

Empire Process Service, Inc.
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Brooklyn, NY 11229
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CASE # 803 CAPITOL STREET

Witness Fee \$50.00

UNITED STATES DISTRICT COURT FOR THE

INDEX NO.: 1:06-CV-01710

COUNTY OF DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Plaintiff(s)

against

AFFIDAVIT
OF
SERVICE

803 CAPITOL STREET VALLEJO, CALIFORNIA 94590 ET AL.,

Defendant(s)

STATE OF NEW YORK, COUNTY OF KINGS

ss.:

HARRY TORRES

being duly sworn, deposes and says: that deponent is not a party

to this action, is over 18 years of age and resides in The State of New York
That on 02/26/07 12:01 PM at 1211 AVENUE OF THE AMERICAS, LOBBY NEW YORK, NY 10036

deponent served the within SUBPOENA DUCES TECUM

on

DICK MORRIS C/O BILL O'REILLY, FOX NEWS NETWORK, L.L.C.

defendant therein named,

INDIVIDUAL by delivering thereat a true copy of each to said defendant personally; deponent knew said person so served to be the person described as said defendant therein. (S)He identified (her) himself as such.

CORPORATION a _____, by delivering thereat a true copy of each to _____ personally; deponent knew said _____ so served to be the _____ described as the named defendant and knew said individual to be the _____ thereof.

SUITABLE AGE PERSON by delivering thereat a true copy of each to STEPHANIE MINOVICI CO-WORKER/ * a person of suitable age and discretion. That person was also asked by deponent whether said premises was the defendant's actual place of business and the reply was affirmative.

AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having verified defendant's _____ with _____ and having called there on _____ AUTHORIZED TO ACCEPT SERVICE

Mailed on 02/27/07 BY FIRST CLASS MAIL
MAILED IN AN ENVELOPE MARKED PERSONAL & CONFIDENTIAL

MAILING On 02/27/07 deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to defendant at defendant's actual place of business at 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036 and deposited said wrapper in a post office of the United States Postal Service within New York State.

DESCRIPTION Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	WHITE	BROWN	25	5'6	120

USE IN NYC CIVIL CT. Other identifying features:
The language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of said summons(es).

MILITARY SERVICE I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply.
The source of my information and the grounds of my belief are the conversations and observations above narrated.
Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that term is defined in either the State or Federal statutes.

SWORN TO BEFORE ME ON 02/27/07

TARA M. MAROLLA
NOTARY PUBLIC, State of New York
No. 01MA5035821
Qualified in Richmond County

BRUCE ANGLIN
NOTARY PUBLIC, State of New York
No. 01AN4988753
Qualified in Kings County

HARRY TORRES

915257

LICENSE NO. _____

Commission Expires November 14, 2010 Commission Expires November 18, 2010

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

PLAINTIFF,

VS.

803 CAPITOL STREET VALLEJO, CALIFORNIA
94590 *ET AL.*,

DEFENDANTS.

CASE No.:1:06-CV-01710-GK

CLAIMANT'S THIRD NOTICE OF DEPOSITION

Please take notice that pursuant to Rule 30(b)(6), Federal Rules of Civil Procedure, the undersigned will take the depositions upon oral examination of the following people at the following times and place:

1. Dick Morris, Dick Morris Associates, at Law Offices of Montgomery Blair Sibley, 1717 K Street, N.W., Suite 600, Washington, D.C. 20036 on **Monday, April 2, 2007 at 10:00 a.m.**

The deposition (i) will be taken upon oral examination before a Notary Public in and for the District of Columbia, or some other officer duly authorized by law to take depositions, (ii) will continue from day to day until completed, (iv) pursuant to FRCP 30(b)(3) may also be taken by video/audio recording and (iv) is being taken for the purpose of discovery, for use at trial, or both, and for such other purposes as are permitted under the Federal Rules of Civil Procedure and governing federal statutes.

A copy of the subpoena is attached for each deponent.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the served pursuant to LcvR 5.4(d) upon William R. Cowden, Assistant United States Attorney, Criminal Division, Asset Forfeiture Unit, 555 4th St., N.W., Room 4818, Washington, D.C. 20530 this February 12, 2007.

MONTGOMERY BLAIR SIBLEY
CENTER FOR FORFEITURE LAW
50 West Montgomery Avenue, Suite B-4
Rockville, MD 20850-4216
Voice/Fax: (202) 478-0371
E-mail: mbsibley@civilforfeiture.com

By: /s/ Montgomery Blair Sibley
Montgomery Blair Sibley
D.C. Bar #464488

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

CASE No.:1:06-CV-01710-GK

PLAINTIFF,

vs.

SUBPOENA DUCES TECUM

803 CAPITOL STREET VALLEJO, CALIFORNIA
94590 *ET AL.*,

DEFENDANTS.

To: Dick Morris, Dick Morris & Associates, 535 Fifth Avenue, 20th Floor, New York,
New York, 10017

YOU ARE COMMANDED to appear at Law Offices of Montgomery Blair Sibley, 1717 K Street, N.W., Suite 600, Washington, D.C. 20036 on **Monday, April 2, 2007 at 10:00 a.m.**, before a person authorized by law to take depositions, for the taking of your deposition in this action pending in the United States District Court for the District of Columbia.

PURSUANT TO RULE 45(c), FEDERAL RULES OF CIVIL PROCEDURE:

(1) A party or any attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the

production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion the court by which a subpoena was issued shall quash or modify the subpoena if it (I) fails to allow reasonable time for compliance, (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden. (B) If a subpoena (I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or (iii) requires a person who is not a party or an officer of an party to incur substantial expense to travel more than 100 miles to attend trial, the Court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

Dated: February 12, 2007

MONTGOMERY BLAIR SIBLEY
CENTER FOR FORFEITURE LAW
50 West Montgomery Avenue, Suite B-4
Rockville, MD 20850-4216
Voice/Fax: (202) 478-0371
E-mail: mbsibley@civilforfeiture.com

By: _____
Montgomery Blair Sibley
D.C. Bar #464488

PROOF OF SERVICE

Date

Place

Served

Served on (Print Name)

Manner of Service

Served by (Print Name)

Title

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

Date

Signature of Server

Address of Server
