

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 08-1345 (RMC)</b>
<b>v.</b>	)	
	)	<b>ECF</b>
<b>8 GILCREASE LANE, QUINCY,</b>	)	
<b>FFLORIDA 32351, etc., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	/	

**AFFIDAVIT OF CHARLES A. MURRAY IN SUPPORT  
OF THOMAS A. BOWDOIN, JR.'S REPLY TO PLAINTIFF UNITED STATES  
GOVERNMENT'S OPPOSITION TO MOTION FOR  
RELIEF FROM THE JUDGMENT**

CHARLES A. MURRAY, ESQ., being duly sworn, deposes and says:

1. I am an attorney for co-claimant, Thomas A. Bowdoin, Jr. in this *in rem* forfeiture action.
2. I have personal knowledge of the facts contained in this affidavit.
3. I did not in fact receive the electronic filings of any document filed in this action after November 10, 2009, nor did my office receive the courtesy email apparently sent by Assistant U.S. Attorney Barry Wiegand on November 18, 2009, containing copies of the Motion for Default Judgment and accompanying files.
4. As Neither I nor Bowdoin received actual notice that any post-November 10, 2009 filings had been entered, no response to the Motion for Default Judgment (Docket Entry #161), the Order to Show Cause on the Default Judgment (Docket Entry #163) or the January 4, 2009 Order granting said Motion for Default Judgment (Docket Entry #166) was filed.

5. I am a sole practitioner handling an average of 50 to 100 cases simultaneously. It certainly would be an onerous requirement if I was required and/or expected to check the dockets of 50 to 100 cases daily, on the happenstance that notice may not have been electronically delivered of a filing.


6. During the period in question (mid November 2009 through early January 2010), I experienced as yet unidentified computer / server issues, wherein multiple email messages apparently never loaded to the firm's Inbox.

7. A February 12, 2010 search through archived emails on my computer and the server located no ECF filings after November 10, 2009, nor the courtesy email apparently sent by Assistant U.S. Attorney Barry Wiegand on November 18, 2009.

8. Contrary to the United State's assertion that "Mr. Bowdoin was on actual notice of the motion for a default judgment", this simply was not the case.

And further Affiant sayeth naught.

Dated this 17<sup>th</sup> day of February 2010.

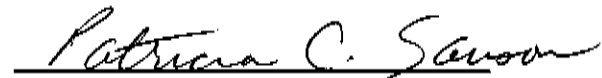
  
Charles A. Murray, Esq.  
Attorney for Thomas A. Bowdoin, Jr.,  
Co-Defendant/Claimant

STATE OF FLORIDA  
COUNTY OF LEE

SUBSCRIBED and SWORN to (or affirmed) before me by Charles A. Murray  
this 17<sup>th</sup> day of February 2010.

Personally known to me

Produced identification

  
Notary Public

