

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC.,
1110 Vermont Avenue NW
Washington, DC 20005,

Plaintiff,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES,
200 Independence Avenue SW
Washington, DC 20201,

Defendant.

Civil Action No. 19-350

COMPLAINT

Plaintiff, by and through its attorneys, hereby alleges as follows:

Introduction

1. Plaintiff Planned Parenthood Federation of America, Inc. (“Planned Parenthood”) brings this action against Defendant U.S. Department of Health and Human Services (“HHS” or “the agency”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”).

2. Title X of the Public Health Service Act, 42 U.S.C. §§ 300–300a-8, makes family planning services available for free or at low cost to Americans in all states. The Title X program

was designed to ensure access to comprehensive family planning and preventive health services, particularly for people with lower incomes.

3. Millions of Americans have relied on the Title X program for essential reproductive health care services. But now, the Trump-Pence Administration has sought to shift the Title X program away from its core statutory purpose, threatening irreparable harm to the very patients Title X was meant to help. Planned Parenthood has sought records through FOIA to uncover the reasoning and influences underlying the agency's harmful changes to the program.

4. FOIA requires that HHS provide a response within thirty working days of Planned Parenthood's request. *See* 5 U.S.C. §§ 552(a)(6)(A)(i), -(B)(i). Over four months have passed, and HHS has failed to provide a response or produce any documents. Accordingly, Planned Parenthood sues to compel the production of responsive records.

Jurisdiction and Venue

5. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

6. Venue is proper under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

7. Planned Parenthood has exhausted its administrative remedies. *See* 28 U.S.C. § 552(a)(6)(C)(i).

Parties

8. Plaintiff Planned Parenthood Federation of America, Inc., a not-for-profit organization, is the nation's leading provider of and advocate for high-quality, affordable sexual and reproductive health care for women, men, and young people, as well as the nation's largest provider of sex education. Through more than 600 health centers across the country, Planned

Parenthood affiliates care for over 2.4 million patients each year with compassion and respect, and without judgment.

9. Defendant U.S. Department of Health and Human Services is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and it is headquartered in Washington, D.C. HHS has possession, custody, and control of records to which Planned Parenthood seeks access.

Factual Allegations

10. In 1970, Congress created the Title X Family Planning Program, 42 U.S.C. §§ 300–300a-8, to ensure that all people, and especially women with low incomes, have access to comprehensive family-planning care. Title X annually provides hundreds of millions of dollars to HHS “to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects.” 42 U.S.C. § 300(a).

11. The Title X grant program is competitive: state governments, local governments, tribal entities, and nonprofit organizations vie with one another for grants. Within HHS’s Office of the Assistant Secretary of Health, the Office of Population Affairs oversees the Title X program.

12. Planned Parenthood serves an essential role in the delivery of Title X care. Each year, Planned Parenthood serves roughly 40% of Title X’s patients—approximately 1.6 million people.

13. Since President Trump’s inauguration in January 2017, HHS has announced a series of abrupt policy reversals, apparently driven by extreme ideology rather than evidence-based policy goals. These reversals jeopardize sexual- and reproductive-health programs like Title X.

14. For example, the current administration's budgets for FY2018 and FY2019 requested that Planned Parenthood be "defunded" by eliminating its eligibility for HHS funding streams, including Title X.¹ Failing to "defund" Planned Parenthood through the budget, the administration has sought to exclude Planned Parenthood from the Title X program through other means.

15. On August 3, 2017, however, HHS ended all existing Title X grants, effective either March 31, 2018, or June 30, 2018. As a result, *all* Title X grants opened for competition on February 23, 2018, when HHS issued the FY2018 Title X Funding Opportunity Announcement: FOA No. PA-FPH-18-001 (the "2018 FOA").

16. The 2018 FOA announced dramatic changes to HHS's Title X priorities, requiring that grantees place a "meaningful emphasis" on abstinence as an approach to birth control, even for adults; provide onsite primary care; and cooperate with faith-based organizations. Incredibly, the 2018 FOA omitted any reference to contraception or to HHS's own published standards for evidence-based family-planning care. These changes seem to be designed to disadvantage reproductive health care providers like Planned Parenthood in the Title X grant competition—and ultimately, to undermine the Title X program's intended function of supporting comprehensive family-planning care.

¹ Office of Mgmt. & Budget, Exec. Office of the President, Budget of the United States Government, Fiscal Year 2018 (2017); Office of Mgmt. & Budget, Exec. Office of the President, Budget of the United States Government, Fiscal Year 2019 (2018); Office of Mgmt. & Budget, Exec. Office of the President, Fact Sheet: The President's Fiscal Year 2018 Budget: Overview (2017), *available at* https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/fact_sheets/2018%20Budget%20Fact%20Sheet_Budget%20Overview.pdf; U.S. Dep't of Health & Human Servs., FY 2019 Budget in Brief 7 (2018), *available at* <https://www.hhs.gov/sites/default/files/fy-2019-budget-in-brief.pdf>.

17. Given these changes, organizations that do not provide comprehensive reproductive health care sought the opportunity to participate in the Title X program.²

18. In August 2018, HHS issued notices of Title X awards to FY2018 grantees for a term of only seven months,³ from September 2018 through March 2019, rather than for the usual three-year term.

19. On September 25, 2018, Planned Parenthood filed a FOIA request with HHS seeking, among other things, records regarding the 2018 FOA and the distribution of Title X awards pursuant to that FOA.

20. Specifically, Planned Parenthood seeks the following records:

- 1) A copy of all non-binding letters of intent submitted in response to Funding Opportunity Number PA-FPH-18-001. Alternatively, a comprehensive list of the identities of all persons or entities that submitted a non-binding letter of intent in response to Funding Opportunity Number PA-FPH-18-001.
- 2) A copy of any record, excluding applications, listing the identities of applicants that submitted an application in response to Funding Opportunity Number PA-FPH-18-001.
- 3) A copy of any records that include the identities of applicants that HHS determined were ineligible or otherwise disqualified for funding under Funding Opportunity Number PA-FPH-18-001.
- 4) A copy of any records, excluding applications, that include the basis for a determination of an applicant's ineligibility or non-funding under Funding Opportunity Number PA-FPH-18-001.
- 5) A copy of any records that include the identities of applicants that HHS rejected or did not approve for funding under Funding Opportunity Number PA-FPH-18-001.

² See Victoria Colliver, *Anti-abortion clinics tapping into federal funds under Trump*, Politico.com (Dec. 16, 2018), available at <https://www.politico.com/story/2018/12/16/abortion-pregnancy-centers-planned-parenthood-1007765>.

³ See U.S. Dep't of Health & Human Servs., *Recent Grant Awards*, available at <https://www.hhs.gov/opa/grants-and-funding/recent-grant-awards/index.html> (last visited Dec. 28, 2018).

- 6) A copy of any records that include the scores given to each application submitted in response to Funding Opportunity Number PA-FPH-18-001.
- 7) A copy of any records that include the names of members of the independent review panels tasked with evaluating applications submitted in response to Funding Opportunity Number PA-FPH-18-001.
- 8) A copy of all records that include the reviewers' scores, scoring decisions, or comments related to applications submitted in response to Funding Opportunity Number PA-FPH-18-001.
- 9) A copy of all records, except for applications but including scoring criteria and guidance, given to members of the independent review panels tasked with evaluating applications submitted in response to Funding Opportunity Number PA-FPH-18-001.
- 10) A copy of Deputy Assistant Secretary for Population Affairs Diane Foley's calendar, including any calendar maintained for her, since her appointment in May 2018.
- 11) A copy of all meeting agenda, notes, minutes, recordings and any other records of and from any meetings between Deputy Assistant Secretary for Population Affairs Diane Foley and any person associated with Live Action, including Lila Rose, or Susan B. Anthony List.
- 12) A copy of communications, including email communications, between Deputy Assistant Secretary for Population Affairs Diane Foley and any person associated with Live Action, including Lila Rose, or Susan B. Anthony List.
- 13) All visitor logs reflecting Lila Rose entering any HHS office building.

21. The request letter is attached hereto as Exhibit A.

22. On September 25, 2018, HHS acknowledged receipt of Planned Parenthood's FOIA request and assigned the request tracking number 18-0349. In its acknowledgement letter, HHS informed Planned Parenthood that the request "falls under 'unusual circumstances' in that the records [sought] are maintained outside of this office and our staff has not yet searched for and collected the responsive records from the office most likely to maintain the records." HHS's acknowledgment letter mentioned only Item Nos. 1-12, omitting Item No. 13.

23. Also on September 25, 2018, HHS requested clarification of Item No. 12 and Item No. 13. Planned Parenthood provided clarification via email that same day, and notified HHS that the agency's acknowledgement letter had failed to mention the request for Item No. 13.

24. On September 26, 2018, HHS informed Planned Parenthood that it had assigned Item No. 13 a separate tracking number—18-0350—because the responsive records would come from a different program office.

25. Thirty working days passed and HHS did not provide a response or any records.

26. As of the filing of this Complaint, HHS has not provided a response to Planned Parenthood's FOIA request. Nor has it produced any responsive documents.

Claim for Relief
Count One
(Violation of FOIA, 5 U.S.C. § 552)

27. Planned Parenthood incorporates by reference the foregoing paragraphs as if fully set forth herein.

28. By failing to respond to Planned Parenthood's request within the statutorily prescribed time limit, HHS has violated its duties under 5 U.S.C. § 552 and its own regulations implementing FOIA at 45 C.F.R. §§ 5 *et seq.* These duties include, but are not limited to, the duties to notify Planned Parenthood of its determination and justifications; to conduct a reasonable search for responsive records; and to produce non-exempt responsive records.

Request for Relief

WHEREFORE, Planned Parenthood requests that this Court:

1. Order HHS to conduct a search for any and all records responsive to Planned Parenthood's FOIA request using search methods reasonably likely to lead to discovery of all responsive records;

2. Order HHS to produce, by a date certain, any and all non-exempt responsive records and a *Vaughn* index of any responsive records withheld under a claim of exemption;
3. Enjoin HHS from continuing to withhold any and all non-exempt responsive records;
4. Order HHS to grant in full Planned Parenthood's request for a fee waiver;
5. Award Planned Parenthood its costs, attorneys' fees, and other disbursements for this action; and
6. Grant any other relief this Court deems appropriate.

Dated: February 12, 2019

Respectfully submitted,

/s/ Richard Muniz

Richard Muniz (D.C. Bar. No. 1032246)
Hannah S. Swanson (Wash. State Bar No. 51224)*
Planned Parenthood Federation of America, Inc.
1110 Vermont Ave. NW, Suite 300
Washington, D.C. 20005
(202) 973-4800
richard.muniz@ppfa.org
hannah.swanson@ppfa.org

*Counsel for Plaintiff Planned Parenthood
Federation of America, Inc.*

**Pro hac vice application forthcoming*

EXHIBIT A



Planned Parenthood
Federation of America

**Public Policy
Litigation and Law**
1110 Vermont Ave., NW, Suite 300
Washington, DC 20005
p: 202.937.4800 • f: 202.296.3480
www.plannedparenthood.org

September 25, 2018

VIA HHS FOIA SUBMISSION SITE

Michael Marquis, Freedom of Information Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Health
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, DC 20201

Re: Freedom of Information Act Request

Dear Mr. Marquis:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, and the U.S. Department of Health and Human Services' (HHS) implementing regulations, 45 C.F.R. § 5.1 *et seq.*, I make the following request for records on behalf of Planned Parenthood Federation of America (PPFA).

This request pertains to Funding Opportunity Number PA-FPH-18-001, entitled Announcement of Anticipated Availability of Funds for Family Planning Services Grants (FOA), posted on February 23, 2018. As a trusted women's health care provider and advocate, including a provider in the Title X program—serving more than 40% of the program's patients—Planned Parenthood seeks information and transparency on funding decisions related to the Title X program.

Request for Records

I request the following records within twenty business days—

From the Department of Health and Human Services Office of the Assistant Secretary for Health (OASH) and the HHS Office of Population Affairs (OPA):

September 25, 2018

Page 2

1. **A copy of all non-binding letters of intent submitted in response to Funding Opportunity Number PA-FPH-18-001.** Alternatively, a comprehensive list of the identities of all persons or entities that submitted a non-binding letter of intent in response to Funding Opportunity Number PA-FPH-18-001.
2. **A copy of any record, excluding applications, listing the identities of applicants that submitted an application in response to Funding Opportunity Number PA-FPH-18-001.**
3. **A copy of any records that include the identities of applicants that HHS determined were ineligible or otherwise disqualified for funding under Funding Opportunity Number PA-FPH-18-001.**
4. **A copy of any records, excluding applications, that include the basis for a determination of an applicant's ineligibility or non-funding under Funding Opportunity Number PA-FPH-18-001.**
5. **A copy of any records that include the identities of applicants that HHS rejected or did not approve for funding under Funding Opportunity Number PA-FPH-18-001.**
6. **A copy of any records that include the scores given to each application submitted in response to Funding Opportunity Number PA-FPH-18-001.**
7. **A copy of any records that include the names of members of the independent review panels tasked with evaluating applications submitted in response to Funding Opportunity Number PA-FPH-18-001.**
8. **A copy of all records that include the reviewers' scores, scoring decisions, or comments related to applications submitted in response to Funding Opportunity Number PA-FPH-18-001.**
9. **A copy of all records, except for applications but including scoring criteria and guidance, given to members of the independent review panels tasked with evaluating applications submitted in response to Funding Opportunity Number PA-FPH-18-001.**

September 25, 2018

Page 3

10. **A copy of Deputy Assistant Secretary for Population Affairs Diane Foley's calendar, including any calendar maintained for her, since her appointment in May 2018.** Please include all calendar entries, including the names of invited participants and any attachments.
11. **A copy of all meeting agenda, notes, minutes, recordings and any other records of and from any meetings between Deputy Assistant Secretary for Population Affairs Diane Foley and any person associated with Live Action, including Lila Rose, or Susan B. Anthony List.**
12. **A copy of communications, including email communications, between Deputy Assistant Secretary for Population Affairs Diane Foley and any person associated with Live Action, including Lila Rose, or Susan B. Anthony List.**

From the Department of Health and Human Services:

13. **All visitor logs reflecting Lila Rose entering any HHS office building.**

Please search for records regardless of format, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical materials. This request includes, without limitation, all correspondence, letters, emails, memoranda, text messages, calendar entries, facsimiles, telephone messages, voice mail messages, and transcripts, notes, minutes, or audio or video recordings of any meetings, telephone conversations, or discussions.

Please search all records regarding agency business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.

PPFA expressly does not request any confidential or proprietary information, and requests that you withhold such information. In addition, PPFA does not seek the applications or supporting materials submitted by any applicants in response to Funding Opportunity Number PA-FPH-18-001.

September 25, 2018

Page 4

To ensure that this request is properly construed, searches are conducted in an adequate but efficient manner, and extraneous costs are not incurred, I welcome an opportunity to discuss this request with you before you undertake your search or incur unnecessary costs. I am available to work with you to craft appropriate search terms.

Vaughn Index

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.” 5 U.S.C.

§ 552(a)(8)(A)(i). If it is your position that any portion of the requested records is exempt from disclosure, I request that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974).¹

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable nonexempt portions of the requested records. If it is your position that a document contains nonexempt segments, but that those nonexempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is nonexempt, and how the material is dispersed throughout the document. Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 45 C.F.R. § 5.54, PFA requests a waiver of fees associated with processing this request for records. Disclosure of the requested information is in the public interest as it is likely to contribute significantly to public understanding of government operations and activities. The disclosure of

¹ As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity to permit a reasoned judgment as to whether the material is actually exempt under FOIA. Moreover, the *Vaughn* index must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information. Further, the withholding agency must supply a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.

September 25, 2018

Page 5

information sought under this request will document and reveal the operations of the federal government.

In addition, this request is primarily and fundamentally not for commercial purposes, but rather the primary interest is in public disclosure of responsive records. As a 501(c)(3) nonprofit, PPFA does not have a commercial purpose and the release of the information requested is not in PPFA's financial interest. Planned Parenthood is the nation's leading women's health care provider and advocate and a trusted, nonprofit source of primary and preventive care for women, men, and young people in communities across the United States. Each year, Planned Parenthood's more than 600 health centers provide affordable birth control, lifesaving cancer screenings, testing and treatment for sexually transmitted diseases, and other essential care to 2.4 million patients. The majority of Planned Parenthood patients have incomes at or below 150 percent of the Federal Poverty Level. Since the program's inception almost half a century ago, Planned Parenthood has played a central role in fulfilling Title X's mission. Planned Parenthood health centers serve more than 40% of the program's patients annually. Given our extensive experience with Title X, we are well suited to evaluate policies and decisions affecting the Title X program and educate the public about such policies or decisions. Accordingly, PPFA qualifies for a fee waiver.

Conclusion

I look forward to working with you on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact me at Richard.Muniz@ppfa.org. Also, if you determine any fees will be charged, please contact me immediately upon making such a determination.

Sincerely,

Richard Muniz
Staff Attorney

CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

I. (a) PLAINTIFFS: PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.
DEFENDANTS: U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER): Richard Muniz, Planned Parenthood Federation of America, 1110 Vermont Ave. NW, Ste. 300 Washington, D.C. 20005, 202-973-4997

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)
III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in item III)
PTF DFT
Citizen of this State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business in This State
Incorporated and Principal Place of Business in Another State
Foreign Nation

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

A. Antitrust
B. Personal Injury/Malpractice
C. Administrative Agency Review
D. Temporary Restraining Order/Preliminary Injunction
Any nature of suit from any category may be selected for this category of case assignment.
(If Antitrust, then A governs)

E. General Civil (Other) OR F. Pro Se General Civil
Real Property
Personal Property
Bankruptcy
Prisoner Petitions
Property Rights
Federal Tax Suits
Forfeiture/Penalty
Other Statutes

<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 type="radio"/> I. FOIA/Privacy Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input 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.)
 Violation of 5 U.S.C. § 552; failure to respond to Plaintiff’s FOIA request within the time frame allotted by statute.

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" 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: 2/12/2019	SIGNATURE OF ATTORNEY OF RECORD: /s/ Richard Muniz
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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.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)
 Plaintiff)
)
 v.) Civil Action No.
)
_____)
 Defendant)

SUMMONS IN A CIVIL ACTION

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

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) 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 may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, 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:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

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

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) 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 may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, 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:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)
 Plaintiff)
)
 v.) Civil Action No.
)
_____)
 Defendant)

SUMMONS IN A CIVIL ACTION

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

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) 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 may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, 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: