

**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

**DECLARATION 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 the United Nations Stabilization Mission in Haiti (“Defendant MINUSTAH”).

1. Service of process by delivery to Defendant MINUSTAH 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 MINUSTAH’s parent organization, the United Nations (“UN”), 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 MINUSTAH 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 MINUSTAH's parent organization, the UN, 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 MINUSTAH 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 MINUSTAH's parent organization, the UN, 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 MINUSTAH on December 12, 2013, at approximately 9:41 AM. 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 12, 2013, at approximately 11:07 AM) is attached as Exhibit 4.

5. Service of process was attempted by U.S. Priority Certified Mail—per OLA’s instructions—on Defendant MINUSTAH 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 MINUSTAH 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, as prescribed by the law of Haiti for service in an action in Haitian courts of general jurisdiction, was perfected on Defendant MINUSTAH on January 31, 2014. Specifically, Haitian law permits service by hand delivery to a defendant in a civil action by a bailiff of a Haitian civil court. On January 31, 2014, Anouald Beaubrun, Bailiff of the Supreme Court of Port-au-Prince, served process by hand delivery to Berthe Pierre, a MINUSTAH employee (specifically, an employee of Sandra Honore, Special Representative of MINUSTAH), at MINUSTAH headquarters, Log Base, Boulevard Toussaint Louverture and Clercine 18, Port-au-Prince, Haiti. A true

and correct copy of the Affidavit of Service is attached as Exhibit 8. A certified translation thereof is attached as Exhibit 9, and an affidavit certifying the translation is attached as Exhibit 10. A true and correct copy of relevant provisions of the Haitian Code of Civil Procedure that prescribe the method to effect service under Haitian law is attached as Exhibit 11. A certified translation is attached as Exhibit 12, and an affidavit certifying the translation is attached as Exhibit 13. An affidavit of law by a Haitian law expert attesting that service was completed in Haiti in accordance with Haitian law is attached as Exhibit 14.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 4, 2014

Respectfully submitted,

/s/: Beatrice Lindstrom  
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