

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

BRIANNE DRESSEN, *et al.*,

*Plaintiffs,*

v.

ROB FLAHERTY, *et al.*,

*Defendants.*

CASE NO. 3:23-CV-155

**UNOPPOSED MOTION FOR ALTERNATIVE SERVICE OF DEFENDANT ROB FLAHERTY  
AND TO EXTEND TIME**

Pursuant to Federal Rule of Civil Procedure 4(e)(1) and D.C. Superior Court Rule 4(e)(3), Plaintiffs respectfully move this Court to authorize alternative methods of service of the Amended Complaint and Summons filed in this case to Defendant Rob Flaherty, who is sued in his individual capacity, as well as his official capacity as former White House Director of Digital Strategy. Plaintiffs also request that, pursuant to Rules 4(i)(4) and 6(b) of the Federal Rules of Civil Procedure and Local Rule 7.8, the Court extend Plaintiffs' deadline to serve Mr. Flaherty by 90 days, from December 11, 2024 to March 11, 2025.

On September 12, 2024, Plaintiffs filed their Amended Complaint. ECF No. 42. On October 16, 2024, this Court issued summons to the only new Defendant in this action, Andrew Slavitt, as well as to the United States and to those existing Defendants who are

now also being sued in their individual capacities, including Defendant Flaherty. *See* ECF No. 46.

Later that same day, on October 16, 2024, Plaintiffs made arrangements with a professional process server to personally serve Defendant Flaherty the Amended Complaint and Summons, pursuant to Fed. R. Civ. P. 4(i)(3), which provides that United States officers or employees sued in their individual capacity must be served “under Rule 4(e).” *See* Ex. A ¶ 4. Under Fed. R. Civ. P. 4(e)(1), individuals located in a judicial district of the United States may be served by “following state law for serving a summons . . . where service is made.” Upon information and belief, Defendant Flaherty resides in Washington, D.C.<sup>1</sup> *See* Ex. A ¶ 5.

Notwithstanding the process server’s attempts at serving Mr. Flaherty on four separate occasions, each attempt was unsuccessful, and, to date, Mr. Flaherty has not been served. Ex. A ¶¶ 6–8. Plaintiffs are unaware of Defendant Flaherty’s current employer<sup>2</sup> or of any agent who is authorized to accept service on Mr. Flaherty’s behalf. Additional efforts to serve Defendant Flaherty through one of the methods permitted under Fed. R. Civ. P. 4(e)(2) would be unduly costly and burdensome. *See* Ex. A ¶¶ 11–12.

D.C. Superior Court Rule 4(e)(3) authorizes “alternative methods of service” when service efforts fail notwithstanding “diligent effort.” These methods include personal service to the individual’s employer, service via email and registered mail, or “any other

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<sup>1</sup> According to publicly available records and information, Defendant Flaherty’s last-known residence is located in Washington, D.C. *See* Ex. A ¶ 5.

<sup>2</sup> Defendant Flaherty’s last-known employment was as deputy campaign manager for Vice President Kamala Harris in advance of the 2024 presidential election, which has now since concluded.

manner that the court deems just and reasonable.” *Id.* (e)(3)(B). The Court may grant an alternative method or methods of service upon a plaintiff’s “motion with an affidavit specifying the diligent efforts to serve by [personal service].” *Id.* (e)(3)(C). An affidavit in support of this motion detailing such “diligent efforts” is attached as Exhibit A.

Plaintiffs respectfully request that the Court grant this motion and authorize alternative methods of service for Defendant Flaherty. Specifically, Plaintiffs request authorization to serve Defendant Flaherty either by: (1) delivering process, by first class mail, to Mr. Flaherty’s last-known residential address, (2) delivering process to Mr. Flaherty’s place of employment, if such place of employment becomes known to Plaintiffs, or (3) transmitting service to Mr. Flaherty by email, either directly or to his authorized counsel.<sup>3</sup>

DATED: November 23, 2024

Respectfully submitted,

/s/ Casey Norman

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/s/ Jenin Younes

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*Admitted Pro Hac Vice*

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<sup>3</sup> An email address that Defendant Flaherty has used within the past six months, *see* D.C. Sup. Ct. R. 4(e)(3)(B), is currently unknown to Plaintiffs.

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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I certify that on November 23, 2024, I electronically filed the foregoing document with the United States District Clerk for the Southern District of Texas and electronically served all counsel of record via the District Court's ECF system.

/s/ Casey Norman \_\_\_\_\_