

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 06-21748-CIV-MARTINEZ-BANDSTRA

MARK J. GAINOR, ET AL.,

Plaintiff(s),

AFFIDAVIT OF
DUE DILIGENCE

-against-

SIDLEY AUSTIN LLP, f/k/a SIDLEY AUSTIN
BROWN & WOOD, ETC., ET AL,

Defendant(s),

Nassau County, New York State

RICK LETTAU duly deposes that I am a process server and reside in the State of New York. I am over the age of 18 and not a party to this action.

Your deponent received a copy of **CIVIL ACTION SUMMONS AND AMENDED COMPLAINT** to be served on **RJ RUBLE** at **65 DUCK POND ROAD GLEN COVE, NY 11542**

SERVICE: After due search, careful inquiry, and diligent attempts at the address listed above, I have been unable to effect the service of process upon the individual being served for the following reason(s):

SERVICE ATTEMPTS

SAID ADDRESS IS A PRIVATE RESIDENCE, WHICH APPEARS TO BE A SINGLE FAMILY DWELLING. THE DEFENDANT NO LONGER RESIDES AT THE ABOVE ADDRESS. THE DEFENDANT'S CURRENT ADDRESS IS 1517 AVALON SQUARE GLEN COVE, NY 11542.

1517 AVALON SQUARE GLEN COVE, NY 11542

SAID BUILDING IS A MULTI-UNIT RESIDENTIAL APARTMENT BUILDING WHICH HAS A DOORMAN LOCATED IN THE LOBBY. NO VISITOR IS ALLOWED BEYOND THE LOBBY LEVEL WITHOUT THE CONSENT OF THE RESIDENT IN THE BUILDING. YOUR DEPONENT CONFIRMED WITH SEVERAL DOORMEN/CONCIERGE PERSONNEL THAT THE DEFENDANT RESIDES IN THE BUILDING, HOWEVER IS RARELY AT HOME. IT IS THE OPINION OF THE DOORMEN/CONCIERGE PERSONNEL THAT THE DEFENDANT MAY RESIDE/STAY AT OTHER LOCATIONS, AS WELL. ON SEVERAL OCCASIONS, THE DOORMEN/CONCIERGE PERSONNEL WOULD SHOW YOUR DEPONENT PILES OF MAIL/EXPRESS DELIVERIES WHICH HAD BEEN ACCUMULATING FOR THE DEFENDANT

SERVICE ATTEMPTS

- 3/24/07 @ 9:30AM
- 3/27/07 @ 6:55AM
- 3/30/07 @ 8:53PM
- 4/5/07 @ 7:20PM
- 4/9/07 @ 7:02AM
- 7/2/07 @ 7:16AM
- 7/6/07 @ 6:55AM - 8:45AM
- 7/7/07 @ 8:15AM - 9:30AM
- 7/9/07 @ 6:30PM - 8:20PM
- 7/10/07 @ 12:09PM
- 7/12/07 @ 6:45AM - 9:05AM
- 7/19/07 @ 7:30PM - 9:30PM

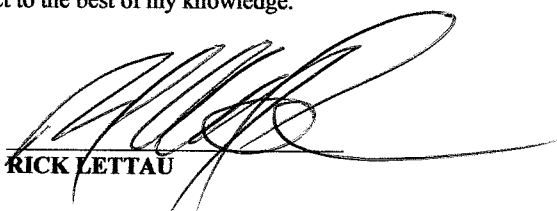
AT NO TIME DID YOUR DEPONENT OBSERVE THE VEHICLE (S) THAT ARE PRESUMED TO BE THE CURRENT VEHICLE(S) THAT THE DEFENDANT IS CURRENTLY USING

I declare under penalty of perjury, that the information herein is true and correct to the best of my knowledge.

Sworn to before me on **JULY 21, 2007**



MAUREEN A. LETTAU
Notary Public, State of New York
NO. 01LE6069760
Qualified in Nassau County
Commission Expires February 11, 2010


RICK LETTAU