

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

**SHARON LEWIS,
Plaintiff**

CIVIL ACTION

VERSUS

NO. 21-198-SM-RLB

**BOARD OF SUPERVISORS OF LOUISIANA
STATE UNIVERSITY AND AGRICULTURAL
AND MECHANICAL COLLEGE,
Defendant**

ORDER AND REASONS

Before the Court is Plaintiff Sharon Lewis’s (“Lewis”) Motion to Serve Subpoena for Deposition of Leslie Miles on Peter Ginsberg, Esq., Attorney for Leslie Miles on Behalf of Leslie Miles.¹ The motion is opposed.²

Lewis asks the Court to permit her to serve a Rule 45 subpoena for Leslie Miles on Miles’s attorney, Peter Ginsberg.³ Lewis’s counsel, Albert Van-Lare, included with the motion a lengthy affidavit detailing his efforts to locate and serve Miles.⁴ Van-Lare declared that he hired an investigator and performed one paid internet search, the latter effort identifying an address where a process server found “an empty house and no for sale sign.”⁵

In his opposition, Miles argues that the Fifth Circuit is among those jurisdictions that require personal service of a Rule 45 subpoena,⁶ and even in those jurisdictions that

¹ R. Doc. 354.

² R. Doc. 358.

³ R. Doc. 354.

⁴ R. Doc. 354-1.

⁵ *Id.* at pp. 1–2.

⁶ R. Doc. 358 at pp. 1–3.

allow alternate service, the party seeking alternate service must first show a “sufficient showing of diligence” toward personal service.⁷

Without ruling on whether the Fifth Circuit permits alternate service of a subpoena under Rule 45, the Court finds that Lewis and her attorney have not made a sufficient showing of diligence to serve Leslie Miles personally.

For example, one recent article in the Miami Herald lists at least six address search services and suggests using public records as an alternate means of locating a person.⁸ According to the article, public record resources include “voter registration data and property records.”⁹

Van-Lare declared he believes Miles to live in Naples,¹⁰ a city in Collier County, Florida.¹¹ The Collier County Supervisor of Elections maintains a free Voter Information Look-Up website.¹² The Collier County government also allows users to search official land records.¹³ Lewis has not shown that she or her attorneys have availed themselves of these and other publicly available resources. As a result, the Court finds that her efforts thus far have not been sufficiently diligent.

Accordingly;

IT IS ORDERED that Lewis’s motion is **DENIED** without prejudice. Lewis

⁷ *Id.* at p. 3.

⁸ Ahad Waseem, *How to Find Someone’s Address With Their Name*, MIAMI HERALD (last updated July 1, 2023) <https://www.miamiherald.com/software-business/article272410648.html> [<https://perma.cc/6Z7W-E2CE>].

⁹ *Id.*

¹⁰ R. Doc. 354-1 at p. 2.

¹¹ See COLLIER CO. GOV’T, <https://www.colliercountyfl.gov/> [<https://perma.cc/53J5-LRAQ>] (last visited July 19, 2023).

¹² *Voter Information Look-Up*, COLLIER CO. SUPERVISOR OF ELECTIONS, <https://www.colliervotes.gov/Voters/Check-My-Registration-Status> [<https://perma.cc/33LV-FV2D>] (last visited July 19, 2023).

¹³ *Search Official/Land Records*, CLERK OF CIR. CT. AND COMPTROLLER, COLLIER CO., FLA., <https://collierclerk.com/recording-information/search-official-land-records/> [<https://perma.cc/GXR7-KGZW>] (last visited July 19, 2023).

may conduct additional efforts to locate and serve Leslie Miles and refile her motion **on or before Friday, August 11, 2023.**

New Orleans, Louisiana, this 20th day of July, 2023.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE