

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SEALED PLAINTIFF 1)	
)	
and)	
)	
SEALED PLAINTIFF 2,)	
)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:22-cv-00670-MHL
)	
PATRIOT FRONT, et al.,)	
)	
)	
Defendants.)	

DECLARATION OF MICHAEL R. SHEBELSKIE

I, Michael R. Shebelskie, hereby declare under penalty of perjury as follows:

1. I am an attorney with the law firm Hunton Andrews Kurth LLP, and I am counsel for Plaintiffs in the above-captioned case.

2. I am a member in good standing of the Bar of the Commonwealth of Virginia and of this Court.

3. I submit this Declaration in response to the Court’s October 19, 2023 Order requesting an explanation of the discrepancy in addresses for Defendant Jacob Brown. This Declaration is based on my personal knowledge of the facts asserted herein.

4. On December 5, 2022, Plaintiffs filed an Amended Complaint adding Jacob Brown (“Brown”) as a Defendant.

5. When Plaintiffs filed the Amended Complaint, Plaintiffs’ counsel enlisted researchers to identify an address for Brown using publicly available information. Those means

have been used reliably to locate witnesses in other matters. Plaintiffs also identified photographs of Brown using publicly available sources.

6. The researchers identified a home address for Brown at 140 Powhatan Parkway, Hampton, VA 23661 (the “Hampton Address”), and a process server was retained to serve Brown at that address.

7. On December 19, 2022 the Clerk issued a summons as to Brown with the Hampton Address.

8. On December 30, 2022, the process server attempted to serve Brown at the Hampton Address. According to the process server, no one answered the door when he attempted service.

9. As the process server was leaving, someone came to the front door and spoke with him. That person said they lived at that address and that Brown did not live there.

10. Plaintiffs subsequently engaged a private investigator to locate Brown. The investigator’s searches identified only the same Hampton, Virginia address for Brown’s residence as recently as May 2023.

11. On June 8, 2023 the Clerk of the Court filed a Notice of Intention to Proceed with Abatement (ECF 91).

12. On June 19, 2023, Plaintiffs’ investigator learned of a possible alternative home address for Brown in Charlotte Court House, Virginia.

13. The investigator went to the Charlotte Court House, Virginia address the next day and interviewed residents there and at a nearby home. According to the investigator, the residents denied that Brown resided there.

14. The investigator also reported that he spoke with a law enforcement officer on patrol in the neighborhood. The officer ran his own search using Brown's name but was unable to find any information about him.

15. On June 22, 2023, Plaintiffs responded to the Clerk's Notice of Intention to Proceed with Abatement noting several prior unsuccessful attempts at service in Virginia and ongoing efforts to locate Mr. Brown's relatives in Florida and New York (ECF Nos. 92, 93, 93-2).

16. Plaintiffs' researchers identified a home address for Brown's mother at 61 Woodlot Road, Ridge, NY 11961 (the "Ridge Address"). The Ridge Address also appeared as a prior address for Brown.

17. Plaintiffs engaged an investigator in New York to go to the Ridge Address, interview Brown's mother about Brown's whereabouts, and if possible, serve process. Plaintiffs provided the investigator with copies of the Summons and Amended Complaint and several photographs of Brown to help identify him.

18. Brown was at the Ridge address when the investigator went there on September 5, 2023, at which time the investigator personally served Brown.

19. The executed summons was filed on September 11, 2023.

20. On September 19, 2023, the Court deemed that service on Brown was timely and ordered the Clerk not to proceed with abatement (ECF No. 111 at 2).

21. In accordance with Federal Rule of Civil Procedure 12(a)(1)(A), Brown's Answer or other response was due no later than September 26, 2023.

22. Brown filed no Answer or other response to the Amended Complaint, nor did he request or obtain an extension to respond, and Plaintiffs requested that the Clerk of the Court enter default against Brown on October 12, 2023 (ECF 114).

23. As of today, Brown has still not filed an Answer or other response to the Amended Complaint, nor has he requested or obtained an extension to respond.

Date: October 24, 2023

Respectfully submitted,

/s/ Michael R. Shebelskie
Michael R. Shebelskie
VSB No. 27459
HUNTON ANDREWS KURTH LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219-4074
Telephone: (804) 788-8200
Facsimile: (804) 788-8218
mshebelskie@HuntonAK.com