



1 Prior to receiving his check today, Mr. Zeff, counsel for Kevin Russell, sent Plaintiff's counsel the  
2 email attached as Exhibit C. Plaintiff believes the evidence in Exhibits A and B are sufficient to  
3 avoid the procedures that Mr. Zeff discusses in his email.

4 Plaintiff thanks the Court for the extension it granted in its Order [Docket #121] earlier  
5 today. As Plaintiff had intended to meet the deadline in the Court's Oct. 20, 2006 order unless he  
6 obtained a stay by 2:30 p.m. today, he chose to have the deliveries made today as planned.

7

8 Respectfully submitted,

9

10 DATED: October 30, 2006

11

By \_\_\_\_\_ /s/  
Victoria K. Hall, Esq. (SBN 240702)  
LAW OFFICE OF VICTORIA K. HALL  
401 N. Washington St. Suite 550  
Rockville MD 20850

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Telephone: 301-738-7677  
Facsimile: 240-536-9142

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ATTORNEY FOR PLAINTIFF

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# Exhibit A

United States District Court  
450 Golden Gate Ave.  
San Francisco, CA 94102

Docket #: 111

**PROOF OF SERVICE**

At the time of service I was at least eighteen years of age and not a party to this action. I served copies of the:  
See attached list of documents.

in the within action by personally delivering to the person named below, as follows:

Served: Mr. David M. Zeff  
By Serving: Andrew Weimer  
Address: 1388 Sutter Street  
San Francisco, CA 94109  
Date of Service: 10/30/2006  
Time of Service: 3:35 p.m.

Person Serving:  
Christopher Carrier  
200 Folsom st. #125  
415-760-2188

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10/30/2006

Signature: 

## Appendix

1. Letter from Victoria K. Hall to David M. Zeff, dated October 30, 2006.
2. Certified check to Mr. Zeff, in the amount of \$16,976,25, per Judge Jeffrey S. White's October 20, 2006 Order [Docket #111].

LAW OFFICE OF  
**VICTORIA K. HALL**  
401 NORTH WASHINGTON STREET  
SUITE 550  
ROCKVILLE, MARYLAND 20850

E-Mail  
victoria@vkhall-law.com  
Website  
www.vkhall-law.com  
ADMITTED IN MD & CA

TELEPHONE  
(301) 738-7677  
FAX  
(240) 536-9142

Oct. 30, 2006

Mr. David M. Zeff  
Law Offices of David M. Zeff  
1388 Sutter St. Suite 820  
San Francisco CA 94109

Dear Mr. Zeff,

Please find included with this letter, payment of \$16,976.25 per Judge Jeffrey S. White's October 20, 2006 Order [Docket #111].

If you have any questions, please contact me at the address above.

Regards,



Victoria K. Hall

0012504258

CASHIER'S CHECK

90125 11-24  
Office AU # 1210(B)


Operator I.D.: e1012048 cu003684

October 27, 2006

PAY TO THE ORDER OF \*\*\*DAVID M. ZEFF\*\*\*

\*\*\*Sixteen thousand nine hundred seventy-six dollars and 25 cents\*\*\*  
\*\*\*\$16,976.25\*\*\*

WELLS FARGO BANK, N.A.  
BERKELEY MAIN OFFICE  
2144 SHATTUCK AVE  
BERKELEY, CA 94704  
FOR INQUIRIES CALL (480) 364-3122

VOID IF ORDERED 16,976.25  
  
AUTHORIZED SIGNATURE

⑆00⑆2504258⑆ ⑆121000248⑆486⑆ 505295⑆

# Exhibit B



**AFFIDAVIT OF DELIVERY**

State of Oregon        )  
                                  )  
County of Multnomah)

I, Cindy S. Roshon, being duly sworn, depose and say that:

1.       On the 30<sup>th</sup> day of October, 2006, I received, by Federal Express Delivery, the LETTER FROM VICTORIA K. HALL TO R. SCOTT JERGER and CERTIFIED CASHIER'S CHECK NO. 0012504257 (in the amount of \$14,486.68, payable to R. Scott Jerger), to be delivered in a sealed envelope to Mr. R. Scott Jerger, Field Jerger LLP, 610 SW Alder St., Suite 910, Portland, Oregon, 97205.

2.       On the 30<sup>th</sup> day of October, 2006, at 4:00 pm, I delivered the LETTER FROM VICTORIA K. HALL TO R. SCOTT JERGER and CERTIFIED CASHIER'S CHECK NO. 0012504257 (in the amount of \$14,486.68, payable to R. Scott Jerger), copies of which are attached hereto as Exhibit "B" and Exhibit "C", in a sealed envelope, as directed, to **R. SCOTT JERGER**, personally and in person, at his usual place of employment and usual place of doing business, located at **610 SW Alder Street, Suite 910, Portland, Oregon, 97205**, within the county of Multnomah, state of Oregon.       Mr. Jerger's signature of receiving the documents listed above is affixed to the bottom of the Appendix attached hereto as Exhibit "A."

I certify that I am a resident of the County of Multnomah, State of Oregon. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding. I hereby declare that the above statement is true to the best of my knowledge and belief, and that

I understand it is made for use as evidence in court and is subject to penalty for perjury.

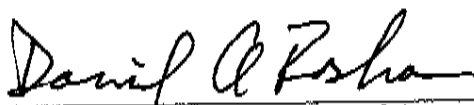
DATED this 30<sup>th</sup> day of October, 2006.

ESSENTIAL DELIVERY SERVICE

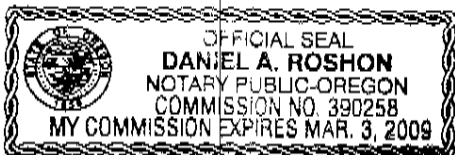


Cindy A. Roshon, Process Server  
3004 SE Lake Rd.  
Milwaukie, OR 97222  
(503) 957-2314  
(503) 922-1132 fax

SUBSCRIBED AND SWORN to before me this 30<sup>th</sup> day of October, 2006.



Notary Public for the State of Oregon  
My Commission Expires: 3/3/09



2 - AFFIDAVIT OF DELIVERY

Appendix

1. Letter from Victoria K. Hall to R. Scott Jerger, dated October 30, 2006.
2. Certified check to Mr. Jerger, in the amount of \$14,486.68, per Judge Jeffrey S. White's October 20, 2006 Order [Docket #111].



A handwritten signature, possibly 'D. R. White', is written in black ink. To the right of the signature, the time '4:00pm' is written in a similar cursive hand.

Exhibit A

LAW OFFICE OF  
**VICTORIA K. HALL**  
401 NORTH WASHINGTON STREET  
SUITE 550  
ROCKVILLE, MARYLAND 20850

TELEPHONE  
(301) 738-7677  
FAX  
(240) 536-9142

E-Mail  
victoria@vkhall-law.com  
Website  
www.vkhall-law.com  
ADMITTED IN MD & CA

Oct. 30, 2006

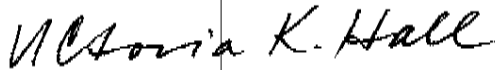
Mr. R. Scott Jerger  
Field Jerger LLP  
610 SW Alder St. Suite 910  
Portland OR 97205

Dear Mr. Jerger,

Please find included with this letter, payment of \$14,486.68 per Judge Jeffrey S. White's  
October 20, 2006 Order [Docket #111].

If you have any questions, please contact me at the address above.

Regards,



Victoria K. Hall

*Exhibit B*

CASHIER'S CHECK

0012504257

00126 11-24  
Office AU # 1210(8)

Operator I.D.: cu012048 cu003684

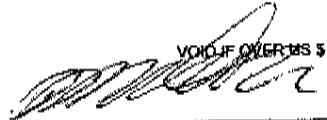
October 27, 2006

PAY TO THE ORDER OF \*\*\*R. SCOTT JERGER\*\*\*

\*\*\*Fourteen thousand four hundred eighty-six dollars and 68 cents\*\*\*

\*\*\*\$14,486.68\*\*

WELLS FARGO BANK, N.A.  
BERKELEY MAIN OFFICE  
2144 SHATTUCK AVE  
BERKELEY, CA 94704  
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER \$ 14,486.68  
  
AUTHORIZED SIGNATURE

⑈0012504257⑈ ⑆121000248⑆4861 505295⑈

Exhibit C

# Exhibit C

[Print](#) | [Close Window](#)

**Subject: Re: Jacobsen v. Katzer, et al., N.D. Cal. Civ.No. 06-1905 JSW ENE**  
**From: ZeffLaw1@aol.com**  
**Date: Mon, Oct 30, 2006 2:57 pm**  
**To: victoria@vkhall-law.com**  
**Cc: scott@fieldlawfirm.com**

Dear Ms. Hall:

This is a joint meet and confer effort by all defendants in the above case. The Judge has denied your recent motions for reconsideration, stay or leave. There is a firm Court Order that your client pay our clients the attorneys fees cited by Judge White in his order granting the SLAPP and other motions to dismiss on or before this Wednesday, November 1. Your client will be in contempt of court if, by the close of business Wednesday, the ordered fees have not been paid.

Now that the Judge has given your client 48 hours more in which to deliver payment of the ordered amounts, we seek your written assurance said funds will be paid within that time. As Judge White noted in denying your request that the order be amended to give plaintiff three more days in which to pay, you and your client have been on notice since August 11, 2006, that such payment would be required.

In the event the funds are not paid as ordered by the close of business this Wednesday, we are prepared to seek an order to show cause re contempt against your client and to have writs of execution issue, which will result in the U. S. Marshall levying upon Mr. Jacobsen's wages from the University and possibly from Lawrence Livermore. We are also prepared to call Mr. Jacobsen in for a debtor's examination (OEX) in which we have full reign to make him produce documentation of his income and assets and testify about it all. I'm sure you are also aware that the service of an OEX creates a lien upon the debtor's personal property. CCP 708.110(d).

We would like to avoid the time, effort and other complications which will result if the monies are not timely paid, by simply having your written promise that the monies will be paid in fully by 5:00 Wednesday, by certified check, cash or money order. Please call us or email us to provide assurances that collection efforts, as described above, will not be necessary.

Thank you! David Zeff and Scott Jerger, Attorneys for Defendants.

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