelling house (usual place of abode) within the state.
- ☐ #4 AFFIXING TO DOOR By affixing a true copy of each to the door of said premises, which is DEFENDANT's: ☐ actual place of business ☐ dwelling house (usual place of abode) within the state.

Deponent was unable, with due diligence to find DEFENDANT or a person of suitable age and discretion, having called thereat

on the _____ day of _____ at _____
 on the _____ day of _____ at _____
 on the _____ day of _____ at _____
 on the _____ day of _____ at _____

Address confirmed by _____

- ☐ #5 MAIL COPY On _____ I deposited in the United States mail a true copy of the aforementioned documents properly enclosed and sealed in a post-paid wrapper addressed to the above address. Copy mailed 1st class mail marked personal and confidential not indicating on the outside thereof by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

- ☒ #6 DESCRIPTION (USE WITH #1, 2 OR 3) Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows.

Gender: FEMALE Perceived HAIR: BROWN
 Race: AFRICAN AMERICAN
 Age: 27 YRS Height: 5'9" Weight: 125 lbs

OTHER IDENTIFYING FEATURES: _____

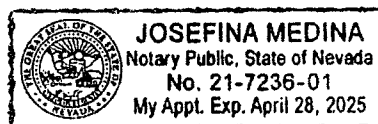
- ☐ #7 WITNESS FEES The authorized witness fee and / or traveling expenses were paid (tendered) to the DEFENDANT in the amount of \$ _____

- ☐ #8 MILITARY SRVC Deponent asked person spoken to whether the DEFENDANT was presently in military service of the United States Government or of the State of _____ and was informed that DEFENDANT was not.

- ☐ #9 OTHER _____

State of Nevada, County of Clark
 Sworn to before me this
13th day of February, 2025

Notary Public



AVERY IMAN RANDOLPH
 PROCESS SERVER # R-2024-09768
 Lexitas
 1235 BROADWAY 2ND FLOOR
 NEW YORK, NY 10001
 Reference No: 3-PLFPC-23371196