

1 JOHN R. FUISZ (*pro hac vice*)
2 **THE FUISZ-KUNDU GROUP LLP**
3 1455 Pennsylvania Avenue, NW
4 Suite 400
5 Washington, DC 20004
6 Telephone: (202) 621-1889
7 E-mail: Jfuisz@fuiszlaw.com

8 JENNIFER L. ISHIMOTO (SBN 211845)
9 **BANIE & ISHIMOTO LLP**
10 600 Chesapeake Drive
11 Redwood City, CA 94063
12 Telephone: (650) 549- 5652
13 E-mail: ishimoto@banishlaw.com

14 Attorneys for Plaintiff
15 Libyan Jamahiriya Broadcasting Corporation

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 Libyan Jamahiriya Broadcasting
19 Corporation,

20 Plaintiff,

21 vs.

22 Abdalla Saleh,

23 Defendant.

Civil Action No. 5:10-CV-03713-JF PVT

**DECLARATION OF JENNIFER L.
ISHIMOTO IN SUPPORT OF REQUEST FOR
DEFAULT**

24 Pursuant to 28 U.S.C. § 1746, I, Jennifer L. Ishimoto, being of mature age and having
25 mental capacity to do so, hereby declares and state as follows:

26 1. I have personal knowledge of the facts alleged herein and could competently testify
27 thereto in a Court of law.

28 2. On August 10, 2010, Defendant Saleh submitted a counter-designation under 17 U.S.C.
§512 in which he swore under oath that he “will accept service of process from claimant.”

1 3. On August 20, 2010 this lawsuit was filed and Defendant Saleh was provided with an
2 email to abdoellibie@yahoo.com with a copy of the Complaint.

3 4. On September 27, 2010, Plaintiff filed an Ex Parte Application of Order Authorizing
4 Alternate Service of Process.

5 5. On September 27, 2010, counsel sent an email to abdoellibie@yahoo.com containing the
6 Ex Parte motion and all exhibits.

7 6. On October 14, 2010, this Court granted an Order authorizing service by email. On
8 October 14, 2010, both John Fuisz and Jennifer Ishimoto, both counsel of record, attempted to
9 serve abdoellibie@yahoo.com by email with the Complaint and Summons, but the emails were
10 returned as being undeliverable because the email account had been deactivated during the
11 intervening period. On November 17, 2010, Plaintiff filed an Ex Parte Application for an Order
12 Authorizing Service or Process by Publication or in the Alternate for Default.

13 7. On December 10, 2010, Judge Fogel granted Plaintiff's application to serve by publication
14 in an appropriate publication in Toronto, Canada.

15 8. On December 24, 2010, the Toronto Star Newspaper published the Notice as evidenced by
16 the Affidavit as to Insertion of Notice. On information and belief, Defendant's Answer or motion
17 under Rule 12 of the Federal Rules of Civil Procedure were due on January 14, 2011. Plaintiff
18 has not received any response from the Defendant.

19 9. To the Plaintiff's best knowledge, Defendant Saleh is not a minor and not incompetent.
20

21 I declare under penalty of perjury that the foregoing is true and correct to the best of my
22 ability.

23 Dated: February 11, 2011

24 /s/ Jennifer L. Ishimoto
Jennifer L. Ishimoto