

July 27, 2020

The Honorable Jesse M. Furman
Thurgood Marshall U.S. Courthouse
United States District Court for the Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

RE: Plaintiffs' letter motion to serve the summons and complaint by email in *State of New York, et al. v. Trump, et al.*, 20-CV-5770 (JMF).

Dear Judge Furman,

Pursuant to Rules 1(A) and 3(A) of the Court's Individual Rules and Practices in Civil Cases, Plaintiffs file this letter motion to seek leave to serve the summons and complaint on Defendants by email.

Plaintiffs filed the complaint in this action on July 24, 2020. ECF No. 1. Rule 4(i) of the Federal Rules of Civil Procedure requires Plaintiffs to serve a copy of the summons and complaint by registered or certified mail to the Attorney General, the United States Attorney for the Southern District of New York, and the federal agency and federal officer defendants. *See* Fed. R. Civ. P. 4(i)(1), 4(i)(2). The waiver-of-service provisions in Rule 4 do not apply to service on a federal government defendant. Fed. R. Civ. P. 4(d). In light of the present guidance on social distancing by the Centers for Disease Control and Prevention and New York State officials, Plaintiffs ask the Court to grant leave to treat service of the summons and complaint by email as effective service on Defendants for purposes of complying with Rule 4(i).

Pursuant to Rule 4(l), the undersigned affirms that he transmitted the complaint and executed summonses by email to Defendants' counsel on July 27. Plaintiffs conferred with Defendants' counsel before filing this motion, and Defendants advised that they consent to service by email.

Respectfully submitted,

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