



MFA: 273/28/(95)

and date

21st November, 2002

The Registrar
High Court of Kenya
NAIROBI



(Attn: T. L. Onamu)

**RE: HCCC. 1273 OF 2001 KIPYAT
KIPRONO BIWOTT VERSUS S
HEMPSTONE**

Kindly refer to your letter Ref. HCCC/1273,
2001.

,tember,

We are advised that the relevant United States authorities have effected service of court process as requested. Accordingly, we herewith return copies of the documents served together with the United States Marshall's certificate of service.

M. K. Kiboino**for: PERMANENT SECRETARY****Encl.**

c.c. Shapley Barett & Co.
Advocates
Prudential Assurance Building
Wabera Street
P O Box 40286
NAIROBI

Attn: D. Oyatsi (Refer to yours Ref. 48/90/83/Do/mbw of
30th November, 2001 and kindly note the documents
are enclosed in the letter to the Registrar of High Court)

Record of Service of Foreign Judicial Document

PART I

Marshal

Baltimore, MD

Date: March 18, 2002
D.J. No. 190-57-02 (1)

Substant to: xx 28 U.S.C. 1696

- () The Hague Service Convention, TIAS 6638, 20 U.S.T. 361
() Inter-American Convention on Letters Rogatory, OAS TS Nos. 43 and 56

Authority High Court of Kenya at Nairobi

Smith Hempstone

7611 Fairfax, Bethesda, MD 20814-1313

Instructions:

☒ No Fee-Treaty Exemption

INITIAL OF ATTORNEY
OR ORIGINATOR

EEW

TELEPHONE NO.
(202) 514-7455

☐ Flat Fee \$15.00 - Check Attached

PART II SPACE BELOW FOR USE OF U.S. MARSHAL ONLY (See instructions on reverse of last copy)

Department of Justice
Washington, D.C. 20530

Date: 5-5-02

Office of Foreign Litigation, Civil Division

I hereby certify and return that I have personally served a copy of foreign judicial document attached hereto on the individual company, corporation, at the address shown above or on the individual, company, corporation, etc., at the address inserted below.

I hereby certify and return that, after diligent investigation, I am unable to locate the individual company, corporation, etc., named above in this Judicial District.

NAME AND TITLE OF INDIVIDUAL SERVED (If not shown above)

☐ A PERSON OF SUITABLE AGE AND DISCRETION THEN
☐ ABIDING IN THE USUAL PLACE OF ABODE OF THE
PERSON TO BE SERVED.

(Complete only if different than shown above)

STATE OF ENDEAVOR (Use Remarks if necessary)

Date of Service

TIME AM
PM

SIGNATURE OF U.S. MARSHAL OR DEPUTY

TELEPHONE NO.

PART II SPACE BELOW FOR USE OF DEPARTMENT OF JUSTICE ONLY

U.S. Department of Justice
Washington, D.C. 20530

Date: JULY 23, 2002

Referral of _____
made in Part II above:
Service was made on 5/17/02 and copies of documents are attached.
Service has not been made and all documents are being returned.

INITIAL OF SENDER

October 2, 2002

Ms. Beatrice Nyaboe Karago
First Secretary
Embassy of Kenya
2249 R Street, N.W.
Washington, D.C. 20008

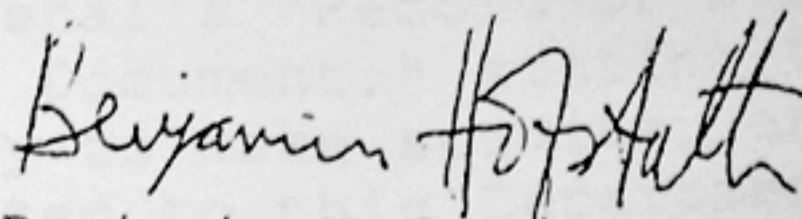
Re: Kipyator Nicholas Kiprono Biwott v. Smith Hempstone

Dear Ms. Karago:

This is in reference to the Embassy's note No. KEW/ADM-LEG/65/Vol. II/(71) dated January 11, 2002, requesting judicial assistance in the matter of Kipyator Nicholas Kiprono Biwott v. Smith Hempstone.

The Department of Justice has advised that the service of process has been effected. Accordingly, there are enclosed copies of the documents served and the United States Marshal's Certificate of Service.

Sincerely,



Benjamin Hofstatter
Office of American Citizens Services
and Crisis Management
Africa Division

Enclosures:

1. Copies of documents served.
2. Marshal's Certificate.

Washington, D.C. 20530

July 26, 2002

States Department of State
American Gross
ary
East and South Asia Division
an Citizens Services
isis Management-RM-4811
gton, D.C. 20520

Re: Service of Foreign Judicial Documents
on: **Smith Hempstone**
Requested by the **Embassy of Kenya**
Your Referral of May 8, 2000

Mr. Gross

e transmit, for return to the requesting authority, the
ing:

- (XX) U.S. Marshal's "Record of Service of Foreign
Judicial Document," indicating the time, place,
and mode of service, and copies of the documents
served.
- () U.S. Marshal's "Record of Service of Foreign
Judicial Document," stating the reasons for his
inability to make service, and all documents
transmitted to this Department.
-) The request has not been referred to the U.S.
Marshal for service for the reason that:
Document to be served should be translated into
the English.

All documents transmitted to this Department are
returned herewith.

Sincerely yours,

Mame Johnson
Office of Foreign Litigation
Civil Division

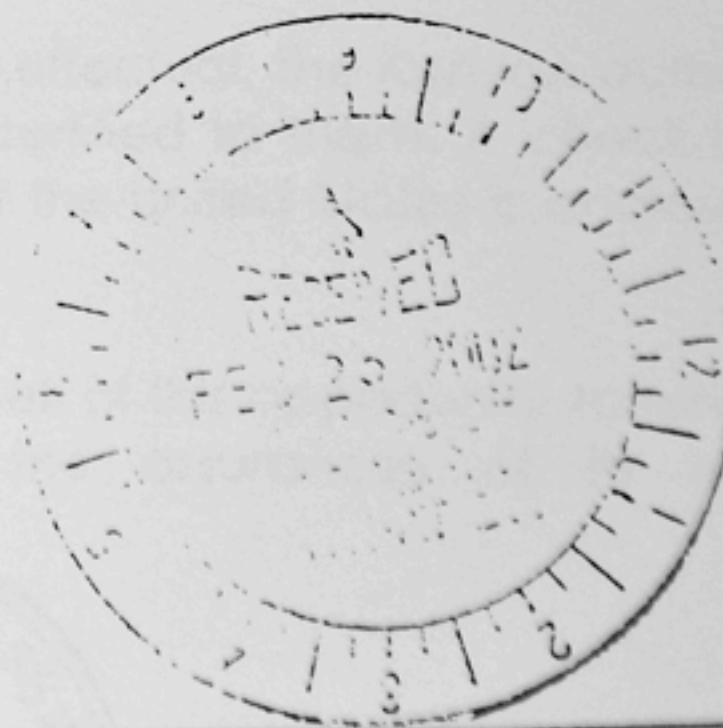
ROUTING AND TRANSMITTAL SLIP	DATE: 1/31/02
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	INITIALS	DATE
1. David Epstein, Director, Office of Foreign Litigation, Department of Justice		
2.		
3.		
4.		
5.		

X	Action	Comment		For Your Information
	Approval	File		Per Conversation
	As Requested	For Clearance		Please Return
	Circulate	For Correction		Signature

REMARKS:

David: I believe this is for action by your office. George Taft (L/AF), received this today from our Kenya Desk (which received it today or yesterday.)



FROM:

Joan VanDerLyke

L/DL, Room 5420, N.S. 202-647-1074

PHONE: (202) 387-6101
(202) 462-3829
info@kenyaembassy.com
www.kenyaembassy.com
REF. NO: KEW/ADM-LEG/65/VOL. II/ (71)



EMBASSY OF THE
REPUBLIC OF KENYA
2249 R STREET, N.W.
WASHINGTON, D.C. 20008

The Embassy of the Republic of Kenya presents its compliments to the United States Department of State and has the honour to request for the esteemed Department's assistance to serve the enclosed legal process regarding **Civil Case No. 1273 of 2001, Kipyator Nicholas Kiprono Biwott Versus Smith Hempstone** at the High Court of Kenya at Nairobi, upon the Defendant, Smith Hempstone whose address of service is **7611 Fairfax Road, Bethesda, Maryland, 20817.**

The enclosed documents are two copies each of **Letter Forwarding Request of Service Abroad** dated September 18, 2001, **Request for Service Abroad** dated September 18, 2001, **Notice of Summons** dated September 26, 2001, **Plaint** dated July 27, 2001, **Verifying Affidavit** dated September 27, 2001 and **Order** dated August 21, 2001. The judicial authorities in Kenya requests that the documents be served personally upon the Defendant on the given address or elsewhere in the United States and further requests that the evidence of service be officially certified, or declared upon oath, or otherwise in such manner as is consistent with the usage or practice of the courts of the United States in proving service of legal process.

In the event that the service of the process is ineffectual, the Kenyan authorities request that the evidence in that regard be certified to them. A check in the amount of \$ 15.00 in favour of the Treasurer of the United States is enclosed as required.

The Embassy of the Republic of Kenya avails itself of this opportunity to renew to the United States Department of State, the assurances of its highest consideration.

Washington D.C.
January 11, 2002



United States Department of State
2201 C Street
Washington D.C. 20520

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL CASE NO. 1273 OF 2001

KIPYATOR NICHOLAS KIPRONO BIWOTT PLAINTIFF

VERSUS

SMITH HEMPSTONE DEFENDANT

PRELIMINARY DECREE

CLAIM FOR:

8C

- a) General Damages for the libel contained in the book entitled "Rogue Ambassador".
- b) Damages on the footing of aggravated or exemplary damages.
- c) An injunction restraining the Defendant by himself, his servants or agents or otherwise from further circulating, distributing, selling or otherwise publishing copies of the said book or material containing the said or such libel.
- d) Costs.
- e) Interests on (a), (b) and (c) above.

The Defendant herein having been duly served with Summons to enter appearance and having failed to file his appearance within the prescribed period **AND UPON READING** the application by Counsel for the Plaintiff dated 22nd November 2002 **IT IS ORDERED:-**

1. **THAT** an interlocutory Judgment be and is hereby entered against the Defendant.

2. THAT the costs of this suit be costs in the cause.
3. THAT this matter be listed for formal proof for assessment of General Damages.

GIVEN under my hand and the seal of the Court at Nairobi this 2nd day of December 2002.

ISSUED at Nairobi this day of 2002

PRINCIPAL DEPUTY REGISTRAR
HIGH COURT OF KENYA
NAIROBI