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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

ANDY NGO,

Plaintiff,

v.

ROSE CITY ANTIFA, an unincorporated association; BENJAMIN BOLEN, an individual; JOHN HACKER, an individual; CORBYN (KATHERINE) BELYEA, an individual; JOSEPH CHRISTIAN EVANS, an individual; MADISON LEE ALLEN, an individual; DOES 1-50,

Defendants.

Case No.: 20CV19618

**DECLARATION OF CAROLE A. CALDWELL IN SUPPORT OF PLAINTIFF’S MOTION FOR CONTINUANCE AND MOTION FOR APPROVAL OF ALTERNATIVE MEANS TO OBTAIN SERVICE OF PROCESS**

I, Carole A. Caldwell, declare:

1. I am an employee of Murphy & Buchal, LLP, Counsel for plaintiff, Andy Ngo. I have personal knowledge of the facts stated herein and if called upon to testify as to the matters set forth in this Declaration, I could and would competently testify thereto.

2. This Declaration is filed in support of Mr. Ngo’s Motion for Continuance and Motion for Approval of Alternative Means to Obtain Service of Process as to Defendants Joseph Christian Evans (“Evans”) and Madison Lee Allen (“Allen”) pursuant to ORCP 7(d)(6)(A).

3. On June 4, 2020, we filed the Complaint and I prepared Summonses as to Defendants Evans and Allen. A true copy of those Summons are attached hereto as Exhibit A. At that time, Counsel did not have a known address for defendants Evans or Allen, but *Pro Hac Vice*

1 counsel had retained private investigators to obtain more information.

2 4. This is the second continuance sought to obtain service on Evans and Allen. On  
3 September 14, 2020, Mr. Ngo filed a Motion for Continuance to Obtain Service on Evans and  
4 Allen and on September 16, 2020, this Court entered an Order providing a 60-day extension to  
5 obtain service, which expires on November 15, 2020.

6 **Service Attempts as to Joseph Christian Evans.**

7 5. By letter dated July 29, 2020, I requested the Douglas County Sheriff's Office to  
8 serve the Summons and Complaint on Evans at 308 Woodpath Lane, Azalea, OR 97410. Attached  
9 hereto as Exhibit B is a true copy of this correspondence.

10 6. On August 19, 2020, I contacted Ms. Kathy Cross of the Douglas County Sheriff's  
11 Office regarding the status of service. Ms. Cross verified that she received the documents,  
12 however, she requested that my office advise as to what information we received indicating Evans  
13 actually lived at that residence for safety purposes. A true copy of this e-mail string is attached  
14 hereto as Exhibit C.

15 7. On October 12, 2020, I received Proof of Non-Service (attached hereto as Exhibit  
16 D) from Douglas County Sheriff's Office advising that Evans could not be found at 308 Woodpath  
17 Lane, Azalea, OR 97410.

18 **Service Attempts as to Madison Lee Allen.**

19 8. After unsuccessful attempts to locate Defendant Allen in Portland, I was asked to try  
20 to find some more information as to her whereabouts. I was able to locate her in Idaho after being  
21 arrested for various misdemeanor charges and at this time, Idaho has an outstanding warrant for her  
22 arrest for failure to appear on those charges.

23 9. I then requested the Idaho case records from her arrest and through these records, I  
24 was able to obtain a driver's license number.

25 10. Thereafter, I obtained a copy of Allen's driver's license record from the Idaho  
26 Transportation Department. The address on Allen's Idaho driver's license was issued on May 28,  
2020 with the address 12109 W Reutzal Drive, Boise, ID 83709. Allen's driving record is omitted

1 from this declaration pursuant to Idaho Code § 49-2013.

2 11. I then caused a copy of the Summons and Complaint to be transmitted to a local  
3 process server in Idaho and those attempts are outlined as follows and documented in Exhibit E,  
4 attached hereto:

- 5 • On September 3, 2020, process server Camargo unsuccessfully attempted to serve  
6 Ms. Allen at 12109 W Reutzel Drive, Boise, ID, 83709.
- 7 • On September 5, 2020, Ms. Camargo unsuccessfully attempted to serve Ms. Allen a  
8 second time at 12109 W Reutzel Drive, Boise, ID, 83709.
- 9 • On September 9, 2020, Ms Camargo unsuccessfully attempted to serve Ms. Allen a  
10 final time at 12109 W Reutzel Drive, Boise, ID, 83709. On this attempt, Ms.  
11 Allen's grandmother, Carol Allen, answered the door and advised Ms. Carmargo  
12 that Ms. Allen had never lived there and that she had not seen Allen in over six (6)  
13 weeks.
- 14 • Ms. Camargo then spoke with a neighbor who advised he or she had never seen  
15 Allen at the residence and also saw a package/mail delivered to 12109 W Reutzel  
16 Drive addressed to another. Based on this information, Ms. Carmargo ceased her  
17 attempts to serve Allen at this address.

18 12. It is my understanding that to date, we have been unable to obtain any further  
19 information regarding the whereabouts of Evans or Allen, despite *Pro Hac Vice* Counsel hiring  
20 Servo Investigations, Chastain Investigations, and conducting their own independent research to  
21 locate the Defendants. As far as we can tell, Evans still resides in Oregon and Allen lives in Idaho.

22 13. Upon information and belief, Evans is evading the service of process because he has  
23 criminal charges pending in Multnomah County, and Allen is evading the service of process  
24 because she is a fugitive from a bench warrant issued in Ada County, Idaho.

25 14. We do not have any further information as to the whereabouts of either Evans or  
26 Allen and therefore, cannot obtain service on either Defendant in-person.

1           15.     We do not have any further information as to the addresses of either Evans or Allen  
2 and therefore, cannot obtain service via mail or posting at either Defendants' home address.

3           I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is  
4 true and correct.

5           Date: November 13, 2020

By:     s/ Carole A. Caldwell  
Carole A. Caldwell

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IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

ANDY NGO, an individual,

Plaintiff,

v.

ROSE CITY ANTIFA, an unincorporated association;  
BENJAMIN BOLEN, an individual; JOHN  
HACKER, an individual; CORBYN (KATHERINE)  
BELYEA, an individual; JOSEPH CHRISTIAN  
EVANS, an individual; MADISON LEE ALLEN, an  
individual; DOES 1-50.

Defendants.

Case No.: 20CV19618

**SUMMONS**

To: MADISON LEE ALLEN

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff will apply to the court for the relief demanded in the complaint.

**NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in the proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

STATE OF OREGON, County of Multnomah) ss.

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

  
SIGNATURE OF ATTORNEY

James L. Buchal, OSB #921618  
Murphy & Buchal LLP  
3425 SE Yamhill Street, Suite 100  
Portland, OR 97214

  
ATTORNEY OF RECORD FOR PLAINTIFF(S)

TO THE OFFICER OR OTHER PERSONS SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service upon a similar document which you shall attach hereto.

  
ATTORNEY FOR PLAINTIFF(S)

IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

ANDY NGO, an individual,

Plaintiff,

v.

Case No.: 20CV19618

**SUMMONS**

ROSE CITY ANTIFA, an unincorporated association;  
BENJAMIN BOLEN, an individual; JOHN  
HACKER, an individual; CORBYN (KATHERINE)  
BELYEA, an individual; JOSEPH CHRISTIAN  
EVANS, an individual; MADISON LEE ALLEN, an  
individual; DOES 1-50.

Defendants.


To: JOSEPH CHRISTIAN EVANS

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff will apply to the court for the relief demanded in the complaint.

**NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in the proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

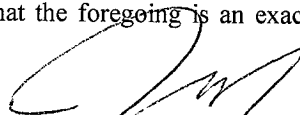


SIGNATURE OF ATTORNEY

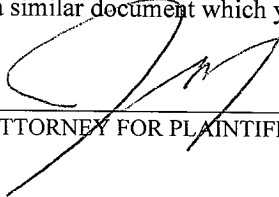
James L. Buchal, OSB #921618  
Murphy & Buchal LLP  
3425 SE Yamhill Street, Suite 100  
Portland, OR 97214

STATE OF OREGON, County of Multnomah) ss.

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

  
ATTORNEY OF RECORD FOR PLAINTIFF(S)

TO THE OFFICER OR OTHER PERSONS SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service upon a similar document which you shall attach hereto.

  
ATTORNEY FOR PLAINTIFF(S)

1

Murphy & Buchal LLP

3425 SE Yamhill Street, Suite 100  
Portland, Oregon 97214

**Carole A. Caldwell**

telephone: 503-227-1011  
fax: 503-573-1939  
e-mail: ccaldwell@mbllp.com

July 29, 2020

**BY FIRST CLASS MAIL**

Douglas County Sheriff's Office  
Attention: Civil Department  
1036 SE Douglas Avenue  
Roseburg, Oregon 97470

Dear Sir or Madam:


Enclosed for service on Mr. Joseph Christian Evans, DOB 1/22/1984, please find a Summons together with a Complaint. We believe that service may be accomplished at the address of 308 Woodpath Ln, Azalea OR 97410.

I have also enclosed a check in the amount of \$90.00 for fees associated with service and a round trip in excess of 75 miles as outlined on your website and a self-addressed envelope for the return of the affidavits of service if this task can be accomplished.

Please take special note that Mr. Evans is currently also the subject of a criminal prosecution in Multnomah County for assault, and is sought by the authorities up here. I have enclosed a previous booking photo and photos of the 308 Woodpath Ln. property. We have been informed that this property is a "drug house" which is filled with "dangerous people," so your office should be prepared for possible armed resistance to service of process.

Thank you for your assistance in this matter.

Sincerely,



Carole A. Caldwell

**From:** Carole Caldwell <ccaldwell@mblp.com>  
**Sent:** Wednesday, August 19, 2020 11:25 AM  
**To:** Kathy A. Cross <kacross@co.douglas.or.us>  
**Cc:** James Buchal <jbuchal@mblp.com>  
**Subject:** Service Joseph Christian Evans

Good morning Ms. Cross,

Can you tell me if there is any information about contact with Mr. Evans?

Carole

**From:** Kathy A. Cross < >  
**Sent:** Thursday, August 6, 2020 12:03 PM  
**To:** Carole Caldwell < >  
**Subject:** SERVICE JOSEPH CHRISTIAN EVANS  
**Importance:** High

We've received your documents to be served on Joseph Christian Evans. We are going to have multiple deputies go to the property listed for safety purposes and with the hopes that we can arrest on the warrants out of Multnomah Co. Can you tell me what information you received that he's actually at this residence? We have never been in contact with this subject before.

**KATHY CROSS**

**CUSTODIAN OF RECORDS**



**DOUGLAS COUNTY SHERIFF'S OFFICE**

Kathy,

I am one of the Private Investigators that is working on this case. My partner and I drove to the location just over a week ago. We showed his picture to a couple of the neighbors. They advised that he "Looks like someone at the house". No one was able to identify him by name, only by looking at a picture did the neighbors believe that he is one of the multiple occupants.

We originally located the address by doing searches for him in TLO and also Delvepoint. They both show that at the current address as well.

If you have additional questions, I can be reached at the number below and also this email.

Thanks

Jason Servo  
Servo Investigations  
503-926-3700  
PI-ID#54038

**RECEIVED**

DOUGLAS COUNTY SHERIFF'S OFFICE  
1036 SE DOUGLAS  
ROSEBURG, OR 97470

OCT 12 2020

STATE OF OREGON

PROOF OF NON-SERVICE

COUNTY OF DOUGLAS

CASE NUMBER: 20CV19618

I HEREBY CERTIFY THAT I AM NOT A PARTY TO THIS ACTION AND THAT THE DEFENDANT/WITNESS: JOSEPH CHRISTIAN EVANS NAMED IN THE ATTACHED SUMMONS & COMPLAINT, AFTER DILIGENT SEARCH AND INQUIRY, CANNOT BE FOUND AT THE ADDRESS GIVEN IN THE COUNTY OF DOUGLAS, STATE OF OREGON AND RETURN IS HEREWITH MADE ON 10/08/2020.

DOES NOT LIVE AT 308 WOODPATH LANE, AZALEA

JOHN HANLIN, SHERIFF  
DOUGLAS, OREGON

  
BY: STONE, DEANNA

DEPUTY

Search

Search

Enter any or combination of: Reference #, Case #, Court, Plaintiff, Defendant or Address

Dashboards

My Admin

Reports

Place Order

Make Payments

Reference #: REF-6464925

ACTION ITEM

1 ACTION ITEM

1

DOCUMENT REVIEW

2

FILING

3

SERVICE

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PROOF

5

COMPLETE

Contact ABC

CONTACTS

1 Contact [edit](#)

DETAILS

Case Title: ANDY NGO, AN INDIVIDUAL v. ROSE CITY ANTIFA, AN UNINCORPORATED ASSOCIATION, ET AL.

Case Number: 20CV19618

Court: OR Circuit Court for Multnomah County (E-FILE ONLY)

SERVICE STATUS

MADISON LEE ALLEN: In Progress

INVOICE DETAILS

INVOICED: \$125.00 | PENDING: \$0.00 | TOTAL: \$125.00

1 Invoice

EVENT DETAILS

[Expand all events](#)

FILTER EVENTS:

All [Action Items](#) [Service Attempts](#) [Filings Confirmed](#)

FOR: All Defendants

**ACTION ITEM Choose next service address: MADISON LEE ALLEN** *Sep*

ACTION ITEM  
Respond by  
11/09/2020

10, 2020 9:25:03 AM

<b>Courthouse</b>	OR Circuit Court for Multnomah County (E-FILE ONLY)
<b>Person to Be Served</b>	MADISON LEE ALLEN
<b>Bad Address</b>	12109 W REUTZEL DR., BOISE, ID 83709

Please respond. This action item will expire on 11/09/2020

Choose Service Address  Provide SSN  Locate and Serve

Enter one or more addresses. Select checkbox to choose an address and drag and drop to arrange order of service.

Check to	Serve	Service	Address
serve address	Order	Probability	?

60%

455 N AVENUE H APT 114, BOISE, \* Ada County, ID 83712

<input type="checkbox"/>	55%	379 S WALNUT ST BOISE, * Ada County, ID 83712
<input type="checkbox"/>	17%	12109 W REUTZEL DR. BOISE, * Ada County, ID 83709

[Add an address](#)

\* address is outside the state or county of the court

**Send Addresses**

Click **Send** and we will attempt service in the order you have chosen for recommended or provided addresses. Service attempts on each address will be subject to additional charges.


**No thanks, no more addresses for this person.**

**Bad Address Confirmed: MADISON LEE ALLEN** Sep 10, 2020 9:25:02 AM

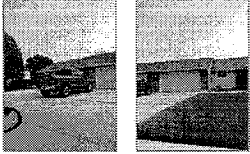
<b>Confirmed On</b>	Thursday 09/10/2020
<b>Person To Be Served</b>	MADISON LEE ALLEN
<b>Server Name</b>	Shelby Camargo
<b>Outcome</b>	Non-Service Confirmed as: Other contact Other contact
<b>Unable To Serve Address</b>	12109 W REUTZEL DR., BOISE, ID 83709
<b>Unable to Serve Address type</b>	RESIDENCE
<b>Unable to Serve Address source</b>	Customer

[Document \[PDF 129.31KB\]](#) [View copy of proof](#)

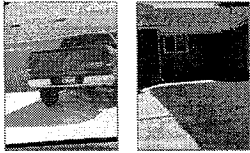
**Service Attempt: MADISON LEE ALLEN** Sep 9, 2020 10:25:08 AM

<b>Reported GPS</b>	43.565212, -116.333931
<b>Photos</b>	
<b>Attempted On</b>	Wednesday 09/09/2020 11:25 AM
<b>Person To Be Served</b>	MADISON LEE ALLEN
<b>Server Name</b>	Shelby Camargo
<b>Address</b>	12109 W REUTZEL DR., BOISE, ID 83709
<b>Address Type</b>	RESIDENCE
<b>Address Source</b>	Customer
<b>Server Notes</b>	Per RESIDENT... Carol Allen, Homeowner and Madison's Grandmother. Madison has never lived here and she hasn't seen her in over 6 wks. Madison lives in Oregon, does not own a car and has no mail delivered here. Non-residency indicated by package/mail addressed to another. Neighbor said she has never seen Madison here

**Service Attempt: MADISON LEE ALLEN** *Sep 5, 2020 6:04:30 PM*

<b>Reported GPS</b>	43.565128, -116.334145
<b>Photos</b>	
<b>Attempted On</b>	Saturday 09/05/2020 07:04 PM
<b>Person To Be Served</b>	MADISON LEE ALLEN
<b>Server Name</b>	Shelby Camargo
<b>Address</b>	12109 W REUTZEL DR., BOISE, ID 83709
<b>Address Type</b>	RESIDENCE
<b>Address Source</b>	Customer
<b>Server Notes</b>	No answer at door. No lights or movement

**Service Attempt: MADISON LEE ALLEN** *Sep 3, 2020 2:16:00 PM*

<b>Reported GPS</b>	43.565388, -116.333862
<b>Photos</b>	
<b>Attempted On</b>	Thursday 09/03/2020 03:16 PM
<b>Person To Be Served</b>	MADISON LEE ALLEN
<b>Server Name</b>	Shelby Camargo
<b>Address</b>	12109 W REUTZEL DR., BOISE, ID 83709
<b>Address Type</b>	RESIDENCE
<b>Address Source</b>	Customer
<b>Server Notes</b>	No answer at door. No lights or movement

**Document(s) Received by Server: MADISON LEE ALLEN** *Sep 1, 2020 1:10:10*

*PM*

**Filing Reviewed & Confirmed** *Sep 1, 2020 12:55:16 PM*

*Document [PDF 1.29MB] [View copy of Document](#)*

**Job Entered** *Sep 1, 2020 11:19:26 AM*

**Documents Uploaded** *Sep 1, 2020 10:51:39 AM*

*Document [PDF 1.30MB]* [View copy of document](#)

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**CERTIFICATE OF SERVICE**

I, Carole Caldwell, hereby declare under penalty of perjury under the laws of the State of Oregon that the following facts are true and correct:

I am a citizen of the United States, over the age of 18 years, and not a party to or interested in the within entitled cause. I am an employee of Murphy & Buchal LLP and my business address is 3425 SE Yamhill Street, Suite 100, Portland, OR 97214.

On November 13, 2020, I caused the following document to be served:

**DECLARATION OF CAROLE A. CALDWELL IN SUPPORT OF PLAINTIFF’S MOTION FOR CONTINUANCE AND MOTION FOR APPROVAL OF ALTERNATIVE MEANS TO OBTAIN SERVICE OF PROCESS**

in the following manner on the parties listed below:

Hilary Boyd, Esq.	( ) (BY FEDERAL EXPRESS)
Jonathan Hendersen, Esq.	( ) (BY FIRST CLASS US MAIL)
Davis Rothwell Earle & Xóchihua, P.C.	(X) (BY E-MAIL)
200 SW Market Street, Suite 1800	( ) (BY FAX)
Portland, OR 97201	( ) (BY HAND)
Tel: 503-222-4422	
Fax: 503-222-4428	
<a href="mailto:hboyd@davisrothwell.com">hboyd@davisrothwell.com</a>	
<a href="mailto:jhenderson@davisrothwell.com">jhenderson@davisrothwell.com</a>	

David D. Park, Esq.	( ) (BY FEDERAL EXPRESS)
Elliott & Park, P.C.	( ) (BY FIRST CLASS US MAIL)
324 S Abernethy Street	(X) (BY E-MAIL)
Portland, OR 97239-8529	( ) (BY FAX)
Tel: 503- 227-1690	( ) (BY HAND)
<a href="mailto:dave@elliott-park.com">dave@elliott-park.com</a>	

Michelle R. Burrows, Esq.	( ) (BY FEDERAL EXPRESS)
Michelle R. Burrows, p.c.	( ) (BY FIRST CLASS US MAIL)
1333 Orenco Station Parkway# 525	(X) (BY E-MAIL)
Hillsboro, OR 97124	( ) (BY FAX)
Tel: 503-241-1955	( ) (BY HAND)
<a href="mailto:michelle.r.burrows@gmail.com">michelle.r.burrows@gmail.com</a>	

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6 [david@sugermanlawoffice.com](mailto:david@sugermanlawoffice.com)

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5 Christopher A. Larsen, Esq.  
6 Pickett Dummigan McCall llp  
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8 Portland, Oregon 97204  
9 Tel: 503-223-7770  
10 [chris@pdmlegal.com](mailto:chris@pdmlegal.com)

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(X) (BY FIRST CLASS US MAIL)  
( ) (BY E-MAIL)  
( ) (BY FAX)  
( ) (BY HAND)

8 Gabriel Chase, OSB # 142948  
9 Chase Law, p.c.  
10 621 S.W. Alder St., Ste. 600  
11 Portland, OR 97205  
12 Tel: 503-294-1414  
13 [gabriel@chaselawpc.net](mailto:gabriel@chaselawpc.net)

( ) (BY FEDERAL EXPRESS)  
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14 /s/ Carole A. Caldwell