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September 13, 2021

BY ECF

Honorable Rachel P. Kovner
United States District Judge
United States District Court, Eastern District of New York
225 Cadman Plaza East, Courtroom 11C South
Brooklyn, New York 11201

Re: Hobby Lobby Stores Inc. v. Obbink (E.D.N.Y. Civil Docket No. 21-3113)

Dear Judge Kovner:

We represent Plaintiff Hobby Lobby Stores, Inc. (“Hobby Lobby”) in the above-referenced action (the “Action”).

This letter responds to the Court’s Order of September 7, 2021, which directed Hobby Lobby to file proof that service of process upon Defendant Dirk Obbink (“Defendant” or “Obbink”) was timely effected or a status report showing good cause why such service has not been made.

We can now report that Defendant was served with process at his residence in Oxford, England on September 7, 2021, pursuant to Fed. R. Civ. P. 4(f)(1) under the rules of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (the “Hague Convention”), to which the United Kingdom is a signatory. A copy of the process server’s affidavit of service, which was filed in ECF on September 12, 2021, is attached as Exhibit A. I set forth below the difficulties we had in effecting service since commencing the Action.

At the time it filed the Summons and Complaint, Hobby Lobby did not know Obbink’s whereabouts. We engaged a private investigation firm, Applied Facts Group, Inc. (“Applied Facts”), to determine where Obbink could be served with process. We learned that Obbink, who had previously been a professor at Oxford University, no longer maintained an office at the school as his employment there had been terminated. We also learned that Obbink’s last known address was a residential house located at 12 Pullens Field, Headington, Oxford, OX3 0BU. On July 17, 2021, Hobby Lobby retained a local process server, APW Investigations of Oxfordshire, England (“APW”), to effect personal service of the Summons and Complaint upon Obbink. A resident at the last-known address informed APW that Obbink had sold his residence there and moved out on June 30, 2021.

As a result of further investigation, Applied Facts, with the assistance of local authorities, was able to determine on August 4 that Obbink’s new address was James Brindley, Weirs Orchard, Weirs Lane, Oxford, OX1 4UP, a houseboat on the Thames River. APW attempted to serve Obbink by visiting the houseboat on August 17, 18, and 24, but Obbink was not at home on any of these dates. After contacting local authorities in Oxford and interviewing Obbink’s houseboat neighbor, we learned that Obbink was intentionally avoiding personal service of process.

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On September 7, 2021, APW served the Summons and Complaint by leaving a copy at the front door of the houseboat and by mailing a copy to the houseboat address. Such service is a valid means of alternate service under the laws of the United Kingdom.

Accordingly, we effected proper service of process pursuant to Rule 4(f)(1) and the Hague Convention.

Respectfully submitted,

Pearlstein & McCullough LLP

By: /s/ Michael McCullough
Michael McCullough
Anju Uchima