

Civil Action No. 18-cv-2399-KBJ

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Department of Justice  
was received by me on *(date)* 11/26/2018 .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: I emailed a copy of the summons and Amended Complaint to opposing counsel on  
November 30, 2018. He accepted service on behalf of the Federal Bureau of Prisons and  
Department of Justice.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 11/30/2018

*megan graham*

*Server's signature*

Megan Graham, Clinical Teaching Fellow

*Printed name and title*

Samuelson Law, Technology & Public Policy Clinic  
UC Berkeley School of Law, 353 Boalt Hall  
Berkeley, CA 94720-7200

*Server's address*

Additional information regarding attempted service, etc:

Proof of service is attached.

Print

Save As...

Reset

**Subject:** RE: Activity in Case 1:18-cv-02399-KBJ NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS v. FEDERAL BUREAU OF PRISONS et al Summons Issued Electronically  
**Date:** Friday, November 30, 2018 at 7:53:01 AM Pacific Standard Time  
**From:** Nebeker, Mark (USADC)  
**To:** Megan Graham  
**Attachments:** image001.jpg

I can confirm that BOP and DOJ will accept service of the amended complaint in this manner. Thank you.

W. Mark Nebeker  
Assistant United States Attorney  
Civil Division  
555 4<sup>th</sup> Street, N.W.  
Washington, DC 20530  
(202) 252-2536

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**From:** Megan Graham <mgraham@clinical.law.berkeley.edu>  
**Sent:** Friday, November 30, 2018 10:44 AM  
**To:** Catherine Crump <ccrump@clinical.law.berkeley.edu>; Nebeker, Mark (USADC) <MNebeker@usa.doj.gov>; Pollack, Barry <bpollack@robbinsrussell.com>  
**Cc:** Williams, Virginia <vwilliams@robbinsrussell.com>  
**Subject:** Re: Activity in Case 1:18-cv-02399-KBJ NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS v. FEDERAL BUREAU OF PRISONS et al Summons Issued Electronically

Hello Mark,

Attached you will find the Amended Complaint and related exhibits, as well as copies of the summonses. Please confirm that you are accepting service on behalf of BOP and DOJ.

Best,  
Megan

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**From:** Catherine Crump <[ccrump@clinical.law.berkeley.edu](mailto:ccrump@clinical.law.berkeley.edu)>  
**Date:** Thursday, November 29, 2018 at 4:20 PM  
**To:** "Nebeker, Mark (USADC)" <[Mark.Nebeker@usdoj.gov](mailto:Mark.Nebeker@usdoj.gov)>, "Pollack, Barry" <[bpollack@robbinsrussell.com](mailto:bpollack@robbinsrussell.com)>  
**Cc:** "Williams, Virginia" <[vwilliams@robbinsrussell.com](mailto:vwilliams@robbinsrussell.com)>, Megan Graham <[mgraham@clinical.law.berkeley.edu](mailto:mgraham@clinical.law.berkeley.edu)>  
**Subject:** Re: Activity in Case 1:18-cv-02399-KBJ NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS v. FEDERAL BUREAU OF PRISONS et al Summons Issued Electronically

Hi Mark,

Yes, that is fine. We will serve by email today or tomorrow. I've copied my co-counsel Megan Graham. Please include her in future correspondence.

Catherine

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**From:** "Nebeker, Mark (USADC)" <[Mark.Nebeker@usdoj.gov](mailto:Mark.Nebeker@usdoj.gov)>  
**Date:** Thursday, November 29, 2018 at 3:56 PM  
**To:** "Pollack, Barry" <[bpollack@robbinsrussell.com](mailto:bpollack@robbinsrussell.com)>  
**Cc:** Catherine Crump <[ccrump@clinical.law.berkeley.edu](mailto:ccrump@clinical.law.berkeley.edu)>, "Williams, Virginia" <[vwilliams@robbinsrussell.com](mailto:vwilliams@robbinsrussell.com)>  
**Subject:** RE: Activity in Case 1:18-cv-02399-KBJ NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS v. FEDERAL BUREAU OF PRISONS et al Summons Issued Electronically

Catherine: could you look over my email below and let me know if it is acceptable to your client? I now have the approval of my Deputy, if we can reach agreement.

W. Mark Nebeker  
Assistant United States Attorney  
Civil Division  
555 4<sup>th</sup> Street, N.W.  
Washington, DC 20530  
(202) 252-2536

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**From:** Pollack, Barry <[bpollack@robbinsrussell.com](mailto:bpollack@robbinsrussell.com)>  
**Sent:** Thursday, November 29, 2018 4:21 PM  
**To:** Nebeker, Mark (USADC) <[MNebeker@usa.doj.gov](mailto:MNebeker@usa.doj.gov)>  
**Cc:** Catherine Crump <[ccrump@clinical.law.berkeley.edu](mailto:ccrump@clinical.law.berkeley.edu)>; Williams, Virginia <[vwilliams@robbinsrussell.com](mailto:vwilliams@robbinsrussell.com)>  
**Subject:** RE: Activity in Case 1:18-cv-02399-KBJ NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS v. FEDERAL BUREAU OF PRISONS et al Summons Issued Electronically

Thanks, Mark. I am copying Catherine Crump who is lead counsel. I am just local counsel on this one.

Barry J. Pollack  
Robbins, Russell, Englert, Orseck, Untereiner & Sauber, LLP  
2000 K Street, N.W.  
4th Floor  
Washington, DC 20006  
(202) 775-4514 phone  
(202) 775-4510 fax  
[bpollack@robbinsrussell.com](mailto:bpollack@robbinsrussell.com)

**ROBBINS | RUSSELL**  
Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP

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**From:** Nebeker, Mark (USADC) <[Mark.Nebeker@usdoj.gov](mailto:Mark.Nebeker@usdoj.gov)>  
**Sent:** Thursday, November 29, 2018 3:10 PM  
**To:** Pollack, Barry <[bpollack@robbinsrussell.com](mailto:bpollack@robbinsrussell.com)>  
**Subject:** FW: Activity in Case 1:18-cv-02399-KBJ NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS v. FEDERAL BUREAU OF PRISONS et al Summons Issued Electronically

Mr. Pollack:

I was hoping you could give me a quick call in an effort to save us and the Judge some time and effort.

I have now noticed that an amended complaint is on file in the above case, and can assume from the below entry that you now see that we did not get served (as I had not yet entered my appearance in the case). I don't see any good in answering the original complaint now that there is an amendment, but at least one new component is involved in the Amended Complaint and I would need more time to answer it.

Rather than file a motion with the Judge, I was wondering if you could agree to serve me by email with the Summonses and Amended Complaint today (or early tomorrow, if necessary). Then you can let the Court know that service been effected and I will have the 14 additional days for an answer under FRCP 15.

This will save me having to file a motion for enlargement of time and you some expense in formally serving those summonses.

If this will work for you, I will verify with my Deputy Chief that we can accept service electronically.

W. Mark Nebeker  
Assistant United States Attorney  
Civil Division  
555 4<sup>th</sup> Street, N.W.  
Washington, DC 20530  
(202) 252-2536

**From:** [DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov) <[DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov)>  
**Sent:** Monday, November 26, 2018 11:54 AM  
**To:** [DCD\\_ECFNotice@dcd.uscourts.gov](mailto:DCD_ECFNotice@dcd.uscourts.gov)  
**Subject:** Activity in Case 1:18-cv-02399-KBJ NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS v. FEDERAL BUREAU OF PRISONS et al Summons Issued Electronically

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

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**U.S. District Court**

**District of Columbia**

**Notice of Electronic Filing**

The following transaction was entered on 11/26/2018 at 11:54 AM EDT and filed on 11/26/2018

**Case Name:** NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS v. FEDERAL BUREAU OF PRISONS et al

**Case Number:** [1:18-cv-02399-KBJ](#)

**Filer:**

**Document Number:** [11](#)

**Docket Text:**

**SUMMONS (2) Issued Electronically as to DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS. (jf)**

**1:18-cv-02399-KBJ Notice has been electronically mailed to:**

William Mark Nebeker [mark.nebeker@usdoj.gov](mailto:mark.nebeker@usdoj.gov), [CaseView.ECF@usdoj.gov](mailto:CaseView.ECF@usdoj.gov), [reginald.rowan@usdoj.gov](mailto:reginald.rowan@usdoj.gov)

Barry J. Pollack [BPollack@robbinsrussell.com](mailto:BPollack@robbinsrussell.com), [vwilliams@robbinsrussell.com](mailto:vwilliams@robbinsrussell.com)

Catherine Crump [ccrump@aclu.org](mailto:ccrump@aclu.org)

Megan Graham [mgraham@clinical.law.berkeley.edu](mailto:mgraham@clinical.law.berkeley.edu)

**1:18-cv-02399-KBJ Notice will be delivered by other means to::**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**suppressed

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=973800458 [Date=11/26/2018] [FileNumber=5767942-0] [272dff5f519dbbc375316e59f69836ca41cad894340ea388816fba31153d1483e3045c8c9234446a61b35b93936e41f18815d46f1d9efe20f482b4d8683e3b8e]]