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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

ML LIQUIDATING TRUST, as successor-  
in-interest to Mortgages, Ltd.

Plaintiff,

vs.

MAYER HOFFMAN MCCANN, P.C., a  
Missouri professional corporation; CBIZ,  
Inc., a Delaware corporation; CBIZ MHM,  
LLC, a Delaware limited liability company,

Defendants.

Case No. 2:10-cv-02019-MHB

**WAIVER OF THE SERVICE OF  
SUMMONS FOR THE DEFENDANTS  
MAYER HOFFMAN MCCANN, P.C.,  
CBIZ, INC. AND CBIZ MHM, LLC**

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**To: DiCarlo Caserta & Phelps PLLC**

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

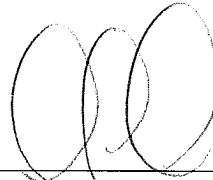
I, or the entities I represent, agree to save the expense of serving a summons and complaint in this case.

This matter was originally filed in Maricopa County Superior Court in the State of Arizona and was subsequently removed by the entities that I represent to this Court. I understand that I, or the entities I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but the entities I represent waive

1 any objections to the absence of a summons or of service. I, or the entities I represent,  
2 further acknowledge that in agreeing to effectuate this waiver, that Plaintiff does not waive  
3 any right to challenge the Court's jurisdiction, the venue of the action or its right to a jury  
4 trial as asserted in Plaintiff's state-court Complaint.

5 I also understand that I, or the entities I represent, must file and serve an answer or a  
6 motion under Rule 12 on or before November 22, 2010. If I fail to do so, a default judgment  
7 will be entered against me or the entities I represent.

8 Dated: October 9, 2010.



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11 David F. Adler  
12 **JONES DAY**  
13 North Point  
14 901 Lakeside Avenue  
15 Cleveland, Ohio 44114  
16 (216) 586-1344  
17 Facsimile (216) 579-0212  
18 email [dfadler@jonesday.com](mailto:dfadler@jonesday.com)  
19 *Attorneys for Defendants*

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20 **Duty to Avoid Unnecessary Expenses of Serving a Summons**

21 Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in  
22 saving unnecessary expenses of serving a summons and complaint. A defendant who is  
located in the United States and who fails to return a signed waiver of service requested by a  
plaintiff located in the United States will be required to pay the expenses of service, unless  
the defendant shows good cause for the failure.

23 "Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been  
24 brought in an improper venue, or that the court has no jurisdiction over this matter or over  
the defendant or the defendant's property.

1 If the waiver is signed and returned, you can still make these and all other defenses and  
2 objections, but you cannot object to the absence of a summons or of service.

3 If you waive service, then you must, within the time specified on the waiver form, serve an  
4 answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing  
5 and returning the waiver form, you are allowed more time to respond than if a summons had  
6 been served.

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