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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 ALLIANCE FOR CONSTITUTIONAL)
SEX OFFENSE LAWS, INC.,)
12 a California non-profit corporation;)
JOHN DOE #1, an individual; and)
13 JOHN DOE #2, an individual,)

14 Plaintiffs,

15 vs.

16 DEPARTMENT OF STATE;)
17 REX W. TILLERSON, in his official)
capacity as Secretary of State of the)
18 United States; and DOES 1 through 10,)
inclusive,)

19 Defendants.
20

Case No. 2:18-cv-256

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

**[Claims under the Administrative
Procedures Act]**

21
22 **INTRODUCTION**

23 1. This is an action under the Administrative Procedures Act, 5 U.S.C. §§ 551-
24 706 (“APA”), challenging two legislative rules issued by Defendant Department of State
25 (the “Department”) without the notice and public comment procedures required by the
26 APA. The rules challenged herein concern one of the most sensitive and historically
27
28

1 fraught topics in recent history: the branding of passports held by a disfavored
2 population – in this case, registered sex offenders (“Registrants”).

3 2. Never before has this nation stigmatized a class of individuals on a
4 document so foundational to U.S. citizenship. Nevertheless, a recently enacted federal
5 law, known as the International Megan’s Law, or “IML,” mandates that the State
6 Department add a “unique identifier” to United States passports issued to certain
7 Registrants. See 22 U.S.C. § 212b(b).

8 3. The IML directs the Department to implement its “Passport Identifier
9 Provision” through the administrative process. Yet, in the face of this historically
10 unprecedented responsibility, the Department has unlawfully deprived approximately
11 1 million Registrants of the procedural protections afforded by the APA’s notice and
12 comment requirements. Specifically, for certain final rules issued on September 2, 2016,
13 the Department invoked the statutory “good cause” exemption to the notice and comment
14 procedures, but failed to include the “statement of the reasons” that the APA plainly
15 requires for that exemption. See 5 U.S.C. § 553(b)(3)(B). In addition, the Department
16 gave *no* public notice of a second rule governing the critical matters of the form, content,
17 and placement of the passport Identifier. Instead, the Department announced both the
18 existence and substance of this second rule in a half-page *press release* posted on its
19 website. See Exhibit A. Finally, the Department exceeded its statutory authority by
20 denying passport cards to Registrants because the IML provided no such authority to
21 either the Department or any other agency.

22 4. The procedural protections of the APA exist so that substantive regulations
23 that impact substantial – and, here, constitutionally protected – rights are not drafted in a
24 proverbial backroom, shielded from the input of individuals who are directly and
25 adversely affected by those rules. Because the rules challenged herein were promulgated
26 in this fashion, and in violation of the APA, Plaintiffs respectfully request that the rules
27 be enjoined, set aside, and declared null and void.

1 **JURISDICTION AND VENUE**

2 5. This Court has subject-matter jurisdiction over the claims asserted herein
3 pursuant to 28 U.S.C. § 1331 (federal question), and is authorized to issue the relief
4 requested herein pursuant to 28 U.S.C. § 2201 (Declaratory Judgment Act) and 5 U.S.C.
5 §§ 702, 705-706 (Administrative Procedures Act).

6 6. Venue is proper in this Federal district pursuant to 28 U.S.C. § 1391(e)(1)
7 because this is an action against an agency and an officer of the United States, the
8 Plaintiffs reside in this district, and no real property is involved in this action.

9 **PARTIES**

10 7. Plaintiff Alliance for Constitutional Sex Offense Laws, Inc. (or “ACSOL”) is
11 a non-profit corporation incorporated and headquartered in this Federal district. ACSOL
12 is dedicated to protecting the Constitution by restoring the civil rights of almost 1 million
13 Registrants in the United States through advocacy, education, and litigation on behalf of
14 them and their families. ACSOL’s membership includes individuals who reside in this
15 Federal district and throughout the United States, who are subject to the rules challenged
16 in this action, and who have been injured by Defendants’ failure to comply with the APA.
17 ACSOL members possess United States passports, and use their United States passports
18 for purposes that include, but are not limited to, foreign and domestic travel, as well as
19 personal identification in foreign countries and in the United States. In addition,
20 ACSOL’s membership includes individuals who do not currently possess a United States
21 passport, but who desire to apply for the issuance of a United State passport, and who
22 would apply for the issuance of a United States passport but for the rules challenged in
23 this action. Neither the claims asserted nor the relief requested in this lawsuit requires the
24 participation of individual ACSOL members.

25 8. Plaintiff John Doe #1 is, and was at all times relevant hereto, a citizen of the
26 United States and a resident of this Federal district. Plaintiff John Doe #1 is required to
27 register as a sex offender pursuant to California Penal Code section 290, *et seq.* for an
28

1 offense involving a minor, and is therefore a “covered sex offender” within the meaning
2 of the IML and the rules challenged in this action. Plaintiff John Doe #1 is a member of
3 ACSOL who has traveled internationally using his United States passport, and who
4 intends to travel internationally in the near future. The passport currently held by
5 Plaintiff John Doe #1 was issued before the rules challenged herein took effect, and is
6 now out of compliance with those rules. Consequently, pursuant to the IML and the rules
7 challenged in this action, the passport held by Plaintiff John Doe #1 is subject to
8 revocation by the Department at any time, without notice, including while he is traveling
9 internationally.

10 9. Plaintiff John Doe #2 is, and was at all times relevant hereto, a citizen of the
11 United States and a resident of this Federal district. Plaintiff John Doe #2 is required to
12 register as a sex offender pursuant to California Penal Code section 290, *et seq.* for an
13 offense involving a minor, and is therefore a “covered sex offender” within the meaning
14 of the IML and the rules challenged in this action. Plaintiff John Doe #2 is a member of
15 ACSOL, and does not currently possess a United States passport. Plaintiff John Doe #2
16 intends to apply for a passport in the near future, but is discouraged from doing so by the
17 rules challenged in this action.

18 10. Plaintiffs ACSOL, John Doe #1, and John Doe #2 are collectively referred to
19 herein as “Plaintiffs.”

20 11. Defendant Department of State (the “Department”) is, and was at all times
21 relevant hereto, an administrative agency of the United States Government, subject to the
22 APA.

23 12. Defendant Rex W. Tillerson is sued in his official capacity as the Secretary
24 of State of the United States. Defendant Tillerson heads the Department of State, which
25 issued the regulations challenged in this action.

26 13. The true names and capacities of Defendants sued as Does 1 through 10 are
27 unknown to Plaintiffs, who therefore sue such Defendants by fictitious names. Plaintiffs
28

1 will seek leave to amend this Complaint, if necessary, to reflect the true names once they
2 have been ascertained.

3 14. The Department, Defendant Tillerson, and Does 1 through 10 are
4 collectively referred to herein as “Defendants.”

5 FACTS

6 The IML’s Passport Identifier Provision

7 15. On February 8, 2016, the President signed the IML, known officially as the
8 International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes
9 Through Advanced Notification of Traveling Sex Offenders, Pub. L. No. 114-119, 130
10 Stat. 15 (Feb. 8 2016).

11 16. Section 8 of the IML added a new statute to the Chapter of the United States
12 Code that governs the issuance and revocation of United States passports. See Pub. L.
13 No. 114-119, §8, 130 Stat. 15, 24-25. This “Passport Identifier Provision,” currently
14 codified at 22 U.S.C. § 212b, imposes new requirements for passports issued to a
15 “covered sex offender.” The IML defines “Covered sex offender” as an “individual
16 required to register under the sex offender registration program of any jurisdiction or
17 included in the National Sex Offender Registry, on the basis of an offense against a
18 minor” (hereinafter, “Registrants”).¹ The new requirements for passports issued to
19 Registrants are as follows:

20 **§ 212b. Unique passport identifiers for covered sex offenders**

21 (b) Authority to use unique passport identifiers.

22 (1) In general. Except as provided under paragraph (2), **the Secretary**
23 **of State shall not issue a passport to a covered sex offender unless**
24

25 ¹ The definition of “covered sex offender” for the purposes of the Passport Identifier
26 Provision, 28 U.S.C. § 212b, is currently codified in a separate statute also enacted by the
27 IML, 34 U.S.C. § 21503(f)(2). For ease of reference, this Complaint will refer to
28 “covered sex offenders” as defined by the IML as “Registrants.”

1 **the passport contains a unique identifier, and may revoke a passport**
2 **previously issued without such an identifier of a covered sex**
3 **offender.**

4

5 (c) Defined terms. In this section--

6 . . .

7 (2) the term “unique identifier” means any visual designation affixed to
8 a conspicuous location on the passport indicating that the individual is a
9 covered sex offender; and

10 (3) the term “passport” means a passport book or passport card.

11 22 U.S.C. § 212b (emphasis added).

12 17. Neither the IML nor any other authority authorizes the Department to take
13 other action concerning a Registrant’s passport book or passport card.

14 **The Department Failed to Meet the Deadline for Implementation of the Passport**
15 **Identifier Provision**

16 18. Pursuant to the IML, the Passport Identifier Provision was not to take effect
17 until the Secretary of the Department and others certify that the process set forth in
18 Section 9 of the IML has been implemented. 5 U.S.C. § 212b(f). That process imposed a
19 90-day deadline upon the Department, as follows:

20 **SEC. 9. IMPLEMENTATION PLAN.**

21 (a) IN GENERAL.—Not later than 90 days after the date of enactment of
22 this Act [*i.e.*, the IML], the Secretary of Homeland Security, the Secretary of
23 State, and the Attorney General shall develop a process by which to
24 implement section 4(e)(5) and the provisions of section 240 of Public Law
25 110–457, as added by section 8 of this Act [*i.e.*, the Passport Identifier
26 Provision].

1 (b) REPORTING REQUIREMENT.—Not later than 90 days after the date of
2 enactment of this Act, the Secretary of Homeland Security, the Secretary of
3 State, and the Attorney General shall jointly submit a report to, and shall
4 consult with, the appropriate congressional committees on the process
5 developed under subsection (a), which shall include a description of the
6 proposed process and a timeline and plan for implementation of that process,
7 and shall identify the resources required to effectively implement that process.

8 IML, Pub. L. No. 114-119, § 9, 130 Stat. 15, 25 (2016).

9 19. Thus, pursuant to the IML’s 90-day deadline, the Department was required
10 to develop a process for implementing the Passport Identifier Provision, and to submit a
11 report regarding implementation to Congress, no later than May 9, 2016. However, the
12 Department failed to meet this deadline as its Report was not issued until August 26,
13 2016, nearly four months later. Furthermore, the Report, entitled *Implementation of*
14 *International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes*
15 *Through Advanced Notification of Traveling Sex Offenders*, notes that, as of August 26,
16 2016, the Department had yet to complete the process for implementing the IML’s
17 Passport Identifier Provision. Specifically, the Report explains that “[t]he State
18 Department is working on drafting regulations regarding the passport identifier
19 requirement. The State Department plans to complete this process by the end of the
20 fourth quarter of calendar year 2016.” *Id.* at 2. The Department’s Report did, however,
21 preview the forthcoming rulemaking regarding the physical appearance and placement of
22 the passport identifier in the following statement:

23 The State Department is making technological modifications to the passport
24 issuance system so that passports may be issued with the unique identifier,
25 which will take the form of a passport endorsement. The State Department
26 projects that this process will be completed in 4 months.

27 *Id.*

28

1 **The Department Failed to Comply with the APA When It Issued Its First,**
2 **Incomplete, Rule on September 2, 2016**

3 20. On September 2, 2016, the Department issued its first rule purporting to
4 implement the Passport Identifier Provision in the Federal Register. See Final Rule RIN
5 1400-AD97, Public Notice Number 9678, 81 F.R. 60608-09, *amended and corrected by*
6 81 F.R. 66184 (the “September 2016 Rule”). This Rule is the first of two rules
7 challenged in this action.

8 21. As relevant to the claims in this action, the September 2016 Rule amended
9 22 C.F.R. § 51.60, which contains the Department’s regulations governing the “denial,
10 revocation, and restriction” of United States passports. 22 C.F.R. § 51.60 now states:

11 **§ 51.60 Denial and restriction of passports**

12 **(a) The Department may not issue a passport, except a passport for**
13 **direct return to the United States, in any case in which the Department**
14 **determines or is informed by competent authority that:**

15 . . .

16 **(4) The applicant is a covered sex offender as defined in 22 U.S.C.**
17 **212b(c)(1), unless the passport, no matter the type, contains the**
18 **conspicuous identifier placed by the Department as required by 22**
19 **U.S.C. 212b.**

20

21 **(g) The Department shall not issue a passport card to an applicant who**
22 **is a covered sex offender as defined in 22 U.S.C. 212b(c)(1).²**

23 22 C.F.R. § 51.60 (emphasis added).

24
25
26 ² The September 2016 Rule made additional revisions to 22 C.F.R. § 51.60(a)(3) and (f)
27 which are not challenged in this action. These revisions were made pursuant to statutory
28 authority other than the IML and do not concern Registrants specifically.

1 22. Because the September 2016 Rule is a “legislative” rule, the Department
2 was required to comply with the APA, which required the Rule to be issued in
3 accordance with the notice and public comment procedures set forth in 5 U.S.C. § 553,
4 unless a statutory exemption applies.

5 23. The Department failed to comply with the APA when it bypassed the notice
6 and public comment procedures required for the September 2016 Rule by incorrectly and
7 unlawfully invoking the “good cause” exemption of 5 U.S.C. section 553(b)(3)(B). See
8 81 F.R. at 60608. The “good cause” exemption applies only “when the agency for good
9 cause finds . . . that notice and public procedure thereon are impracticable, unnecessary,
10 or contrary to the public interest.” 5 U.S.C. § 553(b)(3)(B). Critically, this exemption
11 mandates that an agency, when relying upon the “good cause” exemption, must
12 “incorporate[] the finding [of good cause] and a brief statement of reasons therefor in the
13 rules issued[.]” *Id.* The Department failed to satisfy this requirement when it issued the
14 September 2016 Rule because the Department did not offer a “statement of the reasons”
15 for invoking the “good cause” exemption. Instead, the Department offered only the
16 following unreasoned and unsubstantiated assertion:

17 Because this rulemaking implements the Congressional mandates within
18 the . . . IML, the Department is publishing this rulemaking without notice
19 and comment under the “good cause” exemption of 5 U.S.C. 553(b). The
20 Department believes that public comment on this rulemaking would be
21 unnecessary, impractical, and contrary to the public interest.

22 81 F.R. 60608.

23 24. On September 9, 2016, and pursuant to 5 U.S.C. § 553(e), counsel for
24 Plaintiff ACSOL submitted to the Department a Petition for Modification to the
25 September 2016 Rule, which contested the Department’s reliance upon the “good cause”
26 exemption, as well as the Department’s failure to include the required “statement of
27 reasons” justifying that exemption.
28

1 25. The Department responded to Plaintiff ACSOL’s Petition on October 14,
2 2016 with a circular justification for the “good cause” exception that again failed to meet
3 the requirements for that exemption. The Department merely stated that:

4 The Department is obligated to implement U.S. law as passed by Congress
5 and signed by the President, which includes the IML. As the rulemaking
6 implements that law, comment by the public was unnecessary and the
7 department published the rulemaking without notice and comment under the
8 “good cause” exemption of 5 USC 553(b).³

9 **The September 2016 Rule Contains Critical Errors and Omissions**

10 26. The September 2016 Rule is incomplete in that it fails to address essential
11 topics, including topics addressed in the Department’s August 26, 2016 Report to
12 Congress. In addition, the September 2016 Rule exceeds the Department’s authority
13 under Section 8 of the IML for several reasons. For example:

14 a. The September 2016 Rule improperly denies passport cards to all
15 Registrants. See 22 C.F.R. § 51.60(g). The IML does not authorize the Department to do
16 this, and instead requires that passport cards bear the Identifier required by the IML’s
17 Passport Identifier Provision.

18 b. The September 2016 rule neither addresses nor prescribes procedures
19 by which an existing passport that is revoked pursuant to the Rule will be timely replaced
20 by a compliant passport. Registrants who are traveling, as well as Registrants who reside
21 in foreign countries, are thus subject to immediate revocation of their passports without
22 notice, and without any prescribed means for obtaining a replacement passport.

23 c. The September 2016 rule does not address critical issues such as the
24 form, content, and placement of the Identifier within a passport book or on a passport
25

26 _____
27 ³ Letter from Michele Thoren Bond, U.S. Department of State, to counsel for Plaintiff
28 dated October 14, 2016.

1 card, despite the fact that the Department's August 26, 2016 Report acknowledged the
2 need for such rulemaking.

3 **The Department Improperly Issued a Second Rule on October 30, 2017 in a Press**
4 **Release, Without Notice to the Public**

5 27. The Department's next action concerning the Passport Identifier Provision
6 took place on October 30, 2017 when the Department issued a press release entitled
7 "Passports and International Megan's Law." The Press Release is attached hereto as
8 Exhibit A, and is referred to herein as the "October 2017 Press Release." The October
9 2017 Press Release is the second of two rules challenged in this action.

10 28. The October 2017 Press Release provided information concerning the form,
11 content, and placement of the Identifier, as well as Registrants' entitlement to passport
12 cards, as follows:

13 The identifier is a passport endorsement, currently printed inside the back
14 cover of the passport book, which reads: "The bearer was convicted of a sex
15 offense against a minor, and is a covered sex offender pursuant to 22 United
16 States Code Section 212b(c)(1)." Since endorsements cannot be printed on
17 passport cards, covered sex offenders cannot be issued passport cards.

18 Exh. A.

19 29. The Department subsequently posted the content of the October 2017 Press
20 Release on its website in a "Newsroom" entry dated December 15, 2017. In this entry,
21 the Department also stated that "[t]he passport identifier provision of International
22 Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced
23 Notification of Traveling Sex Offenders (IML) (Public Law 114-119) went into effect on
24 October 31, 2017."⁴

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26
27 ⁴ [https://travel.state.gov/content/travel/en/News/passports/passports-and-international-
28 megans-law.html](https://travel.state.gov/content/travel/en/News/passports/passports-and-international-megans-law.html)

1 30. The actions of the Department reported in the October 2017 Press Release
2 constitute “rule making” under the APA because they formulate a rule, and/or amend the
3 Department’s previously issued September 2016 Rule. 5 U.S.C. § 551(5). The
4 Department’s October 2017 Press Release therefore constitutes a “rule” within the
5 meaning of the APA for which general notice is required. *Id.* § 551(4). Furthermore, the
6 Department’s October 2017 Press Release specifically constitutes a “legislative” rule for
7 which the notice and public comment procedures of 5 U.S.C. § 553 are required because
8 it amends and supplements a final rule, and/or is an action by which rights or obligations
9 have been determined or from which legal conclusions flow.

10 31. The Department failed to publish general notice of its proposed rulemaking
11 in connection with the October 2017 Press Release in the Federal Register, as required by
12 the APA. The Department also failed to follow the notice and public comment
13 procedures required of legislative rules under Section 553 of the APA in connection with
14 the October 2017 Press Release.

15 **FIRST CLAIM**

16 **(Violation of APA for Issuance of Legislative Rules Without Notice and Comment –**

17 **5 U.S.C. §§ 553, 706(2)(A), (D))**

18 32. Plaintiffs re-allege paragraphs 1 through 31 of this Complaint as though
19 fully set forth herein.

20 33. Both the Department’s September 2016 Rule and October 2017 Press
21 Release constitute final agency action because each marks the consummation of the
22 Department’s decision-making process, and constitutes action by which rights or
23 obligations have been determined, or from which legal consequences will flow.

24 34. The Department’s September 2016 Rule is a legislative rule for which notice
25 and public comment procedures are required by 5 U.S.C. § 553.

26 35. The Department has failed to establish that the September 2016 Rule
27 satisfies the “good cause” exemption from the APA’s notice and comment procedures
28

1 pursuant to 5 U.S.C. § 553(b)(3)(B). In addition, as a matter of law, the September 2016
2 Rule does not, in fact, satisfy the “good cause” exemption of 5 U.S.C. § 553(b)(3)(B).

3 36. Separately, as a matter of law, the September 2016 Rule cannot satisfy the
4 “good cause” exemption from the APA’s notice and comment procedures pursuant to 5
5 U.S.C. § 553(b)(3)(B) because the Department failed to “incorporate[] the finding [of
6 good cause] and a brief statement of reasons therefor in the rules issued.”

7 37. The Department’s October 2017 Press Release is a legislative rule within the
8 meaning of the APA for which notice and public comment are required by the APA. The
9 Department failed to follow the procedural requirements of the APA for issuance of this
10 rule.

11 38. Plaintiff ACSOL and its membership, including Plaintiffs John Doe #1 and
12 John Doe #2, are adversely affected and aggrieved by the Department’s September 2016
13 Rule and October 2017 Press Release. Plaintiff ACSOL and its membership, as well as
14 Plaintiffs John Doe #1, John Doe #2, and other members of the public, were not afforded
15 an opportunity to comment on critical features of the Department’s implementation of the
16 IML’s Passport Identifier Provision due to the Department’s failure to satisfy the
17 procedural requirements of the APA, including 5 U.S.C. § 553.

18 39. Therefore, both the Department’s September 2016 Rule and October 2017
19 Press Release were promulgated “without observance of procedure required by law,” and
20 are “otherwise not in accordance with law,” in violation of 5 U.S.C. § 706(2)(A), (D).

21 **SECOND CLAIM**

22 **(Violation of APA for Issuance of Rules In Excess of Authority –**

23 **5 U.S.C. § 706(2)(A), (C))**

24 40. Plaintiffs re-allege paragraphs 1 through 39 of this Complaint as though
25 fully set forth herein.

26 ///

27 ///

1 41. The Department’s September 2016 Rule states that “[t]he Department shall
2 not issue a passport card to an applicant who is a covered sex offender as defined in 22
3 U.S.C. 212b(c)(1).” 81 F.R. 60608, *amending* 22 C.F.R. § 51.60(g).

4 42. However, the IML, 22 U.S.C. § 212b(b)(1), (c)(3), does not authorize the
5 Department to deny passport cards to Registrants. The IML merely provides that
6 passport cards must be issued to Registrants with a “unique identifier.” Accordingly, the
7 Department lacks the statutory authority to deny passport cards to Registrants. 5 U.S.C. §
8 706(2)(C). In addition, the denial of passport cards to Registrants in the September 2016
9 Rule constitutes an abuse of discretion, and is otherwise not in accordance with law. 5
10 U.S.C. § 706(2)(A).

11 **THIRD CLAIM**

12 **(Declaratory Relief – 28 U.S.C. § 2201, *et seq.*)**

13 43. Plaintiffs re-allege paragraphs 1 through 42 of this Complaint as though
14 fully set forth herein.

15 44. An actual controversy exists between Plaintiffs and Defendants regarding
16 the Department’s compliance with the Administrative Procedures Act in connection with
17 the September 2016 Rule, the October 2017 Press Release, and 22 C.F.R. § 51.60(g).

18 45. Plaintiffs are entitled to a declaration of rights with regard to the
19 Administrative Procedures Act and Defendants’ compliance therewith.

20 **PRAYER FOR RELIEF**

21 Based on the foregoing claims, Plaintiffs pray that this Court:

- 22 a. Declares the September 2016 Rule to be unlawful;
23 b. Declares the October 2017 Press Release to be unlawful;
24 c. Declares 22 C.F.R. § 51.60(g) to be unlawful;
25 d. Vacates and sets aside the September 2016 Rule;
26 e. Vacates and sets aside the October 2017 Press Release;
27 f. Vacates and sets aside 22 C.F.R. § 51.60(g);
28

- 1 g. Declares that any action taken by Defendants pursuant to either the
2 September 2016 Rule or the October 2017 Press Release is unlawful;
- 3 h. Enjoins Defendants and their officers, employees, and agents from
4 implementing, applying, or taking any action whatsoever pursuant to the
5 September 2016 Rule, the October 2017 Press Release, or 22 U.S.C. § 212b;
- 6 i. Issues all process necessary and appropriate to postpone the effective date of
7 the September 2016 Rule or the October 2017 Press Release, and to maintain
8 the status quo pending the conclusion of this case;
- 9 j. Awards Plaintiffs their costs of suit and reasonable attorneys' fees, as
10 appropriate; and
- 11 k. Grants such further relief as the Court deems just and proper.

12
13
14 Dated: January 11, 2018

LAW OFFICE OF JANICE M. BELLUCCI

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16 By: /s/ Janice M. Bellucci
17 Janice M. Bellucci
18 Attorney for Plaintiffs
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