

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Delama GEORGES *et al.*,

Plaintiffs,

v.

United Nations *et al.*,

Defendants.

Civil Action No. 1:13-cv-07146-JPO

CERTIFICATE OF SERVICE

Plaintiffs in the above-titled action, by and through counsel, respectfully submit the following as proof that service of process has been perfected on Defendant Ban Ki-moon (“Defendant Ban”), the Secretary-General of the United Nations (“UN”).

1. Service of process by delivery to Defendant Ban personally through the use of a private process server—specifically, Anthony Calderon of EPS Judicial Process Service, Inc., 29-27 41st Avenue, Suite 807, Long Island City, NY 11101—was attempted on October 10, 2013, at approximately 11:45 AM, at Defendant Ban’s place of business, UN headquarters, 760 United Nations Plaza, New York, NY 10017. The server was stopped by security at the entrance. He contacted the UN’s Office of Legal Affairs (“OLA”), which informed him that it would accept service via mail and/or facsimile (at 212-963-6430). A true and correct copy of the Affidavit of Attempted Service is attached as Exhibit 1.

2. Service of process by delivery to Defendant Ban personally through the use of a private process server—specifically, Anthony Calderon of EPS Judicial Process Service, Inc., 29-27 41st Avenue, Suite 807, Long Island City, NY 11101—was attempted again on October 11, 2013, at approximately 10:30 AM, at Defendant Ban’s

place of business, UN headquarters, 760 United Nations Plaza, New York, NY 10017.

The server was stopped by security at the entrance. He contacted the UN's Office of Legal Affairs ("OLA"), which informed him that it would accept service via mail and/or facsimile (at 212-963-6430). A true and correct copy of the Affidavit of Attempted Service is attached as Exhibit 1.

3. Service of process by delivery to Defendant Ban personally through the use of a private process server—specifically, Jesse Goldman of Metro Attorney Service Inc., 305 Broadway, 9th Floor, New York, NY 10007—was attempted again on November 27, 2013, at approximately 2:44 PM, at Defendant Ban's place of business, UN headquarters, 760 United Nations Plaza, New York, NY 10017. Security at the entrance refused to permit the server to enter and instructed him to attempt service at an adjacent UN office building located at 1 United Nations Plaza, New York, NY 10017. The server attempted service at that location eleven minutes later, but security there refused to permit him to enter. A true and correct copy of the Affidavit of Attempted Service is attached as Exhibit 2.

4. Service of process was attempted by facsimile—specifically, per OLA's instructions at 212-963-6430, from the office of counsel to Plaintiffs—on Defendant Ban on December 13, 2013, at approximately 3:09 PM. On December 19, 2013, at approximately 3:11 PM, a paralegal for Plaintiffs' counsel contacted OLA by telephone and spoke to a woman who identified herself as "Mae" (who, upon information and belief, is Mae Arkoncel, Assistant to the UN Legal Counsel). Mae confirmed that OLA had received the faxed documents from Plaintiffs' counsel and stated that the UN was currently "reviewing the documents." A true and correct copy of the Affidavit of Service

is attached as Exhibit 3. A true and correct copy of the facsimile confirmation (showing delivery on December 13, 2013, at approximately 5:23 PM) is attached as Exhibit 4.

5. Service of process was attempted by U.S. Priority Certified Mail—per OLA’s instructions—on Defendant Ban on December 30, 2013. A true and correct copy of the cover letter for the mailing is attached as Exhibit 5. A true and correct copy of the U.S. Postal Service Product and Tracking Information receipt (showing delivery on January 2, 2014) is attached as Exhibit 6.

6. Service of the Complaint in the above-captioned action, accompanied by two copies each of (1) a Notice of Lawsuit and Request to Waive Service of a Summons and (2) a Waiver of the Service of a Summons, and by a pre-paid envelope, was attempted by U.S. Priority Certified Mail on Defendant Ban on December 30, 2013. A true and correct copy of the cover letter for the mailing is attached as Exhibit 7. A true and correct copy of the U.S. Postal Service Product and Tracking Information receipt (showing delivery on January 2, 2014) is attached as Exhibit 6.

7. Service of process by delivery to Defendant Ban personally through the use of a private process server—specifically, Augustus Wilson of Process Service Network, 5775 East Los Angeles Avenue, #218, Simi Valley, CA 93063—was attempted again on January 20, 2014, at approximately 10:05 AM, at Defendant Ban’s residence located at 3 Sutton Place, New York, NY 10022. A security guard informed the server that Defendant Ban was not present, and refused to open the door or accept service. A true and correct copy of the Proof of Service is attached as Exhibit 8.

8. Service of process by delivery to Defendant Ban personally through the use of a private process server—specifically, William Harrison of Process Service

Network, 5775 East Los Angeles Avenue, #218, Simi Valley, CA 93063—was perfected on January 20, 2014, at approximately 2:00 PM, at Defendant’s Ban residence located at 3 Sutton Place, New York, NY 10022. A male who identified himself as “security” answered the door and informed the server that he would not accept service and that Defendant Ban was not present. The server affixed the process to the front door with masking tape and informed the security guard that he was doing so with the intention that the documents would be forwarded to Defendant Ban. The server then mailed another copy of the process to Defendant Ban at the same address. A true and correct copy of the Proof of Service is attached as Exhibit 9.

Dated: February 4, 2014

Respectfully submitted,

/s/: Beatrice Lindstrom
Beatrice Lindstrom (S.D.N.Y. Bar No BL8321)
Brian Concannon, Jr.
Institute for Justice & Democracy in Haiti
666 Dorchester Ave.
Boston, MA 02127
Tel: (617) 652-0876

Ira Kurzban
Kurzban Kurzban Weinger Tetzeli & Pratt P.A.
2650 S.W. 27th Avenue, Second Floor
Miami, FL 33133
(305) 444-0060

Attorneys for Plaintiffs