

FILED

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2009 SEP 21 P 4: 23

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

LAURA SENNETT)

Plaintiff,)

v.)

Case No.: 1:09CV1063
TSE/IDD

UNITED STATES DEPARTMENT)
OF JUSTICE,)
Serve: U.S. Department of Justice)
Office of the Attorney General)
950 Pennsylvania Avenue, N.W.)
Washington, D.C. 20530-0001)

ERIC HOLDER, in his official capacity)
as Attorney General of the United States,)
Serve: U.S. Department of Justice)
Office of the Attorney General)
950 Pennsylvania Avenue, N.W.)
Washington, D.C. 20530-0001)

FEDERAL BUREAU OF)
INVESTIGATION, JOINT)
TERRORISM TASK FORCE,)
Serve: U.S. Department of Justice)
Office of the Attorney General)
950 Pennsylvania Avenue, N.W.)
Washington, D.C. 20530-0001)

THE COUNTY OF PRINCE WILLIAM)
Serve: Office of the County Attorney)
One County Complex Court)
Prince William, VA 22192)

PRINCE WILLIAM COUNTY)
POLICE DEPARTMENT)
Serve: Office of the County Attorney)
One County Complex Court)
Prince William, VA 22192)

THE COUNTY OF ARLINGTON)
Serve: Office of County Attorney)
2100 Clarendon Blvd., Suite 403)
Arlington, VA 22201)
)

ARLINGTON POLICE DEPARTMENT)
Serve: Office of County Attorney)
2100 Clarendon Blvd., Suite 403)
Arlington, VA 22201)
)

VINCENT ANTIGNANO, in his official)
capacity as a Detective for the Prince)
William County Police Department,)
Serve: Det. Vincent Antignano)
Prince William County Police Dept.)
1 County Complex Court)
Prince William, VA 22102)
)

and)
)

JASON K. BRYK, in his official)
capacity as a Detective for the Arlington)
Police Department,)
Serve: Det. Jason K. Bryk)
Arlington County Police Department)
1425 N. Courthouse Road)
Arlington, VA 22201)
)

Defendants.)

COMPLAINT

COMES NOW PLAINTIFF Laura Sennett (“Sennett” or “Plaintiff”), by counsel, and for her complaint against Defendants the United States Department of Justice, Attorney General Eric Holder, the Federal Bureau of Investigation Joint Terrorism Task Force, the County of Prince William and the Prince William County Police Department, the County of Arlington and the Arlington County Police Department, Vincent Antignano, and Jason K. Bryk (collectively, “Defendants”) states as follows:

Introduction and Summary

1. This is a civil action for damages to redress violations of the Privacy Protection Act of 1980, 42 U.S.C. § 2000aa *et seq*; 42 U.S.C. § 1983; and the First and Fourth Amendments to the United States Constitution.
2. Plaintiff Laura Sennett (“Sennett”) is a published photojournalist specializing in the coverage of demonstrations and protests.
3. Defendants are the United States Department of Justice, Attorney General Eric Holder, the Federal Bureau of Investigation Joint Terrorism Task Force, Prince William County Police Department, Arlington County Police Department, and two individual detectives who acted at the direction of these federal entities and under color of federal authority.
4. On April 12, 2008, and in her capacity as a photojournalist, Sennett attended, covered, and photographed protests in Washington, D.C. related to the spring meeting of the International Monetary Fund (IMF).
5. Although Sennett was not a target of any criminal investigation, defendants caused a general search of her home and the wholesale seizure, retention, and conversion of Sennett’s work-related equipment, including computer hardware and data, digital cameras and memory cards, a still camera, digital storage devices, and a digital voice recorder. Defendants also seized and retained work product and documentary materials directly related to Sennett’s profession as a photojournalist, including photographs, other work product, and personal belongings.
6. Defendants’ search of Sennett’s home and the resulting seizures of Sennett’s property, including work equipment and work product, constituted a blatant violation of the Privacy Protection Act of 1980, which strictly prohibits law enforcement officers from using search and

seizure procedures to obtain work product or documentary materials from journalists -- including photojournalists -- except in narrow circumstances not applicable here.

7. Defendants' seizure and retention of Sennett's work product, as well as the seizure and retention of computers and camera equipment used to prepare photos for publication, violated Sennett's rights under the First and Fourth Amendments. Defendants conducted an unconstitutional general search pursuant to a facially invalid warrant, issued on the basis of false and misleading information purposefully provided by Defendants.

8. In the process of Defendants' unconstitutional search, seizure, and retention of property, Defendants converted Sennett's property, intentionally inflicting severe humiliation and significant emotional distress upon her.

The Parties

9. Plaintiff Laura Sennett is a published photojournalist specializing in the coverage of demonstrations, protests, and grassroots activism.

10. Sennett is a resident of the Commonwealth of Virginia. She resides at 1926 South Quincy Street in Arlington, Virginia.

11. Defendant United States Department of Justice ("DOJ") is a department of the United States federal government and is the agency responsible for enforcement of federal criminal laws and domestic intelligence investigations. The DOJ is sued in Counts I-IV.

12. Defendant Attorney General Eric Holder ("Holder") heads the United States Department of Justice and has the ultimate authority for supervising the operations and functions of the DOJ. Holder is sued in Counts I-IV.

13. Defendant Federal Bureau of Investigation Joint Terrorism Task Force (“JTTF”) is an agency under the DOJ charged with taking action against acts of terrorism. The JTTF is sued in Counts I-IV.

14. Defendants Prince William County and the Prince William County Police Department (collectively, “PWC”) are government entities within of the Commonwealth of Virginia, and are sued in Counts I-IV.

15. Defendants Arlington County and the Arlington Police Department (collectively, “Arlington County”) are government entities within the Commonwealth of Virginia, and are sued in Counts I-IV.

16. Defendant Vincent Antignano (“Antignano”) is a resident of the Commonwealth of Virginia. At all relevant times, Antignano was employed as a Detective with the Prince William County Police Department and was assigned to the JTTF’s Washington Field Office as a Special Deputy United States Marshall. Antignano is sued in Counts I-IV.

17. Defendant Jason K. Bryk (“Bryk”) is a resident of the Commonwealth of Virginia. At all relevant times, Bryk was employed as a Detective with the Arlington Police Department. Bryk is sued in Counts I-IV.

Factual Allegations Common to All Counts

18. Laura Sennett is a published photojournalist specializing in the coverage of demonstrations, protests, and grassroots activism.

19. Sennett frequently publishes her photographs under the alias “Isis.”

20. Sennett has regularly used the alias “Isis” when publishing photographs since 2005.

21. Sennett's work has been published in numerous prominent publications, including but not limited to the *Toronto Free Press*, Cable News Network ("CNN"), The History Channel, and *Radar Magazine*.

22. Sennett has maintained a photojournalist blog since 2005.

23. At all relevant times, Sennett relied upon computers, cameras, recorders, hard-drives, and digital storage devices for most aspects of her business, including but not limited to the following uses: (a) to compose, store, and prepare photographs and other graphic material for publication; (b) to store notes, source materials, and other work product and documentary materials relating to Sennett's publications; and (c) to create and store business records including, but not limited to, correspondence, contracts, calendars, and address directories.

24. On April 12, 2008, Sennett was present at, and took photographs at, a Washington D.C. protest of the IMF's annual spring meeting.

25. Sennett attended the protest on April 12, 2008 in her capacity as a photojournalist, with the purpose of taking photographs of the protest and protesters for publication.

26. On September 22, 2008, Detective Antignano of the Prince William County Police Department obtained a search warrant for Sennett's home and car from the Arlington County Circuit Court. See Search Warrant, attached as Exhibit A.

27. The issuance of the warrant was based on information asserted in a sworn affidavit submitted to the Arlington County Circuit Court by Antignano ("Antignano's Affidavit"). See Affidavit for the Search Warrant, attached as Exhibit B.

28. Antignano's Affidavit referred to surveillance of an "unidentified white female videotaping/photographing the [IMF] event" and refers to an unnamed "reliable source" who "advised that the unidentified white female goes by the name of 'ISIS.'" See Exhibit B.

29. Antignano's Affidavit stated that law enforcement searched for information on Sennett on "open source websites," such as Google and YouTube. Id.

30. Antignano's Affidavit stated that an "unidentified white female," later identified as Sennett, was shown "videotaping/photographing the [IMF] event as it unfolded." Id.

31. On September 23, 2008, more than ten armed individuals ("Agents") with clothing indicating "FBI" raided Sennett's home in Arlington, Virginia. The Agents searched Sennett, Sennett's son, and Sennett's home.

32. During the search of Sennett, her son, and her home on September 23, 2008, the Agents seized approximately 26 items, including, but not limited to, an external hard-drive containing more than seven- thousand (7,000) photos, two computers, several cameras, and several camera memory cards.

33. The materials seized by the Agents constituted Sennett's entire stock of digital photographs, including all of her professional work product and nearly all of the equipment she needed in order to maintain her profession as a photojournalist.

34. Despite several requests to do so, Defendants have refused to return any of the seized materials to Sennett.

35. As a result of Defendant's refusal to return Sennett's seized work equipment and work product, Sennett has been unable to continue with or maintain her profession as a photojournalist.

36. No criminal charges have been filed against Sennett in connection with the search and seizure which forms the basis for the claims herein.

37. Sennett was never arrested in connection with the search and seizure which forms the basis for the claims herein.

38. Sennett has suffered extreme humiliation and severe mental and emotional distress as a result of the Defendants' actions.

**COUNT I—VIOLATION OF THE PRIVACY PROTECTION ACT OF 1980,
42 U.S.C. § 2000aa
Against the United States Department of Justice, Holder, JTTF,
PWC, Arlington County, Antignano, and Bryk**

39. The Plaintiff restates and incorporates paragraphs 1-38 as if set forth fully herein.

40. At all relevant times, Sennett, doing business as a photojournalist under the alias "Isis," was engaged in activity "reasonably believed to have a purpose to disseminate to the public a newspaper, book, broadcast, or other similar form of public communication, in or affecting interstate or foreign commerce" within the meaning of 42 U.S.C. § 2000aa(a) and (b).

41. Defendants submitted an application and affidavit for a warrant to search the home of Sennett and to seize work product equipment and materials therefrom which violated 42 U.S.C. § 2000aa.

42. Antignano's Affidavit failed to state that Sennett was a photojournalist, or that she was a person "reasonably believed to have a purpose to disseminate to the public a newspaper, book, broadcast, or other similar form of public communication, in or affecting interstate or foreign commerce" within the meaning of 42 U.S.C. § 2000aa(a) and (b).

43. Antignano's Affidavit admitted that Defendants knew Sennett went by the name "Isis," that Defendants searched the Internet for information on Sennett, and that Sennett was seen videotaping/photographing the IMF protest.

44. Defendants therefore had to have known that Sennett was a photojournalist.

45. Antignano's Affidavit failed to state any connection between Sennett and the violent events that occurred at the IMF protest other than Sennett's mere presence as a photographer at

the event, and the fact that Sennett ran away with other attendees after smoke-generating pyrotechnic devices were set off.

46. Antignano's Affidavit failed to state that Sennett possessed work product materials and documentary materials in connection with a purpose to disseminate to the public a newspaper, book, broadcast, or other similar form of public communication, in or affecting interstate or foreign commerce.

47. Antignano's Affidavit failed to establish that any of the exceptions to the statutory prohibition of searches and seizures set out in 42 U.S.C. § 2000aa(a) and (b) existed.

48. Antignano's Affidavit was materially false and misleading, and was submitted by Defendants with knowledge of its false and misleading nature or with reckless disregard for its truth or falsity.

49. Sennett was never charged with any crime related to the IMF protest or her presence at that protest.

50. Sennett was never arrested in connection with any of the crimes cited in the Search Warrant, and was never arrested in connection with any conduct related to the IMF protest.

51. Defendants knew, or reasonably should have known, that their conduct violated Plaintiff's right to protection from such searches and seizures as set out in 42 U.S.C. § 2000aa(a) and (b).

52. Defendants acted with intent to violate, or with reckless indifference to, the protections provided to Sennett pursuant to 42 U.S.C. § 2000aa(a) and (b).

53. Defendants caused the September 23, 2008 search of Sennett and her home and seizure of work product and documentary materials therefrom in violation of the Privacy Protection Act of 1980.

54. The actions of Defendants Antignano and Bryk were knowing and intentional, were performed in their capacity as law enforcement officers and employees, and were performed under color of law while acting as agents of the JTTF and DOJ.

55. Defendants' seizure of Sennett's computers, camera equipment, photographs, digital storage devices, and other work product, and their subsequent failure to return Sennett's property, permanently halted Sennett's publishing and journalistic activities.

56. Defendant Holder acted in concert with federal agents under color of federal office.

57. The United States Department of Justice, FBI JTTF, PWC, and Arlington County are liable to Plaintiff for damages, attorney's fees, and costs caused by Defendants' conduct.

58. By reason of the unlawful search and seizure of Sennett's publishing materials and journalist work product, Sennett, individually and doing business as a photojournalist under the alias "Isis," has suffered damages, including but not limited to lost income, loss of business and professional reputation, and humiliation and emotional distress.

**COUNT II—VIOLATION OF PLAINTIFF'S FOURTH AMENDMENT RIGHTS
Against the United States Department of Justice, Holder, JTTF,
PWC, Arlington County, Antignano, and Bryk**

59. The Plaintiff restates and incorporates paragraphs 1-58 as if set forth fully herein.

60. Defendants violated Plaintiff's right to be free from unreasonable searches and seizures as guaranteed by the Fourth Amendment to the United States Constitution.

61. Plaintiff had a reasonable expectation of privacy in her home and business premises and in all of her journalistic work product, records, and documents kept there, including all data and photographs stored in her computers, hard-drives, and memory disks.

62. Defendants' search of Sennett and her home, and seizure of materials therefrom, was a general search.

63. Defendants' search of Sennett and her home, and seizure of materials therefrom, was conducted without probable cause to believe that evidence of criminal activity would be found at Plaintiff's home.

64. Defendants' search of Sennett and her home, and seizure of materials therefrom, was based on information that was not shown to be current or updated.

65. Antignano's Affidavit was materially false and misleading, and submitted by Defendants with knowledge of its false and misleading nature or with reckless disregard for its truth of falsity.

66. Defendants knew, or reasonably should have known, that their conduct violated Plaintiff's Fourth Amendment right to be free from unreasonable searches and seizures.

67. Defendants acted with intent to violate, or with reckless indifference to, Sennett's Fourth Amendment right to be free from unreasonable searches and seizures.

68. Defendants Antignano and Bryk acted as law enforcement agents under color of federal and state law.

69. Defendant Holder acted in concert with federal agents under color of federal office.

70. The United States Department of Justice, FBI Joint Terrorism Task Force, PWC, and Arlington County are liable to Plaintiff for damages, attorney's fees and costs caused by Defendants' conduct.

71. By reason of Defendants' unconstitutional search and seizure, Plaintiff suffered damages including, but not limited to, lost income, loss of business and professional reputation, and emotional distress.

72. The conduct of Defendants JTTF, Antignano, and Bryk evidenced an intent to willfully and intentionally violate Plaintiff's Fourth Amendment right to be free of unreasonable searches

and seizures, or, at the least, showed a reckless indifference to Sennett's Fourth Amendment rights.

**COUNT III—VIOLATION OF PLAINTIFF'S FIRST AMENDMENT RIGHTS
Against the United States Department of Justice, Holder, JTTF,
Prince William County, Arlington County, Antignano, and Bryk**

73. The Plaintiff restates and incorporates paragraphs 1-72 as if set forth fully herein.

74. Defendants violated Plaintiff's First Amendment rights to freedom of speech, freedom of the press, and freedom of association as guaranteed by the First Amendment.

75. At all times relevant times, Plaintiff was employed as a freelance photojournalist. In her capacity as a photojournalist, Sennett took photographs of newsworthy events and published her photographs in print, online, and other media. These activities are protected by the First Amendment.

76. At all relevant times, Plaintiff used computers and camera equipment to publish her photography as her source of income and profession. Defendants' unlawful search of Sennett and her home, and the seizure, and retention of Sennett's work product prevented Sennett from creating and publishing her work, and therefore constituted a prior restraint in violation of Plaintiff's First Amendment rights of freedom of speech and of the press;

77. Defendants' seizure and retention of cameras, computer hardware, and software used by Plaintiff to create and publish her photographs and work product violated her rights to freedom of speech, of the press, and of association.

78. Defendants knew or reasonably should have known that their conduct violated Plaintiff's clearly established First Amendment rights of freedom of speech, freedom of the press, and freedom of association.

79. Defendants acted with intent to violate, or with reckless indifference to, First Amendment rights to freedom of speech, freedom of the press, and freedom of association.

80. Defendants Antignano and Bryk acted as law enforcement agents and agents of the JTTF, under color of federal law.

81. Defendant Holder acted in concert with federal agents under color of federal office.

82. The United States Department of Justice, FBI Joint Terrorism Task Force, Prince William County, and Arlington County are liable to Plaintiff for damages, attorney's fees and costs caused by Defendants' conduct.

83. By reason of Defendant's violation of Sennett's First Amendment rights, Plaintiff has suffered damages including, but not limited to, lost income, loss of business and professional reputation, and emotional distress.

84. The conduct of Defendants JTTF, Antignano, and Bryk, evidenced an intent to violate Plaintiff's First Amendment rights of freedom of speech, freedom of the press, and freedom of association, or at the very least, demonstrated a reckless indifference to these rights.

**COUNT IV—VIOLATION OF 42 U.S.C. § 1983
Against the United States Department of Justice, Holder, JTTF,
Prince William County, Arlington County, Antignano, and Bryk**

85. Plaintiff restates and incorporates paragraphs 1-84 as if set forth fully herein.

86. Plaintiff had a reasonable expectation of privacy in her home and business premises and the work product therein, including data and photographs electronically stored within computers, hard-drives, and memory disks.

87. Defendants, by their actions, violated Plaintiff's clearly established right to be free from unreasonable searches and seizures as guaranteed by the Fourth Amendment to the United States Constitution, as stated above, and as protected through 42 U.S.C § 1983.

88. Defendants, by their actions, violated Plaintiff's rights to freedom of speech, freedom of the press, and freedom of association as guaranteed by the First Amendment to the Constitution, as stated above, and as protected through 42 U.S.C. § 1983.

89. Defendants knew, or reasonably should have known, that their conduct violated Plaintiff's First Amendment and Fourth Amendment rights.

90. Defendants acted with intent to violate, or with reckless indifference to, Plaintiff's First and Fourth Amendment rights.

91. Defendants Antignano and Bryk acted as law enforcement agents and agents of the JTTF, under color of federal law.

92. Defendant Holder acted in concert with federal agents under color of federal office.

93. The United States Department of Justice, FBI Joint Terrorism Task Force, Prince William County, and Arlington County are liable to Plaintiff for damages, attorney's fees and costs caused by Defendants' conduct.

94. By reason of the seizure in violation of her First and Fourth Amendment rights, Plaintiff has suffered damages including, but not limited to, lost income, loss of business and professional reputation, and emotional distress.

95. The conduct of Defendants JTTF, Antignano, and Bryk, evidenced an intent to violate Plaintiff's clearly established First and Fourth Amendment rights, or at the very least, demonstrated a reckless indifference to these rights.

PRAYER FOR RELIEF

96. Plaintiff prays for the following relief:

- a. Injunctive relief compelling Defendants to return all of Sennett's property;
- b. Compensatory damages in the amount of \$250,000;

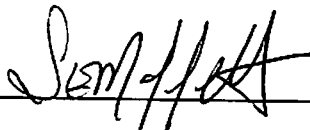
- c. Punitive damages in the amount of \$1,000,000;
- d. Reasonable attorney's fees, costs, and expenses.

WHEREFORE, Plaintiff prays for judgment in her favor and against the Defendants as stated in each Count, along with an award of injunctive relief and damages as stated in her Prayer for Relief, her attorney's fees and costs related to this action, and all other such relief to which Plaintiff may be justly entitled.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES.

Respectfully submitted,

LAURA SENNETT

By: 
Counsel

Thomas M. Wolf, Esq. (VSB 18234)
Lisa J. Chadderdon, Esq. (VSB 72812)
LeClairRyan
951 East Byrd Street, 8th Floor
Richmond, Virginia 23219
Phone: 804-783-2003
Fax: 804-783-2294
Tom.Wolf@LeClairRyan.com
Lisa.Chadderdon@LeClairRyan.com

Sarah E. Moffett, Esq. (VSB 72208)
LeClairRyan
225 Reinekers Lane
Suite 700 Alexandria, Virginia 22314
Phone: 703-647-5930
Fax: 703-647-5980
sarah.moffett@leclairryan.com

Attorneys for Plaintiff