

**Questions and Answers Concerning the Motion Packet**  
(last revised on Tuesday, September 1, 2015)

**Question 1:** Was the summons intentionally left out of the packet?

**Answer 1:** Yes.

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**Question 2:** Assuming service was proper, did Nellie Kickwood also receive the Notice, Consent and Reference of a Civil Action to a United States Magistrate Judge when she was served?

**Answer 2:** That fact was intentionally left out of the problem at this stage.

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**Question 3:** The date on the Return of Service—should the year be 2014 or 2015?

**Answer 3:** 2014

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**Question 4:** The Order cites to Stetson Statute § 120.01; however, this statute is not included in the packet. Is this a typo? If so, which statute is correct?

**Answer 4:** Please read the citation; it says “et seq.”

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**Question 5:** Concerning the name Nellie Kickwood vs. Nellie Kirkwood—are those typos?

**Answer 5:** Any instance in which the problem reads, “Nellie Kirkwood,” is a typo. Amended fact pattern will be posted.

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**Question 6:** Concerning the response by Kickwood to the attempted email contact of Peyton Brady, was that response automated?

**Answer 6:** No.

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**Question 7:** Was there any phone contact by Peyton? Was that purposefully left out of the problem?

**Answer 7:** The answer to this question can be ascertained by reading the problem.

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**Question 8:** Did Peyton contact the CAFC at any point?

**Answer 8:** The answer to this question can be ascertained by reading the problem.

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**Question 9:** Was there a search done under Kickwood or Kirkwood by Peyton?

**Answer 9:** All references to Kirkwood were made in error and will be corrected in the amended fact pattern.

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**Question 10:** Are there specific dates with which Peyton attempted service to Kickwood or attempted to contact?

**Answer 10:** No.

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**Question 11:** Does the Return of Service satisfy the condition precedent in Stetson Statute § 120.11(1) that a statement must be filed to the court in order to serve process by publication?

**Answer 11:** Answer can be ascertained by reading the problem and the statute.

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**Question 12:** Do we have a timeline for when the process server was trying to reach Nellie (i.e. dates for when he went to her house)?

**Answer 12:** No.

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**Question 13:** Questions regarding the Notice, Consent and Reference court document—does the court mail this out? Who was responsible for giving notice of the reference to a magistrate judge? And who held that Nellie was in default at the time the other two parties signed the consent form for the referral to the magistrate?

**Answer 13:** The answers to these questions should be discernible from the problem and the relevant rules.

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**Question 14:** On the Return of Service document, it says “I went to the address . . . and a 16 year old minor child by the name of C.J. Kickwood, who claimed to be Nellie Kickwood’s (son/daughter), and who stated that he/she did not reside at that address.” Does the statement “he/she did not reside at that address” refer to Kickwood or Kickwood's minor child?

**Answer 14:** The statement refers to Kickwood.

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