

Affidavit of Non-Service

In the matter: Joe Taylor

v. Doug Phillips

My name is [REDACTED]. I am over (18) years of age and have never been convicted of a crime, have personal knowledge of the facts recited herein, and am not a party to or have any interest in the above entitled and numbered cause.

"I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct: I attempted to effect personal service upon Doug Phillips on the following occasions:


DATE	TIME	ADDRESS	COMMENT
04/21/2007	3:07 PM	4719 Blanco Road, San Antonio, Texas 78212	Location is a business, Vision Forum. I first arrived at 3:07 PM. It appears they were having an open-house style function to develop more business. A man wearing a yellow Polo-style shirt greeted me as I entered the main entrance. The man appeared to me to be a security person. I mentioned I had a delivery for Mr. Phillips and he directed me to a young man named Peter [Last Name Unknown]. When I told Peter I had a personal delivery for Mr. Phillips, I was escorted down a few stairs into a warehouse-looking storage area. A table was positioned sideways in front of where I stood. There, I met Joshua Wean, CFO for Vision Forum, Inc., standing with three ladies. He stated he could sign for anything being delivered. At this point I informed him I was a process server and needed to deliver to Doug Phillips personally. I was escorted by Peter and Joshua into an office, apparently so as not to disturb the function and to discuss the situation privately. A person dressed in a Hollywood Park Police Officer uniform also stood inside the office door as we spoke. Joshua insisted he was able to sign for all company business. I informed him that what I have is addressed to Doug Phillips, therefore, as a process server I could not and did not feel comfortable leaving the package with him, since I did not know the contents of the documents being delivered. I then stated, "All I need to do is hand Mr. Phillips the letter and depart. Mr. Phillips won't have to sign for anything." Joshua and Peter wanted to know what the letter was about. I stated that it had something to do with a dispute over a movie or video, but that I didn't know the specific details since I hadn't read the letter. (I had put the letter it into an envelope and sealed it, before making the delivery.) At this point, Joshua discussed scheduling the delivery for Sunday or Monday. I said it would be illegal for me to deliver the documents on Sunday; however, I would make a call to get permission for Monday. I made the call and was told the package needed to be delivered that day because Doug Phillips was supposed to be there. I asked if Doug was on the premises and Joshua stated, "Doug was scheduled to leave around 2:00 PM". By this time it was already approximately 3:15 PM, well past the time that Joshua told me that Doug was scheduled to leave. However, I was suspicious about this, since I had been specifically instructed that my best time to catch Doug Phillips at the event would be between 2:00 and 4:30 PM. It was

			<p>because of that information that I arrived at 3:07 PM, to make sure that I would make an attempt during the time specified in my instructions. Joshua then made a phone call. Based upon the content of the conversation, it appeared to me that he was talking to Doug Phillips. Joshua asked him, "Are you still here?" After a few moments while Joshua listened, a response was relayed through Joshua, who asked, "Where are the documents from?" I informed them that I didn't know for sure, but I could open the letter in front of everyone to determine where it was from if that would be agreeable to Mr. Phillips. (I made this offer with the understanding that the person on the phone was Doug Phillips, and that he was giving his permission for me to open and read the document). It was relayed through Joshua that I should open and read the letter to find out who it was from. I opened the letter and said it was from Joe Taylor at Mt. Blanco Fossil Museum. After a few "OKs" and "That's what I needed," Joshua hung up the phone. Joshua then stated "Mr. Phillips is not here." He also said Doug Phillips would not be accepting anything from Joe Taylor and that all documents needed to be directed to their attorney. Joshua looked up and gave me the info for the attorney on a sticky yellow note: Don Hart, 7389 FM 3405 Liberty Hill, TX 78642. I shook hands with Joshua and Peter, thanked them, departed and called my superiors.</p>
04/21/2007	4:15 PM	4719 Blanco Road, San Antonio, Texas, 78212	<p>Around 4:00 PM I received a call from my superiors, directing me to return to Vision Forum and meet with a young lady, last name of Epstein. I was told that Ms. Epstein knew for certain that Doug was at the function now and she could point him out to me. When I arrived at 4:15 PM, I met Miss Epstein inside the foyer entrance. She said that Doug Phillips had spotted her, recognized her, and immediately ducked inside the office to the right. Miss Epstein also said she was seen by Doug's wife and would probably be asked to depart at any minute. Miss Epstein pointed to a video playing on the lobby TV. She said it was Doug, so I studied the video for a few moments. Just as I was about to fully enter the main area, another man dressed in a yellow Polo-style shirt (security?) approached us, said that this was private property and that we would have to leave. As instructed, Miss Epstein and I quickly left the building. Once outside, Peter, the man who asked us to leave, and another man stood in front of the doors as if preventing entry back into Vision Forum. I spoke to Miss Epstein and told her the parking lot was also considered private property and that we should leave before anything else happened. As I was driving away, Peter flagged me down to ask why I came back for a second time. I said someone had identified Doug Phillips at the function, after I had departed the first time, and was told they would identify him to me so that I could make the delivery. Peter asked who hired me to which I could not give him the answer since I did not know. I showed him the top portion of the letter addressed with Joe Taylor's contact information. Peter then asked for my business card, which I gave him; then I drove away.</p>


After due search, careful inquiry and diligent attempts at the address listed above, I have been unable to effect process upon the person/entity being served.

SIGNED THIS 2nd day of MAY, 2007.

AFFIANT



(Signature)


(Printed Name)

Subscribed and sworn before me on this 2nd day of May, 2007.



Notary Public, State of Texas

