

# **EXHIBIT C**

## **PROOF OF SERVICE OF PROCESS**

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Natural Resources Defense Council, Inc., et al.

Plaintiff

v.

United States Food and Drug Administration et al.

Defendant

Civil Action No.

11 CV

3562

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Margaret Hamburg, Commissioner
United States Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Mitchell S. Bernard
Natural Resources Defense Council
40 West 20th Street
New York, NY 10011

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT

Signature of Clerk or Deputy Clerk

MAY 25 2011

Date:

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Defendant Margaret Hamburg, Commissioner of the Administration <sup>U.S. Food and Drug</sup>  
was received by me on *(date)* 5-25-11.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: I served the summons by certified mail on defendant Margaret Hamburg,  
Commissioner of the U.S. Food and Drug Administration, the U.S. Attorney General, and  
the Civil Process Clerk for the U.S. Attorney's office for the S.D.N.Y.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 7-26-11

Lucia Ruiz

*Server's signature*

Lucia Ruiz, Litigation Assistant

*Printed name and title*

40 West 20th Street, 11th Floor  
New York, NY 10011

*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Natural Resources Defense Council, Inc., et al.

Plaintiff

v.

United States Food and Drug Administration et al.

Defendant

JUDGE BERMAN

Civil Action No. 11 CV

3562

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) United States Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

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Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Mitchell S. Bernard
Natural Resources Defense Council
40 West 20th Street
New York, NY 10011

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT

Handwritten signature of Ruby J. Krajick

Signature of Clerk or Deputy Clerk

Date:

MAY 25 2011

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Defendant U.S. Food and Drug Administration  
was received by me on (date) 5-25-11.

I personally served the summons on the individual at (place) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on (name of individual) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other (specify): I served the summons by certified mail on defendant U.S. Food and Drug Administration, the U.S. Attorney General, and the Civil Process Clerk for the U.S. Attorney's office for the S.D.N.Y.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 7-26-11

Lucien Roibal  
Server's signature

Lucien Roibal, Litigation Assistant  
Printed name and title

40 West 20th Street, 11th Floor  
New York, NY 10011  
Server's address

Additional information regarding attempted service, etc: