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September 23, 2005

Via UPS Overnight Delivery

The Honorable Patty Shwartz, U.S.M.J.
 United States District Court for the
 District of New Jersey
 U.S. Post Office & Courthouse Bldg.
 Federal Square
 Newark, New Jersey 07101

Re: Howard Johnson International, Inc. v. C.C. Host LLP, et al.
Civil Action No. 05-3604 (FSH)

Dear Magistrate Judge Shwartz:

We represent plaintiff Howard Johnson International, Inc. (“HJI”) in the above matter. Please accept this letter, in lieu of a formal brief, in support of HJI’s application for an order permitting service by publication upon defendant Ranjit Bhakta. (All other defendants in this matter have been served).

HJI filed this action on July 20, 2005. After investigating Mr. Bhakta’s address, HJI believes that his last known address was 320 South Highway 77, Robstown, Texas (a small town approximately 10 miles from Corpus Christi, Texas), the same address at which HJI served Mr. Bhakta in a prior lawsuit. Accordingly, on August 1, 2005, I forwarded copies of the Summons and Complaint to a process server with instructions to serve Mr. Bhakta at that address. (Affidavit of Marc D. Crowley (“Crowley Aff.”), submitted herewith, at ¶¶ 3-5). On August 3, 2005, the process server attempted to serve Mr. Bhakta at the Robstown address. Although the family residing there is named Bhakta, they claimed that Ranjit Bhakta is not related to them, and that he had moved to Corpus Christi. The process server then tried, without success, to locate Mr. Bhakta in Corpus Christi. (Crowley Aff., ¶ 6 and Exhibit A).

Despite additional investigation and inquiries, we have been unable to obtain another address for Mr. Bhakta. Based on the information provided by the family residing at his last known address, we believe that he is in the Corpus Christi area. (Crowley Aff., ¶ 7). Therefore, HJI respectfully requests, in accordance with Fed. R. Civ. P. 4(e)(1) and applying

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New Jersey Court Rule 4:4-4(b)(3), that the Court authorize service upon Ranjit Bhakta by publication of a notice in a newspaper of general circulation in the Corpus Christi area. We have enclosed a proposed Order and notice to that effect.

Thank you for Your Honor's consideration in this matter.

Respectfully,


MARC D. CROWLEY

Enclosures