

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

Civil Action Number: 19-cv-2486

**JAMES A. COKER,**  
Plaintiff,

v.

**WILLIAM BARR, in his official capacity, FEDERAL BUREAU OF INVESTIGATION,  
CHRISTOPHER WRAY, in his official capacity, TERRORIST SCREENING CENTER, and  
CHARLES H. KABLE, in his official capacity.**

Defendants.

---

**COMPLAINT**

---

Plaintiff, James A. Coker, by and through his undersigned attorney, hereby brings the following complaint against defendants William Barr, Federal Bureau of Investigation, Christopher Wray, Terrorist Screening Center, and Charles H. Kable (collectively “Defendants”):

**INTRODUCTION**

1. The United States maintains a secret database of individuals who a government agency has deemed to represent some kind of threat to this country, the Terrorist Screening Database (“the watch list”). While security is a very important interest for all people living in this Country, the secret database results in dramatic harm to many innocent people. Many innocent people are barred from traveling, or suffer other injuries, without any opportunity to confront or rebut the basis for their inclusion, or apparent inclusion, on the watch list.

2. In this case, a veteran of the Afghanistan war and former law enforcement officer has lost his ability to travel unencumbered, as well as his ability to work in field of public law enforcement, because of his apparent inclusion on that list. As are so many others, he is in a Kafkaesque situation in

which he can get no information from the government regarding the reasons for his placement on a list or any method for getting off the list. The Constitution does not permit such a fundamental deprivation of rights to be carried out under a veil of secrecy and in the absence of even rudimentary process.

3. Through this action for declaratory and injunctive relief, Plaintiff seeks an explanation as to why he is on a government watch list and the removal of his name from any watch list that has caused him harm. In the alternative, Plaintiff seeks a fair hearing in which he can confront any evidence against him and contest his unlawful designation.

### **PARTIES**

4. Plaintiff James A. Coker (“Coker”) is a United States citizen, who is a resident of Colorado.

5. Defendant William Barr is the Attorney General of the United States and heads the Department of Justice (“DOJ”), a department of the United States government that oversees the Federal Bureau of Investigation (“FBI”). Defendant Barr is sued in his official capacity.

6. Defendant Federal Bureau of Investigation (“FBI”), is a department of the United States Government, and administers the Terrorist Screening Center (“TSC”), which was created to consolidate the government’s approach to terrorism screening. The TSC develops and maintains the federal government’s consolidated Terrorist Screening Database (the “watch list”), of which the Selectee and No Fly List are components.

7. Defendant Christopher Wray (“Wray”) is the Director of the Federal Bureau of Investigation, which administers the TSC. Defendant Ray is sued in his official capacity.

8. Defendant Terrorist Screening Center (“TSC”) is a multi-agency center administered by the FBI within its National Security Branch. The TSC develops and maintains the federal government’s consolidated Terrorist Screening Database (the “watch list”), of which the Selectee and No Fly List are components.

9. Defendant Charles H. Kable, IV (“Kable”) is the Director of the Terrorist Screening Center. Defendant Kable is sued in his official capacity.

### **JURISDICTION AND VENUE**

10. This is a complaint for injunctive and declaratory relief based upon civil rights violations committed by the Terrorist Screening Center, Federal Bureau of Investigation, and U.S. Department of Justice, and their officials, in violation of the Fifth Amendment to the U.S. Constitution and the Administrative Procedure Act (“APA”).

11. This Court has subject matter jurisdiction over Plaintiffs’ claims pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 702, which waives the sovereign immunity of the United States with respect to any action for injunctive and declaratory relief under 28 U.S.C. § 1331.

12. This Court has the authority to grant declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. Under the APA, 5 U.S.C. § 706, this Court has the power to compel agency action unlawfully withheld or unreasonably delayed and to hold unlawful and set aside the challenged agency actions. The Due Process Clause itself also provides this Court with authority to order the injunctive relief requested against Defendants.

13. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and (e) because Defendants are officers of agencies of the United States sued in their official capacity and because this judicial

district is where Plaintiff resides and where a substantial part of the events or omissions giving rise to the claim occurred.

## **FACTUAL ALLEGATIONS**

### ***General Factual Allegations***

#### ***A. The Federal Government's Terrorist Watch List***

14. In September 2003, then Attorney General John Ashcroft established the Terrorist Screening Center ("TSC") to consolidate the government's approach to terrorism screening. The TSC, which is administered by the FBI, develops and maintains the federal government's consolidated Terrorist Screening Database (the "watch list"). TSC's consolidated watch list is the federal government's master repository for suspected international and domestic terrorist records used for watch list-related screening.

15. The Terrorist Screening Database contains biographical information on persons for which the government has a reasonable suspicion of ties to terrorism.

16. The consolidated database is used by the FBI to designate individuals to one of at least two separate watch lists of individuals perceived to be threats to aviation security. The "no-fly" list contains names of people who airlines are prohibited from transporting. The "selectee" list contains names of passengers who must go through additional security screening before boarding an aircraft. These two lists collectively are referred to as the "No Fly List."

17. A 2007 Government Accounting Office ("GAO") audit reported that the overall size of the consolidated terrorist watch list quadrupled in size since the TSC's inception, increasing from about 150,000 records in April 2004 to over 700,000 as of April 2007. *See Office of the Inspector General, Follow-up Audit of the Terrorist Screening Center, Audit Report 07-41, September 2007.*

18. Two government entities are primarily responsible for “nominating” individuals for inclusion in the terrorist watch list—the National Counterterrorism Center (“NCTC”) and the FBI. The TSC makes the final decision on whether a nominated individual meets the minimum requirements for inclusion into the watch list as a “known or suspected terrorist” and which screening systems will receive the information about that individual.

19. The TSC determines whether a nominated individual is “reasonably suspected” of having possible links to terrorism. The only definition given by the TSC of “reasonably suspected” is “reasonable suspicion requires articulable facts which, taken together with rational inferences, reasonably warrant the determination that an individual is known or suspected to be or has been engaged in conduct constituting, in preparation for, in aid of or related to terrorism and terrorist activities.”

20. Defendants have not stated publicly what standards or criteria are applied to determine whether an individual on the consolidated watch list will be placed on the Selectee List or No Fly List that is distributed to the TSA and others.

21. An individual can be “nominated” by a single FBI agent. The FBI’s Terrorist Review and Examination Unit (TRES) receives requests from FBI agents to include individuals with known or suspected ties to terrorism on the terrorist watch list.

22. The TSC sends records from its terrorist watch list to other government agencies, which in turn use those records to identify suspected terrorists. For example, applicable TSC records are provided to the Transportation Security Administration (“TSA”) for use by airlines in pre-screening passengers and to U.S. Customs and Border Protection (“CBP”) for use in screening travelers entering the United States. Front-line agencies, like the TSA and CBP, carry out the screening function by

conducting a name-based search of an individual to determine whether he or she has been placed on a watch list by the TSC.

23. The watch list is also entered into the FBI's National Crime Information Center (NCIC) system. Watch list information is then available for use by U.S. law enforcement and intelligence officials across the country and around the world.

24. The NCIC is a database queried by federal, tribal, state, and local law enforcement agencies in performance of their duties. The 2007 GAO audit stated that "state and local law enforcement officers review the identifying information of individuals encountered through the criminal justice system and query the FBI's NCIC system."

25. Defendants occasionally disseminate updated versions of the No-Fly List as attachments to security directives and emergency amendments to commercial airlines in the United States. The domestic airlines have almost half a million employees and, on information and belief, a substantial percentage of these employees have access to the No-Fly List. These security directives and the No-Fly List are also provided to customs and immigration agents, airport security, and law enforcement agencies.

26. The 2007 GAO audit found significant problems with the accuracy of the consolidated watch list. Specifically, the GAO report found that "the TSDB contained over 2,000 watchlist records that did not belong in the database." *See Office of the Inspector General, Follow-up Audit of the Terrorist Screening Center*, Audit Report 07-41, September 2007.

27. There are significant mistakes in listing persons on the No Fly list. The GAO audit in 2007 indicated that the TSC did a review, beginning in July of 2006, that showed that the No Fly list

contained 71,872 records. As a result of the review, the TSC identified 22,412 records for removal from the No Fly list and placement on the TSA's Selectee list. For another 5,086 records, the TSC determined that the individual did not require inclusion on either the No Fly or Selectee list. As of January 31, 2007, the TSC had determined that the No Fly list should contain 34,230 records. *See Office of the Inspector General Follow-up Audit of the Terrorist Screening Center, Audit Report 07-41, September 2007.*

28. The GAO Audit found that, as of 2007, "the TSC has not developed a detailed plan of action and benchmarks or milestones to accomplish its goal of reviewing every record in the watchlist database. Additionally, we found errors in records that had undergone routine TSC quality assurance reviews, but a higher quality for watchlist records examined in TSC special project reviews." *See Office of the Inspector General Follow-up Audit of the Terrorist Screening Center, Audit Report 07-41, September 2007.*

29. The GAO Audit also cited to significant record errors and omissions in the watch list process: "Further, the TSC's oversight and internal controls over the quality assurance process did not detect the continued existence of significant record errors and omissions." The GAO further said that:

Without a standardized process, adequate internal controls, and agreements with source and watchlist agencies, watchlist records may remain inaccurate and incomplete for an unnecessary amount of time.

*See Office of the Inspector General Follow-up Audit of the Terrorist Screening Center, Audit Report 07-41, September 2007.*

30. The GAO recognized that "omissions of a terrorist identity, as well as the existence of inaccurate, incomplete, or outdated watchlist records can have significant ramifications." *See Office of*

*the Inspector General Follow-up Audit of the Terrorist Screening Center, Audit Report 07-41, September 2007.*

*B. Inadequacy of Redress Process*

31. The government entities and individuals, including Defendants, involved in the creation, maintenance, support, modification, and enforcement of the watch list, including the Selectee List and No Fly List, have not provided persons with a fair and effective mechanism through which they can challenge the TSC's decision to place them on those lists.

32. An individual who believes himself to be included on a watch list has no avenue for redress with the TSC, the government entity responsible for maintaining an individual's inclusion on, or removing an individual from, the list. The TSC does not accept redress inquiries directly from the public, nor does it directly provide final orders or disposition letters to individuals who have submitted redress inquiries.

33. Rather, individuals who seek redress must complete a standard form and submit it to the Department of Homeland Security Traveler Redress Inquiry Program ("DHS TRIP"). DHS TRIP transmits traveler complaints to the TSC, which determines whether any action should be taken. The TSC has provided no publicly available information about how it makes that decision. The TSC is the final arbiter of whether an individual's name is retained on or removed from the list.

34. Once the TSC makes a final determination regarding a particular individual's status on the watch lists, including the Selectee and No Fly lists, the TSC advises DHS that it has completed its process. DHS TRIP then responds to the individual with a letter that neither confirms nor denies the existence of any terrorist watch list records relating to the individual. The letters do not set forth the

bases for any inclusion in a terrorist watch list, do not say how the government has resolved the complaint at issue, and do not specify whether an individual will be permitted to fly unencumbered in the future. Thus, the only “process” available to individuals who may be on a watch list is to submit their names and other identifying information to a government entity that has no authority to provide redress and to hope that an unknown government agency corrects an error or changes its mind.

35. As alleged below, Plaintiff made a redress request through DHS TRIP and received a letter as described above.

***Plaintiff’s Background, Employment, and Reputation***

A. *Background*

36. Plaintiff Coker is a citizen of the United States, having been born in Texas, and a veteran.

37. From January 2001 to March of 2006, Coker was a Military Police Officer with the United States Air Force/Air National Guard, his duties including coordinating with the United States Secret Service to assist with the provision of dignitary protection to visiting generals, members of Congress and other high-ranking officials within the Afghanistan and Kyrgyzstan Area of Operations.

38. Before his placement on a watch list, Coker enjoyed employment with public law enforcement agencies, including the following:

a. From July 1998 to June 2003, Coker was a decorated Law Enforcement Officer with the Moultrie Police Department in Moultrie, Georgia, being selected as a K-9 Handler for the Narcotics Unit.

b. From June, 2002, to November, 2011, Coker was a decorated Narcotics Detective and Assistant Commander in the Thomasville Police Department in Thomasville, Georgia. The Georgia Peace Officer Standards and Training Council (P.O.S.T.) still lists Coker as an officer in good standing.

39. From November 7, 2011, until May of 2014, Coker was employed by American K-9 Detection Services, LLC as an Explosives Detection Dog handler/trainer for the U.S. State Department in Balad, Iraq.

40. In May of 2018, Coker was hired by the U.S. Department of Veterans Affairs (“VA”) in the position of Police Officer, at an annual salary of \$47,000.

#### Travel Issues

41. In or about 2016, Coker began to believe that there was some issue with his travel in the U.S. because he was frequently stopped at airports, specifically, every time he would fly, he would be detained at the ticket counter for almost 45 minutes, and then detained again at security where he was subjected to extensive searches, including being put through the full body machine, having his hands and possessions swabbed for explosives, having to turn on all of his electronics, and being searched with a wand, adding another 20 minutes or so to his trip through the airport.

42. In July or August of 2017, Mr. Coker completed a standard form and submitted it to the Department of Homeland Security Traveler Redress Inquiry Program (“DHS TRIP”). The Director of the DHS Traveler Redress Inquiry Program wrote back to Mr. Coker, in a letter dated August 25, 2017, and said:

DHS has researched and completed our review of your case. DHS TRIP can neither confirm nor deny any information about you which may be within federal

watchlists or reveal any law enforcement sensitive information. However, we have made any corrections to records that our inquiries determined were necessary, including, as appropriate, notations that may assist in avoiding incidents of misidentification.

43. Mr. Coker relied on the DHS TRIP to have made corrections to his record.

44. In December of 2017, Coker applied to participate in the TSA Pre✓<sup>®</sup> Application Program. On October 16, 2018, the Division Director for Security Threat Assessment Operations for TSA wrote back to Coker telling him that he was not eligible to participate in the program because TSA “was unable to determine that you pose a sufficiently low risk to transportation and national security to be issued a known traveler number and granted eligibility for expedited airport security screening.”

45. As noted above, in May of 2018, Coker was hired by the Department of Veterans Affairs (“VA”) in the position of Police Officer, at an annual salary of \$47,000.

*B. Loss of Employment*

46. After Coker was hired as a VA Police Officer, he was required to successfully complete the VA Police Officers Standardized Training Course (POST) at the VA Law Enforcement Training Center (LETC) in Arkansas in order to remain in his position.

47. Coker started at the Training Center in October of 2018. Two weeks later, Coker was informed by the Director of LETC that Coker had to leave the Training Center because the LETC found that Coker was included on a terrorist watch list.

48. After the Director of LETC told Coker that he was on the terrorist watch list, armed officers escorted Coker to his room while he packed his belongings, and asked him if he had anything in his room that might hurt them. Coker was then driven offsite by those same armed officers.

49. Coker returned to the Veterans Administration in Denver and was told by the Chief of Police that Coker could no longer serve as a VA police officer because of his inclusion on the FBI terrorist watch list.

50. On November 19, 2018, the VA terminated Coker's employment.

51. Numerous persons within the VA were informed about Coker's termination and the reasons for his termination, including the Chief of the VA Police, the Deputy Chiefs, all Sergeants and many Lieutenants.

*C. Efforts to Get Information*

52. After being informed that he was on a terrorist watch list, in December of 2018, Coker, through his attorney, filed a request under the Freedom of Information Act, 5 U.S.C. §552, and the Privacy Act, 5 U.S.C. 552a, with the FBI for all documents relating and/or referring to, and/or containing information about him. To date, the FBI has not produced any documents. As of August 28, 2019, the status of the request on the FBI FOIA website said: "The FBI's FOIPA Program is searching the FBI's indices for potentially responsive documents. You may be contacted via formal letter for all fees and/or negotiation issues that may apply."

53. Coker also filed a request under the Freedom of Information Act, 5 U.S.C. §552, and the Privacy Act, 5 U.S.C. 552a, with the TSA for all documents relating and/or referring to, and/or containing information about him. To date, the TSA has not produced any documents.

54. As discussed herein, Coker has not been told why he is on a watch list, even though he has attempted to get that information.

55. As discussed herein, Coker has not been told how he can get off the list, even though he has attempted to find out that information.

56. Coker does not present a security threat and is not associated with any terrorist organizations.

### *Effects of Agency Actions*

57. Coker believes that he is still on a terrorist watch list.

58. Coker intends to continue to seek employment in public law enforcement (with federal, state and local law enforcement agencies), and to travel, but based upon Defendants' past misconduct Coker has a reasonable fear of further future mistreatment by Defendants and other agents of the United States.

59. Coker has suffered, among other things: (i) stigmatization and a loss of reputation because the Defendants have labeled him as a suspected terrorist; (ii) a loss of his ability to work in public law enforcement and other fields; and (iii) a loss of the ability to travel freely, resulting in significant monetary and emotional damages.

### **VIOLATIONS ALLEGED**

60. As to each of the following claims for relief, paragraphs 1 through 59 above are incorporated by reference and re-alleged as if fully set forth in each separate claim.

**CLAIMS**

**FIRST CLAIM FOR RELIEF  
FAILURE TO PROVIDE REASON OR BASIS IN VIOLATION OF THE FIFTH  
AMENDMENT SUBSTANTIVE DUE PROCESS CLAUSE  
(Jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 702)**

61. Plaintiff learned that he was placed on the terrorist watch list and sought to learn the reasons therefore and to challenge such placement.

62. Defendants' actions as described above in refusing to provide Plaintiff with the reasons or bases for his placement on the terrorist watch list deprive Plaintiff of constitutionally protected liberty interests, including but not limited to those identified in paragraphs 63, 64, and 65 below.

63. Plaintiff has a liberty interest in traveling free from unreasonable burdens within, to, and from the United States, and over U.S. air space.

64. Plaintiff has the right to be free from false governmental stigmatization as an individual who is "known or suspected" to be or have ties to terrorists, or who is otherwise associated with terrorist activity, when such harm arises in conjunction with the deprivation of his right to travel on the same terms as other travelers, and/or the deprivation of his liberty interest under the Fifth Amendment in travel free from unreasonable burdens, and/or the liberty interests under the Fifth Amendment to pursue his profession.

65. Plaintiff has a liberty interest in nonattainder (i.e., the interest against being singled out for punishment without trial). Defendants' actions have singled out Plaintiff for punishments that include, but are not limited to, inability to travel by air to and from the United States and over U.S. airspace, false association with a list of individuals suspected of terrorism, and the right to pursue his profession.

66. Defendants' actions described herein were and are arbitrary, capricious, an abuse of discretion, otherwise not in accordance with law, and contrary to constitutional rights, power, privilege, or immunity, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

67. Defendants' failure to provide Plaintiff with reasons or basis for his placement on the terrorist watch list and a meaningful opportunity to contest his continued inclusion on the terrorist watch list is arbitrary, capricious, an abuse of discretion, otherwise not in accordance with law, and contrary to constitutional rights, power, privilege, or immunity, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

68. By these actions, Defendants are irreparably harming Plaintiff. Plaintiff has no adequate remedy at law for Defendants' continuing unlawful conduct, and Defendants will continue to violate Plaintiff's legal rights unless enjoined and restrained by this Court.

**SECOND CLAIM FOR RELIEF  
FAILURE TO PROVIDE POST-DEPRIVATION NOTICE AND HEARING IN VIOLATION  
OF THE FIFTH AMENDMENT PROCEDURAL DUE PROCESS CLAUSE  
(Jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 702)**

69. Plaintiff learned that he was placed on the terrorist watch list and sought to challenge such placement.

70. Defendants' actions as described above in refusing to provide Plaintiff with a meaningful opportunity to challenge his continued inclusion on the terrorist watch list deprive Plaintiff of constitutionally protected liberty interests, including but not limited to those identified in paragraphs 71, 72, and 73 below.

71. Plaintiff has a liberty interest in traveling free from unreasonable burdens within, to, and from the United States, and over U.S. air space.

72. Plaintiff has the right to be free from false governmental stigmatization as an individual who is “known or suspected” to be or linked to terrorists, or who is otherwise associated with terrorist activity, when such harm arises in conjunction with the deprivation of his right to travel on the same terms as other travelers, and/or the deprivation of his liberty interest under the Fifth Amendment in travel free from unreasonable burdens, and/or the liberty interests under the Fifth Amendment to pursue his profession.

73. Plaintiff has a liberty interest in nonattainder (i.e., the interest against being singled out for punishment without trial). Defendants’ actions have singled out Plaintiff for punishments that include, but are not limited to, inability to travel by air to and from the United States and over U.S. airspace, false association with a list of individuals suspected of terrorism, and the right to pursue his profession.

74. Plaintiff, having been denied the liberties described above, and having sought to challenge his placement on the terrorist watch list, is entitled to a constitutionally adequate legal mechanism that affords him notice of the reasons and bases for his placement on the terrorist watch list and a meaningful opportunity to contest his continued inclusion on the terrorist watch list.

75. By failing to provide Plaintiff with such a constitutionally adequate legal mechanism, Defendants have deprived Plaintiff of his protected liberty interests, including but not limited to his liberty interests in traveling, freedom from false stigmatization, and nonattainder, and freedom to pursue his profession, and thus have violated Plaintiff’s constitutional rights without affording him due process of law and will continue to do so into the future if Plaintiff is not afforded the relief demanded below.

76. Defendants' actions described herein were and are arbitrary, capricious, an abuse of discretion, otherwise not in accordance with law, and contrary to constitutional rights, power, privilege, or immunity, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

77. Defendants' failure to provide Plaintiff with a constitutionally adequate mechanism that affords him notice of the reasons and bases for his placement on the terrorist watch list and a meaningful opportunity to contest his continued inclusion on the terrorist watch list is arbitrary, capricious, an abuse of discretion, otherwise not in accordance with law, and contrary to constitutional rights, power, privilege, or immunity, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

78. By these actions, Defendants are irreparably harming Plaintiff. Plaintiff has no adequate remedy at law for Defendants' continuing unlawful conduct, and Defendants will continue to violate Plaintiff's legal rights unless enjoined and restrained by this Court.

**THIRD CLAIM FOR RELIEF  
IMPOSITION OF SANCTIONS BASED ON VAGUE STANDARDS IN VIOLATION OF THE  
FIFTH AMENDMENT DUE PROCESS CLAUSE  
(Jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 702)**

79. Plaintiff has a due process right not to be sanctioned based upon vague, overbroad, or unknowable standards of conduct. The terrorist watch list is an administrative sanction created by defendant Terrorism Screening Center, and according to defendants' websites, the standard for placing individuals on the terrorist watch list is "a reasonable suspicion of ties to terrorism."

80. "A reasonable suspicion of ties to terrorism" is vague, and because of such vagueness has led to discriminatory application of the criterion and its use to unconstitutionally place individuals such as Plaintiff on the terrorist watch list.

81. Defendants' actions described herein were and are arbitrary, capricious, an abuse of discretion, otherwise not in accordance with law, and contrary to constitutional rights, power, privilege, or immunity, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

82. By these actions, Defendants are irreparably harming Plaintiff. Plaintiff has no adequate remedy at law for Defendants' continuing unlawful conduct, and Defendants will continue to violate Plaintiff's legal rights unless enjoined and restrained by this Court.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests:

1. A declaratory judgment that Defendants' policies, practices, and customs violate the Fifth Amendment to the United States Constitution and the Administrative Procedure Act;

2. An injunction that: (a) requires Defendants to remedy the constitutional and statutory violations identified above, including the removal of Plaintiff from any watch list or database maintained by the TSC; or (b) requires Defendants to provide Plaintiff with a legal mechanism that affords him notice of the reasons and bases for his placement on the terrorist watch list and a meaningful opportunity to contest his continued inclusion on the terrorist watch list;

3. An award of attorneys' fees, costs, and expenses of all litigation, pursuant to 28 U.S.C. § 2412. Such other and further relief as the Court may deem just and proper.

### **DEMAND FOR JURY TRIAL**

In accordance with Fed. R. Civ. P. 38(b), Plaintiff hereby demands a trial by jury.

**Dated** this 30<sup>th</sup> day of August, 2019.

Respectfully submitted:

*s/Patricia S. Bangert*

---

Patricia S. Bangert, Attorney at Law, LLC  
501 S. Cherry Street, Suite 1100  
Denver, Colorado 80246  
Phone: (303) 228-2175  
Fax: 720-728-1253  
Email: [trish@pbangertlaw.com](mailto:trish@pbangertlaw.com)  
*Attorney for Plaintiff*

Address of Plaintiff:

c/o Patricia S. Bangert, Attorney at Law, LLC