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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

STATUS REPORT

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.

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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
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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

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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