

Exhibit 1

Exhibit 1

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JED MARGOLIN,

Plaintiff,

v.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION,

Defendant.

3:09-CV-00421-LRH-VPC

ORDER

Before the court are Plaintiff Jed Margolin's Motion to Compel NASA to Disclose Assets in the State of Nevada (#74) and Motion Requesting NASA be Held in Contempt (#75), filed on February 6, 2012. The motions involve Margolin's attempt to enforce this court's Order (#73) of November 4, 2011, taxing costs in the amount of \$525.06. In opposition, NASA represents that Margolin would be paid in March 2012. Although such action would render the motions moot, that time has passed without further notification to the court.

IT IS THEREFORE ORDERED that NASA shall file a status report on this matter within 10 days of this order.

IT IS SO ORDERED.

DATED this 16th day of May, 2012.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

Exhibit 2

Exhibit 2

1 DANIEL G. BOGDEN
2 United States Attorney

3 HOLLY A. VANCE
4 Assistant United States Attorney
5 100 West Liberty Street, Suite 600
6 Reno, NV 89501
7 Tel: (775) 784-5438
8 Fax: (775) 784-5181

9 **IN THE UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 JED MARGOLIN,)	Case No. 3:09-CV-00421-LRH-VPC
12 Plaintiff,)	
13 v.)	
14 NATIONAL AERONAUTICS)	<u>STATUS REPORT</u>
15 AND SPACE ADMINISTRATION,)	
16 Defendant.)	

17
18 COMES NOW Defendant National Aeronautics and Space Administration ("NASA") and
19 submits this status report, as ordered by this Court on May 17, 2012. (#80).

20 On February 22, 2012, NASA informed the Court that the agency anticipated that Plaintiff
21 would be paid his costs award in March 2012. (#76, #77). On March 1, 2012, NASA requested that
22 Plaintiff provide his social security number so that NASA could pay him electronically. (Graham
23 Dec. ¶¶ 4-5; Ex A). NASA made this request because 31 C.F.R. Part 208 requires the agency to pay
24 monetary awards electronically. (Graham Dec. ¶ 4). Plaintiff, however, declined to provide his
25 social security number to NASA. (Graham Dec. ¶ 5; Ex A). Plaintiff's refusal to provide his social
26 security number required NASA to obtain a waiver of the requirement that he be paid electronically.
27 (Graham Dec. ¶ 6). The need to obtain that waiver delayed the payment of Plaintiff's costs award.

1 (Graham Dec. ¶ 6). The required waiver was recently approved, however, and NASA anticipates
2 that Plaintiff will be paid within 10 working days. (Graham Dec. ¶ 7).

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Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ Holly A. Vance
HOLLY A. VANCE
Assistant United States Attorney

CERTIFICATE OF SERVICE

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JED MARGOLIN,
Plaintiff,
v.
NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION,
Defendant.

Case No. 3:09-CV-00421-LRH-VPC

The undersigned hereby certifies that service of the foregoing **STATUS REPORT, DECLARATION OF COURTNEY GRAHAM and EXHIBIT A** have been made by electronic notification through the Court's electronic filing system or, as appropriate, by sending a copy by first-class mail to the following addressee(s) on May 29, 2012:

JED MARGOLIN
1981 Empire Road
Reno, NV 89521-7430

/s/ Holly A. Vance
Holly A. Vance

1 DANIEL G. BOGDEN
2 United States Attorney

3 HOLLY A. VANCE
4 Assistant United States Attorney
5 100 West Liberty Street, Suite 600
6 Reno, NV 89501
7 Tel: (775) 784-5438
8 Fax: (775) 784-5181

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10
11
12 **IN THE UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 JED MARGOLIN
15 Plaintiff,

16 v.

17 NATIONAL AERONAUTICS AND
18 SPACE ADMINISTRATION,
19 Defendant.

Case No. 3:09-CV-00421-LRH-VPC

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DECLARATION OF COURTNEY B. GRAHAM
IN SUPPORT OF DEFENDANT'S OPPOSITION
TO PLAINTIFF JED MARGOLIN'S
MOTION FOR SUMMARY JUDGMENT

I, COURTNEY B. GRAHAM, hereby declare under penalty of perjury as follows:

1. I am the Associate General Counsel for Commercial and Intellectual Property Law in the Office of General Counsel of the National Aeronautics and Space Administration ("NASA"). I respectfully submit this declaration in support of the status report requested by this Court on May 17, 2012. This declaration is based on my personal knowledge of the facts set forth herein.

2. In early January 2012, I learned that NASA was responsible for paying \$525.06 in costs to Plaintiff Jed Margolin in *Margolin v. NASA*, Case No. 3:09-CV-00421-LRH-VPC.

3. Upon learning of the costs award, I immediately began investigating the process for paying the award. I discovered that the normal process for paying awards through the Judgment Fund found at 31 C.F.R. Part 256 does not apply to awards made under the OPEN Government Act

1 of 2007. The OPEN Government Act requires federal agencies to pay awards under the Act from
2 the agencies' own appropriations.

3 4. 31 CFR Part 208 requires that awards by an agency be paid electronically. In
4 accordance with that requirement, I attempted to obtain Mr. Margolin's address and electronic funds
5 transfer ("EFT") information. I also sought to obtain his Taxpayer Identification Number ("TIN")
6 or Social Security Number ("SSN") to support the issuance of IRS Form 1099-MISC for the amount
7 of the award, as required by IRS rules.

8 5. Mr. Margolin declined, however, to provide his social security number. Attached as
9 Exhibit A is a true and correct copy of Mr. Margolin's e-mail in which he refuses to provide his
10 social security number to NASA.

11 6. Mr. Margolin's unwillingness to provide his social security number has delayed the
12 payment of his costs award. Without a social security number, the NASA Shared Services Center
13 ("NSSC"), the entity responsible for processing NASA payments, had to determine whether the
14 requirement that funds be transferred electronically could be waived under NASA Procedural
15 Requirement 9631.1, Disbursements. Payment by paper check could not occur without this
16 waiver.

17 7. NSSC recently issued the waiver and approved the issuance of a paper check to pay Mr.
18 Margolin's costs award. The NSSC is currently processing the payment and anticipates that Mr.
19 Margolin's check will be issued to him within ten (10) working days.

20 I hereby declare under the penalty of perjury that the foregoing is true and correct to the best of
21 my information and belief.

22 Dated: May 29, 2012

23
24 

25 COURTNEY B. GRAHAM,
26 Associate General Counsel
27 Commercial and Intellectual Property Law
28 Office of General Counsel - NASA

Exhibit A

Vance, Holly A. (USANV)

From: Vance, Holly A. (USANV)
Sent: Friday, March 02, 2012 8:17 AM
To: [REDACTED] (USANV)
Subject: FW: Case: 3:09-cv-00421-LRH-VPC
Attachments: [REDACTED]_2012_0301.mp3; jm_sheriff_2012_0301.mp3; jm_google_2012_0301.pdf

FYI --

From: Jed Margolin [REDACTED]
Sent: Thursday, March 01, 2012 11:07 PM
To: Vance, Holly A. (USANV)
Cc: Bogden, Daniel (USANV)
Subject: Case: 3:09-cv-00421-LRH-VPC

Dear Ms. Vance.

I received a message today from someone identifying herself as "[REDACTED]" with the U.S. Attorney's Office in Reno, NV."

In this message:

1. [REDACTED] referred to the money that NASA owes me (as a result of the judgment ordered by the Court) as "benefits."
2. She said that your agency's "Budget Office" requires my social security number in order for me to be paid.

Caller ID identified the call as "GSA 775-784-5047."

In [REDACTED]'s message she asked me to call 775-784-5438.

I have attached an MP3 of the above message.

None of this makes sense because:

1. The Freedom of Information Act requires that this judgment be paid by Agency (NASA) appropriations, not by DOJ.
2. [REDACTED] did not know the exact amount, or that interest is due from November 4 to whenever I eventually get paid (if I ever do get paid).
3. Neither of the two telephone numbers is on your Web site.
4. There is no statutory authority for you to demand my social security number. And if you really wanted my social security number you could get it from the FBI.

5. The Court ordered NASA to pay me. The Court did not order me to provide anyone with my social security number.

By an interesting coincidence I also received a message today from the Storey County telephone alert system. The message was from Storey County Sheriff Gerald Antinoro advising that Storey County residents have been receiving telephone calls from people saying, in effect, that one of their relatives has been imprisoned in a foreign country and needs money right away. Sheriff Antinoro advises Storey County residents to investigate carefully before sending money or giving out their credit card numbers.

I have attached an MP3 of Sheriff Antinoro's message.

That is why I believe that someone has read my article/blog at [REDACTED] and is using the information in an attempt to fraudulently obtain my social security number. I believe it is called fraud-by-wire and, in particular, "pretexting."

(Note that, today, a Google search using the terms: **nasa foia lawsuit** produces approximately 200,000 hits and that my article/blog ranks #2 and #3. People are obviously interested in my article/blog. See attached file.)

Since fraud-by-wire is a felony under 18 U.S.C. § 1343 I would like you to find out who this "[REDACTED]" person is and prosecute her to the fullest extent of the law.

And tell NASA to pay me.

Sincerely yours,

Jed Margolin

Exhibit 3

Exhibit 3

1 Argument

2 A. NASA asserts that their failure to pay Margolin is due to Margolin’s alleged failure to
3 provide NASA with his Social Security Number. They assert that:

4 On March 1, 2012, NASA requested that Plaintiff provide his social security number so that
5 NASA could pay him electronically. (Graham Dec, ¶¶ 4-5; Ex A)
6

7 Margolin received a telephone message on March 1, 2012 from someone identifying herself as
8 “Judy with the U.S. Attorney’s Office in Reno Nevada.” The following is an attempt to
9 transcribe the material parts of the message. The full message is being submitted as Exhibit 1 as
10 an mp3 file so that the Court can hear the message for itself. The following is from “Judy’s”
11 message.

12 In order for us to make payment, ah, to you our [stumbles a little] budget office needs to have
13 your, ah, social security number. It’s a requirement. Everybody has to, whenever we make a
14 judgment payment out, it’s part of the protocol. I’m sorry [indistinct] it may be, seem to be an
15 invasion of privacy but that’s what they need.
16

17 {Emphasis added}

18 Then she asks Margolin to call her in the morning and she gives a telephone number.

19
20 1. The message from the person identifying herself as “Judy” clearly says that she is calling
21 from the U.S. Attorney’s Office and that it is the U.S. Attorney’ Office budget office who
22 proposes to pay Margolin. This was a red flag for Margolin because he knew that the law
23 requires that the judgment be paid by NASA, not by the Department of Justice. Therefore, it was
24 reasonable for Margolin to believe that the message was from someone pretending to be from the
25 U.S. Attorney’s Office in an attempt to obtain Margolin’s social security number. This practice is
26 called “pretexting”. Pretexting is generally defined as obtaining sensitive or personal

1 information through impersonation or other deception, and is generally a crime. Anyone could
2 have used Pacer to obtain the information that “Judy” had about the case and about Holly Vance
3 being the person in the U.S. Attorney’s Office handling the case. They could also have gotten the
4 information from Margolin’s Web site, where he has been blogging the case.

5 In the early morning hours of March 2, 2012 Margolin sent an email to NASA’s Counsel
6 (Assistant U.S. Attorney Holly A. Vance) and her boss (U.S. Attorney Daniel Bogden). He sent
7 it with the Windows Mail function “Request Read Receipt.” He received a Read Receipt from
8 Mr. Bodgen but not from Ms. Vance. NASA has poorly reproduced Margolin’s email so he is
9 reproducing it here as Exhibit 2 at 16.

10 Margolin received no response to his email, which further confirmed to him that the
11 message from “Judy” was an attempt at pretexting.

12 Pretexting is a serious problem. This Court has even posted a warning on its own Web
13 site titled **Identity Thieves Targeting Jury.**

14 A new identity theft scam is being perpetrated on unsuspecting victims.

15

16 In this scam, the scammer calls the residence or office number of the victim and identifies
17 themselves as an officer or employee of the local court of jurisdiction. The scammer
18 announces to the victim, that he/she has failed to report for jury duty, and that a bench
19 warrant was issued against them for their arrest.

20 .

21 .

22 .

23

24 Any reluctance on the victim's part and the scammer will threaten that the failure to provide
25 the information will result in an immediate execution of the arrest warrant. The scammer
26 obtains names, social security numbers, dates of birth, and will solicit credit card or bank
27 account numbers claiming these will be used by their credit bureau to "verify" the victim's
28 identity.

29 .

30 .

31 .

1 Any person receiving such calls should record the scammer's phone number (if Caller ID is
2 available) and immediately report the contact to law enforcement officials.

3
4 The above is a good example of pretexting. It is a serious problem but, as Margolin has
5 discovered, the U.S. Attorney ignores reports of attempted identity theft. The Court's warning
6 can be found at <http://www.nvd.uscourts.gov/IdentityTheft.aspx> and is reproduced here as
7 Exhibit 3 at 20.

8 NASA has characterized Margolin's March 2 email solely as a refusal to provide his
9 social security number and failed to address the other parts such as his concern that the telephone
10 message had been an attempt at pretexting.

11
12 **2.** Margolin's March 2 email to the U.S. Attorney contained two attachments in addition to the
13 mp3 of the telephone message from "Judy." By an interesting coincidence Margolin had also
14 received a message on March 1 from the Storey County telephone alert system. The message was
15 from Storey County Sheriff Gerald Antinoro advising that Storey County residents have been
16 receiving telephone calls from people saying, in effect, that one of their relatives has been
17 imprisoned in a foreign country and needs money right away. An mp3 of Sheriff Antinoro's
18 message is reproduced here as Exhibit 4.

19 **3.** The third attachment to Margolin's March 2 email is a reproduction of the results of a Google
20 search using the terms: **nasa foia lawsuit**. It is reproduced here as Exhibit 5 at 24. Margolin
21 noted that:

22 (Note that, today, a Google search using the terms: **nasa foia lawsuit** produces
23 approximately 200,000 hits and that my article/blog ranks #2 and #3. People are obviously
24 interested in my article/blog. See attached file.)
25

1 What does this Google search mean? From http://www.googleguide.com/google_works.html, the
2 essence is that Google has three distinct parts:

- 3 • Googlebot, a web crawler that finds and fetches web pages.
- 4 • The indexer that sorts every word on every page and stores the resulting index of words
5 in a huge database.
- 6 • The query processor, which compares your search query to the index and recommends
7 the documents that it considers most relevant.

8
9 Google has huge server farms and sends its bots (robot programs) to every nook and cranny of
10 the Internet and indexes every word on every page. When Google did that they found the search
11 terms **nasa foia lawsuit** on approximately 200,000 web pages. Google further determined that on
12 March 1 Margolin's article/blog **on this very case** ranked #2 and #3 in relevance.

13 The reason Margolin brought this to NASA's attention was in hopes that, if they knew
14 that the whole world was watching, they would act decently for a change. They didn't, as is
15 evident in their Status Report (#81).

16 Google results are very fluid and can change rapidly. In the results of a Google search on
17 May 31, 2012 for the same search terms (**nasa foia lawsuit**) Margolin's article/blog had dropped
18 to #4 and #5 from #2 and #3. However, whereas on March 1 the search produced only 200,000
19 hits, on April 31 the same search produced approximately 1,750,000 hits. See Exhibit 6 at 27.

20 The search terms **nasa foia lawsuit** are very generic. That there are 1,750,000 Web pages
21 on the subject indicates a great deal of public interest in it. That Margolin's article/blog ranks #4
22 and #5 on Google's hit list shows that there is a great deal of public interest in this very case.
23 Indeed, the whole world is watching. And NASA doesn't care how mean, nasty, and dirty they
24 look.

25

1 **4.** Therefore, although NASA's Status Report (#81) characterizes the Margolin March 2 email
2 solely as Margolin's refusal to give NASA his social security number, Margolin did not refuse to
3 give NASA his Social Security Number, he refused to give it to someone claiming to be from the
4 U.S. Attorney's Office. The U.S. Attorney's Office is not NASA and, because the law says that
5 NASA is required to pay him, if Margolin had accepted payment from the U.S. Attorney's Office
6 it would make him a party to the U.S. Attorney's malfeasance.

7
8 **B.** Margolin wishes to revisit NASA's statement:

9 On March 1, 2012, NASA requested that Plaintiff provide his social security number so that
10 NASA could pay him electronically. (Graham Dec, ¶¶ 4-5; Ex A).

11
12 The Graham Declaration actually says:

13
14 4. 31 CFR Part 208 requires that awards by an agency be paid electronically. In accordance
15 with that requirement, I attempted to obtain Mr. Margolin's address and electronic funds
16 transfer ("EFT") information, I also sought to obtain his Taxpayer Identification Number
17 ("TIN") or Social Security Number ("SSN") to support the issuance of IRS Form 1099-
18 MISC for the amount of the award, as required by IRS rules.

19
20 5. Mr. Margolin declined, however, to provide his social security number. Attached as
21 Exhibit A is a true and correct copy of Mr. Margolin's e-mail in which he refuses to provide
22 his social security number to NASA.

23
24 Margolin responds:

25 Ms. Graham says she "attempted to obtain Mr. Margolin's address and electronic funds transfer
26 ("EFT") information..."

27 **1.** 31 CFR Part 208 contains a large number of exemptions to the rule that payments by a
28 Federal agency be made by electronic funds transfer. One of them (under § 208.4 **Waivers**) is:

29 (6) Where the agency does not expect to make payments to the same recipient within a one-
30 year period on a regular, recurring basis and remittance data explaining the purpose of the
31 payment is not readily available from the recipient's financial institution receiving the
32 payment by electronic fundstransfer; and

1 This Freedom of Information Act lawsuit is now only a few months shy of three years old. Even
2 if Margolin were to file another FOIA lawsuit next week it is unlikely that it would be concluded
3 within a year's time or that it would be a regular occurrence.

4 **2.** There is no evidence that Ms. Graham did anything other than to ask Assistant U.S. Attorney
5 Vance to obtain Margolin's information, and Ms. Vance turned it over to a confused subordinate.

6 **3.** Ms. Graham already had Margolin's address. It's listed on every motion in this case.

7 **4.** There is no way that Margolin could ever give his bank account information to Ms. Graham
8 or to Assistant U.S. Attorney Vance. It would require a large amount of trust in their agencies
9 and in them personally. This is a trust they have shown they are not worthy of. And NASA, as
10 an agency, is monumentally incompetent and/or corrupt in its accounting practices. In March
11 2010 Margolin wrote an article about NASA's accounting problems, reproduced here as Exhibit
12 7 at 30. (This exhibit serves a dual function and will be referred to again shortly.)

13 **5.** Margolin was never told that his Social Security Number was needed in order to comply with
14 IRS Rules. If this results in a problem with IRS this Court can expect another lawsuit by
15 Margolin. It will be against NASA and DOJ as well as against Graham and Vance personally.
16 (And Margolin will have representation this time.)

17
18 **C.** Ms. Graham makes the statement in her Declaration (#81, Graham Dec, ¶ 2; Ex A):

19 2. In early January 2012, I learned that NASA was responsible for paying \$525.06 in costs
20 to Plaintiff Jed Margolin in *Margolin v. NASA*, Case No, 3:09-CV-00421-LRH-VPC.

21
22 This is an extraordinary admission.

23

1 The phrase “Ignorance of the Law is no excuse” is usually applied against non-attorneys. It
2 applies even more to attorneys. According to the Martindale online directory, Courtney Bailey
3 Graham is an attorney. See Exhibit 8 at 42.

4 In a Freedom of Information Act action, when the Plaintiff substantially prevails, the
5 Defendant is taxed costs. The question of who pays (the Agency or the Judgment Fund) is
6 material. (The “Openness Promotes Effectiveness in our National Government Act of 2007,”
7 also referred to as the OPEN Government Act of 2007, requires agencies to pay attorney fees to a
8 prevailing party from agency appropriations rather than the Judgment Fund, 31 U.S.C. 1304.)

9 Yet, Ms. Graham admits she didn’t know that until early January 2012. (Margolin
10 explained it to NASA in an email dated January 6, 2012. It is reasonable to believe that is how
11 Ms. Graham found out about it. See #78 at 6)

12 Ms. Graham has represented herself as having special expertise in matters pertaining to
13 the Freedom of Information Act. Ms. Graham is the responsible employee whom NASA put in
14 charge of responding to Margolin’s FOIA action. See #42-1 (Graham Declaration) ¶¶ 28-40. Ms.
15 Graham has shown that her knowledge of Freedom of Information laws is deficient in a material
16 matter.

17 And this Court gave Ms. Graham’s Declarations substantial deference, when she has now
18 shown that she deserved none at all.

19 Assistant U.S. Attorney Vance’s conduct is even more inexcusable. Ms. Vance is an
20 attorney with the Department of Justice. As such she has access to all of DOJ’s knowledge and
21 experience in FOIA cases. DOJ even has a Web page where, in some of the cases, the Plaintiff
22 was awarded costs, such as in *Negley v. FBI*, No. 03-2126, 2011 WL 4793143 (D.D.C. Oct. 11,

1 2011) (Kessler, J.). and *Queen Anne's Conservation Assoc. v. Dep't of State*, No. 10-670, 2011
2 WL 3426038 (D.D.C. Aug. 3, 2011). DOJ's Web page is reproduced here as Exhibit 9 at 44. It
3 came from <http://www.justice.gov/oip/courtdecisions/costs.html>.

4 Ms. Vance had a duty to inform her client (NASA) that they (NASA) were required to
5 pay the judgment from agency funds because the judgment would not be paid by the Judgment
6 Fund. Ms. Vance failed in that duty. As a result she has wasted this Court's time, and Margolin's
7 time, and has caused Margolin to incur additional expense.

8
9 **D.** March came and went and April was nearing its end, and still Margolin had not been paid.
10 Margolin realized that even if the Court granted Margolin's motion to compel NASA to disclose
11 its assets in Nevada (#74) and NASA complied with the Court's Order it is unlikely that NASA
12 has assets in the State of Nevada. If NASA does have assets in the State of Nevada, then given
13 the deceit and obstructionist tactics they have practiced toward Margolin since May 2003, it is
14 unlikely that NASA would admit to having assets in the State of Nevada. And finally, even if
15 NASA does have assets in the State of Nevada and is willing to admit to having assets in the
16 State of Nevada, then given NASA's pervasive and continuing accounting problems it is unlikely
17 that NASA would be able to tell Margolin where its assets in the State of Nevada are. This where
18 Exhibit 7 at 30 comes in again. Exhibit 7 is Margolin's March 2010 article **NASA's Continuing**
19 **Lack of Accounting Controls.**

20 So, Margolin obtained a certified copy of the Judgment (#73) along with a **Clerk's**
21 **Certification of the Judgment To Be Registered in another District** and filed it in U.S.
22 District Court for the Middle District of Florida, where it has been assigned Case Number

1 6:12-mc-00047-JA-DAB. See Exhibit 10 at 52. Margolin also moved for a Writ of Execution.
 2 See Exhibit 11 at 56. Margolin sent NASA’s Counsel a copy of his Motion. Even though it
 3 should be material to her Status Report she failed to mention it. Perhaps she forgot.

4 The reason that Margolin registered his Judgment in the Middle District of Florida is
 5 because that is where the Kennedy Space Center is. The Space Shuttle Orbiter Atlantis is
 6 believed to be currently located in Orbiter Processing Facility-1 (OPF-1) at the Kennedy Space
 7 Center. While NASA might feel it can ignore with impunity an Order of the U.S. District Court
 8 for the District of Nevada, it will not be able to ignore U.S. Marshals when they come to seize
 9 the Orbiter Atlantis and sell it at public auction.

10 Margolin believes that by registering the Judgment in U.S. District Court for the Middle
 11 District of Florida, it is properly the Middle District of Florida that now has jurisdiction over the
 12 payment of the Judgment. Margolin welcomes the guidance of this Court in the matter.

13 Margolin has incurred additional costs in registering the Judgment in the Florida Court in
 14 the amount of \$107.99. See Exhibit 12. There will likely be additional costs for the services of
 15 the U.S. Marshals Service.

Mileage to and from Federal Building in Reno to obtain certified copy of Judgment: 42 miles at \$0.55/mile as per IRS = \$23.10	\$23.10
Cost of Certified Judgment and Clerk’s Certification;	\$11.20
Mailing cost to U.S. District Court for the Middle District of Florida;	\$18.95
Mailing cost to serve Assistant U.S. Attorney Holly Vance.	\$ 1.70
Fee to Register the Judgment in the Middle District for Florida	\$46.00
Mileage to and from Post Office in Virginia City 12.8 miles at \$0.55/mile	\$ 7.04
Total	\$107.99

16

17

Conclusion

1 For the foregoing reasons Margolin respectfully requests that the Court:

- 2 1. Provide guidance on the issue of the jurisdiction of the Judgment;
- 3 2. Grant him his Motion requesting NASA be held in contempt;
- 4 3. Grant such other relief as the Court may deem fair and proper.

5

6

Respectfully submitted,

7

/Jed Margolin/

8

Jed Margolin, plaintiff pro se

9

1981 Empire Rd.

10

VC Highlands, NV 89521-7430

11

775-847-7845

12

jm@jmargolin.com

13

14 Dated: June 2, 2012

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that service of the foregoing REPLY TO NASA’S STATUS REPORT (#81) has been made by electronic notification through the Court's electronic filing system on June 2, 2012.

/Jed Margolin/

Jed Margolin

Exhibit 4

Exhibit 4

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JED MARGOLIN,

Plaintiff,

v.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION,

Defendant.

3:09-CV-00421-LRH-VPC

ORDER

Before the court are Plaintiff Jed Margolin's Motion to Compel NASA to Disclose Assets in the State of Nevada (#74) and Motion Requesting NASA Be Held in Contempt (#75), filed on February 6, 2012. The motions involve Margolin's attempt to enforce this court's Order (#73) of November 4, 2011, taxing costs in the amount of \$525.06. In response to the court's Order (#80) of May 17, 2012, NASA filed a status report (#81) on May 29, 2012, indicating that Margolin would be paid within 10 working days. Unless the court receives notification by July 6, 2012 that satisfaction of the costs award has not occurred, the pending motions shall be denied.

IT IS SO ORDERED.

DATED this 25th day of June, 2012.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

Exhibit 5

Exhibit 5

1 Jed Margolin, Pro Se
2 1981 Empire Rd.
3 VC Highlands, NV 89521-7430
4 Telephone: 775-847-7845
5 Email: jm@jmargolin.com
6
7
8
9

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
12

JED MARGOLIN,

Plaintiff,

vs.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,

Defendant.

)
) Case No. 3:09-cv-00421-LRH-(VPC)
)
)

)
) REPLY TO COURT ORDER (#84)
)
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15 Comes now Plaintiff, Jed Margolin (“Margolin”), appearing pro se, and files his Reply to
16 Court Order (#84). The Court orders Margolin to notify the Court by July 6, 2012 that
17 satisfaction of the costs award has not occurred or Margolin’s pending motions shall be denied.
18

19 **Argument**

20 As of the date of this filing satisfaction of the costs award has not occurred. Margolin has
21 not been paid by NASA or by anyone else on NASA’s behalf. See accompanying Margolin
22 Declaration.
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Respectfully submitted,

/Jed Margolin/

Jed Margolin, plaintiff pro se
1981 Empire Rd.
VC Highlands, NV 89521-7430
775-847-7845
jm@jmargolin.com

Dated: June 25, 2012

CERTIFICATE OF SERVICE

The undersigned hereby certifies that service of the foregoing REPLY TO COURT ORDER (#84) has been made by electronic notification through the Court's electronic filing system on June 25, 2012.

/Jed Margolin/

Jed Margolin

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JED MARGOLIN,)	Case No. 3:09-cv-00421-LRH-(VPC)
)	
Plaintiff,)	DECLARATION OF JED MARGOLIN
)	
vs.)	
)	
NATIONAL AERONAUTICS AND)	
SPACE ADMINISTRATION,)	
)	
Defendant.)	
_____)	

I, Jed Margolin, declare as follows:

1. As of June 25, 2012 satisfaction of the costs award has not occurred. I have not been paid by NASA or by anyone else on NASA's behalf.

I hereby declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: G-25-2012

Jed Margolin
Jed Margolin

Exhibit 6

Exhibit 6

1 DANIEL G. BOGDEN
2 United States Attorney

3 HOLLY A. VANCE
4 Assistant United States Attorney
5 100 West Liberty Street, Suite 600
6 Reno, NV 89501
7 Tel: (775) 784-5438
8 Fax: (775) 784-5181

9 **IN THE UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 JED MARGOLIN,)
12 Plaintiff,)
13 v.)
14 NATIONAL AERONAUTICS)
15 AND SPACE ADMINISTRATION,)
16 Defendant.)

Case No. 3:09-CV-00421-LRH-VPC

NOTICE TO COURT

17
18 COMES NOW Defendant National Aeronautics and Space Administration (“NASA”) and
19 submits this Notice to the Court. Counsel for NASA has advised that a check in the amount of
20 \$525.06 was mailed to Plaintiff on June 26, 2012. (See attached Declaration from Courtney B.
21 Graham).

22 Respectfully submitted,
23 DANIEL G. BOGDEN
24 United States Attorney

25 /s/ Holly A. Vance
26 HOLLY A. VANCE
27 Assistant United States Attorney
28

1 DANIEL G. BOGDEN
2 United States Attorney

3 HOLLY A. VANCE
4 Assistant United States Attorney
5 100 West Liberty Street, Suite 600
6 Reno, Nevada 89501
7 Tel: (775) 784-5438
8 Fax: (775) 784-5181

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

9 JED MARGOLIN) Case No. 3:09-cv-00421-LRH-(VPC)
10)
11 Plaintiff,)
12)
13 v.)
14)
15 CHARLES F. BOLDEN, in his official)
16 capacity as Administrator, National)
17 Aeronautics and Space Administration,)
18 and NATIONAL AERONAUTICS AND)
19 SPACE ADMINISTRATION,)
20)
21 Defendant.)
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DECLARATION OF COURTNEY B. GRAHAM

I, COURTNEY B. GRAHAM, hereby declare under penalty of perjury as follows:

1. I am the Associate General Counsel for Commercial and Intellectual Property Law in the Office of General Counsel of the National Aeronautics and Space Administration (“NASA”), and respectfully submit this declaration in support of “Notice to Court” based on my knowledge of the facts set forth herein.

2. On June 27, 2012, I requested an update on the status of the payment of \$525.06 in satisfaction of the judgment in this case to Plaintiff from the NASA Shared Services Center (NSSC). NSSC is responsible for managing NASA payments since NASA consolidated

1 Accounts Payable for all 10 NASA Centers into the NSSC in 2008. Attached as Exhibit A is a
2 true and correct copy of the information I was provided by NSSC personnel in response to my
3 request.

4 3. Exhibit A is a true and correct copy of the screen shot of the Treasury Check
5 Information System (TCIS). The screenshot shows that Treasury Check Number 4030-10103121
6 was issued to Jed Margolin on June 26, 2012 and mailed to 1981 Empire Road in Reno Nevada
7 89521.

8
9 I hereby declare under the penalty of perjury that the foregoing is true and correct to the
10 best of my information and belief.

11
12
13 Dated: June 27, 2012



14 Courtney B. Graham
15 Associate General Counsel
16 NASA Office of General Counsel
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Exhibit A

TCIS - Windows Internet Explorer
 https://tcis.fms.treas.gov/ibi_apps/WFServlet

File Edit View Favorites Tools Help

TCIS



Welcome to the Treasury Check Information System (TCIS)

[FMS Home](#) [Payment Details](#)
[About TCIS](#) [Check/ACH Query](#) [Payee Query](#) [Payment Listing](#) [Payment History](#) [UCC Details](#) [Claim Details](#)
[Help](#)
[TCIS Profile](#)
[Logout](#)

Payee ID: 111111111
ALC: 80000001 **Check Number:** 4030-10103121
Status: Issue Outstanding

Payee Information: JED MARGOLIN
 1981 EMPIRE RD
 RENO, NV 89521-7430
 Ref # "PAYMENT OF JUDGMENT IN CIVIL"

ISSUE DATA

Original Issue Amount: \$525.06 **Issue Transmittal #:** 0310-4030-10103121
Adjusted Issue Amount: \$525.06 **Treasury Account Symbol:**
Issue Date: 06/26/2012 **BETC:**
Schedule Number: 00000120625037

PAID DATA

Original Paid Amount: \$0.00 **Paid Transmittal #:**
Adjusted Paid Amount: \$0.00 **DIN:**
Paid Date:

[Initiate a Stop Request on this check?](#)

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CERTIFICATE OF SERVICE

JED MARGOLIN,
Plaintiff,
v.
NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION,
Defendant.

Case No. 3:09-CV-00421-LRH-VPC

The undersigned hereby certifies that service of the foregoing **NOTICE TO COURT** has been made by electronic notification through the Court's electronic filing system or, as appropriate, by sending a copy by first-class mail to the following addressee on June 27, 2012:

JED MARGOLIN
1981 Empire Road
Reno, NV 89521-7430

/s/ Holly A. Vance
Holly A. Vance

Exhibit 7

Exhibit 7

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JED MARGOLIN,

Plaintiff,

v.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION,

Defendant.

3:09-CV-00421-LRH-VPC

ORDER

Before the court are Plaintiff Jed Margolin's Motion to Compel NASA to Disclose Assets in the State of Nevada (#74) and Motion Requesting NASA Be Held in Contempt (#75), filed on February 6, 2012. The motions involve Margolin's attempt to enforce this court's Order (#73) of November 4, 2011, taxing costs in the amount of \$525.06. In response to the court's Order (#84) of June 25, 2012, the same day Margolin filed a declaration (#85) indicating that satisfaction of the costs award had not yet occurred. However, on June 27, 2012, NASA submitted notice and proof (#86) that payment of the costs award was mailed to Margolin on June 26, 2012.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel (#74) and Motion Requesting NASA Be Held in Contempt (#75) are hereby DENIED.

IT IS SO ORDERED.

DATED this 28th day of June, 2012.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE