

**SUMMONS
COMPLAINT FOR WRONGFUL DEATH**

**First Judicial District Court
County of Santa Fe
225 Montezuma Ave.
Santa Fe, NM 87501
Phone: 505.455.8250**

Case Number: D-101-CV-2020-01781

Judge: Honorable Kathleen McGarry

**TODD LOPEZ, As Personal
Representative
of the ESTATE OF DOROTHY M.
DUGGINS,**

Plaintiff,

**LIFE CARE CENTERS OF
AMERICA, INC.
LIFE CARE CENTER OF
FARMINGTON,
PHILLIP NICKSE, in his Individual
and Official
Capacities,**

Defendants.

TO:

**Life Care Center of Farmington
1101 W. Murrury Drive
Farmington, New Mexico 87401**

TO THE ABOVE NAMED DEFENDANT(S): Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. A Jury Trial has already been requested and you are also being serviced with the **Jury Demand and Plaintiff's First Discovery Instrument no later than forty-five (45) days from the date**

you are served with this Summons.

6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6227; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 14th day of August, 2020.

KATHLEEN VIGIL
CLERK OF DISTRICT COURT

marina Sisneros

By: _____



/s/ Joshua K. Conaway
Joshua K. Conaway
3301 San Mateo Boulevard
Albuquerque, New Mexico 87110
Telephone: 505.243.6045
Facsimile: 505.243.6642
jconaway@fchclaw.com

and

Nichole Henry
WHITENER LAW FIRM PA
4110 Cutler Avenue NE
Albuquerque, New Mexico 87110-3896
Telephone: 505.242.3333
Fax: 505.242.3322
nichole@whitenerlaw.com

ATTORNEYS FOR PLAINTIFFS

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 NMRA OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN¹

[illegible]

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, a copy of the discovery, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

[] to the defendant _____ (used when defendant accepts a copy of summons, discovery, and complaint or refuses to accept the summons, discovery, and complaint)

[] to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, a copy of the discovery, with a copy of complaint attached, in the following manner:

[] to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

[] to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

[] to _____, an agent authorized to receive service of process for defendant
_____.

[] to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of
defendant _____ (used when defendant is a minor or an incompetent person).

[] to _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to before me this _____ day of _____, _____.²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

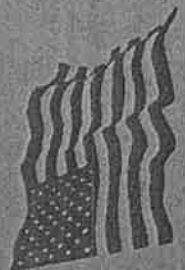
US POSTAGE

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FIRST-CLASS MAIL

\$009.00

09/15/2020 ZIP 87110
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Fadduol, Cluff, Hardy & Conaway, P.C.

3301 San Mateo Blvd. NE
Albuquerque, NM 87110

Life Care Center of Farmington
1101 W. Murray Drive
Farmington, New Mexico 87401

7072 0262 0000 5600 8239



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