

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

REBECCA TUSHNET
600 New Jersey Avenue NW
Washington, DC 20001

Plaintiff,

v.

UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT
500 12th Street NW
Washington, DC 20536

Defendant.

Civil Action No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Plaintiff Rebecca Tushnet brings this action to compel Defendant United States Immigration and Customs Enforcement to produce records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, et seq.

JURISDICTION

2. This Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. Plaintiff Rebecca Tushnet is a professor and intellectual property scholar at Georgetown University Law Center. Professor Tushnet, through counsel, made the FOIA request at issue in this action.

4. Defendant United States Immigration and Customs Enforcement (ICE) is a component of the U.S. Department of Homeland Security. ICE is an agency of the United

States government and has possession of records responsive to Professor Tushnet's FOIA request.

FACTS

5. On March 6, 2015, Professor Tushnet, through counsel, submitted a FOIA request to ICE's Freedom of Information Act Office by first-class mail and email.

6. In her FOIA request, Professor Tushnet sought:

- 1) All images and descriptions of clothing seized or impounded by ICE as counterfeit from 2012 to the date of the request.
- 2) All records, guidelines, policies, procedures, or training documents that describe how ICE:
 - a. determines how similar one mark must be to another to deem an item bearing a mark counterfeit;
 - b. distinguishes between items that are merely infringing items and items that are counterfeit;
 - c. uses or considers circuit-specific case law in determining whether an item is counterfeit or infringing;
 - d. considers the legal doctrine of fair use in determining whether an item is counterfeit or infringing;
 - e. considers trademark-infringement defenses other than fair use in determining whether an item is counterfeit or infringing.
- 3) All records that use the words "disparagement," "parody," "distortion," or "tarnishment," or grammatical variants thereof, in connection with trademark rights holders' requests or consultations with trademark rights holders.

- 4) All records indicating that an item was seized by ICE, in whole or in part, because the item disparaged, parodied, distorted, or tarnished a trademark.
- 5) All documents, presentations, handouts, and photographs used by ICE in connection with the ICE news conference on counterfeit clothing held the week of January 25, 2015-January 31, 2015, which is described in the article “US agents tackle fake Super Bowl items,” written by Nestor Ramos and published in the Boston Globe on January 31, 2015. *See* <http://www.bostonglobe.com/metro/2015/01/31/searching-for-tom-bardy-feds-hunt-counterfeiters-before-big-game/SusU4CTQW5nfEC0wvLvkiM/story.html>.
- 6) All records referencing Daniel Modricker’s paraphrased statement at the news conference described in request number 5 that “[t]he profane debasing of a mascot—and really anything that denigrates a team—is guaranteed to be contraband,” including any records reflecting his exact words.
7. Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k), Professor Tushnet sought a waiver of all fees associated with her request because disclosure of the requested records is in the public interest and not in Professor Tushnet’s commercial interest.
8. On March 6, 2015, the ICE FOIA office sent an automatically-generated email reply indicating that it had received Professor Tushnet’s emailed FOIA request.
9. On March 18, 2015, the ICE FOIA office sent a letter by email to Professor Tushnet’s counsel acknowledging receipt of Professor Tushnet’s FOIA request and assigning it reference number 2015-ICFO-74241. The ICE FOIA office further stated that although it is ICE’s goal to respond to FOIA requests within twenty business days, it was

taking a ten-day extension pursuant to 5 U.S.C. § 552(a)(6)(B) because the request “seeks numerous documents that will necessitate a thorough and wide-ranging search.”

10. In its letter of March 18, 2015, the ICE FOIA office stated that it was denying Professor Tushnet’s request for a waiver of all applicable fees, and it provided Professor Tushnet with notice of her right to an administrative appeal. By letter of April 28, 2015, Professor Tushnet, through counsel, appealed the denial of her request for a blanket waiver of all FOIA processing fees. By letter of May 7, 2015, the Government Information Law Division of ICE’s Office of the Principal Legal Advisor acknowledged receipt of Professor Tushnet’s administrative appeal and assigned it reference number 2015-ICAP-00353. By letter of June 4, 2015, ICE announced that, after considering the information provided in Professor Tushnet’s appeal, ICE had determined that her fee waiver request should be granted.

11. On March 19, 2015, the ICE FOIA office sent an email to Professor Tushnet’s counsel stating that it had determined that the request “is too broad in scope, did not specifically identify the records which you are seeking, or only posed questions to the agency.” The ICE FOIA office requested that Professor Tushnet resubmit her request with a “reasonable description” of the records sought, and stated that if Professor Tushnet did not respond within ten days, ICE would assume that Professor Tushnet was no longer interested in her FOIA request, and the case would be administratively closed. Professor Tushnet, through counsel, responded by letter of March 27, 2015, advising ICE that (1) she remained interested in her FOIA request; (2) the case should not be administratively closed; (3) the request did not ask ICE to create new records; (4) the request did not pose any questions to the agency; and (5) she sought only the release of

existing records that ICE has in its files. With regard to the specificity of her requests, Professor Tushnet explained that her original request reasonably described the records sought and that an ICE employee familiar with the subject area should be able to locate the responsive records with a reasonable amount of effort. Finally, Professor Tushnet provided a detailed explanation of each part of her FOIA request.

12. The Department of Homeland Security maintains a website that allows the public to check the status of an ICE FOIA request. According to that website, www.dhs.gov/foia-status, Request Number 2015-ICFO-74241 has an estimated delivery date of April 29, 2015.

13. On June 10, 2015, Professor Tushnet's counsel telephoned the ICE FOIA office to ascertain the status of Professor Tushnet's request. Professor Tushnet's counsel left a detailed voice message requesting a return phone call. As of the filing of this Complaint, the ICE FOIA office has not returned the call.

14. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), ICE had twenty working days to respond substantively to Professor Tushnet's FOIA request. Even assuming that ICE was entitled to invoke a ten-day extension under 5 U.S.C. § 552(a)(6)(B), more than thirty working days have passed since ICE received Professor Tushnet's FOIA request of March 6, 2015, and ICE has not provided a substantive response.

15. Because Professor Tushnet has not received a substantive response to her FOIA request within the applicable time limit, pursuant to 5 U.S.C. § 552(a)(6)(C)(i), Professor Tushnet has exhausted her administrative remedies.

CLAIM FOR RELIEF

16. Professor Tushnet has a statutory right under FOIA, 5 U.S.C. § 552(a)(3)(A), to the records she requested and no legal basis exists for ICE's failure to disclose them. ICE has constructively denied Professor Tushnet's FOIA request by failing to produce any records or provide a substantive response for over three months.

PRAYER FOR RELIEF

Wherefore, Plaintiff requests that this Court:

- A. Declare that ICE's failure to provide the records responsive to Professor Tushnet's FOIA request is unlawful;
- B. Order ICE to make the requested records available to Professor Tushnet without delay;
- C. Award Professor Tushnet her litigation costs and reasonable attorneys' fees pursuant to 5 U.S.C. § 552(a)(4)(E); and
- D. Award all other appropriate relief.

Respectfully submitted,

/s/ Michael T. Kirkpatrick
Michael T. Kirkpatrick (DC Bar No. 486293)
Meghan M. Boone (DC Bar No. 1006894)
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Avenue NW, Suite 312
Washington, DC 20001
Phone: (202) 662-9546
Fax: (202) 662-9634
Email: michael.kirkpatrick@law.georgetown.edu
mmb302@law.georgetown.edu

Dated: June 12, 2015

Attorneys for Plaintiff

CIVIL COVER SHEET

JS-44 (Rev. 7/13 DC)

I. (a) PLAINTIFFS Rebecca Tushnet (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Michael T. Kirkpatrick (DC Bar No. 486293) INSTITUTE FOR PUBLIC REPRESENTATION 600 New Jersey Avenue NW, Suite 312 Washington, DC 20001 202.664.6592	DEFENDANTS UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small> ATTORNEYS (IF KNOWN)																								
II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY) <input type="radio"/> 1 U.S. Government Plaintiff <input type="radio"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 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) FOR DIVERSITY CASES ONLY: <table style="width: 100%; border: none;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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IV. CASE ASSIGNMENT AND NATURE OF SUIT

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

<input type="radio"/> A. Antitrust <input type="checkbox"/> 410 Antitrust	<input type="radio"/> B. Personal Injury/Malpractice <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> C. Administrative Agency Review <input type="checkbox"/> 151 Medicare Act <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <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)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*
<input type="radio"/> E. General Civil (Other) OR <input type="radio"/> F. Pro Se General Civil			
<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property <u>Damage</u> <input type="checkbox"/> 385 Property Damage <input type="checkbox"/> Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization	<input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)


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

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

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 This is an action under the Freedom of Information Act, 5 U.S.C. 552, seeking the release of requested agency records.

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form
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DATE: June 12, 2015	SIGNATURE OF ATTORNEY OF RECORD 
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

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

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

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

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

Rebecca Tushnet

Plaintiff

v.

U.S. Immigration and Customs Enforcement

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

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

United States Immigration and Customs Enforcement
500 12th Street SW
Washington, DC 20536

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael T. Kirkpatrick
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Avenue NW, Suite 312
Washington, DC 20001

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

ANGELA D. CAESAR, CLERK OF COURT

Date: June 12, 2015

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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

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

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

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

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

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

Rebecca Tushnet

Plaintiff

v.

U.S. Immigration and Customs Enforcement

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

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

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

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael T. Kirkpatrick
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Avenue NW, Suite 312
Washington, DC 20001

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

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Signature of Clerk or Deputy Clerk

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 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

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Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

Rebecca Tushnet

Plaintiff

v.

U.S. Immigration and Customs Enforcement

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

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

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

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael T. Kirkpatrick
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Avenue NW, Suite 312
Washington, DC 20001

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

ANGELA D. CAESAR, CLERK OF COURT

Date: June 12, 2015

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: