

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY MARYLAND

Quan En Yang, et al	*
Plaintiffs	*
vs.	* Case No. 403885 V
G & C Gulf, d/b/a G &G Towing et al.	*
Defendants,	*

DEFENDANTS' MOTION TO QUASH SERVICE OF PROCESS

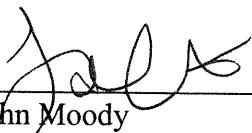
Defendant John Garza t/a Olde Town Parking, by their undersigned attorney, moves pursuant to Maryland Rule 2-121(a) for an order to quash Plaintiffs' Affidavit of Service filed on July 16, 2020 and for cause states as follows:

1. On or about April 16, 2015 Plaintiffs filed their initial complaint.
2. On about February 25, 2020, Plaintiffs filed an Amended Complaint against John Garza t/a Olde Town Parking among others.
3. On or about July 10, 2020 Plaintiff attempted service of the Summons and Complaint to be served by United States Postal Service, certified mail, restricted delivery.
4. On or about July 16, 2020 Plaintiff filed their Affidavit of Service attaching a Return Receipt or "Green Card" showing service on July 10, 2020.
5. The Affidavit of Service states that the Return Receipt was "signed by John Garza on July 10, 2020." This is obviously not true and did not happen as alleged. The "Green Card" itself clearly states that it was signed by CO 19 (Presumably by COVID 19) COVID 19 is not authorized to receive service by Mr. Garza.

6. On July 10, 2020, the Defendant, John Garza was playing golf with his wife and several friends in a tournament in West Virginia. He at no time was in the state of Maryland on July 10, 2020 and was in fact in West Virginia the entire day as well as day before and day after. See affidavit of John Garza attached.
7. Mr. Garza's assistant Jasmin Chen was not working July 10, 2020 and therefore could not have accepted service on his behalf or signed the "Green Card."
8. Mr. Scott Hsieh another employee of John Garza was at the office on July 10 and discussed with the postal carrier whether he could accept the envelope and was advised it could only be delivered to John Garza and he was given the attached USPS Form 3849 by the letter carrier stating "sorry we missed you while you were out" and directed Mr. Hsieh to have Mr. Garza stop by the post office and pick up the envelope. (Note the article number on the Form 3849 is different than the Return Receipt but the dates are the same, Defendant has no idea what that means). See affidavit of Scott Hsieh attached.
9. Mr. Garza returned from West Virginia on July 19, but the Plaintiff had already filed their Affidavit of Service.
10. Mr. Garza is not evading service; he has simply not been in the office both times service has been attempted and the Plaintiffs' agents have either not left process or gave it to someone completely unrelated to Mr. Garza and in another suite. The summons, complaint, and any other documents required have not been served.
11. Md. Rule 1-121 (a) requires a Summons be served upon an individual at his place of abode by serving the process upon the Defendant or someone of suitable age and discretion.

12. John Garza works at 17 W. Jefferson Street, Rockville, Maryland but does not live there.

Wherefore Plaintiff requests that the Affidavit of Service as to John Garza t/a Olde Town Parking be quashed and such other and further relief as is just.

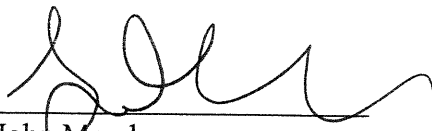


John Moody
Rockville, Md 20850
101 N Adams Street
Rockville, MD 20850
202 302 2205

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of August 2020, a copy of foregoing was served via US postal service to the following:

✓ Richard Gordon, Gordon Wolf et al
Suite 100
100 W. Pennsylvania Ave.
Towson, Maryland 21204



John Moody

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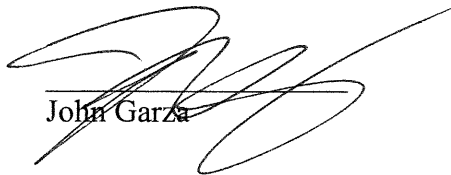
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Affidavit of John Garza

I, John Garza, doing business as Olde Town Parking swear and affirm the following:

1. I work at Suite 100, 17 W. Jefferson Street, Rockville, Maryland.
2. On July 10, 2020 I was staying at my cabin in West Virginia and had been there for several days continuously before and after July 10, 2020. On that day I played golf with my wife and several friends in a golf tournament at Valley View Golf Club.
3. My assistant Jasmin Chen who has authority to accept service of process for me was not working July 10.
4. Another employee of mine, Scott Hsieh called me and told me the USPS came by with a certified letter and was told the envelope had to be given to Mr. Garza and she needed to and so the letter carrier took the envelope back with her and did not leave it at my office.
4. I have not received service from anyone related to the July 10, 2020 attempt to serve process.

I affirm under penalties of perjury that the foregoing Affidavit is true and correct.


John Garza

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Affidavit of Scott Hsieh

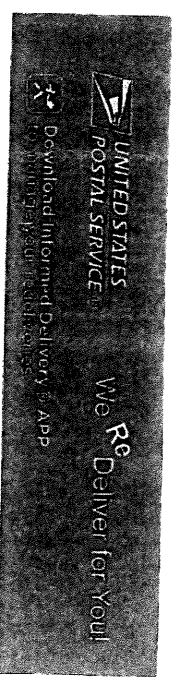
I, Scott Hsieh do swear and affirm the following:

1. I work for the Garza Law Firm, P.A. at Suite 100, 17 W. Jefferson Street, Rockville, Maryland.
2. On July 10, 2020 I was the only person of the firm working at the office. On that day the USPS carrier came by with a Certified Letter for Mr. Garza. She advised the letter had to be given to Mr. Garza and she would need to see ID. I told her he was out of town and she gave me a Form 3849 and told me to have Mr. Garza go by the post office when he returned to pick up the envelope.
3. I texted a copy of the Form 3849 to Mr. Garza so he could go to the post office when he returned. I was not given the envelope, only the Form 3849.
4. I have not received service from anyone related to the July 10, 2020 attempt to serve process.

I affirm under penalties of perjury that the foregoing Affidavit is true and correct.



Scott Hsieh



Sorry we missed you while you were out.

Date: 7-18-20

The item was sent by: _____

It was sent to: JOHN R GARZA

At this address: 17 W JEFFERSON #100

About the missed delivery:

It was a: certified

Package Letter Large envelope

Available for pickup after: 9:00 AM

Date: 7-11-20

This is the:

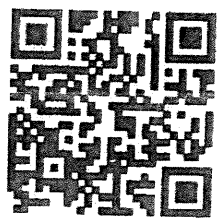
- First attempt
- Final notice

To Schedule a Redelivery:

Scan the QR Code or go to usps.com/redelivery

Article Number:

5293 0613 6376 6593



We have item/s for you which we could not deliver because:

It requires a payment of \$_____ for: _____ Postage due _____ Customs

Receptacle full/Item oversized

No secure location available

No authorized recipient available

Signature required

_____ must be 18+ years old _____ must be 21+ years old

Other: _____

Please see reverse for redelivery or pickup options.

PS Form 3824, October 2010

Choose one option for redelivery or pickup.

1. Go online to [USPS.com/redelivery](https://usps.com/redelivery)

2. Let your carrier know when and where you'd like them to leave the item, then leave this form in your mailbox.
(Sorry, not an option for Restricted Delivery or Adult Signature Items)

Please redeliver on this date: _____ and leave at (check one):

- Front door Back door Porch Garage
 Other: _____

3. Go to your local Post Office™, located at:
ROCKVILLE MAIN POST OFFICE
500 N WASHINGTON STREET
ROCKVILLE, MARYLAND 20850-9993
MON-FRI: 9AM-5PM SAT: 9AM - 4PM

4. Sign up to manage your redeliveries at informedelivery.com

5. Send someone to serve as your representative to pick it up for you at your local Post Office. Sign below and provide the name of the person you want to pick up the item.

Addressee signature: _____

Name of representative: _____

6. Call us at **800-ASK-USPS (800-275-8777)**.

Delivery Section	
Signature	X
Printed Name	
Delivery Address	

USPS



5293 0613 6376 6593



