

**JUDGE SWAIN**

Howard Elisofon, Esq.  
Christopher J. Sullivan, Esq.  
John Oleske, Esq.  
Attorneys for Plaintiffs  
Herrick, Feinstein LLP  
2 Park Avenue  
New York, New York 10016  
Tel: (212) 592-1400  
Email: helisofon@herrick.com

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**09 CIV 8697**

----- X  
PHYLLIS MOLCHATSKY and STEVEN  
SCHNEIDER, M.D.,

:  
: No.

Plaintiffs,

:  
: **SUMMONS IN A CIVIL ACTION**

- against -

UNITED STATES OF AMERICA,

Defendant.

----- X  
TO: United States of America  
c/o U.S. Attorney, SDNY  
86 Chambers Street  
New York, NY 10007

**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

you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

\_\_\_\_\_  
Clerk

OCT 14 2009  
Date

\_\_\_\_\_  
(By) Deputy Clerk

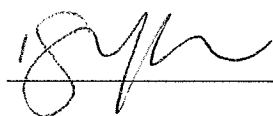
*Patricia Curtis*



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 Beach-Kimball  
Kara Beach-Kimball

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



---

**SHELBY KELLEHER**  
Notary 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:

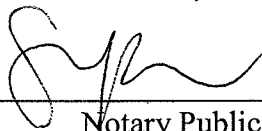
David M. Becker, General Counsel  
Securities and Exchange Commission  
Office of the General Counsel  
100 F Street, NE  
Washington, DC 20549

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

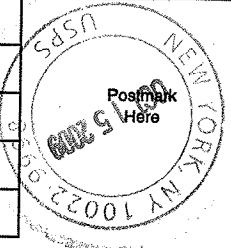
0495 5840  
6836 6899  
4000 0004  
0701 1010  
E001 7002

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To David Becker = SEC General Counsel  
 Street, Apt. No.,  
 or PO Box No. 100 F Street, NE  
 City, State, ZIP+4 Washington DC 20549

5857 9899  
6836 6899  
4000 0004  
0701 1010  
E001 7003

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To Eric Holder, Esq. = US Dept. of Justice  
 Street, Apt. No.,  
 or PO Box No. 950 Pennsylvania Ave, NW  
 City, State, ZIP+4 Washington, DC 20530-0001