

EXHIBIT B

09 27 21

Statement of Service by Mail and
Acknowledgment of Receipt by Mail of
Summons and Complaint or Summons and Notice
or Notice of Petition and Petition

A. STATEMENT OF SERVICE BY MAIL

To:

GEICO Insurance
PO Box 9111
Macon, GA 31208

Mandy King
Jeffrey King
102 Sunset Court, Apartment 1
Hamburg, New York 14075

Re: Vanvlack v. Prible and King
Index: 811962/2021
Claim: Q32 059 215 0101 053
File: 213743

The enclosed summons and complaint are served pursuant to section 312-a of the Civil Practice Law and Rules. To avoid being charged with the expense of service upon you, you must sign, date and complete the acknowledgment part of this form and mail or deliver one copy of the completed form to the sender within thirty (30) days from the date you receive it. **You should keep a copy for your records or your attorney.** If you wish to consult an attorney, you should do so as soon as possible before the thirty (30) days expire.

If you do not complete and return the form to the sender within thirty (30) days, you (or the party on whose behalf you are being served)¹ will be required to pay expenses incurred in serving the summons and complaint, or summons and notice, or notice of petition and petition in any other manner permitted by law, and the cost of such service as permitted by law² will be entered as a judgment against you.

If you have received a complaint or petition with this statement, the return of this statement and acknowledgment does not relieve you of the necessity to answer the complaint or petition. The time to answer expires twenty (20) days after the day you mail or deliver this form to the sender. If you wish to consult with an attorney, you should do so as soon as possible before the twenty (20) days expire.

09 27 21

If you are served on behalf of corporation, unincorporated association, partnership or other entity, you must indicate under your signature your relationship to the entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

It is a crime to forge a signature or to make a false entry on this statement or on the acknowledgment.³

Under CPLR 312-a (f): "Where the signed acknowledgement of receipt is not returned within thirty (30) days after receipt of the documents mailed pursuant to subdivision (a) of this section, the reasonable expense of serving process by an alternative method shall be taxed by the court on notice pursuant to section 8402 of this chapter as a disbursement to the party serving process, and the court shall direct immediate judgment in that amount."

09 27 21

FILED: ERIE COUNTY CLERK 08/27/2021 03:53 PM

INDEX NO. 811962/2021

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 08/27/2021

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

SUMMONS

Michelle Vanvlack
5570 South Park Avenue
Apartment 602
Hamburg, New York 14075

Plaintiff

v.

Index:

Grace Pribble
Michael Pribble
7289 Davis Road
West Falls, New York 14170

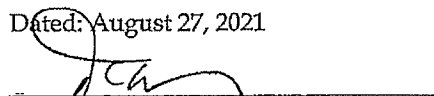
Mandy King
Jeffrey King
102 Sunset Court, Apartment 1
Hamburg, New York 14075

Defendants

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action, and to serve a copy of your Answer, or, if the Complaint is not served with a Summons, to serve a Notice of Appearance, on Plaintiffs' attorneys within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State of New York. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint. Venue is based upon plaintiff's residence.

Dated: August 27, 2021


Dennis J. Bischof, LLC
6720 Main Street, Suite 250
Williamsville, New York 14221
(716)630-6500

09 27 21

FILED: ERIE COUNTY CLERK 08/27/2021 03:53 PM

INDEX NO. 811962/2021

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 08/27/2021

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

COMPLAINT

Michelle Vanvlack

Plaintiff

v.

Index:

Grace Prible
Michael Prible
Mandy King
Jeffrey King

Defendants

Plaintiff, by her attorney, Dennis J. Bischof, LLC, for her complaint against the Defendants herein alleges:

1. At all times material hereto, Plaintiff was and remains a resident of Erie County, New York.
2. At all times material hereto Defendants were and remain residents of the State of New York.
3. At all times material hereto Defendant Grace Prible was operating a motor vehicle with the permission and consent of the vehicle's owner, Defendant Michael Prible.
4. At all times material hereto Defendant Mandy King was operating a motor vehicle with the permission and consent of the vehicle's owner, Defendant Jeffrey King.
5. At all times material hereto Plaintiff was a passenger in the King vehicle.
6. At all times material hereto, the motor vehicle collision referenced herein occurred upon a public roadway located within the State of New York.
7. On or about August 18, 2020, defendant Prible crossed the center line in violation of VTL sections 1120 and 1128, striking the King vehicle. Both vehicles failed to use reasonable care; both vehicles proceeded recklessly in disregard of each other, causing the collision. Both drivers breached their duty to operate their automobiles

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