

Grand Lodge of the Fraternal Order of Police v. Janet Reno



PN-DC-002-001

FILED

JAN 18 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

~~ROBERT MAYER-WHITE~~
U.S. DISTRICT COURT

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THE GRAND LODGE OF THE
FRATERNAL ORDER OF POLICE,
309 Massachusetts Avenue, NE,
Washington, 20002, National Police
Organizations,

Plaintiff,

vs.

JANET RENO, United States Attorney
General, and the UNITED STATES OF
AMERICA,

Defendants.

Cause No. _____

COMPLAINT FOR DECLARATORY
AND PERMANENT INJUNCTIVE
RELIEF

CASE NUMBER 1:01CV00090

JUDGE: Ricardo M. Urbina

DECK TYPE: Civil General

DATE STAMP: 01/18/2001

Plaintiff, the Grand Lodge of the Fraternal Order of Police, through counsel and pursuant to 28 U.S.C. § 2201, submits this complaint seeking declaratory and injunctive relief. This complaint alleges a case of actual controversy with adversarial parties and seeks this Court pass on the constitutional validity of Defendants' use of 42 U.S.C. §14141 (1996). Defendants have used and will continue to use this statute to interfere with the protected interests of state and local law enforcement officers around the nation, impermissibly assuming control over state governmental agencies and altering the delicate balance between the states and the federal government. Defendants have or have attempted to obtain federal judicial oversight of targeted state and local police departments through consent decrees entered in the absence of a case or controversy within the meaning of Article III of the Constitution, and without the participation of affected law enforcement officers or findings supporting the merits of the government's

1 underlying claims.

2 A declaration is sought that 42 U.S.C. § 14141 as interpreted and enforced by
3 defendants is unconstitutional. Additionally, Plaintiff seeks to permanently enjoin the
4 defendants from any and all reliance on those portions of the statute that are
5 unconstitutional on their face and all specified unconstitutional applications of 42 U.S.C.
6 §14141, and from undertaking enforcement actions pursuant to that statute which
7 exclude participation by affected FOP member police officers and their representatives.

8 JURISDICTION AND VENUE

- 9 1. This Court has jurisdiction of the subject matter of this action under 28 U.S.C.
10 §§1331 and 1346(a).
- 11 2. Permanent injunctive relief is sought pursuant to Fed. R. Civ. P. 65 (d).
- 12 3. Venue in this District is proper pursuant to 28 U.S.C.S. 1391(b) in that the claim
13 arises from policies formulated and actions undertaken by Defendants in the District
14 of Columbia.
- 15 4. Defendants, the United States of America and Janet Reno, are located within this
16 district and are subject to the jurisdiction of this Court.

17 PARTIES

- 18 5. Plaintiff incorporates by reference the matters set forth above and as additional
19 grounds for the relief requested hereinafter alleges as follows:
- 20 6. Plaintiff Grand Lodge of the Fraternal Order of Police (hereinafter "FOP") is a non-
21 profit organization formed under the laws of the State of Pennsylvania with its
22 national legislative office in Washington, D.C. and affiliate lodges throughout the
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- 1 United States claiming a membership of more than 275,000 full time law
2 enforcement officers.
- 3 7. FOP affiliated lodges are organized by law enforcement officers employed by the
4 United States, the several states and the political subdivisions of the respective
5 states.
- 6 8. Membership in FOP affiliated lodges is limited to persons who support and defend
7 the Constitution of the United States and promote and foster the enforcement of law
8 and order to more firmly establish the confidence of the public in the service
9 dedicated to the protection of life and property.
- 10 9. FOP members are law enforcement officers of the several states and their political
11 subdivisions.
- 12 10. Plaintiff and its affiliates do not discriminate or condone discriminatory law
13 enforcement practices and its members generally observe written policies
14 prohibiting such practices.
- 15 11. FOP members include elected and appointed state and local law enforcement
16 officials who have the duty to enforce state and local laws and who are responsible
17 for formulation of department policies.
- 18 12. FOP members also include line officers and other state and local police officers who
19 have the duty to enforce state and local laws and to abide by duly promulgated
20 department policies.
- 21 13. FOP members have Tenth Amendment rights in performing their duties to be free
22 from interference by the federal government except as permitted under the
23 Constitution.
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1 20. Defendant Janet Reno is the United States Attorney General, a federal governmental
2 actor within whose jurisdiction the enforcement and implementation of 42 U.S.C.
3 §14141 falls.

4 21. Defendant Janet Reno is sued in her official capacity only.

5 NATURE OF THE DISPUTE AND FACTS COMMON TO ALL COUNTS

6 22. Plaintiff incorporates by reference the matters set forth above and as additional
7 grounds for the relief requested hereinafter alleges as follows:

8 23. This is an action for declaratory and permanent injunctive relief.

9 24. Neither the claims asserted nor relief requested require the participation of
10 individual members of Plaintiff or its affiliate Lodges because the members are
11 situated similarly with respect to the declaratory and injunctive relief requested.

12 25. Upon information and belief, Defendants have undertaken or are currently
13 undertaking investigations of law enforcement agencies in at least fourteen cities in
14 various federal circuits pursuant to 42 U.S.C. §14141.

15 26. Upon information and belief, the cities currently under investigation by Defendants
16 include Buffalo, New York; Charleston, West Virginia; Eastpointe, Michigan; Los
17 Angeles, California; New Orleans, Louisiana; New York, New York; Orange
18 County, Florida; Prince George's County, Maryland; Riverside California; and
19 Washington, DC.

20 27. Upon information and belief, Defendants do not publicize their investigations, and
21 do not always alert local law enforcement that they are investigating a particular
22 police agency.

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- 1 28. Defendants to date have filed suit in a) Pittsburgh, Pennsylvania; b) Steubenville,
2 Ohio; and c) Columbus, Ohio.
- 3 29. Upon information and belief, Defendants' investigations and allegations have
4 improperly tarred FOP members and have hurt community relations, service
5 delivery, job performance and in some cases reputations and careers.
- 6 30. Upon information and belief, Defendants have resisted efforts by FOP affiliate
7 lodges to obtain details regarding the civil rights abuses alleged in their complaints
8 in both pre-litigation contexts and in response to routine and proper discovery
9 requests in the Columbus litigation.
- 10 31. Upon information and belief, Defendants fail to allege any specific instance of
11 improper conduct in their complaints.
- 12 32. Upon information and belief, Defendants allege state and local government agencies
13 are subject to a prophylactic injunction based on no more than failure to prevent
14 alleged abuses by unnamed individual officers.
- 15 33. Exemplary of the allegations describe above, the Defendants have alleged in their
16 Complaint in Columbus, Ohio:¹
- 17 a. Columbus Department of Police ("CDP") officers have engaged and continue to
18 engage in a pattern or practice of using excessive force against persons in
19 Columbus. This use of excessive force includes, but is not limited to:
- 20 i. use of excessive force in effecting arrests or detaining persons suspected of
21 engaging in criminal activity; and
- 22 ii. use of excessive force against persons who are carrying out a routine
23 activity and either have not committed any crime or infraction or have
24 committed a minor infraction.

¹ The language that follows is taken from the government's complaint. The numbering
has been changed for clarity.

- 1 b. CPD officers have engaged and continue to engage in a pattern or practice of
2 falsely arresting and charging persons in Columbus. These false arrests and
3 charges include, but are not limited to:
- 4 i. falsely arresting or charging persons who witness incidents of police
5 misconduct or who otherwise are observing police conduct;
 - 6 ii. falsely arresting or charging persons who are believed likely to complain
7 of police misconduct; and
 - 8 iii. falsely arresting or charging persons who behave or speak in a manner that
9 is perceived by a CDP officer to be disrespectful but which does not
10 constitute criminal behavior.
- 11 c. CDP officers have engaged in and continue to engage in other misbehavior,
12 including, but not limited to:
- 13 i. falsifying official reports; and
 - 14 ii. conducting searches without lawful authority or in an improper manner.
- 15 d. The City of Columbus has tolerated the misconduct of individual officers,
16 through its acts or omissions. These acts or omissions include, but are not
17 limited to:
- 18 i. failing to implement a policy on use of force that appropriately guides the
19 actions of individual officers;
 - 20 ii. failing to train CDP officers adequately to prevent the occurrence of
21 misconduct;
 - 22 iii. failing to supervise CDP officers adequately to prevent the occurrence of
23 misconduct;
 - 24 iv. failing to monitor CDP officers adequately who engage in or who may be
likely to engage in misconduct;
 - v. failing to establish a procedure whereby citizen complaints are adequately
investigated;
 - vi. failing to investigate adequately incidents in which a police officer uses
lethal or non-lethal force;
 - vii. failing to fairly and adequately adjudicate or review citizen complaints,
and incidents in which a police officer uses lethal or non-lethal force; and

- 1 viii. failing to discipline adequately CDP officers who engage in misconduct.
- 2 33. Upon information and belief, Defendants have attempted to settle each of the three
- 3 suits filed to date through entry of a court-authorized consent decree.
- 4 34. Upon information and belief, the terms of the consent decrees described in the above
- 5 paragraph purport to authorize a Federal District Court to ascertain compliance with
- 6 the decree's terms for five (5) years and enforce those terms. The decrees provide
- 7 that no modification or amendment of their terms may occur absent Court order.
- 8 35. Upon information and belief, Defendants obtained consent decrees such as
- 9 described in the above paragraph in Pittsburgh, Pennsylvania and Steubenville,
- 10 Ohio. These decrees are enforceable by the United States District Courts located in
- 11 those jurisdictions.
- 12 36. Defendants attempted to obtain a consent decree in Columbus, Ohio, and initially
- 13 reached an agreement with that municipality on the terms of such a decree.
- 14 37. Defendants were prevented from entering the consent decree described in the above
- 15 paragraph in the Columbus litigation by the local Fraternal Order of Police lodge,
- 16 which timely intervened in the litigation.
- 17 38. The opposing parties in each of the attempted or completed consent decrees are the
- 18 municipal governmental agencies subject to Defendants' enforcement action and the
- 19 United States Department of Justice through the Attorney General, Janet Reno.
- 20 39. Upon information and belief, in all three locations, the municipal law enforcement
- 21 officers had contracts in full force and effect with the municipalities, the terms of
- 22 which had been collectively bargained through their Local Fraternal Order of Police
- 23 Lodges, acting as collective bargaining agents.
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- 1 40. Upon information and belief, in all three locations, the decrees altered or would have
2 altered existing standards, practices, policies, and operational procedures of the
3 municipalities targeted for enforcement action.
- 4 41. Upon information and belief, such existing standards, practices, policies, and
5 operational procedures had previously been formulated by state and local
6 government officials and/or through the collective bargaining process.
- 7 42. The decrees interfered or would have interfered with the formulation of standards,
8 practices, policies, and operational procedures by the state and local government
9 officials whose duty under state law it is to make such decisions.
- 10 43. These officials include affiliate members of FOP who are the elected and appointed
11 state and local law enforcement officers with such policy responsibilities.
- 12 44. The decrees imposed or would have imposed federal supervision on state and local
13 law enforcement officers who have committed no wrongdoing and never have been
14 accused of wrongdoing.
- 15 45. The decrees imposed or would have imposed federal supervision on state and local
16 police departments that have committed no wrongdoing and never have been
17 accused of committing wrongdoing.
- 18 46. The decrees infringed or would have infringed upon the collective bargaining
19 process between affiliate lodges, members, and their governmental employers.
- 20 47. The infringement described in the above paragraph includes the contravention of
21 negotiated departmental standards, practices, policies, and procedures, and/or
22 preventing such issues to be included in the collective bargaining process in state
23 and local law enforcement agencies targeted for enforcement action.
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1 48. The decrees intruded or would have intruded upon the manner and means by which
 2 local and state government agencies provide law enforcement services to the local
 3 citizens.

4 49. The intrusion described in the above paragraph includes the imposition of federal
 5 standards that require increased devotion of administrative and fiscal resources to
 6 training, protocols, more burdensome record keeping, compliance monitoring
 7 (including payment of an independent monitor) and dispute resolution to ensure
 8 compliance.

9 50. In all three cases, Defendants opposed efforts by local FOP affiliate lodges to
 10 intervene into the litigation.

11 51. Motions to Intervene by affiliate lodges in the Pittsburgh and Steubenville suits were
 12 ultimately denied.

13 52. Upon information and belief, Defendants failed to establish the basic legal requisites
 14 for the courts to issue permanent equitable relief under Rules 52 or 65 of the Federal
 15 Rules of Civil Procedure in either of the two above lawsuits.

16 53. Defendants failed either to allow participation by local affected police officers or to
 17 prove the merits of their claims at trial prior to obtaining relief in either of the two
 18 above lawsuits.

19 CLAIM I:

20 42 U.S.C. §14141 IS UNCONSTITUTIONAL BECAUSE IT EXCEEDS
 21 CONGRESS' AUTHORITY UNDER SECTION 5 OF THE FOURTEENTH
 22 AMENDMENT, OR IT IS UNCONSTITUTIONAL AS INTERPRETED AND
 APPLIED BY DEFENDANTS

23 56. Plaintiff incorporates by reference the matters set forth above and as additional
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1 grounds for the relief requested hereinafter alleges as follows:

- 2 57. Defendants, through officials at the Department of Justice, have stated both in a June
3 1, 2000 national policy statement and in the above-described litigation that 42
4 U.S.C. § 14141 allows them to obtain a federal injunction against a state or local law
5 enforcement agency without any showing that the law enforcement agency itself
6 was actively involved with, was deliberately indifferent to, or had adopted a policy
7 that resulted in alleged instances of civil rights violations by unnamed individual
8 officers, and based on nothing more than Defendants' judgment that existing
9 policies and procedures were inadequate.
- 10 58. 42 U.S.C. §14141 is invalid because it exceeds the scope of congressional power
11 under Section 5 of the Fourteenth Amendment.
- 12 59. Alternatively, Defendants' interpretation and use of 42 U.S.C. §14141, as described
13 above, is incorrect and/or unconstitutional as applied.
- 14 60. Congress may not expose a state or local police agency to a structural injunction
15 based on sporadic allegations of alleged civil rights abuses by unnamed individual
16 officers.
- 17 61. Congress did not and could not expand the scope of a Federal Court's jurisdiction
18 under Article III of the Constitution by conferring standing in 42 U.S.C. §14141 on
19 the United States Attorney General to seek an injunction in place of a private
20 enforcement action by individual citizens or a class of citizens.
- 21 62. The Congressional record does not support a radical retooling of the established
22 balance between the federal government and the state law enforcement agencies.
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1 63. The Congressional record does not support a conclusion that 42 U.S.C. § 14141 as
2 written is a congruent and proportional response to a national problem under
3 Congress' specific grant of legislative power pursuant to Section 5 of the Fourteenth
4 Amendment of the United States Constitution.

5 64. Alternatively, the Congressional record does not support a conclusion that 42 U.S.C.
6 § 14141 as it has been interpreted and applied by Defendants is a congruent and
7 proportional response to a national problem under Congress' specific grant of
8 legislative power pursuant to Section 5 of the Fourteenth Amendment.

9 65. It exceeds the limits of federal power under Article III and the Fourteenth
10 Amendment to impose a systemic, prophylactic injunction on a state or local police
11 department in the absence of a showing that the department did more than simply
12 fail to prevent alleged instances of civil rights violations by individual officers.

13 66. It improperly entangles the Federal Courts in matters of unique concern to local
14 government to impose judicial oversight on the day-to day affairs of state and local
15 police departments that are alleged to have done no more than fail to prevent alleged
16 instances of civil rights violations by individual officers.

17 **CLAIM II:**

18 **DEFENDANTS SHOULD BE ENJOINED FROM CONTINUING TO SEEK**
19 **IMPOSITION OF A CONSENT DECREE WITHOUT THE PARTICIPATION**
20 **OF AFFECTED STATE AND LOCAL LAW ENFORCEMENT OFFICERS OR**
21 **A FINDING THAT THE POLICE AGENCY ENGAGED IN A PATTERN OR**
22 **PRACTICE OF CIVIL RIGHTS VIOLATIONS THROUGH ITS OFFICERS**

23 67. Plaintiff incorporates by reference the matters set forth above and as additional
24 grounds for the relief requested hereinafter alleges as follows:

1 68. FOP members include elected and appointed state and local law enforcement
2 officials whose responsibility to formulate department policies is subject to
3 interference by Defendants' consent decree strategy in implementing 42 U.S.C.
4 §14141.

5 69. FOP members include line officers and others employed as police officers in state
6 and local law enforcement agencies whose duty to enforce state and local laws and
7 to abide by duly promulgated department policies is subject to interference by
8 Defendants' consent decree strategy in implementing 42 U.S.C. §14141.

9 70. FOP members have standing to intervene to protect their legal interests in litigation
10 brought by Defendants pursuant to 42 U.S.C. §14141.

11 71. Plaintiff and FOP affiliate lodges have associational standing to intervene on behalf
12 of affected FOP members in litigation brought by Defendants pursuant to 42 U.S.C.
13 §14141.

14 72. A valid consent decree cannot be entered between Defendants and a local or state
15 law enforcement agency when the terms of that decree affect the legal interests of
16 police officers who have not been given the choice of agreeing to the decree or
17 holding the government to its burden of proof at trial.

18 73. Upon information and belief, Defendants' enforcement actions, including their
19 above-described consent decree strategy in implementation of 42 U.S.C. §14141,
20 are based on their unconstitutional and/or incorrect interpretation of their lawful
21 authority.

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- 1 74. Defendants' enforcement actions, including their above-described consent decree
2 strategy in implementation of 42 U.S.C. §14141, exceed the limits of federal power
3 over the internal workings of state and local government.
- 4 75. Defendants' enforcement actions, including their above-described consent decree
5 strategy in implementation of 42 U.S.C. §14141, interfere with the Tenth
6 Amendment interests of affected FOP members as state and local law enforcement
7 officers and/or elected or appointed policy makers.
- 8 76. Defendants' enforcement actions, including their above-described consent decree
9 strategy in implementation of 42 U.S.C. §14141, interfere with the collective
10 bargaining process by which members of FOP affiliate lodges reach agreements
11 with their respective state or local governmental employers.
- 12 77. Upon information and belief, unless enjoined from doing so, Defendants will
13 continue to bring enforcement actions based on their current interpretation of their
14 lawful authority.
- 15 78. Upon information and belief, unless enjoined from doing so, Defendants will
16 continue to exclude affected police officers, police policy makers, and their
17 representatives from consent decree negotiations.
- 18 79. Upon information and belief, unless enjoined from doing so, Defendants will
19 continue to obstruct efforts to determine the underlying factual basis for their
20 enforcement actions and complaints.
- 21 80. Upon information and belief, unless enjoined from doing so, Defendants will
22 continue to oppose participation by affected officers and their representatives in
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litigation, despite the impact of such litigation on the legal interests of the excluded officers.

CLAIM III:

DEFENDANTS SHOULD BE ENJOINED FROM CONTINUING TO SEEK IMPOSITION OF A CONSENT DECREE IN THE ABSENCE OF A RECORD AFFIRMATIVELY DEMONSTRATING COMPLIANCE WITH FED.R.CIV.P. 52 AND 65(D)

- 81. Plaintiff incorporates by reference the matters set forth above and as additional grounds for the relief requested hereinafter alleges as follows:
- 82. Defendants have failed to request or obtain findings by the Federal Courts sufficient to support the grant of an injunction to enforce 42 U.S.C. §14141 through consent decrees entered without the participation of affected local police officers.
- 83. Upon information and belief, unless enjoined from doing so, Defendants will continue to engage in the above practice.

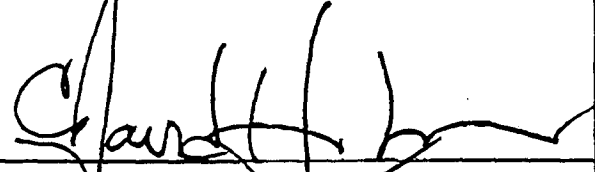
CONCLUSION AND RELIEF REQUESTED

WHEREFORE, Plaintiff prays that:

- 1. This Court enter an Order declaring 42 U.S.C. §14141 invalid under Section 5 of the Fourteenth Amendment to the United States' Constitution and thus in derogation of the Tenth Amendment rights of Plaintiff's members.
- 2. This Court enter an Order declaring unconstitutional Defendants' past interpretation and use of 42 U.S.C. §14141 to enjoin state and local police departments that did not engage in, were not actively involved with, were not deliberately indifferent to, and/or had not adopted a policy that resulted in alleged instances of civil rights violations by individual officers.

- 1 3. This Court enter an Order declaring invalid the use of consent decrees in the absence
- 2 of either full participation by affected police officers or complete compliance with
- 3 Fed.R.Civ.P. 52 and 65 regarding the merits of the allegations of the underlying
- 4 complaint.
- 5 4. This Court enter an Order enjoining Defendants from issuing any Order, command
- 6 or action based on 42 U.S.C. § 14141 or their past unconstitutional interpretation
- 7 and application of the 42 U.S.C. § 14141, or from entering into consent decrees or
- 8 other settlements of suits in the absence of either full participation by affected police
- 9 officers or complete compliance with Fed. R. Civ. P. 52 and 65.
- 10 5. Plaintiff respectfully requests the Court order such further relief as it deems
- 11 necessary, proper and appropriate under the circumstances.

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13 Respectfully submitted,
FRATERNAL ORDER OF POLICE

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16
17 C. David Henderson
Bar # TX0009
18 Counsel of Record
2074 Galisteo, Suite B-5
19 Post Office Box 4111
Santa Fe, New Mexico 87502
20 (505) 988-1848 Telephone
(505) 820-1433 Facsimile

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

vs.

CITY OF COLUMBUS OHIO,
et al.,

Defendants.

Civil No. C2-99-1097

BRIEF OF AMICUS CURIAE GRAND LODGE OF THE FRATERNAL
ORDER OF POLICE
IN SUPPORT OF THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS

*Before the Honorable District Judge Holshuh and
the Honorable Magistrate Judge King*

C. David Henderson
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Attorney for Amicus Curiae
Grand Lodge of the Fraternal Order of Police

Tom Rutherford, General Counsel

(a) PLAINTIFFS
 THE GRAND LODGE OF THE FRATERNAL ORDER OF POLICE
b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES) D.C. 1101
c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
 C. David Henderson, Esquire
 Post Office Box 4111
 Santa Fe, NM 87502
 (505) 988-1848

DEFENDANTS JANET RENO and the UNITED STATES OF AMERICA
 COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) D.C.
 NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED
A1 CASE NUMBER 1:01CV00090
JUDGE: Ricardo M. Urbina
DECK TYPE: Civil General

I. BASIS OF JURISDICTION
 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)

III. CITIZEN (For Diversity Cases)
 Citizens of This State 1 1
 Citizens of Another State 2 2
 Citizen or Subject of a Foreign Country 3 3
 Incorporated or Principal Place of Business in This State 4 4
 Incorporated and Principal Place of Business in Another State 5 5
 Foreign Nation 6 6
DATE STAMP: 01/18/2001
SEE BOX FOR BOX FOR DEFENDANT
PTF DEF

V. ORIGIN (PLACE AN X IN ONE BOX ONLY)
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judge

7. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Endorsement of Judgment 151 Medicare Act 152 Recovery of Definitive Student Loans (Basic Veterans) 153 Recovery of Overpayment of Veterans' Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 318 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employer Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Exclusion Injunction & Corrupt Organizations <input type="checkbox"/> 810 Selective Services <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 870 Bankruptcy Challenge 11 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Bar Disbarment under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 448 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motion/Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13950) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

I. CAUSE OF ACTION CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE
 Declaratory Judgment and Injunction Action pursuant to 28 U.S.C. Section 2201

II. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** N/A **JURY DEMAND:** YES NO

III. RELATED CASE(S) IF ANY (See instructions): **JUDGE** _____ **DOCKET NUMBER** _____

DATE 1-18-01 **SIGNATURE OF ATTORNEY OF RECORD** *[Signature]*

CATEGORY IN WHICH CASE BELONGS
 A. Antitrust
 B. Malpractice
 D. TRO/Preliminary Injunction (If Antitrust, then A governs)
 E. General Civil
 F. Pro Se General Civil
 G. Habeas Corpus
 H. EEOC (If pro se, select this deck)
 I. FOIA (If pro se, select this deck)
 J. 3-Judge Court
 K. Rail Reorganization Act