

IN RE: Cook County, Illinois Circuit Court Case #2014L00999, *John M. Doe and Jane S. Doe v. Joseph M. Smith, individually; XYZ Company LLC, an Illinois Limited Liability Company DBA XYZ Company Chicago; James Johnson, individually and as Agent of XYZ Company LLC; and Sandra Simonton, individually and as Agent of XYZ Company LLC*

SUBJECT: Service of a Subpoena in a Civil Matter (For Testimony and/or Documents) on Michael T. Mitchell

AFFIDAVIT OF STEVEN M. SIMON

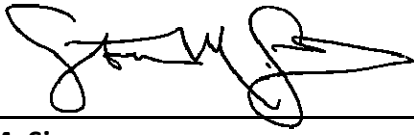
The undersigned, Steven M. Simon, hereby states as follows:

1. I am the owner and Licensee in Charge of Acumen Probe LLC, an Illinois Licensed Private Investigation Agency operating under license number 117-001088 issued by the Illinois Department of Financial and Professional Regulation on April 23, 2001.
2. In addition to my agency license I am also personally licensed as a Private Investigator by the Illinois Department of Financial and Professional Regulation since October 13, 2000.
3. Prior to being personally licensed I worked in the field of private investigations since April 1998 after gaining Bachelor's degrees in Criminal Justice and Psychology.
4. During the course of my career I have routinely been asked to conduct investigations pursuant to developing identifier and residential information on individuals associated to various forms of litigation. I am often then asked to executive service of process based on the information I have developed.
5. As a licensed private investigator I have the expertise to conduct such investigations and access to electronic systems that provide pertinent information including certain government public record indexes and private third party public record and consumer reporting databases.

6. On December 9, 2014 attorney Alex Peterson of Your Law Firm requested that I execute service of a Subpoena in a Civil Matter (For Testimony and / or Documents) on Michael T. Mitchell. Within the request Peterson provided a last known address for Mitchell of 424 Landy Avenue, Apt. B, Marengo, Illinois 60152.
7. Prior to attempting service on Mitchell I conducted identifier and residential verification research to develop information that would assist my effort to execute service. This research determined that Mitchell was a forty nine (49) years of age male who is currently licensed as a registered nurse by the Illinois Department of Financial and Professional Regulation under license #041996017. I also determined via records maintained by the McHenry County, Illinois Treasurer and Recorder offices that Mitchell was the current owner of record of a residential condominium at 424 Landy Avenue Unit B, Marengo, Illinois 60152. This was the sole address currently reporting for Mitchell within sources reviewed during this investigation. The investigation developed information via the Illinois Secretary of State that Mitchell is currently the registrant of record of a 2001 Ford Explorer bearing Illinois Tag #B987561. Mitchell was also determined to have cell phone number (847) 999-4541 that has an outgoing voicemail message of a male voice stating "Michael Mitchell".
8. Based on the information develop during preliminary investigation as described, on Wednesday, December 10, 2014 at 5:45/PM I arrived at Mitchell's residence located at 424 Landy Avenue Unit B, Marengo, Illinois 60152. Upon arrival I observed this building to be a multi-unit structure consisting of duplex units that each had its own exterior front door. Unit B of this building also had two (2) sliding glass doors leading to patios in the front of the building, one on the first floor and one on the second. Windows of the unit were mostly covered with shades though the second floor sliding glass doors were only partially covered, allowing me to see that the room behind the second floor sliding glass doors was illuminated and a ceiling fan was on inside the room.
9. At the time of arrival I also observed through an open garage door that Mitchell's blue 2001 Ford Explorer bearing Illinois Tag #B987561 was parked inside the garage adjacent to his condominium.
10. At 5:50/PM I knocked on the door of Mitchell's unit B multiple times and received no response. I then established a fixed vehicular surveillance position directly in front of Mitchell's building where unit B could be monitored for signs of activity within.

11. At 6:28/PM I noted that the light in the room behind the second floor sliding glass doors turned off.
12. At 6:35/PM I attempted telephonic contact with Mitchell via his cell phone number of (847) 999-4541. The call was answered by the voicemail system.
13. At 6:46/PM I noted that the light in the room behind the second floor sliding glass doors turned on.
14. At 6:51/PM I observed a silhouette shadow in the shape of a person move across the wall inside the room behind the second floor sliding glass doors.
15. At 6:57/PM I noted that the light in the room behind the second floor sliding glass doors turned off and then after approximately twenty (20) seconds turned back on.
16. At 7:10/PM I again approached the unit B door and knocked multiple times but received no response.
17. At 7:15/PM I returned to my vehicle and observed that the light in the room behind the second floor sliding glass doors was now off. I then attempted telephonic contact with Mitchell again via his cell phone number of (847) 999-4541. The call was again answered by the voicemail system.
18. At 7:20/PM I departed the area of Mitchell's residence.
19. From my experience serving process and conducting surveillance as a licensed private investigator since October 2000, it is my opinion that Mitchell's condominium was occupied while I was making the described attempt at service.
20. Due to the described circumstances I initiated additional research in an attempt to identify a current place of employment for Mitchell where personal service of the Subpoena in a Civil Matter (For Testimony and / or Documents) could be executed. This research developed no information regarding Mitchell's current place of employment.

21. I declare under penalties as provided by law pursuant to Section 1-109 of the State of Illinois Code of Procedure that the statements set forth are true and correct.



December 11, 2014

Date

Steven M. Simon
Licensee in Charge
Acumen Probe LLC
Illinois License #117-001088

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 2014.

Notary Public