# CAPTION: SANDERS & ASSOCIATES, LPA V. RESPONSIVE SURFACE TECHNOLOGY, LLC

**11-03-23**

APPEAL NO.: C-230220

TRIAL NO.: A-2203574

KEY WORDS: DEFAULT JUDGMENT – MOTION TO VACATE – SERVICE – CIV.R. 4.1(A)(1)

SUMMARY:

In a breach-of-contract action for unpaid legal services, the trial court erred in refusing to vacate the default judgment entered against defendant for lack of service where plaintiff requested that the clerk of court serve defendant with the summons and complaint by certified mail, and the certified mail return receipt did not contain an address of delivery as required by Civ.R. 4.1(A)(1), the signature and address lines on the return receipt contained illegible smudges, and defendant presented uncontested affidavits from a corporate officer, employee, and agent reflecting that defendant did not receive the summons and complaint.

JUDGMENT: REVERSED AND CAUSE REMANDED

JUDGES: OPINION by WINKLER, J.; BERGERON, P.J., and BOCK, J., CONCUR.