

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Dr. Orly Taitz, Esq.,

Plaintiff,

v.

Patrick Donahoe, et al.,

Defendants.

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Case 13-cv-1020 (RCL)

I, Daniel F. Van Horn, do hereby declare that:

1. I am an Assistant United States Attorney for the District of Columbia. I have held that position since 1992. I am currently assigned as the Chief of the Office's Civil Division. I have been a practicing attorney in public and private sector positions in the District of Columbia for more than 35 years.

2. Document 3 on the Court's electronic civil docket for the above-captioned civil action includes a Proof of Service indicating that a copy of the summons was sent as certified mail Article Number 7012 0470 0000 5945 5782, addressed to "US Attorney; 555 Fourth St., NW; Washington DC 20530," on July 13, 2013.

3. Attached hereto is a USPS.com Track & Confirm print out for Article Number 7012 0470 0000 5945 5782 stating that the item was delivered at 10:46 a.m. on July 17, 2013, to Washington, D.C. 20530.

4. The United States Attorney's Office for the District of Columbia is located at 555 Fourth Street, NW, Washington, D.C., the address to which Article Number 7012 0470 0000 5945 5782 was sent. However, because of safety precautions implemented in response to the anthrax attacks in 2001, mail addressed to our Office is initially routed through the main mail room for the Department of Justice. This is accomplished through use of the ZIP Code 20530.

5. A member of the Civil Division's staff has inquired whether the Department's mail room has any record relating to Article Number 7012 0470 0000 5945 5782, but we have not yet received any information about that certified mail package or what became of its contents.

6. Only certain employees of the United States Attorney's Office are authorized to receive service of civil actions on behalf of the United States Attorney. None of the personnel who work at the Department of Justice's mail room are employees of our Office, none of them have been designated to function as a civil process clerk for our Office, and none of them are authorized to receive service of civil actions on behalf of the United States Attorney.

7. Our Office's procedure for recording receipt of service in a civil action is for a civil process clerk to write the date of receipt on the summons and to record the name of the case and the civil action number in a calendar book (the "Service Book") maintained for that purpose. I have reviewed the entries made by our Office's civil process clerks in the Service Book from July 17, 2013, to October 9, 2013. I found no entry in the Service Book reflecting service of the summons and complaint for the above-captioned civil action during that period.

8. The Civil Division of our Office also maintains a Certified Mail Log with the article numbers for all incoming certified mail received by the Civil Division. A member of the Civil Division's staff has reviewed the entries made in that Certified Mail Log for the period from July 17, 2013, to October 9, 2013, and found no entry reflecting receipt of Article Number 7012 0470 0000 5945 5782 during that period.

9. Document 4 on the Court's electronic civil docket for this case is a Motion for Summary Judgment/Default Judgment filed on September 18, 2013. That motion includes a proof of service stating that the motion was served on the United States Attorney at 555 Fourth St., N.W., Washington, D.C. 20530 on September 17, 2013. The method of service is not indicated.

I have not located our Office's service copy of this motion nor any record or other evidence that our Office received its service copy of this motion. Furthermore, because no attorney in our Office had entered an appearance in the case as of September 18, 2013, we did not receive notice of the motion by email through the Court's electronic case filing system.

10. To the best of my knowledge, our Office first learned of this case on October 8, 2013, when I was notified about the case and the pending motion in a telephone call from the Court.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 10, 2013.


DANIEL F. VAN HORN

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July 17, 2013 , 10:32 am	Available for Pickup	WASHINGTON, DC 20530
July 17, 2013 , 10:22 am	Arrival at Unit	WASHINGTON, DC 20018
July 17, 2013	Depart USPS Sort Facility	WASHINGTON, DC 20018
July 17, 2013 , 5:04 am	Processed through USPS Sort Facility	WASHINGTON, DC 20018
July 16, 2013	Depart USPS Sort Facility	WASHINGTON, DC 20018
July 16, 2013 , 5:27 am	Processed through USPS Sort Facility	WASHINGTON, DC 20018

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