

**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 Edmond Mulet, former Under-Secretary-General for the United Nations Stabilization Mission in Haiti (“Defendant Mulet”).

1. Service of process by delivery to Defendant Mulet 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 Mulet’s place of business, 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 Mulet 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 Mulet's place of business, 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 Mulet 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 Mulet's place of business, 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 Mulet on December 14, 2013, at approximately 3:41 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 14, 2013, at approximately 5:40 PM) is attached as Exhibit 4.

5. Service of process was attempted by U.S. Priority Certified Mail—per OLA’s instructions—on Defendant Mulet 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 Mulet 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 Mulet 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 perfected on January 7, 2014, at approximately 4:40 PM, at Defendant Mulet’s residence located at 429 East 52nd Street, Apartment 36A-E, New York, NY 10022. A security guard/concierge informed the server that Defendant Mulet was not present, and refused to permit the server to access Defendant Mulet’s apartment. The server then left the process with the security guard/concierge. On January 8, 2014, the server then mailed another

copy of the process to Defendant Mulet at the same address. A true and correct copy of the Proof of Service is attached as Exhibit 8.

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

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
Tel: (305) 444-0060

Attorneys for Plaintiffs