

Multiple Documents

Part Description

- 1 16 pages
- 2 Civil Cover Sheet
- 3 Summons
- 4 Summons
- 5 Summons
- 6 Summons

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROBERT C. TAYLOR,
8504 Cory Drive
Bowie, MD 20720

on behalf of himself and all others
similarly situated

Plaintiffs,

vs.

FEDERAL AVIATION
ADMINISTRATION
800 Independence Avenue SW
Washington D.C. 20591

Serve:

Michael P. Huerta, Administrator
Federal Aviation Administration
800 Independence Avenue SW
Washington D.C. 20591

Attorney General of the
United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

United States Attorney for the
District of Columbia
555 4th St., NW
Washington, DC, 20530

and

MICHAEL P. HUERTA,
as Administrator of the
Federal Aviation Administration
800 Independence Avenue SW
Washington D.C. 20591

Defendants.

Case No. _____

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

Plaintiff Robert C. Taylor, on behalf of himself and all others similarly situated, by counsel, Carr Maloney P.C., brings this Class Action against Defendants Federal Aviation Administration (“FAA”) and Michael P. Huerta, in his official capacity as Administrator of the FAA, and states as follows:

PARTIES

1. Plaintiff is a natural person and a citizen of the United States, residing in the state of Maryland.

2. Defendant FAA is part of the United States Department of Transportation and is located at 800 Independence Avenue SW, Washington D.C. 20591. Defendant Huerta serves as the Administrator of the FAA.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter because it involves federal questions pursuant to 28 U.S.C. § 1331. This is also a civil action arising under the United States Constitution. Furthermore, this Court has subject matter jurisdiction over this action under 28 U.S.C. § 1332. Plaintiff brings this Complaint on behalf of a nationwide class, and at least one Class member is a citizen of a state different from Defendants. The Class consists of at least 836,796 Class members and the matter in controversy exceeds \$5,000,000.

4. Venue is proper in this Court under 28 U.S.C. § 1391 because the FAA and Huerta are located in the District of Columbia, and the FAA regularly conducts business in this District. Moreover, a substantial part of the events asserted in this Complaint occurred and continues to occur in this District. Venue is also proper pursuant to 5 U.S.C.A. § 552a(g)(5).

FACTUAL ALLEGATIONS

5. In 2012, Congress passed the FAA Modernization and Reform Act of 2012, 126 Stat. 11. The Act provided that the FAA could not “promulgate any rule or regulation regarding model aircraft” that meet certain criteria described in the Act. Pub. L. 112-95, § 336(a).

6. Section 336(c) of the FAA Modernization and Reform Act of 2012 defines a “Model Aircraft” as an “Unmanned Aircraft” that is “(1) capable of sustained flight in the atmosphere; (2) flown within visual line of sight of the person operating the aircraft; and (3) flown for hobby or recreational purposes.”

7. On December 16, 2015, despite Congress’s explicit prohibition against rulemaking involving Model Aircraft, the FAA promulgated the Registration and Marking Requirements for Small Unmanned Aircraft (the “Registration Rule”). The Registration Rule required that beginning December 21, 2015, owners of Model Aircraft operated for hobby or recreational purposes must register with the FAA. 80 Fed. Reg. 78593.

8. As part of the registration under the Registration Rule, owners of Model Aircraft were required to provide the FAA with personal information including their names, email addresses, and home addresses. They also had to pay a \$5.00 registration fee. Model Aircraft Owners who did not register were subject to three years in prison and fines of up to \$250,000. 80 Fed. Reg. 78593, 78630.

<https://www.gpo.gov/fdsys/pkg/FR-2015-12-16/pdf/2015-31750.pdf>

9. In fact, the FAA threatened that failing to register would result in civil penalties up to \$27,500 and criminal penalties up to \$250,000 and three years in prison.

<https://web.archive.org/web/20151224033152/www.faa.gov/uas/registration/faqs>

10. Plaintiff is a Model Aircraft hobbyist who owns multiple Model Aircraft and uses them for hobby or recreational purposes.

11. Following the effective date of the Registration Rule, Plaintiff registered his Model Aircraft with the FAA, provided the required personal information, and paid the \$5.00 registration fee.

12. No less than 836,796 owners of Model Aircraft registered their Model Aircraft for hobby or recreational purposes from December 21, 2015 through November 14, 2017. <http://dronecenter.bard.edu/drone-registrations>.

13. On May 19, 2017, the United States Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) vacated the Registration Rule “to the extent that it applies to Model Aircraft,” because the Registration Rule was among those actions specifically prohibited by § 336(a). *Taylor v. Huerta*, 856 F.3d 1089, 1090, 1094 (D.C. Cir. 2017). “The FAA’s 2015 Registration Rule, which applies to model aircraft, directly violates that clear statutory prohibition.” *Id.* at 1090. Thus, the registrations that were based upon the promulgation of the invalid and vacated Registration Rule, had no lawful existence.

14. Also on May 19, 2017, the FAA issued a press release stating that the FAA will “continue to encourage registration for all drone operators,” despite the D.C. Circuit’s decision vacating the Registration Rule and making clear that the FAA had no authority to promulgate the Registration Rule. https://www.faa.gov/news/press_releases/news_story.cfm?newsId=21674

15. Despite the judicial vacatur of the regulation establishing the FAA’s model aircraft registry, the FAA did not delete Plaintiff’s personal information from the registry or refund his \$5.00 registration fee. Nor did the FAA delete the other registered owners of Model Aircrafts’ personal information or return their registration fees.

16. Though it did not voluntarily delete the now clearly-unlawful registry, the FAA ultimately did create a form whereby registrants could seek to delete their registrations and receive a refund. However, the FAA did not distribute the form to registrants through their email or physical addresses on file with the FAA, or take other reasonable steps to make registrants aware of the process. Further, the form, without lawful justification, required registrants to make certifications as to how they “always” operate their Model Aircraft, and to provide personal banking information. The form is no longer available on the FAA website.

17. On December 12, 2017, President Donald Trump signed the National Defense Authorization Act. Section 1092(d) of the National Defense Authorization Act states that “The rules adopted by the Administrator of the Federal Aviation Administration in the matter of registration and marking requirements for small unmanned aircraft (FAA-2015-7396; published on December 16, 2015) that were vacated by the United States Court of Appeals for the District of Columbia Circuit in *Taylor v. Huerta* (No. 15-1495; decided on May 19, 2017) shall be restored to effect on the date of enactment of this Act.”¹

18. The National Defense Authorization Act, by its terms, is not retroactive. Therefore, any personal information and registration fees collected from owners of Model Aircraft pursuant to the Registration Rule between December 21, 2015 and December 11, 2017, was, and remains, unlawful.

19. The FAA’s actions were willful or intentional. Section 336(a) clearly prohibited the promulgation of the Registration Rule. As the court noted, “[s]tatutory interpretation does not get much simpler.” *Taylor*, 856 F.3d at 1092. The FAA knew, or should have known, that its actions were unlawful, but proceeded to act in willful and flagrant violation of the rights of hundreds of thousands of Model Aircraft hobbyists. The FAA’s actions were so patently

¹ Plaintiff and the Class do not concede that the National Defense Authorization Act is valid.

egregious and unlawful that anyone undertaking the conduct should have known it to be unlawful. The FAA's actions were committed without grounds for believing them to be lawful, and in flagrant disregard of the rights of those whom it unlawfully registered. Nor did the FAA relent when the Registration Rule was challenged in court. Lastly, despite an order of the Court of Appeals vacating the Regulation Rule to the extent that it applied to Model Aircraft, the FAA did not refund their \$5.00 registration fees and continued not only to maintain, but to build upon its unlawful registry, knowing it to be illegal. In addition, the FAA's unlawful, and uncirculated, "deregistration" process further reveals the intentional and willful nature of the FAA's efforts to maintain its unlawful registry.

CLASS ACTION ALLEGATIONS

20. Plaintiff brings this action individually and on behalf of all others similarly situated individuals pursuant to Rule 23 of the Federal Rules of Civil Procedure. The proposed class is as follows:

All owners of Model Aircraft who registered with the FAA for hobby or recreational purposes from December 21, 2015 through December 11, 2017.

21. The Class is so numerous that joinder of all individual plaintiffs would be impracticable. Plaintiff avers that the class consists of at least 836,796 Class members, the number of individuals who registered Model Aircraft for hobby or recreational purposes as of November 14, 2017. The precise number of Class members is known by the FAA and can be ascertained through its own records.

22. There are questions of law and fact common to the Class that predominate over any questions affecting only individual Class members. All members of the Class have been subject to and affected by the same course of unlawful conduct. In violation of § 336(a) of the FAA Modernization and Reform Act of 2012, the FAA unlawfully registered Class members,

and in doing so, the FAA unlawfully collected and maintained personal information about Class members and unlawfully collected the same registration fees.

23. Plaintiff's claims are typical of the claims of the Class, in that they arise from the same operative facts and course of conduct, are based on the same legal theories, and based upon the FAA's violation of § 336(a) of the Modernization and Reform Act of 2012. In violating § 336(a), the FAA unlawfully registered Class members, and in doing so, the FAA unlawfully collected and maintained personal information about Class members and unlawfully collected the Class members' registration fees.

24. Plaintiff will fairly and adequately represent and protect the interests of the Class. Plaintiff is committed to vigorously litigating this matter. Plaintiff has no interest antagonistic to those of other Class members. Plaintiff has secured counsel experienced in handling class actions. Neither Plaintiff nor his counsel have any interests which might cause them not to vigorously pursue the claims in this lawsuit.

25. A class action is superior to other available methods of the fair and efficient adjudication of this controversy under Rule 23(b)(3). The expense and burden of individual litigation would make it impracticable or impossible for Class members to prosecute their claims individually. The interest of Class members in individually controlling the prosecution of separate claims against the FAA is relatively small, and such complex individual litigation against the federal government, who has unlimited resources, would be cost prohibitive if the suits were prosecuted individually. Further, such numerous individual suits (perhaps a number approaching one million or more) would burden the court system. Management of the Class's claims is likely to present significantly fewer difficulties and is in the best interest of the Class members, judicial economy, and the court system.

26. Class certification is also appropriate under Rule 23(b)(2) given that the FAA acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate with respect to the Class as a whole. Despite a clear ruling by the D.C. Circuit Court that the FAA violated § 336(a) of the Modernization and Reform Act of 2012, the FAA continued to collect and did not return registration fees, and did not delete the unlawfully collected personal information.

27. Furthermore, this action should be maintained as a class action because the prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual members which would establish incompatible standards of conduct for the parties opposing the Class, as well as a risk of adjudications with respect to individual members which would as a practical matter be dispositive of the interests of other members not parties to the adjudications or substantially impair or impeded their ability to protect their interests.

COUNT I: VIOLATION OF THE PRIVACY ACT OF 1974, 5.U.S.C.A. § 552a

28. Plaintiff and the Class incorporate by reference the allegations contained in Paragraphs 1-27 of the Complaint as if fully set forth herein.

29. The Privacy Act mandates that agencies that maintain a “system of records” must “maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President.” 5 U.S.C.A. § 552a(e)(1).

30. Plaintiff and the Class meet the definition of an “individual” within the meaning of 5 U.S.C.A. § 552a(a)(2).

31. The FAA is an agency that must comply with 5 U.S.C.A. § 552a(e)(1) in its maintenance of records.

32. The personal information of Plaintiff and the Class collected and maintained by the FAA is a “system of records” within the meaning of 5 U.S.C.A. § 552a(a)(5). Moreover, the Plaintiff and the Class’s personal information was incorporated into a “system of records.”

33. The D.C. Circuit ruled that the FAA lacked statutory authority to promulgate the Registration Rule and thus vacated the Registration Rule. *Taylor v. Huerta*, 856 F.3d 1089, 1093-94 (D.C. Cir. 2017). As such, the FAA lacked authority to collect registration fees from Plaintiff and the Class and to collect from and maintain their personal information.

34. Thus, the maintenance of a “system of records” for Plaintiff and the Class from December 21, 2015 to December 11, 2017 was not only not relevant or necessary, but it was unlawful. Accordingly, the FAA violated 5 U.S.C.A. § 552a(e)(1) by promulgating the Registration Rule and maintaining a registry of Model Aircraft owners from December 21, 2015 to December 11, 2017 that was not relevant or necessary to accomplish a purpose required to be accomplished by statute or by executive order of the President.

35. Section 552a(g)(1)(D) provides that a civil action can be brought when an agency “fails to comply with any other provision of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual.”

36. Plaintiff and the Class can bring and maintain an action for civil remedies against Defendants under 5 U.S.C.A. § 552a(g)(1)(D) for the FAA’s failure to comply with 5 U.S.C.A. § 552a(e)(1).

37. Plaintiff and the Class experienced adverse effects due to the FAA’s violation of 5 U.S.C.A. § 552a(e)(1), including actual damages. The damages suffered by Plaintiff and other

Class members included pecuniary harm. The FAA charged Plaintiff and the Class a \$5.00 fee to collect and unlawfully maintain information about Plaintiff and other Class members in the FAA's system of records. In addition, the FAA deprived Plaintiff and other Class members of use of those funds.

38. Plaintiff and the Class do not need to exhaust their administrative remedies before bringing this claim under 5 U.S.C.A. § 552a(g)(1)(D).

39. The FAA acted willfully and intentionally within the meaning of 5 U.S.C.A. § 552a(g)(4) because it knew or should have known that it lacked the statutory authority for promulgating the Registration Rule, but it did so anyway. Further, once the D.C. Circuit vacated the Registration Rule, the FAA did not delete the personal information of Plaintiff and the Class members and did not refund their registration fees. In addition, the FAA continued the registration process even after the D.C. Circuit held that the FAA was prohibited from doing so.

40. Plaintiff and the Class members are each entitled to statutory damages in a sum of no less than \$1,000 plus attorneys' fees and costs. 5 U.S.C.A. § 552a(g)(4).

COUNT II: VIOLATION OF THE LITTLE TUCKER ACT, 28 U.S.C. § 1346

41. Plaintiff and the Class incorporate by reference the allegations contained in Paragraphs 1-40 of the Complaint as if fully set forth herein.

42. The Little Tucker Act waives sovereign immunity for Plaintiff and the Class to bring this cause of action and this lawsuit against the federal government.

43. Plaintiff and the Class do not need to exhaust their administrative remedies before bringing this claim and lawsuit under the Little Tucker Act.

44. Courts routinely recognize illegal exaction claims when the government takes money from individuals in violation of a statute.

45. Plaintiff and the Class bring this claim under the Little Tucker Act for the Defendants' illegal exaction of \$5.00 registration fees and personal information from at least 836,7960 owners of Model Aircraft between December 21, 2015 and December 11, 2017, despite the lack of statutory authority to do so given the D.C. Circuit's decision in *Taylor v. Huerta*.

46. As set forth above, Plaintiff and the Class have suffered damages and are each entitled to damages of not more than \$10,000 each under 28 U.S.C. § 1346(a)(2).

COUNT III: CONSTITUTIONAL VIOLATION

47. Plaintiff and the Class incorporate by reference the allegations contained in Paragraphs 1-46 of the Complaint as if fully set forth herein.

48. Defendants have a duty to Plaintiff and the Class to act in a manner consistent with their constitutional rights and to not deprive them of those rights.

49. Plaintiff and the Class have a right to be free from acts and omissions of Defendants that deprive Plaintiff and the Class of rights protected by the Constitution of the United States, including privacy rights guaranteed by the Constitution.

50. Plaintiff and the Class have a right to the protections afforded to them through the process of judicial review under Article 3 of the Constitution of the United States, which declared the FAA's Registration Rule unlawful.

51. Plaintiff and the Class have a right not to be subject to the requirements of the Registration Rule from December 21, 2015 to December 11, 2017, which was declared unlawful by a court of competent jurisdiction.

52. Plaintiff and the Class have a right to be free from civil and criminal penalties for their failure to comply with a regulation that has been declared unlawful by a court of competent jurisdiction.

53. The Defendants violated Plaintiff and the Class's Constitutional and privacy rights by unlawfully promulgating the Registration Rule and enforcing the Registration Rule without any statutory authority to do so. Further, once the D.C. Circuit vacated the Registration Rule, the Defendants did not delete the private and personal information of Model Aircraft owners and did not refund their registration fees. In addition, the Defendants unlawfully continued the registration process and unlawfully maintained Plaintiff and the Class's private and personal information even after the D.C. Circuit held that the Defendants were prohibited from doing so.

54. Plaintiff and the Class have exhausted any administrative remedies.

55. As a result of the Defendants' violation of Plaintiff and the Class's Constitutional and privacy rights, Plaintiff and the Class have suffered damages.

COUNT IV: UNJUST ENRICHMENT

56. Plaintiff and the Class incorporate by reference the allegations contained in Paragraphs 1-55 of the Complaint as if fully set forth herein.

57. Plaintiff and the Class conferred a benefit to the Defendants through providing them their personal information and over \$4,183,980 in ill-gotten registration fees.

58. The Defendants knowingly accepted and retained the benefit as they unlawfully maintained a registry of Plaintiff and the Class's personal information and collected over \$4,183,980 in registration fees in violation of the law.

59. Given the D.C. Circuit's decision which declared that the Registration Rule was unlawful, it would be unjust for the Defendants to retain the personal information of over 836,796 owners of Model Aircraft and over \$4,183,980 in registration fees.

60. The Defendants should not be permitted to maintain the personal information and registration fees of Plaintiff and owners of Model Aircraft from December 21, 2015 until December 11, 2017 because the Defendants unlawfully and unjustly received them as a result of its unlawful actions described herein.

61. As set forth above, the Defendants have waived sovereign immunity for this lawsuit.

62. Notwithstanding statutory damages for other claims, Plaintiff and the Class also seek restitution in an additional amount of no less than \$4,183,980 for the Defendants' unjust enrichment, as well as interest and attorneys' fees and costs.

COUNT V: DECLARATORY RELIEF

63. Plaintiff and the Class incorporate by reference the allegations contained in Paragraphs 1-62 of the Complaint as if fully set forth herein.

64. There exists an actual controversy between Plaintiff and the Class, and the Defendants.

65. Pursuant to 28 U.S.C. § 2201, this Court may declare the rights and other legal relations of any interested parties seeking a declaration. Any such declaration shall have the force and effect of a final judgment.

66. The Registration Rule from December 21, 2015 to December 11, 2017 was unlawful. Therefore, the no less than 836,796 registrations of owners of Model Aircraft for

hobby or recreational purposes during the period of December 21, 2015 to December 11, 2017 were unlawful.

67. Thus, the collection and maintenance of personal information about Plaintiff and Class members and the collection of their registration fees from December 21, 2015 to December 11, 2017 was unlawful.

68. The Defendants violated Plaintiff and the Class's Constitutional and privacy rights by unlawfully promulgating the Registration Rule and enforcing the Registration Rule from December 21, 2015 to December 11, 2017.

69. The FAA violated the Privacy Act, 5 U.S.C.A. §552a(e)(1) by maintaining a registry of owners of Model Aircraft from December 21, 2015 to December 11, 2017 that was not relevant or necessary to accomplish a purpose required to be accomplished by statute or by executive order of the President. Further, it was unlawful. As such, Plaintiff and the Class are each entitled to statutory damages from the FAA in a sum of no less than \$1,000 plus attorneys' fees and costs. Moreover, Plaintiff and the Class are also entitled to restitution damages from the Defendants in the amount of no less than \$4,183,980 for the FAA's unjust enrichment of registration fees.

JURY DEMAND

Plaintiff and the Class request a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and the Class pray for an Order as follows:

A. Finding that this action satisfies the prerequisites for maintenance as a class action and certifying the Class defined herein;

B. Designating Plaintiff as the representative of the Class and undersigned counsel as Class Counsel;

C. Declaring that the Registration Rule from December 21, 2015 to December 11, 2017 was unlawful;

D. Declaring that there were no less than 836,796 registrations of owners of Model Aircraft for hobby or recreational purposes during the period of December 21, 2015 to December 11, 2017, which were unlawful;

E. Declaring that the collection and maintenance of personal information about Plaintiff and Class members and the collection of their registration fees from December 21, 2015 to December 11, 2017 was unlawful;

F. Declaring that the Defendants violated Plaintiff and the Class's Constitutional and privacy rights by unlawfully promulgating the Registration Rule and enforcing the Registration Rule from December 21, 2015 to December 11, 2017;

G. Declaring that the FAA violated §552a(e)(1) of the Privacy Act and that Plaintiff and the Class are each entitled to an award of no less than \$1,000 plus attorneys' fees and costs;

H. Declaring that the Defendants violated the Little Tucker Act and that Plaintiff and the Class are each entitled to an award of up to \$10,000;

I. Declaring that Plaintiff and the Class are also entitled to restitution damages from the Defendants in the amount of no less than \$4,183,980 for the Defendants' unjust enrichment of registration fees;

J. Ordering the deletion of records collected and maintained by the Defendants regarding Plaintiff and the Class collected between December 21, 2015 and December 11, 2017;

K. Entering judgment in favor of Plaintiff and the Class against Defendants;

L. Awarding Plaintiff and the Class a sum of no less than \$836,796,000 for violations of the Privacy Act and the Little Tucker Act, and a sum of no less than \$4,183,980 for the ill-gotten registration fees;

M. Awarding Plaintiff and the Class attorneys' fees and costs, including interest, as allowed or required by law;

N. Granting all further and other relief as the Court deems just and appropriate.

ROBERT C. TAYLOR
By Counsel

Carr Maloney P.C.

/s/ Matthew D. Berkowitz
Thomas L. McCally #391937
Matthew D. Berkowitz #974170
J. Peter Glaws #1013049
M. Therese Waymel #1024663
Carr Maloney P.C.
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mtw@carrmaloney.com

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input checked="" type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input checked="" type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Class action brought under the Privacy Act of 1974, 5 USCA §552a.

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ 840,979,980.00 JURY DEMAND:	Check YES only if demanded in complaint YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: <u>January 5, 2018</u>	SIGNATURE OF ATTORNEY OF RECORD _____
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Civil Action No. _____

PROOF OF SERVICE

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I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____ .

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

)
)
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)
)
)
)
)
)
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)
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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: