

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT
for the
Eastern District of New York

Securities and Exchange Commission

Plaintiff

v.

Joseph SanFilippo

Defendant

Civil Action No. 1:16-cv-06848(DLI/VMS)

WAIVER OF THE SERVICE OF SUMMONS

To: Kevin P. McGrath

(Name of the plaintiff's attorney or unrepresented plaintiff)

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

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 01/06/2017, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 1/11/17

Joseph SanFilippo

Printed name of party waiving service of summons

Handwritten signature of Kevin O'Brien, Esq.

Kevin O'Brien, Esq.

Printed name

Ford O'Brien LLP
85 Broad Street, 28th FL.
New York, N.Y. 10017

Address

kobrien@fordobrien.com

E-mail address

(212) 858-0040

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in 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.

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

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

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

Extremely Urgent

This envelope is for use with the following services:

- UPS Next Day Air®
- UPS Worldwide Express®
- UPS 2nd Day Air®

Visit **ups.com**® or call **1-800-PICK-UPS®** (1-800-742-5877) to schedule a pickup or find a drop off location near you.

Domestic Shipments

- To qualify for the Letter rate, correspondence, urgent documents weigh 8 oz. or less. UPS Express Mail® and UPS Next Day Air® are those listed or weighing more than 8 oz.

International Shipments

- The UPS Express Mail International® service is available for international shipments with a maximum value of \$5,000 per package.

To qualify for UPS Express Mail International, the package must be insured for at least \$500.

Note: Express Mail International is not available for shipments containing sensitive information or cash equivalents.

Insert shipping documents under window from the top.

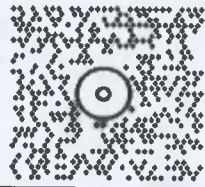
<https://www.ups.com/campusship> or <https://www.ups.com/ship/create?Action=OriginPair=default> Print Window P... 1/6/2017

KEVIN O'BRIEN, ESQ.
FORD O'BRIEN LLP
85 BROAD STREET
NEW YORK NY 100042783

0.0 LBS LTR 1 OF 1

RS

SHIP TO:
JOE ARROYO
212-336-9075
SEC-NY REGIONAL
SUITE 400
BROOKFIELD PLACE
200 VESEY STREET
NEW YORK NY 10281-1022



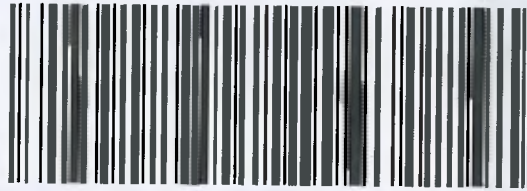
NY 102 9-09



UPS NEXT DAY AIR

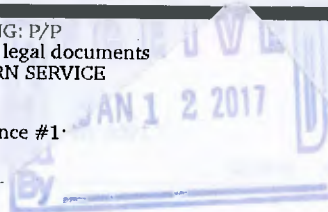
TRACKING #: 1Z 88R 5V4 84 9575 2502

1



BILLING: P/P
DESC: legal documents
RETURN SERVICE

Reference #1



AMERICAN EXPRESS
200A VESEY ST
STE 400
NEW YORK NY 10281

P. PURPLE S. FRNT
AMEX - RDR
1288R5V4849575 2502
KPMH09H
US 1001
HYMS0100C 294809
JAN 12 04:53:03 2017

1: 034
1030

Window

Use this envelope with
or inkjet printer on



United Parcel Service.