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9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

11 CORAZON DE CRISTO CANO,  
12 *et al.*,

13 *Plaintiffs,*

14 v.

15 JOSEPH R. BIDEN, in his official  
16 capacity as President of the United  
17 States, *et al.*,

18 *Defendants.*

Case No.: 3:22-cv-00193-CAB-AHG

**DECLARATION OF KENNETH  
ELY IN SUPPORT OF NOTICE TO  
COUNSEL OF EX PARTE  
APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW  
CAUSE WHY A PRELIMINARY  
INJUNCTION SHOULD NOT  
ISSUE**

Date:

Time:

Courtroom: 15A

Location: 333 West Broadway, San  
Diego, CA 92101

Judge: Honorable Cathy Bencivengo

Action Filed: February 10, 2022

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25  
26 I, Kenneth Ely, hereby declare as follows:

27 1. That my name is Kenneth Ely; I am over the age of 18 years, and  
28 that, if called to testify in court or in other proceedings, I could, and would,

1 competently give the following testimony, which is based upon my own personal  
2 knowledge of the facts set forth in this Declaration.

3 2. That I am a law clerk under the supervision of Gary G. Kreep (SBN  
4 066482) and that his office represents the Plaintiffs herein, Federal Employees.

5 3. That I make this declaration upon my personal knowledge and in  
6 support of Plaintiffs' Notice to Counsel of Ex Parte Application for Temporary  
7 Restraining Order and Order to Show Cause Why A Preliminary Injunction  
8 Should Not Issue.

9 4. That, on February 3, 2022, I went on the U.S. Department of Justice  
10 website located at: <https://www.justice.gov/contact-us>. I sought information  
11 regarding Service on the U.S. Attorney General, the U.S. Government, and  
12 various officers. There, I found the phone number to the U.S. Department of  
13 Justice Main Switchboard: (202) 514-2000.

14 5. I made five calls to the U.S. Department of Justice. On February 3,  
15 2022, I called and listened to the message prompting me to select a number for  
16 various department connections. I selected the option to speak with an Operator.  
17 Once connected, I asked the Operator to be connected to the Civil division. Upon  
18 transfer, my call was connected to a voice mail service, and I left a message.

19 6. On February 7, 2022, I called and listened to the message prompting  
20 me to select a number for various department connections. I selected the option  
21 to speak with an Operator. Upon transfer, my call was disconnected, and the call  
22 was terminated. I waited a few minutes and called again. Again, when I selected  
23 the option to speak to the Operator, my call was transferred, disconnected again,  
24 and the call was terminated.

25 7. On February 8, 2022, I called and spoke with the Operator and  
26 asked to be connected to the Executive Office for U.S. Attorneys. Upon transfer,  
27 my call was connected to a voice mail service, and I left a message. A few hours  
28 later, I called again and spoke with the Operator. I asked to be connected to the

1 Executive Office for U.S. Attorneys. Upon transfer, my call was disconnected,  
2 and the call was terminated.

3 8. As a result of the law office's failed attempts, as discussed above, to  
4 arrange for service and notice upon attorneys representing Defendants, the law  
5 office was forced to serve said Defendants by overnight mail.

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7 I declare under penalty of perjury of the laws of the United States of  
8 America, and the state of California that the foregoing information is true and  
9 correct. Executed on February 13, 2022, at San Diego, California.

10  
11 Dated: February 13, 2022                      Respectfully Submitted,

12  
13 /s/ Kenneth Ely  
14 Kenneth Ely  
15 Law Clerk  
16 Law Office of Gary G. Kreep  
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