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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: **08-cv-60774-Marra-Johnson**

STEVEN A. GELLER, BARBARA EFFMAN,  
AND PERCY JOHNSON,

Plaintiffs,

v.

THE DEMOCRATIC NATIONAL  
COMMITTEE,

Defendant.

**COMPLAINT FOR INJUNCTIVE RELIEF**

Plaintiffs Steven A. Geller, Barbara Effman, and Percy Johnson bring this action for injunctive relief in the form of an order compelling the Defendant, The Democratic National Committee (“DNC”) to honor the votes cast at the Florida Democratic Presidential Preference Primary on January 29, 2008, and to seat Florida’s Democratic delegates at the Democratic National Convention.

**Preface**

This lawsuit raises compelling issues of equal protection and due process, in that the rejection by the DNC of the will of Florida’s 1.75 million Democratic voters at the presidential primary has the direct effect of disenfranchising Florida from the selection of the Democratic Presidential Candidate, thereby allowing other states to decide the nominee without Florida’s participation. The DNC’s decision to disenfranchise Florida voters and Florida Delegates violates equal protection because it fails to treat equally all similarly situated states and Democratic voters. Moreover, the DNC decision violates due process of the laws in that its

imposition of sanctions against Florida flows from a constitutionally inadequate process that implements DNC Rules in an arbitrary manner, and excludes the participation of Florida Delegates notwithstanding the right of those delegates to be seated and counted at the Democratic National Convention.

Because the Democratic National Convention is scheduled for August 25-28, 2008, expedited consideration of this lawsuit is of paramount importance, so the people of Florida and its authorized delegates are permitted to participate in the Convention and the selection of the Democratic Presidential Nominee.

**Jurisdiction, Venue & Parties**

1. This action arises under the Fourteenth Amendment to the United States Constitution and 28 U.S.C. §§1331 and 2201, and 42 U.S.C. §1983.

2. Venue is properly in this district pursuant to 28 U.S.C. § 1391(b) on the grounds that a substantial part of the events or omissions giving rise to the claims alleged herein occurred, and will continue to occur, in this district.

***The Plaintiffs***

3. Plaintiff Steve Geller (“Geller”) is a citizen of the State of Florida, and resides in Broward County in that state.

4. Geller is registered as a Democrat in the State of Florida.

5. Geller voted in the Florida Democratic presidential preference primary on January 29, 2008.

6. Geller is an elected Florida State Senator, and is the Democratic Minority Leader in The Florida Senate, elected by the Democrats who serve in the Florida Senate. In that

capacity, Geller serves as a constitutional officer empowered to represent the interests of the Florida's Democrats in The Florida Senate.

7. Geller has been elected as an unpledged add-on delegate to the 2008 Democratic National Convention. This position frequently is referred to as a "superdelegate." Geller has not pledged support either for Democratic candidate Hillary Clinton or Democratic candidate Barack Obama.

8. Geller plans to attend the 2008 Democratic National Convention.

9. Plaintiff Barbara Effman ("Effman") is a citizen of the State of Florida, and resides in Broward County in that state.

10. Effman is registered as a Democrat in the State of Florida.

11. Effman voted in the Florida Democratic presidential preference primary on January 29, 2008.

12. Effman is President of a Democratic Club in Broward County, Florida.

13. Effman has been elected as a delegate to the 2008 Democratic National Convention, and is a pledged delegate for Democratic candidate Hillary Clinton.

14. Effman intends to attend the 2008 Democratic National Convention.

15. Plaintiff Percy Johnson ("Johnson") is a citizen of the State of Florida, and resides in Broward County in that state.

16. Johnson is registered as a Democrat in the State of Florida.

17. Johnson voted in the Florida Democratic presidential preference primary on January 29, 2008.

18. Johnson has been elected as a delegate to the 2008 Democratic National Convention, and is a pledged delegate for Democratic candidate Barack Obama.

19. Johnson intends to attend the 2008 Democratic National Convention.

***The Defendant; The DNC is a State Actor***

20. The Democratic National Committee is the governing body of the Democratic Party of the United States, with its principal office in Washington, D.C.

21. The DNC is not a resident of Florida, and service of process on and jurisdiction over Defendant is authorized by § 48.193, Florida Statutes, because:

- a. The DNC is operating, conducting, engaging in, or carrying on a business or business venture in this state or has an office or agency in this state;
- b. The DNC caused injury to persons within this state arising out of an act or omission by the DNC outside this state, because at the time of the injury the DNC was, is, and will continue to be engaged in solicitation or service activities within this state; and
- c. The DNC is engaged in substantial and not isolated activities in Florida.

22. The DNC's activities in this State are under color of law and are actions of the state, and so the DNC's conduct is subject to review by this Court for at least several separate and distinct reasons, including:

- a. The state grants the DNC the right to determine which candidate representing the Democratic Party should be placed on the state's general election ballot as determined at the Democratic National Convention, thereby making party nomination a "feeder" into the government's official political system.
- b. The DNC discharges a public and statutory function in nominating and selecting political candidates, which is an integral part of the state's election process; indeed, Florida state election law:

- i. Prescribes detailed criteria for state-wide and local party committee structures and operations;
  - ii. Establishes strict reporting, structural, and operational requirements; and
  - iii. Guarantees the party a position on the general election ballot for the party's nominee.
- c. The DNC, in conjunction with state governments, regulates the electoral nominating process.

23. Furthermore, the DNC is invested by the state with the power to establish requirements for primary voters, and the DNC claims the right to disqualify primary votes and voters, including the right to make challenges at polling places.

24. For example, in Florida, each political party and each candidate is allowed to have one poll watcher at each polling place at any one time.

- a. The main function of a Democratic Party poll watcher is to observe the activities at the polling place:
- i. The first poll watcher of the Election Day has the right to see that the ballot box is empty before the first ballot is cast.
  - ii. A poll watcher may observe the distribution of the ballot to the voter and after the voter has voted the depositing of the cast ballot into the ballot box.
  - iii. If the poll watcher observes what he believes might be a violation, he/she may question a voter's privilege by stating his/her case to the election board, which consists of the poll workers at that precinct.
  - iv. After the polls close, the poll watcher observes the counting of the ballots.

b. According to Florida law, it is necessary for a poll watcher to be a registered voter of the county in which the poll watcher serves.

i. Applications for poll watchers are obtained through the party.

ii. Upon execution, and no later than noon on the 14th day prior to an election, a party's poll watcher applications must be filed with the county's Supervisor of Elections Office for certification.

iii. Importantly, and demonstrating the party involvement in the electoral process, either a party official or a candidate must sign each application prior to submitting the application to the Supervisor of Elections.

c. The Supervisor of Elections under state law certifies eligible poll-watching applicants at least seven (7) days prior to the election and then:

i. A list of the party-designated and Supervisor-certified poll watchers is provided to each precinct; and

ii. Certified party poll watchers receive letters indicating certification and their respectively assigned precincts.

25. Furthermore, the DNC itself publicly acknowledges its role as a state actor and pledges in the Preamble to the CHARTER OF THE DEMOCRATIC PARTY OF THE UNITED STATES ("DNC Charter"):

**Bound by the United States Constitution**, aware that a party must be responsive to be worthy of responsibility, we pledge ourselves to open, honest endeavor and to the conduct of public affairs in a manner worthy of a society of free people.

(Emphasis added.)

26. Indeed, Article Two, Section 2 of the DNC Charter provides that the DNC will observe "state laws relating to the election of delegates to the National Convention . . . ."

27. Furthermore, Article Two, Section 11(b)(i) of the DNC Bylaws describes some of the DNC's activities as a state actor, including involvement in "the processes in which delegates are selected to the National Democratic Convention."

28. The rights and powers of a political party – including the DNC – and its duty to, and control by, the State of Florida depend entirely upon the state law that grants it the status as a political party.

29. The Florida Constitution provides that state law regulates the activities and functions of political parties, including the parties' involvement in the presidential preference primary.

30. The Florida presidential preference primary is conducted at taxpayers' expense.

31. The Florida presidential preference primary is the processes by which Democratic delegates are selected to the Democratic National Convention.

32. The Florida presidential preference primary is part of the electoral process and thereby involves the DNC in the electoral machinery of the State of Florida and:

- a. Is the approved mechanism by which Florida Democratic delegates are selected to the Democratic National Convention; and
- b. Is held in order to select Democratic delegates who are then pledged to support Democratic candidates at the Democratic National Convention, which is where the Party's nominees for President and Vice-president are selected and then later placed on the ballot in the Florida general election as the Democratic nominees running for President and Vice-president, and for whom the state electors ultimately become obligated to vote if the Democratic nominees win the general election.

33. The electoral process described in the preceding paragraph not only has a part to play in the greater task of selecting the electors who select the President and Vice President, it also shows that the DNC controls the state apparatus that is Florida's "presidential selection process" for a Democratic nominee.

34. Indeed, by its rules, the DNC directly regulates institutional arrangements within which Democratic politics in the state are conducted and directly concerns the selection of nominees for elective office, especially with respect to the general election for President and Vice President.

35. As a major political party, the DNC receives public funds, up to \$4,000,000.00, under 26 U.S.C. §9008 and 11 C.F.R. §9008.4, specifically for the presidential nominating convention attended by delegates from each state, a convention which Florida Democratic delegates would attend based on the presidential preference primary results, a convention from which will emerge the Democratic nominees for President and Vice President to be named on the general election ballot in Florida.

36. The DNC's "Call for the 2008 Democratic National Convention," adopted on February 2, 2007, expressly sets forth the qualifications of state delegations to the National Convention, stating that:

[V]oters in the state will have the opportunity to cast their election ballots for the Presidential and Vice Presidential nominees selected by said Convention, and for electors pledged formally and in good conscience to the election of these Presidential and Vice Presidential nominees, under the label and designation of the Democratic Party . . . .

2008 Call, Art. II, B.

37. As the allegations in paragraphs 20 through 36 above demonstrate, there is a sufficiently close nexus between the state and the DNC's action with respect to the electoral and

presidential selection machinery and process, which Plaintiffs challenge here, so that the DNC's action may fairly be treated as that of the state itself.

### General Allegations

#### *The August 2008 DNC Presidential Primary Rules*

38. On August 19, 2006, the DNC adopted "Delegate Selection Rules for the 2008 Democratic National Convention" (the "2008 DNC Rules") that, among other things, set the sequence and timing of caucuses and primaries for the selection of delegates to the 2008 Democratic National Convention.

39. The 2008 DNC Rules, Rule 11. A., expressly sets the "timing," that is, the dates for the delegate selection process (the "Timing Rule").

40. The Timing Rule prohibits any delegate-selection "meetings, caucuses, conventions or primaries . . . prior to the first Tuesday in February or after the second Tuesday in June in the calendar year of the national convention" (the "Primary Window").

41. The Timing Rule, however, allows four states to conduct delegate selection prior to the Primary Window, stating:

that the Iowa precinct caucuses may be held no earlier than 22 days before the first Tuesday in February; that the Nevada first-tied caucuses may be held no earlier than 17 days before the first Tuesday in February; that the New Hampshire primary may be held no earlier than 14 days before the first Tuesday in February; and that the South Carolina primary may be held no earlier than 7 days before the first Tuesday in February.

42. The DNC purportedly requires each state Democratic Party to follow the 2008 DNC Rules.

43. The 2008 DNC Rules set forth sanctions the DNC can impose on a state when the DNC Rules and Bylaws Committee ("DNC RBC") deems a state has violated a 2008 DNC Rule, for example, Rule 20 C. 1. a. sets out possible penalties for a violation of the Timing Rule:

- a. The state “automatically” loses half of its pledged delegates to the 2008 Democratic National Convention, “without further action of the DNC [RBC].”
  - b. The DNC RBC may reduce to zero the number of a state’s pledged delegates to the 2008 Democratic National Convention.
  - c. The DNC RBC can decide not to permit Democratic Members of the state’s congressional delegation (and others so regularly entitled) to attend the Democratic National Convention as unpledged voting delegates.
44. Notwithstanding the Rule 20 C. 1. a. sanctions, the DNC RBC can elect not to impose a sanction for a violation if the “state party” proves by

clear and convincing evidence that **[the state party] and the other relevant Democratic leaders and elected officials took all provable, positive steps and acted in good faith to achieve legislative changes to bring the state law into compliance** with the pertinent provisions of [the 2008 DNC Rules] and that the [state party] and the other relevant Democratic party leaders **and elected officials took all provable, positive steps and acted in good faith in attempting to prevent the legislative changes** which resulted in state law that fails to comply with the pertinent provisions of [the 2008 DNC Rules].

2008 Rules, Rule 20 C 7; (emphasis added).

45. Rule 20 C 7, therefore, requires the DNC to conduct an investigation to determine whether Democratic leaders and elected officials took all provable steps, but the DNC failed to follow its own rules and never contacted or heard the elected Democratic leaders and elected officials on the issue, choosing instead to rely on secondary and tertiary information and a perfunctory hearing as a pretext to imposing sanctions.

46. The sanctions provided for in the 2008 DNC Rules, however, directly contradict the DNC Charter, inasmuch as the DNC Charter specifically provides that there “shall” be delegates from each state.

***In May 2007 Florida's Governor Signs HB 537, a Law  
Requiring a Verifiable Paper Trail for all Votes and  
Setting the Date for the Presidential Preference Primary Date***

47. In the spring of 2007 each Chamber of the Republican-controlled Florida Legislature passed a bill requiring all votes cast in the state on Election Day to be cast using optical scan equipment that provides a verifiable paper trail.

48. Each Chamber of the Republican-controlled Florida Legislature also passed, as a part of the same bill, amendments to the Florida Statutes to move the state's presidential preference primary to "the last Tuesday in January in each year the number of which is a multiple of 4, elect one person to be the candidate for nomination of such party for President of the United States or select delegates to the national nominating convention, as provided by party rule."

49. Each Chamber of the Republican-controlled Florida Legislature also passed as a part of the same bill to permit a state public official to stay in state office, even if seeking a federal office.

50. On May 21, 2007, Florida's Republican Governor, Charlie Crist, signed HB 537 bill into law.

51. That law does three things: (1) requires the use of voting machines which provide a verifiable paper trail; (2) moves the state's primary date to January 29, 2008; and (3) allows a candidate seeking federal office to retain his or her existing public office at the time of qualifying for the federal office (e.g., the state's Republican Governor – Charlie Crist – can stay in office even if he seeks to run as the Vice Presidential nominee of the Republican party in the upcoming general election).

52. At the time HB 537 was discussed in the Republican-controlled Florida Legislature, Florida Democratic Party Chair Karen Thurman urged the Democratic Legislative Leadership to fight in the Republican-controlled Legislature to change the date of the presidential preference primary to the first Tuesday in February, a date that would bring Florida in compliance with the 2008 DNC Rules.

53. The Democratic Legislative Leadership in both Chambers of the Republican-controlled Legislature, Geller in The Florida Senate, and Minority Leader Dan Gelber in The Florida House of Representatives, offered amendments to the respective Senate and House bills.

54. The proposed amendments to the respective Senate and House bills would have pushed back the date of the presidential preference primary to February 5, 2008, which would have brought Florida into compliance with the 2008 DNC Rules.

55. Both Republican-controlled Chambers in the Florida Legislature voted down the amendments respectively proposed by Senate Minority Leader Geller and House Minority Leader Gelber.

56. Indeed, Governor Crist stated his public support for a January presidential preference primary and further stated that, if the date of the Presidential Preference Primary had been pushed back to February, he would have vetoed the bill and prevented it from becoming a law, meaning there would not have been a verifiable paper trail requirement in Florida law.

57. Florida Democratic legislators, therefore, faced a dilemma of the DNC's making: Rule 2 of the 2008 Rules requires that the results of each presidential preference primary be documented by a verifiable paper trail and Rule 11 sets forth the timing of the delegate selection process, that is, a specific "Primary Window." HB 537 addressed both the verifiable paper trail issue and the timing of the primary, requiring a verifiable paper trail and moving Florida's

primary date. After the Republican majority defeated the proposed Democratic Amendments to HB 537, which would have kept the verifiable paper trail requirement in and moved the primary back to February 5, Florida Democrats in both Houses were faced with the choice of voting for the bill because it required a verifiable paper trail or against the bill because it violated the Timing Rule. Defeating the bill would have meant that Florida Democrats were in violation of Rule 2, but not Rule 11; passing the bill and it being enacted into law would mean that Florida Democrats were in violation of Rule 11, but not Rule 2. In either case, the DNC could have sanctioned the Florida Democratic Party and stripped Florida of its 2008 Democratic National Convention delegates.

***In Response to HB 537, which moved Florida's Primary Date,  
the DNC RBC Sanctions Florida Democrats,  
reducing the number of Florida Delegates to Zero***

58. On August 25, 2007, the DNC RBC considered the various proposed plans for selecting 2008 state delegates.

59. The DNC openly denounced Florida's change in primary date.

60. The DNC intended to, and did, take up the matter of Florida's change in primary date at a DNC RBC meeting held on Saturday, August 25, 2007.

61. At the meeting, the DNC RBC grouped discussion of the various states based on "staff" recommendations to find certain states in "non-compliance."

62. In a presentation lasting less than five minutes, DNC RBC staff presented its recommendation to sanction Florida Democrats for the statutory changes in Florida's primary date.

63. Even prior to representatives of the Florida Democratic Party being allowed to speak at the meeting, the DNC RBC moved to adopt staff's recommendations to impose a sanction against Florida, which motion was seconded immediately.

64. Moving and seconding the question of sanction without discussion or debate, and prior to hearing from representatives of the Florida Democratic Party, demonstrates that the DNC RBC "pre-judged" the issue of the Florida sanction, and that the meeting or "hearing" provided no meaningful opportunity for Florida to be heard, and no due process.

65. Apparently cognizant that the Florida Democratic Party representatives at the meeting or "hearing" perhaps should be heard, the motion to sanction Florida was withdrawn, but only temporarily.

66. The representatives of the Florida Democratic Party made a brief presentation, outlining the provable, positive steps and good faith efforts to achieve legislative changes, as the minority party in the Florida Legislature.

67. Following the Florida Democratic Party's presentation, and without further discussion or debate, the DNC RBC voted to reduce to zero the state's total number of pledged and unpledged delegates, meaning that the DNC RBC stripped Florida of all of its 211 Democratic National Convention delegate votes.

68. On Tuesday, August 28, 2008, the Co-Chairs of the DNC RBC confirmed the DNC RBC decision to reduce Florida's delegates to zero, writing in a letter to FDP Chair Karen Thurman that the FDP Delegate Selection Plan was in non-compliance for "violation of timing" and that the DNC RBC "voted to increase the delegate reduction equal to a 100% reduction of all pledged and unpledged delegates allocated to Florida" based on Rule 20.C.1. (a), Rule 20.C.5 and Rules 20.C.6 of the 2008 Delegate Selection Rules.

69. At the present moment, Florida has no delegates to the Democratic National Convention and no means to seek redress because Rule 1 E. of the 2008 DNC Rules state that the DNC RBC's decision on a state's "State Delegate Selection Plan" is "final and binding."

70. Neither the Florida Democratic Party nor the Florida delegates were provided any appeal rights.

71. The DNC has publicly recognized that the "Florida State Legislature" enacted the law changing Florida's presidential preference primary for both parties.

72. The DNC publicly acknowledges that the Florida Legislature is Republican-controlled and that its Governor is a Republican.

73. The DNC, despite the foregoing, stated publicly that the "**Florida State Legislature**" "**in open defiance of the DNC's rules and sanctions** . . . proceeded to enact a law, HB 537, changing the state's presidential preference primary for, the second Tuesday in March . . . to the last Tuesday in January." (Emphasis added.)

74. The DNC's public statements – for example that the Florida State Legislature acted in "open defiance" of the DNC's Rules – presupposes that a Republican-dominated legislative body must defer to what the DNC ordains by rule as to the date for the Florida presidential preference primary.

75. The DNC's sanction to reduce to zero the number of Democratic delegates selected in the Florida presidential preference primary has no effect on voters within the Republican party, and there is no incentive now or in the future for the Republican-controlled Legislature or the Governor to support a change to the state's presidential preference primary date to accommodate the DNC.

76. Notwithstanding that Democrats represent the minority party in both houses of the Florida Legislature, as the quotes in the preceding paragraphs demonstrate, the DNC has ignored the provable efforts of the Democratic Minority Leaders in the Florida Legislature to achieve legislative change and prevent changes that resulted in state law that failed to comport with the Timing Rule, and has based its conclusion that there was a violation of the 2008 DNC Rules and imposed a sanction for the violation on the Florida Democratic delegates to the National Convention solely based on the actions of the Republican legislative majority and the Republican Governor.

***Three other States moved their Primary of Caucus Dates, but, unlike Florida, those state delegates will be seated and counted at the National Convention***

77. The DNC approved South Carolina's State Delegate Selection Plan, with the state's primary to be held on January 29, 2008.

78. In early October 2007, however, the South Carolina Democratic Party decided to move its primary to January 26, rather than holding it on January 29, the earliest date established in the Timing Rule.

79. The South Carolina Democratic Party held its primary on January 26, 2008.

80. The DNC did not sanction South Carolina for moving its primary to earlier than the date permitted by the 2008 DNC Rules.

81. Indeed, the DNC "Call for the 2008 Democratic National Convention" (the "2008 DNC Call to Convention") reflects that the entire South Carolina delegation will be seated at the Democratic National Convention.

82. The DNC approved Iowa's State Delegate Selection Plan, with the state's caucuses to be held on January 14, 2008

83. In late October 2007, however, the Iowa Democratic Party voted to move its caucuses to January 3, and not to hold them on January 14, the earliest permissible date permitted by the 2008 DNC Rules.

84. The Iowa Democratic Party held its caucuses on January 3, 2008.

85. The DNC did not sanction Iowa for moving its caucuses to a date earlier than permitted by the 2008 DNC Rules.

86. The 2008 DNC Call to Convention shows that the entire delegation from Iowa will be seated at the Democratic National Convention.

87. The DNC approved New Hampshire's State Delegate Selection Plan, with the state's primary to be held on January 22, 2008.

88. In late November 2007, however, the New Hampshire Democratic Party announced that the state's presidential primary would be held on January 8, not on January 22, the earliest possible date established in the 2008 DNC Rules.

89. New Hampshire's Secretary of State William Gardner changed the date in accordance with state law mandating the primary be held at least seven days ahead of any "similar election."

90. New Hampshire's Secretary of State William Gardner changed the New Hampshire primary date without regard as to when the DNC said New Hampshire would hold its primary.

91. The New Hampshire Democratic Party held its presidential preference primary on January 8, 2008.

92. The DNC did not sanction New Hampshire for moving its primary to a date earlier than permitted by the 2008 DNC Rules.

93. The 2008 DNC Call to Convention shows that the entire New Hampshire delegation will be seated at the Democratic National Convention.

***The December 2007 DNC Decisions***

94. Although the DNC RBC made its “final and binding” decision to sanction Florida on August 25, 2007, in early December 2007, during the Democratic National Committee's winter meeting, the DNC RBC took up the question of whether to sanction states depending upon the timing of their respective presidential primaries or caucuses.

95. The DNC RBC left intact the Florida sanction, denying the state any delegates to the National Convention because Florida violated the Timing Rule, that is, the State of Florida moved the primary to a date preceding February 5.

96. The DNC RBC did not sanction Iowa, South Carolina or New Hampshire for moving their primaries/caucuses in violation of the Timing Rule.

***The January 2008 Florida Primary***

97. On January 29, 2008, Florida held a presidential preference primary (the “Primary”).

98. There were eight Democratic candidates listed on the Democratic presidential preference ballot for the Primary.

99. The Primary was conducted under the auspices of the Presidential Candidate Selection Committee, of which each political party is a part; the Primary mobilized the state's electoral machinery, including the supervisors of election in each of Florida's 67 counties, and thousands of permanent and temporary state and local government employees; and the Primary required a significant expenditure of public funds, estimated to be in excess of \$18,000,000.00.

100. Tabulations of the Florida Department of State, Division of Elections, show that nearly 1,750,000 of the more than 4,000,000 registered Democrats voted in the Primary for one of the Democrats named on the ballot.

101. The right to vote is protected in more than the initial allocation of the franchise; indeed, equal protection applies as well to all manner of a citizen's exercise of the right to vote, including voting in primary elections.

102. In the context of a Presidential election, state-imposed restrictions implicate a uniquely important national interest, for the President and the Vice President of the United States are the only elected officials who represent all the voters in the Nation.

103. When a state legislature vests the right to vote for President in its people, the right to vote in a primary or general election as the legislature has prescribed is fundamental, and one source of its fundamental nature lies in the equal weight accorded to each vote and the equal dignity owed to each voter.

104. Implicit in the right to vote is the fundamental right to have a cast vote mean something.

105. The DNC, however, does not believe that an individual voter's right to vote includes the power to require the DNC to allocate or select delegates in a certain way.

106. The DNC believes that although nearly 1,750,000 of the more than 4,000,000 registered Florida Democrats voted in the Primary for one of the Democrats named on the ballot, the DNC – irrespective of the Timing Rule or any other rule, state law, or the U.S. Constitution – never has to count a vote cast in a presidential preference primary.

107. The DNC has stated that Florida is free to run its presidential preference primary at any time it wishes.

108. The DNC has stated that it is likewise free to disregard the results of Florida's presidential preference primary unless Florida treats the primary like a "beauty contest" and runs a party caucus after February 5.

*Section 5 of the Voting Rights Act*

**The DNC Mandates a New Procedure for Florida:  
the Caucus Requirement**

109. After the Republican-dominated Florida Legislature enacted a bill to move the Florida primary date and after the Republican Governor signed the bill into law, the DNC stated that the Florida Democratic Party would be required to use a party-run process – a caucus – rather than the state-run primary.

110. The DNC states that any Democratic state party has the option to change from a primary to a caucus in the presidential nominating process.

111. In early August 2007, the DNC developed and proposed for Florida a state party-run caucus system, with congressional district caucuses to take place after February 5, 2008.

112. The DNC insisted that the caucus system "would fully comply with the DNC RBC's Rules and afford an opportunity for all Florida Democrats to vote for the Democratic presidential nominee."

113. On October 5, 2007, the DNC RBC advised the Florida Democratic Party that the

**decision not to submit a complying plan based on an alternative State Party-run process means the FDP is now subject to the 100% delegate reduction imposed by the [DNC] RBC at its August 25, 2007 meeting. The official [DNC] notification noted the disappointment 'in view of those consequences' that the FDP did not choose to implement a Party-run alternative plan that could have complied with the rules and provided Florida Democrats with a full opportunity to participate in the presidential nominating process and to send a full delegation to the Convention.**

114. The DNC has publicly stated that the Florida Democratic Party's refusal to avail itself of the caucus "option" resulted in the imposition of the sanctions.

115. In this regard, the DNC also stated that it has a "constitutionally-protected right to determine the method of selection of delegates to [the] national nominating convention, and is free to require Florida Democrats to change from a primary to a caucus system."

116. The DNC also states that how the primary is conducted does not implicate the Voting Rights Act because the DNC can insist that the Florida Democratic Party choose delegates in a method approved by the DNC.

117. Indeed, the DNC publicly states that "[a]n individual voter's right to vote does not include the power to require the [DNC] to allocate or select delegates in a certain way. . . ."

**Section 5 Freezes Election Practices or Procedures  
Until the New Procedures have been subjected to Review**

118. Section 5 of the Voting Rights Act of 1965, as amended (42 U.S.C.A. § 1973c) (the "Act"), requires a "covered jurisdiction" under § 4(a) of the Act (42 U.S.C.A. § 1973b) to refrain from implementing any new "voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964" unless it first obtains preclearance for the change from the United States Attorney General or the United States District Court for the District of Columbia. Florida is a "covered jurisdiction" in that changes to voting practices affecting Collier, Hardee, and Hendry, Hillsborough, and Monroe counties require "pre-clearance."

119. Section 5 of the Voting Rights Act requires 16 states – including Florida – to obtain "preclearance" before making changes in their electoral systems.

120. The threshold issue under Section 5 is what type of a change in voting law constitutes a “voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting.”

121. In *Allen v. State Board of Elections*, 393 U.S. 544, 565 (1969), the Supreme Court stated that the coverage of Section 5 was to be given a broad interpretation. Any change affecting voting – even though it appears to be minor or indirect – is subject to the Section 5 review requirement.

122. In *Presley v. Etowah County Com'n*, 502 U.S. 491, 492 (1992), the Supreme Court provided a nonexclusive list of four categories in which voting changes covered under Section 5 would normally fall; included among which were that changes in the composition of the electorate that may vote for candidates for a given office.

123. There is a broad range of officials who enact or administer voting changes that are subject to Section 5 review, including political parties.

124. Political party activities are subject to the preclearance requirement of Section 5 when making changes with respect to the conduct of primary elections at which party nominees, delegates to party conventions, or party officials are chosen.

125. Indeed, 28 CFR Part 51, Subpart A (51.7) makes political parties subject to Section 5 preclearance, stating in pertinent part that:

Certain activities of political parties are subject to the preclearance requirement of Section 5 . . . . [including] [c]hanges with respect to the conduct of primary elections at which party nominees, delegates to party conventions, or party officials are chosen are subject to the preclearance requirement of Section 5.

126. In *Smith v. Allwright*, 321 U.S. 649, 64 S. Ct. 757, 764 (1944), the Supreme Court said a political party is a state actor:

We think that this statutory system for the selection of party nominees for inclusion on the general election ballot makes the party which is required to follow these legislative directions an agency of the State in so far as it determines the participants in a primary election. The party takes its character as a state agency from the duties imposed upon it by state statutes . . . .

127. Section 5 freezes election practices or procedures in the covered states until the new procedures have been subjected to review.

128. Section 5 means that voting changes in covered jurisdictions may not be used until that review has been obtained.

129. The preclearance requirement of Section 5 of the Voting Rights Act, as amended, applies to Florida.

130. Under Section 5, any change with respect to voting in a covered jurisdiction – or any political subunit within it – cannot legally be enforced unless and until the jurisdiction first obtains the requisite determination.

131. The determination requires proof that the proposed voting change does not deny or abridge the right to vote on account of race, color, or membership in a language minority group. If the jurisdiction is unable to prove the absence of such discrimination, the District Court denies the requested judgment or, in the case of administrative submissions, the Attorney General objects to the change, and it remains legally unenforceable.

132. Voting changes that have not been reviewed under Section 5 are legally unenforceable.

133. As set forth in part in paragraph 109 through 117 above, the DNC sanctioned Florida Democrats, that is, reduced Florida's delegate count to zero because the Florida Democratic Party would not run a caucus, instead of a primary.

134. The DNC requirement that the Florida Democratic Party change from a state-run primary to a party run caucus system is intentionally discriminatory and violates Section 5 and equal protection of the laws in at least two ways:

- a. First, the DNC's mandated scaled down caucus would never be equivalent to the primary, where 1.75 million Democrats voted, resulting in vote dilution; and
- b. Second, it effects a change in procedure without either judicial or administrative approval.

135. The change the DNC demanded that the Florida Democratic Party make to the electoral standard, practice, or procedure in the state violates the Section 5 preclearance requirement.

136. The DNC demand that Florida proceed with a caucus-style nomination process was not pre-cleared by the U.S. Department of Justice, and no responsible Florida statewide elected official requested preclearance approval. Whereas the Florida Attorney General requested on November 7, 2007, and thereafter obtained preclearance approval from the U.S. Department of Justice with respect to the election date change for the January 29, 2008 Florida Presidential Preference Primary, no preclearance was sought by the Florida Attorney General for the DNC's suggested caucus-style system.

137. Plaintiffs are not empowered by the Voting Rights Act to initiate a request for preclearance from the U.S. Department of Justice.

138. The preclearance process is time consuming and, even if the Florida Attorney General initiated a preclearance request to approve a caucus-style primary system, obtaining approval is both unlikely and could not be accomplished in sufficient time for the convening of the Democratic National Convention.

139. A caucus-style system proposed by the DNC would limit Democratic voter participation to a mere fraction of the 1.75 million Democratic voters who participated in Florida's Presidential Preference Primary, thus restricting voter participation.

140. A caucus-style system adversely impacts poor and minority Democratic voters, and also disenfranchises the nearly 2 million Democratic voters who participated in Florida's Presidential Preference Primary, for at least three separate and independent reasons:

- a. First, because of the geographic limitations of available caucus sites, and the significantly reduced number of caucus locations when compared to primary polling and early voting sites, a caucus system inhibits voter participation. Furthermore, without caucus sites conveniently located in minority neighborhoods in which Democratic voters live and work, the caucus system restricts minority voter participation.
- b. Second, because caucus proceedings are protracted meetings requiring a commitment of significant time for those participating, minority voters are adversely impacted by an inability to take time away from work and family responsibilities to participate.
- c. Third, because early voting or absentee voting is unavailable for a caucus-style system a caucus works a disproportionate impact on minority voters, all in violation of the Voting Rights Act.

**The DNC Decision Not to Seat Florida Delegates or  
Count Florida Delegate Votes is a violation of Equal Protection**

141. In discounting all democratic votes cast in the Florida presidential preference primary, the DNC is violating Section 5 of the Act because "vote" and "voting" are defined in the Act to include:

**all action necessary to make a vote effective in any primary**, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, **and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.**

28 C.F.R. Chap. I, Subpart A, § 51.2 Definitions

142. The DNC has stated that it is likewise free to treat differently each of the state democratic parties and the delegates selected in the respective presidential preference primaries of the various states.

143. The DNC believes that its Timing Rule trumps Florida's right to have the Democratic presidential preference primary votes count because the selection of delegates in a presidential preference primary is some steps removed from a vote for a candidate in a general election.

144. The DNC has stated it can sanction Florida, but permit Iowa, New Hampshire, and South Carolina to violate the same Timing Rule with impunity because of the DNC's associational rights.

145. The DNC justifies treating Iowa's, New Hampshire's and South Carolina's violations of the Timing Rule differently from Florida's as an absolute prerogative based on its associational rights.

146. Under the DNC's reasoning, outlined above, it freely and without reason or cause may disregard any or all of the presidential preference primaries and caucuses, since the DNC argues that its associational rights are the only standard governing its conduct.

147. The fact that the DNC treated Florida differently from other states that violated the Timing Rule, does not, the DNC has stated, entitle Florida to dictate the allocation or selection of delegates.

148. The DNC does not believe that it is required to sanction Iowa, New Hampshire, and South Carolina for violations of the Timing Rule, or that it may be compelled to do so.

149. The DNC believes that it cannot be compelled to permit the Florida delegation to attend the 2008 Democratic National Convention, to be seated at the Convention, to participate in the Convention, or to speak for the nearly 1,750,000 Democrats who voted in the Florida Democratic presidential preference primary.

150. The DNC's decisions – outlined above – demonstrate that state of residence alone was justification for the DNC not to recognize the votes cast in Florida's Democratic presidential preference primary, while recognizing those votes in other states which also violated 2008 DNC Rules; as such, the DNC has impaired basic constitutional rights under the Fourteenth Amendment just as much as invidious discriminations based upon factors such as race or economic status.

151. Having been granted the right to participate directly in and to control the electoral and presidential nominating processes, having conducted a presidential preference primary using tax dollars, having applied for and received \$4,000,000.00 in public monies in order to conduct the 2008 Democratic National Convention, the DNC, as a state actor, may not, by later arbitrary and disparate treatment, value one Democrat's vote over that of another.

152. The results of the Florida Primary would have had a direct impact on the DNC's presidential nominating convention.

153. Because the Republican-controlled Florida Legislature moved the Primary date – over the objections of Florida’s elected Democratic Legislative Leadership – which Florida’s Republican Governor approved, and the DNC RBC concluded that Florida Democrats should be punished for violating the DNC Timing Rule, Florida Democrats have no say in the Democratic Party’s 2008 presidential nominating convention.

154. At least three other state Democratic delegations will still have a say in the 2008 Democratic National Convention and its presidential nomination, even though their respective states too violated the Timing Rule by moving their primaries or caucuses earlier than permitted by the 2008 DNC Rules.

155. The idea that the DNC can grant one group greater voting strength than another is hostile to equal protection of the laws, particularly because the DNC – as a state actor integrally involved in Florida’s presidential nominating machinery – must treat Florida Democratic delegates in the same manner as others Democratic delegates, particularly those in Iowa, South Carolina, and New Hampshire, as they are delegates from states similarly situated with reference to the 2008 DNC Rules.

156. The DNC has granted a particular class of individuals – Democratic delegates in Iowa, South Carolina, and New Hampshire – rights to participate in the presidential electoral machinery, to attend the 2008 Democratic National Convention, and to be seated as delegates, while the DNC is denying other individuals – Florida Democratic delegates – the same rights.

157. As set forth herein:

- a. Plaintiffs suffered an injury in fact, that is, an invasion of a concrete and particularized interest, which is actual or imminent, and neither conjectural nor hypothetical;

- b. There is a causal relationship between the injury and the challenged conduct; and
- c. There is a strong likelihood that the injury will be redressed by a favorable decision.

158. Since there virtually is no chance that Florida's Republican-controlled Legislature will move the primary date to satisfy the DNC, the harm of which Plaintiffs complain is capable of repetition yet may evade review, because there is a reasonable expectation that Florida Democratic delegates to the National Convention will likely be subjected to the same DNC sanction in future presidential nominating cycles.

159. Plaintiffs have retained the undersigned law firms to represent them in this action and are obligated to pay them a reasonable fee for their services.

160. Pursuant to 42 U.S.C. § 1988(b), in proceedings to enforce § 1983 the court may, in its discretion, allow the prevailing party reasonable attorneys' fees as part of the costs.

**COUNT I**  
**EQUAL PROTECTION VIOLATION**

161. Plaintiffs reallege and reaver the allegations in paragraphs 1 through 160 as if fully set forth herein.

162. The Equal Protection Clause of the 14th amendment of the U.S. Constitution prohibits states from denying any person within its jurisdiction the equal protection of the laws.

163. Generally, the question of whether the equal protection clause has been violated arises when a state or state actor, as the case may be, grants a particular class of individuals the right to engage in an activity yet denies other individuals the same fundamental right.

164. The right to vote is preservative of other basic civil and political rights and, therefore, is a fundamental right.

165. The right to vote in elections for national office is fundamental.

166. The right to vote includes any preliminary election integrally related to elections for national office.

167. The Florida presidential preference primary is a preliminary election integrally related to elections for national office, that is, the November general election.

168. While the DNC may have a First Amendment right to limit its membership as it wishes, and to choose a candidate-selection process that will in its view produce the nominee who best represents its political platform that right is circumscribed when the state gives the party a role in the election process.

169. The state provided the DNC the mantle of authority that enhanced the DNC's power over the electoral machinery and the presidential preference primary, because the DNC has a specific statutory role in both the primary elections and caucuses and general elections.

170. In effect, the DNC nullified the votes of Florida Democrats in the presidential selection process, baldly asserting that the "Florida Legislature" violated the 2008 DNC Rules where, in fact, the DNC enforced the Timing Rule against Florida Democrats, but not the Democrats of Iowa, New Hampshire, and South Carolina.

171. The Florida Legislature did not nullify the Democratic delegates' rights to be seated and participate in the National Convention; the DNC did.

172. The Florida Democratic Party did not nullify the Democratic delegates' rights to be seated and participate in the National Convention; the DNC did.

173. The DNC is permitting at least three states that violated the 2008 DNC Rules pertaining to the presidential selection process to send and seat delegates to the Democratic National Convention, but is not permitting the Florida Democratic delegates either to attend or be seated.

174. The DNC RBC action to reduce to zero the Florida delegate count to the Democratic National Convention violates the equal protection of the law, in derogation of 42 U.S.C. § 1983.

175. By reason of the foregoing, The DNC, acting under color of state law, has deprived and continues to deprive Plaintiffs of the rights, privileges, and immunities secured to them by the Fourteenth Amendments to the United States Constitution, and protected by 42 U.S.C. § 1983.

176. As set forth herein, the DNC engaged in purposeful deprivations of Florida Democrats' constitutional rights.

177. Furthermore, as demonstrated herein, there is a real or immediate threat that Plaintiffs will be wronged again.

WHEREFORE, Plaintiffs pray that this Court:

A. Enter such injunctive relief, preliminarily and permanently, as is appropriate to remedy the violations of Plaintiffs' constitutional rights enjoining Defendant and Defendant's officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with Defendant and anyone described in Federal Rule of Civil Procedure 65(d)(2)(A) or (B) from refusing to seat and count all Florida delegates to the Democratic National Convention in August 2008;

B. Enter judgment declaring that the sanction imposed on Florida's delegates to the Democratic National Convention is unconstitutional and violates 42 U.S.C. § 1983; and

C. Award such other and further relief, as the Court may deem proper.

**COUNT II**  
**PROCEDURAL DUE PROCESS VIOLATION**

178. Plaintiffs reallege and reaver the allegations in paragraphs 1 through 160 as if fully set forth herein.

179. As set forth in part in paragraphs 38 through 158, Plaintiffs suffered a deprivation of constitutionally protected rights.

180. As set forth in part in paragraphs 20 through 36 and 124 through 126, there is a sufficiently close nexus between the state and the DNC's action with respect to the electoral and presidential selection machinery and process, which Plaintiffs challenge here, so that the DNC's conduct constitutes state action, under color of state law.

181. As set forth in part in paragraphs 58 through 76, the 2008 DNC Rules and the DNC RBC proceeding as to the recommendation and sanction of the Florida Democratic delegations is a constitutionally inadequate process.

WHEREFORE, Plaintiffs pray that this Court:

A. Enter such injunctive relief, preliminarily and permanently, as is appropriate to remedy the violations of Plaintiffs' constitutional rights enjoining Defendant and Defendant's officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with Defendant and anyone described in Federal Rule of Civil Procedure 65(d)(2)(A) or (B) from refusing to seat and count all Florida delegates to the Democratic National Convention in August 2008;

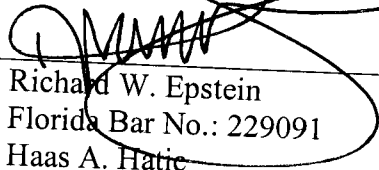
B. Enter judgment declaring that the sanction imposed on Florida's delegates to the Democratic National Convention is unconstitutional and violates 42 U.S.C. § 1983; and

C. Award such other and further relief, as the Court may deem proper.

Respectfully submitted,

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Date: May 22, 2008

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**CIVIL COVER SHEET**

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service 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. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I (a) PLAINTIFFS**  
 STEVEN A. GELLER, BARBARA EFFMAN and ANN ZUCKER

**DEFENDANTS**  
 THE DEMOCRATIC NATIONAL COMMITTEE  
 COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Washington, DC  
 (IN U.S. PLAINTIFF CASES ONLY)  
 NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Broward County  
 (EXCEPT IN U.S. PLAINTIFF CASES)

ATTORNEYS (IF KNOWN)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
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 (954) 491-1120 Telephone  
 (954) 343-6958 Facsimile  
 Richard.epstein@gmlaw.com

*0:08 CV 60774-KAM-Johnson*

(d) Circle COUNTY WHERE ACTION AROSE: DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OCKEECHOBEE HIGHLANDS

**II. BASIS OF JURISDICTION** (PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |                                         |                                       |                                       |                                                               |                            |                                       |
|-----------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------------------------------|----------------------------|---------------------------------------|
|                                         | PT                                    | DEF                                   |                                                               | PTF                        | DEF                                   |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. 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 Judgment

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

A CONTRACT		A TORTS		FORFEITURE/PENALTY		A BANKRUPTCY		A OTHER STATUTES	
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-- Med Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury-- Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 424 Property Rights	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 425 Selective Service	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 426 Social Security	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 427 Federal Tax Suits	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 428 Bankruptcy	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 670 Labor	<input type="checkbox"/> 429 Bankruptcy	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 530 General	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 550 Other	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 444 Welfare		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 240 Torts to Land				<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 State Reapportionment	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce/CC Rates, etc.	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations

**VI. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) 14th Amed. US Const; 42 U.S.C. §1983 - Violation Equal Protection and Due Process.

LENGTH OF TRIAL  
 Via 0 days estimated (for both sides to try entire case)

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A **CLASS ACTION** DEMAND \$ \_\_\_\_\_ Check YES only if demanded in Complaint  
**JURY DEMAND:**  YES  NO

**VIII. RELATED CASE(S) IF ANY** (See instructions) JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE May 22, 2008

FOR OFFICIAL USE ONLY

RECEIPT # 3400134 AMOUNT 350.00 APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

*543199*