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FILED-USDC-CT-NEW.HAVEN

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

CHRISTOPHER AMBROSE,
Plaintiff

Case No. 3:25-cv-01151-SVN

v.

FRANK PARLATO, JR.,
Defendant

JURY TRIAL DEMANDED

**NOTICE REGARDING SERVICE AND REQUEST FOR CLARIFICATION OF
RESPONSE DEADLINE AND REIMBURSEMENT OF SERVICE COSTS UNDER FED.
R. CIV. P. 4(d)(2)**

Plaintiff Christopher Ambrose respectfully submits this Notice to clarify the record concerning service of process upon Defendant Frank Parlato, to request clarification of the applicable response deadline under Fed. R. Civ. P. 12(a)(1)(A)(i), and to seek reimbursement of service costs pursuant to Fed. R. Civ. P. 4(d)(2).

I. BACKGROUND

1. On **July 17, 2025**, Plaintiff mailed Defendant, a Florida resident, a request to waive service pursuant to Fed. R. Civ. P. 4(d), together with a copy of the Complaint and a prepaid return envelope. The request advised that if he returned the waiver, he would have 60 days to submit a response; if he elected not to waive service, his response would be due 21 days after he was served. The request advised Defendant that he had thirty (30) days to return the waiver.
2. Defendant did not return the waiver.
3. On **August 29, 2025**, Plaintiff filed a First Amended Complaint (ECF No. 13) after Defendant published several new defamatory articles. On **September 2, 2025**, Plaintiff emailed Defendant asking whether he would accept electronic service of that pleading. Defendant responded but did not confirm acceptance.
4. After receiving no agreement to accept service, Plaintiff arranged for personal service through the Monroe County (Florida) Sheriff's Office. The Sheriff's Return of Service reflects that the papers were left with an adult resident at Defendant's address, consistent

with the requirements of Federal Rule of Civil Procedure 4(e)(2)(B). Defendant was therefore properly served on **September 12, 2025**.

5. On **September 18, 2025**—six days after personal service was effected—Defendant emailed Plaintiff, stating that he would accept service by email if granted sixty (60) days to respond, stating if Plaintiff did not agree, he “*will wait for proper service in accordance with Rule 4.*” Unaware that personal service had already been effected by the Monroe County Sheriff, and mindful of his prior difficulties in serving Defendant in another matter, Plaintiff agreed by email on **September 19, 2025**. A true and correct copy of this email correspondence is attached hereto as **Exhibit A**.
6. Plaintiff subsequently filed the executed waiver of service on September 22, 2025, the day it was sent (ECF No. 21).
7. Because personal service had already been perfected, Defendant’s subsequent “acceptance” and the filed waiver do not alter the operative date of service or extend his response period under Rule 12(a)(1)(A)(i).
8. On **October 4, 2025**, Plaintiff received by USPS the Monroe County (Florida) Sheriff’s Return of Service and, upon review, discovered that Defendant had already been personally served on September 12, 2025. This sequence of events demonstrates that Defendant’s subsequent email representations were inconsistent with the fact of prior service. A true and correct copy of the Return of Service, along with the envelope postmarked September 30, 2025, is attached hereto as **Exhibit B**.

II. REQUEST FOR RELIEF

For the foregoing reasons, Plaintiff respectfully requests that the Court grant the following relief:

1. Clarification of Record and Applicable Deadline

Plaintiff requests that the Court acknowledge on the record that personal service was perfected on September 12, 2025, rendering the later-filed waiver inapplicable under Federal Rule of Civil Procedure 4(d). Accordingly, the 21-day response period set forth in Rule 12(a)(1)(A)(i) applied, making Defendant’s response due on October 3, 2025. Defendant’s misrepresentation was not discovered until October 4, 2025—after the deadline had passed—so his response appears untimely unless he seeks and obtains leave for an extension. Plaintiff therefore respectfully requests that the Court direct Defendant to file an appropriate motion for extension of time.

2. Reimbursement of Service Costs

Plaintiff further requests that the Court direct Defendant to reimburse Plaintiff for the reasonable cost of personal service by the Monroe County (Florida) Sheriff’s Office pursuant to Federal Rule of Civil Procedure 4(d)(2). A true and correct copy of the \$40 paid invoice is attached hereto as **Exhibit C**.

Plaintiff further requests such other and further relief as the Court deems just and proper.

III. CONCLUSION

Plaintiff submits this Notice to ensure that the record accurately reflects the date and effect of service, to prevent confusion regarding Defendant's response deadline, to bring to the Court's attention Defendant's misrepresentation to obtain additional response time despite prior service, and to seek reimbursement of unnecessary service expenses. Plaintiff acted in good faith throughout, relying on Defendant's subsequent misrepresentations without realizing personal service had already been completed.

For the reasons stated above, and in the interest of maintaining a clear procedural record, Plaintiff respectfully submits this Notice and requests the relief outlined herein.

October 7, 2025

Respectfully submitted,
Christopher A. Ambrose
Christopher A. Ambrose
Plaintiff, *Pro Se*
153 Middle Beach Rd.
Madison, CT 06443
ca0515@aol.com
203.505.1889

CERTIFICATE OF SERVICE

I hereby certify that on this date, I filed the foregoing *Notice Regarding Service and Request for Clarification of Response Deadline and Reimbursement of Service Costs Under Fed. R. Civ. P. 4(d)(2)* with the Clerk of the Court using the CM/ECF system, and that a true and correct copy was also served by electronic mail on Defendant Frank Parlato at on the same date.

Christopher Ambrose
Christopher Ambrose
Plaintiff, Pro Se

Attachments:

Exhibit A – Email Correspondence (Sept. 18–22, 2025)
Exhibit B – Sheriff's Return of Service and Envelope
Exhibit C – Invoice for Service Fee

EXHIBIT A
Email Correspondence (Sept. 18–22, 2025)

Email # 1

Stipulated Acceptance of Service by Email (60-Day Response)

From:	Frank Parlato (frankparlato@gmail.com)
To:	ca0515@aol.com
Date:	Thursday, September 18, 2025 at 09:35 AM EDT

Dear Mr. Ambrose,

To avoid further expense and inconvenience, I will accept service of the First Amended Complaint by email on the following terms:

1. You email me the file-stamped First Amended Complaint and state in that same email that you agree I will have 60 days from your email's send date to serve my responsive pleading.
2. This email exchange will constitute valid service of process in this action.

If you agree, please reply affirmatively and attach the file-stamped FAC. Upon your confirmation email, service will be deemed complete and my response deadline will be 60 days from your confirming email's date.

Alternatively, you may send the standard Rule 4(d) waiver forms (AO 398/399), and I will sign immediately.

If you do not agree to either method by the close of business today, I will wait for proper service in accordance with Rule 4. I anticipate being back in Big Pine Key at or around December 4.

Sincerely,

Frank Parlato

Email #2

Ambrose v. Parlato, Case No. 3:25-cv-01151

From:	ca0515@aol.com (ca0515@aol.com)
To:	frankparlato@gmail.com

Date :	Thursday, September 18, 2025 at 03:02 PM EDT
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At your request, and despite my prior engagement of the Monroe County Sheriff to serve you, attached is the filed First Amended Complaint (originally sent to you via email on September 7). Per your email, this correspondence shall constitute your acceptance of service of the First Amended Complaint. Please complete, sign and return via email the Waiver of Service linked here so I may file it: <https://www.uscourts.gov/sites/default/files/ao399.pdf>

Please also confirm that you are waiving service of the additional documents ordinarily served with the summons, all of which have been filed with the Court and are publicly available on PACER, specifically:

- Standing Protective Order
- Electronic Filing Order in Civil Cases
- Notice to Counsel and Self-Represented Parties / Order Re: Disclosure Statement
- Notice of Option to Consent to Magistrate Judge Jurisdiction
- Consent to Electronic Notice by Self-Represented Party
- Order on Pretrial Deadlines

In accordance with Federal Rule of Civil Procedure 4(d), your waiver of formal service will extend your time to answer or otherwise respond to the First Amended Complaint to sixty (60) days from the date of this email.

/s/ Christopher Ambrose

ParlatoF.pdf9.3 MB

Email #3

On Friday, September 19, 2025 at 09:13:34 AM EDT, Frank Parlato <frankparlato@gmail.com> wrote:

Dear Mr. Ambrose,

I acknowledge receipt by email of the file-stamped First Amended Complaint. Pursuant to Federal Rule of Civil Procedure 4(d), I accept service by email on the condition that my deadline to respond is sixty (60) days from yesterday's date - i.e November 16, 2025.

I will review the AO 399 waiver form you provided. Upon completion, I will return the executed form promptly.

I also confirm that I waive formal service of the additional routine docket documents you listed (Standing Protective Order, Electronic Filing Order, Notice to Counsel/Self-Represented Parties, Notice of Option to Consent, Consent to Electronic Notice, and Order on Pretrial Deadlines), with the understanding that all of these remain publicly available on PACER.

This response is provided in good faith and without waiver of any defenses, objections, or rights otherwise available to me under the Federal Rules of Civil Procedure or applicable law.

Please confirm receipt of this email.

Sincerely,
Frank Parlato

Email # 4

Re: Ambrose v. Parlato, Case No. 3:25-cv-01151

From :	ca0515@aol.com (ca0515@aol.com)
To:	frankparlato@gmail.com
Date :	Friday, September 19, 2025 at 09:28 AM EDT

Acknowledged.

Please return the completed and signed waiver of service form via email so I may file it before close of business today.

Email #5

Re: Ambrose v. Parlato, Case No. 3:25-cv-01151

From :	Frank Parlato (frankparlato@gmail.com)
To:	ca0515@aol.com
Date :	Monday, September 22, 2025 at 03:23 AM EDT

Dear Mr. Ambrose
Attached is the executed ao399 form.
Yours sincerely
Frank Parlato

EXHIBIT B

MONROE COUNTY SHERIFFS OFFICE
Deputy Worksheet / Return of Service

Document #: MCSO25CIV002963NON

Agency #:

Plaintiff: CHRISTOPHER AMBROSE

Defendant: FRANK PARLATO JR

Type of Process: SUMMONS 21 DAYS IN A CIVIL CASE/FIRST AMENDED COMPLAINT

Attorney/Agent:

CHRISTOPHER AMBROSE

153 MIDDLE BEACH RD
MADISON, CT 06443

Case Number: 325CV01151SVN

Court: DISTRICT

Court Date:

Serve: PARLATO, FRANK JR
29009 GERANIUM DR, BIG PINE KEY, FL 33043MNI Intel Flags as of: 9/11/2025
none

Instructions:

Received these papers on 9/11/2025, at 4:31 PM further more on date: 9/25/25 time: 3:43and by serving (Persons Full Name if they refuse please state that on this return) Frank Parlato Jr.
Please indicate by checking below of the type of service that was made.attempted 1 9/12/25 3:40 attempted 2 _____ attempted 3 _____☒ INDIVIDUAL - NORMAL SERVICE

By serving the within named person a true copy of the writ with the date and hour of service endorsed thereon by me, and at the same time delivering to the named person a copy of the complaint, petition or initial pleading.

☐ SUBSTITUTE - AT USUAL PLACE OF ABODE

By serving a true copy this Writ, with the date and hour of service endorsed thereon by me and a copy of the complaint, petition or initial pleading at the Witness/Defendant's usual place of abode, on any person residing therein the age of Fifteen years or older to wit; and informing such person of their contents.

☐ SUBSTITUTE - BY SERVING PRIVATE MAILBOX ET AL

Pursuant to Florida Statutes, Chapter 48.031 (6)(a); If the only address for a person to be served, which is discoverable through public records, is a private mailbox, a virtual office, or an executive office or mini suite, substitute service may be made by leaving a copy of the process with the person in charge of the private mailbox, virtual office or executive office or mini suite, BUT ONLY IF THE PROCESS SERVER DETERMINES THAT THE PERSON TO BE SERVED MAINTAINS a mailbox, a virtual office, or an executive office or mini suite at that location.

☐ UNEXECUTED - NOTICE OF UNEXECUTED

After due diligence to find the PARLATO, FRANK JR, service could not be completed because the subject could not be found. Notice of Unexecuted; Papers returned the same unexecuted as to the within named Defendant/Witness for the reason that after diligent search failed to find said Defendant/Witness in Monroe County, Florida

(US Prob v/ Subj's male) on property who Adv. Subj would be out of town for approx
Three weeks

Service Cost: \$40.00

Deposit: \$40.00

Sheriff Richard A. Ramsay
MONROEBy: [Signature] 59650
Deputy Sheriff

1083

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

CHRISTOPHER A. AMBROSE,

V.

FRANK PARLATO JR.,

SUMMONS IN A CIVIL CASE

CASE NUMBER: 3:25-CV-01151-SVN

TO: Frank Parlato, Jr
Defendant's Address:

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

**Christopher A. Ambrose
153 Middle Beach Rd
Madison, CT 06443**

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

/s/ – A D Gaskins

Signature of Clerk or Deputy Clerk



ISSUED ON 2025-08-29 15:42:06, Clerk USDC
CTD

EXHIBIT C
Sheriff's Invoice

SHERIFF'S OFFICE HOLBOE County, Florida
KW, Florida, 9/11/25, 2025 0082589
Received from CHRISTOPHER AMBROSE
the sum of FORTY DOLLARS as follows:
Fine \$ _____ Defendant _____
Deposit \$ _____ Account of _____
Costs \$ 40.00 Case of FRANK vs. _____ No. _____
Suspense \$ _____ Case of PABLATO vs. _____ No. _____
Cash Bond \$ _____ Bond Nos. _____
Other \$ _____ For SUMMONS #325CV01151SVN
Total \$ 40.00
Cash _____ Check 4/01/249889
Entered R. RAMSAY Sheriff By deleyp DS

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

CHRISTOPHER AMBROSE,
Plaintiff

Case No. 3:25-cv-01151-SVN

v.

FRANK PARLATO, JR.,
Defendant

JURY TRIAL DEMANDED

**PROPOSED ORDERS REGARDING SERVICE CLARIFICATION AND
REIMBURSEMENT OF COSTS**

Upon consideration of Plaintiff's Notice and Request for Clarification of Response Deadline and Reimbursement of Service Costs under Federal Rule of Civil Procedure 4(d)(2), and good cause appearing therefor, the Court hereby ORDERS as follows:

1. Service Date and Response Deadline:

The Court acknowledges that personal service upon Defendant Frank Parlato was effected by the Monroe County (Florida) Sheriff's Office on September 12, 2025, consistent with Federal Rule of Civil Procedure 4(e)(2)(B). Accordingly, the waiver of service filed thereafter is inapplicable under Rule 4(d), and Defendant's responsive pleading was due within twenty-one (21) days of service, on October 3, 2025, pursuant to Rule 12(a)(1)(A)(i).

2. Extension of Time:

Defendant may seek leave of Court for an extension of time to respond, upon a showing of good cause.

3. Reimbursement of Service Costs:

Pursuant to Federal Rule of Civil Procedure 4(d)(2), Defendant shall reimburse Plaintiff for the reasonable cost of personal service by the Monroe County Sheriff's Office in the amount of \$40, as documented in Exhibit C.

4. Other Relief:

The Court grants such other and further relief as it deems just and proper.

IT IS SO ORDERED.

Dated: _____, 2025
Hartford, Connecticut

Hon. Sarala V. Nagala
United States District Judge