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Howard Elisofon, Esq. Christopher J. Sullivan, Esq. John Oleske, Esq. Attorneys for Plaintiffs Herrick, Feinstein LLP 2 Park Avenue New York, New York 10016

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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

PHYLLIS MOLCHATSKY and STEVEN SCHNEIDER, M.D.,

Plaintiffs,

- against -

UNITED STATES OF AMERICA,

Defendant.

United States of America 86 Chambers Street New York, NY 10007

TO: c/o U.S. Attorney, SDNY

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFFS' ATTORNEY

Howard Elisofon Herrick, Feinstein LLP 2 Park Avenue New York, New York 10016

an answer to the Complaint which is served on you with this summons, within 60 days after service of this Summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint. Any answer that

No.

**SUMMONS IN A CIVIL ACTION** 

you	serve	on	the	parties	to	this	action	must	be	filed	with	the	Clerk	of	this	Court	within	a
reas	onable	per	riod (	of time	afte	r ser	vice.											

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HERRICK, FEINSTEIN LLP TWO PARK AVENUE NEW YORK, NY 10016 (212) 592 - 1400

UNITED STATES DISTRIC SOUTHERN DISTRICT OF			(212) 592
PHYLLIS MOLCHATSKY & SCHNEIDER, M.D.,	and STEVEN	X : :	
	Plaintiff,	: : AFFIDA	AVIT OF SERVICE
VS.		: Index N	o. 09-CV-8697
UNITED STATES OF AMER	RICA	: : : ECF CA	V C E
	Defendants.	: Let et	NOE.
		x	
STATE OF NEW YORK	) ss.:		
COUNTY OF NEW YORK	)		

Kara Beach-Kimball, being duly sworn, deposes and says:

- 1. I am not a party to the action, am over 18 years of age and reside in Chatham, New Jersey.
- 2. On October 14<sup>th</sup>, 2009, I served the (i) Summons and Complaint, dated 10/14/09, (ii) Civil Cover Sheet, (iii) SDNY ECF Rules and Instructions, (iv) Individual Rules of Judge Laura Taylor Swain, and (v) Individual Rules of Magistrate Judge Andrew Peck upon the above referenced defendant, the United States of America.

3. I served the aforementioned documents upon the United States of America on October 14<sup>th</sup>, 2009 by personally delivering true copies of said documents to Calvin Coleman, Legal Technician, Office of the United State Attorney for the Southern District of New York, 86 Chambers Street, New York, NY 10007. Mr. Coleman is described as a male of approximately 35 years of age, approximately 6' 1" tall, weighing approximately 175lbs, with brown hair, brown eyes, and light brown skin.

Kara Blach Kimball
Kara Beach-Kimball

Sworn to before me this 15th day of October, 2009.

SHELBY KELLEHER

Notan Public, State of New York No. 01KE6207081 Qualified in New York County Commission Expires June 8, 2013

## AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NEW YORK )
ss.:
COUNTY OF NEW YORK )

I, Marianne Warnock, being duly sworn, deposes and says:

That deponent is not a party to the action, is over eighteen years of age and resides in Mineola, New York.

That on this day of October 15, 2009 deponent served the

Civil Cover

Sheet, Summons and Complaint, along with copies of the applicable court rules on:

David M. Becker, General Counsel Securities and Exchange Commission Office of the General Counsel 100 F Street, NE Washington, DC 20549 Eric Holder, Esq. U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530

the address designated by said attorneys for that purpose by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service via Certified Mail/Return Receipt Requested within New York State.

MARIANNE WARNOCK

Sworn to before me this day of October 15, 2009

Notary Public

SHELBY KELLEHER
Notary Public, State of New York
No. 01KE6207081
Qualified in New York County
Commission Expires June 8, 2013

THE COUNTY OF THE SEARCH OF TH

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