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DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FL

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10 UNITED STATES DISTRICT COURT
11 MIDDLE DISTRICT OF FLORIDA
12

JED MARGOLIN,)
) Case No. 6:12MC47-ORL-JDAB
)
 Plaintiff,)
) MOTION FOR WRIT OF EXECUTION;
) PROPOSED WRIT OF EXECUTION.
 vs.)
)
 NATIONAL AERONAUTICS AND)
 SPACE ADMINISTRATION,)
)
 Defendant.)
)
 _____)

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15 Comes now Plaintiff, Jed Margolin ("Margolin"), appearing *pro se*, and files his Motion
16 for Writ of Execution against the National Aeronautics and Space Administration ("NASA").
17

18 **Background**

19 A. This Motion arises from a Freedom of Information Act action, Case Number 3:09-cv-00421-
20 LRH-(VPC), heard in U.S. District Court For the District of Nevada. In an Order released
21 November 4, 2011 the Nevada District Court ordered NASA to pay Margolin costs of \$525.06 .
22 See Exhibit 1 at 7. The original certified copy of the Order, along with Form AO451 is enclosed
23 separately.

1 **B.** In that Order (*id.*) the Nevada District Court ruled that Margolin had substantially prevailed.

2

3 **C.** The “Openness Promotes Effectiveness in the National Government Act of 2007,” also
4 referred to as the OPEN Government Act of 2007 (Public Law 110-175 – December 31, 2007),
5 amended several procedural aspects of the Freedom of Information Act. Section 4(b) requires
6 that when a complainant has substantially prevailed the Agency must pay assessed costs from
7 agency funds. The costs are not to be paid by the Claims and Judgment Fund of the United States
8 Treasury. (See Public Law 110-175 Section 4(b) - RECOVERY OF ATTORNEY FEES AND
9 LITIGATION COSTS.)

10

11 **D.** On January 6, 2012 Margolin sent an email to various NASA staff, including General
12 Counsel Michael C. Wholley and NASA Deputy Administrator Lori Garver. See Exhibit 2 at 11.
13 In part of that email Margolin reminded NASA that they had not complied with the Court’s
14 Order to pay him \$525.06. Margolin sent the email using the “Request Read Receipt” feature of
15 Windows Mail. Margolin received a Read Receipt from several recipients but not from Mr.
16 Wholley. See Exhibit 3 at 14-17. This shows that NASA’s mail server received Margolin’s email
17 but that several recipients refused to acknowledge receiving it. Margolin received no response to
18 his email. That constitutes bad faith by NASA.

19

20 **E.** On February 6, 2012 Margolin filed two motions in U.S. District Court for the District of
21 Nevada: **Motion to Compel NASA to Disclose Assets in the State of Nevada** (USDC-Nevada
22 Document 74) and **Motion Requesting NASA Be Held in Contempt** (USDC-Nevada
23 Document 75).

1 **E.** On February 22, 2012 NASA filed their **Response to Motion to Compel NASA to Disclose**
2 **Assets in the State of Nevada** (USDC-Nevada Document 76) and **Response to Motion**
3 **Requesting NASA Be Held in Contempt** (USDC-Nevada Document 77).
4
5 In NASA's **Response to Motion to Compel NASA to Disclose Assets in the State of Nevada**
6 (USDC-Nevada Document 76) they argued:

7 This Court awarded Plaintiff \$525.06 in costs in an order dated November 3, 2011.
8 (#73). NASA had 60 days to appeal from that order. F.R.A.P. 4(a) (giving federal agency 60
9 days to file notice of appeal). NASA did not complete its evaluation of whether to appeal
10 from the judgment awarding Plaintiff costs until early January 2012. (Vance Dec. ¶ 4).
11 Moreover, the government generally requires at least eight weeks to process a judgment for
12 payment. (Vance Dec. ¶ 5). Given the 60-day appeal time and the eight-week period to
13 process the judgment for payment, NASA anticipates that Plaintiff will be paid in March
14 2012. (Vance Dec. ¶ 6). Because NASA fully intends to pay Plaintiff, there is no need to
15 require NASA to disclose its Nevada assets.
16

17 **G.** As of the date of this Motion (Margolin's **Motion For Writ of Execution** with this U.S.
18 District Court For the Middle District of Florida) it is the end of April 2012 and NASA has not
19 paid Margolin the Judgment ordered by U.S. District Court For the District of Nevada.

20
21 **H.** It is unlikely that NASA has assets in the State of Nevada. If NASA does have assets in the
22 State of Nevada, then given the deceit and obstructionist tactics they have practiced toward
23 Margolin since May 2003, it is unlikely that NASA would admit to having assets in the State of
24 Nevada. And finally, even if NASA does have assets in the State of Nevada and is willing to
25 admit to having assets in the State of Nevada, then given NASA's pervasive and continuing
26 accounting problems it is unlikely that NASA would be able to tell Margolin where its assets in
27 the State of Nevada are.

1 On the other hand, it is publicly known that NASA has assets in the Middle District of Florida.
2 The Space Shuttle Orbiter Atlantis is believed to be currently located in Orbiter Processing
3 Facility-1 (OPF-1) at the Kennedy Space Center in Cape Canaveral, Florida. (See Exhibit 4 at
4 19) However, time is of the essence lest NASA move the Atlantis before it can be seized by U.S.
5 Marshalls.

6

7

Conclusion

8 For the foregoing reasons Margolin respectfully requests that this Court grant his Motion For
9 Writ of Execution against the National Aeronautics and Space Administration so that NASA's
10 known assets at the Kennedy Space Center may be seized by U.S. Marshalls and sold at public
11 auction in order to satisfy NASA's debt.

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Respectfully submitted,

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/Jed Margolin/

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Jed Margolin, plaintiff pro se

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21 Dated: April 24, 2012

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Certificate of Mailing

2 I hereby certify that a copy of the foregoing MOTION FOR WRIT OF EXECUTION has been
3 sent by first-class mail to the following addressee on April 24, 2012:

4

5 HOLLY A. VANCE
6 Assistant United States Attorney
7 100 West Liberty Street, Suite 600
8 Reno, NV 89501

9

10 /Jed Margolin/

11

12 Jed Margolin

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