

**United States District Court
Southern District of Iowa
Central Division**

Steven Carlson, Mary Granzow, Richard Kettells, and William Ramsey,

Plaintiffs,

v.

Justice Mark Cady, in his official capacity as Chairman of the State Judicial Nominating Commission; **Jean Dickson, Steven J. Pace, Beth Walker, Amy J. Skogerson, Joseph L. Fitzgibbons, Guy R. Cook, and H. Daniel Holm, Jr.**, in their official capacities as Elective Members of the State Judicial Nominating Commission; **Margaret G. Redenbaugh, Coleen A. Deneffe, Mary Beth Lawler, Madalin A. Williams, David C. Cochran, Steven Brody, and Timothy L. Mikkelsen**, in their official capacities as Appointive Members of the State Judicial Nominating Commission; and **David K. Boyd**, in his official capacity as State Court Administrator,

Defendants.

Case No. _____

Expedited Consideration and Oral Argument Requested

Verified Complaint for Declaratory and Injunctive Relief

Plaintiffs Steven Carlson, Mary Granzow, Richard Kettells, and William Ramsey complain against Defendants as follows:

1. This is a facial and as-applied challenge to the constitutionality of the Iowa Constitution, Article V, Section 16, and to Iowa Code Sections 46.2, 46.4, 46.5, 46.7, 46.8, 46.9, 46.9A, 46.10, and 46.14, under the Fourteenth Amendment to the Constitution of the United States.

2. Plaintiffs challenge the above sections of the Iowa Constitution and Code because the system they establish excludes Iowa voters from participation in the election of the Elected Attorney Members of the State Judicial Nominating Commission and, therefore, denies Iowa voters the right to equal participation in the selection of the Justices of the Iowa Supreme Court and denies them the right to vote for the Elected Attorney Members of the Nominating Commission.

3. Plaintiffs challenge the system for selecting Supreme Court Justices in Iowa with respect to the manner in which the members of the State Judicial Nominating Commission are selected. The Commission is given the power to select the nominees for vacant positions on the Iowa Supreme Court, as well as on the Court of Appeals. Iowa Const. art. V, § 15; Iowa Code §§ 46.12 to 46.15. The Governor is limited to selecting one of the Commission's three nominees to fill a vacancy. Iowa Code § 46.15. If the Governor fails to make an appointment from the Commission's list, the chief justice of the Iowa Supreme Court is required to make the appointment from the list. Iowa Code § 46.15.2. Invariably, one of the three nominees selected by the Commission will become a justice or judge in Iowa, so that the Commission determines the composition of the judiciary in Iowa. Despite having this significant power and function, seven of the fifteen members of the Commission are elected exclusively by the members of the bar of Iowa. Iowa Const. art. V, § 16; Iowa Code §§ 46.2, 46.7. This restricted election denies the citizens of Iowa the right to vote and the right to participate equally in the selection of justices and judges in Iowa.

Jurisdiction and Venue

4. This action arises under Section 1 of the Civil Rights Act of 1871, 17 Stat. 13, 42

U.S.C. § 1983, and the Fourteenth Amendment to the Constitution of the United States.

5. The jurisdiction of this Court over the claims arising under 42 U.S.C. § 1983 is based on 28 U.S.C. § 1343(a). The jurisdiction of this Court over the claims arising under the Fourteenth Amendment rests on 28 U.S.C. §§ 1331 and 1343(a).

6. Venue is proper under 28 U.S.C. § 1391(b) because the principal defendants, the Members of the State Judicial Nominating Commission in their official capacities, reside in the Southern District of Iowa.

Parties

7. Plaintiff Steven Carlson is a citizen and registered voter of the State of Iowa. He resides in Sioux City, Woodbury County, Iowa.

8. Plaintiff Mary Granzow is a citizen and registered voter of the State of Iowa. She resides in Des Moines, Polk County, Iowa.

9. Plaintiff Richard Kettells is a citizen and registered voter of the State of Iowa. He resides in Pleasant Hill, Polk County, Iowa.

10. Plaintiff William Ramsey is a citizen and registered voter of the State of Iowa. He resides in Waterloo, Black Hawk County, Iowa.

11. Defendant Justice Mark Cady is the current Chairman of the State Judicial Nominating Commission.

12. Justice Cady is Chairman of the Commission because he is senior in length of service on the Iowa Supreme Court. Iowa Const. art. V, § 16.

13. The Chairman acts under color of law and is sued in his official capacity as a member member of the Commission.

14. Defendants Jean Dickson, Steven J. Pace, Beth Walker, Amy J. Skogerson, Joseph L. Fitzgibbons, Guy R. Cook, and H. Daniel Holm, Jr., are the seven Elective Members of the State Judicial Nominating Commission.

15. The Elective Members are selected one from each congressional district in Iowa through an election limited to the members of the bar of Iowa who are residents of the relevant congressional district and licensed to practice law in Iowa. Iowa Const. art. V, § 16; Iowa Code §§ 46.2, 46.7. The Elective Members serve six-year terms. Iowa Code §§ 46.2.

16. The Elective Members of the Commission act under color of law and are sued in their official capacities.

17. Defendants Margaret G. Redenbaugh, Coleen A. Deneffe, Mary Beth Lawler, Madalin A. Williams, David C. Cochran, Steven Brody, and Timothy L. Mikkelsen are the seven Appointive Members of the Commission.

18. The seven Appointive Members are appointed to the Commission, one from each congressional district in Iowa, for six-year terms by the Governor subject to confirmation by the Iowa senate. Iowa Const. art. V, § 16.

19. The seven Appointive Members of the Commission act under color of law and are sued in their official capacities.

20. The Iowa Constitution empowers the Defendants who are members of the Commission, acting by a majority of the statutory number of commissioners, to nominate three persons from among whom the Governor must select to fill a vacancy on the Iowa Supreme Court. Iowa Const. art. V, § 15; Iowa Code §§ 46.12 to 46.15.

21. David K. Boyd is the current State Court Administrator.

22. The State Court Administrator acts under the color of law and is sued in his official capacity.

23. The Iowa Statutes empower the State Court Administrator to conduct the elections of the Elective Members of the Commission. Iowa Code §§ 46.5, 46.8, 46.9, 46.9A, 46.10.

Facts

24. The State Judicial Nominating Commission is empowered to select the nominees for vacancies on the Iowa Supreme Court and Court of Appeals. Iowa Const. art. V, § 15; Iowa Code §§ 46.12 to 46.15.

25. The composition of the Commission is set forth in the Iowa Constitution as follows:

There shall be not less than three nor more than eight appointive members, as provided by law, and an equal number of elective members on such commission, all of whom shall be electors of the state. The appointive members shall be appointed by the governor subject to confirmation by the senate. The elective members shall be elected by the resident members of the bar of the state. The judge of the supreme court who is senior in length of service on said court, other than the chief justice, shall also be a member of such commission and shall be its chairman.

26. The current number of appointive and elective members is set at seven for each type. Iowa Code §§ 46.1, 46.2. This corresponds to the congressional districts in Iowa in 1965. The appointments and elections are made according to the congressional districts as they existed at that time.

27. The Iowa Constitution confers upon the Commission, as an entity created by the Constitution, the power to “make nominations to fill vacancies in the supreme court.” Iowa Const. art. V, § 16; *see also The Federalist No. 41*, at 223 (James Madison) (Clinton Rossiter ed., 1999) (stating that the purpose of a constitution is to establish “the particular structure of the government and the distribution of this power among its several branches”).

28. At all times, provided there are no existing vacancies, at least seven of the fifteen members of the Commission are members of the Iowa bar. Iowa Code §§ 46.2, 46.7. There is no prohibition on the Appointive Members also being members of the bar.

29. Seven members of the Commission, the Elective Members are elected exclusively by the members of the bar in Iowa. Iowa Const. art. V, § 16; Iowa Code §§ 46.2, 46.7.

30. The Appointive and Elective Members of the Commission serve six year terms. Iowa Code §§ 46.1, 46.2.

31. Elections for Elective Members take place in January. Iowa Code § 46.2. These elections are administered by the State Court Administrator, including the maintenance of the list of eligible electors, the taking of nominations to be placed on the ballot, and conduct of the actual election and certification of results. Iowa Code §§ 46.5, 46.8, 46.9, 46.9A, 46.10. Only bar members may participate in these elections. Iowa Const. art. V, § 16; Iowa Code § 46.7.

32. Plaintiffs, because they are not attorneys, are excluded from the elections of the Elective Members and have no say whatsoever in their selection. *Id.*

33. The election of the Elective Members to positions on the Commission is not confirmed or ratified in any way by the state legislature. *See id.*

34. On November 2, 2010, Chief Justice Marsha Ternus, Justice David Baker, and Justice Michael Streit stood for retention and failed to receive enough votes to be retained on the Iowa Supreme Court. These results were certified on November 29, 2010. Accordingly, their current terms will expire on January 1, 2011, at which time there will be three vacancies on the Iowa Supreme Court.

35. The State Judicial Nominating Commission will begin the process of selecting

nominees to fill these impending vacancies within ten days of the certification of the results of the retention election. The Commission will then consider the individuals available for the position and submit three nominees to the Governor within sixty days of the certification. This means the Commission must convene by December 9, 2010, and submit nominations to the Governor no later than January 28, 2010.

36. One of the three nominees, for each vacancy, selected by the Commission will invariably become a justice on the Iowa Supreme Court because the Governor must fill the vacancy by choosing one of the nominees. Iowa Const. art. V, § 15; Iowa Code § 46.15.

37. The nominations from the Commission cannot be rejected by the Governor or the legislature. Iowa Const. art. V, § 15; Iowa Code § 46.15.

38. The appointment of a nominee to fill the vacancy is not subject to any kind of confirmation by the legislature. *See* Iowa Const. art. V, § 15; Iowa Code § 46.15.

39. Upon receiving the nominations, the Governor has thirty days to make a selection to fill the vacancy. Iowa Const. art. V, § 15.

40. If the Governor fails to make an appointment within thirty days, the current Chief Justice of the Iowa Supreme Court must do so. Iowa Const. art. V, § 15; Iowa Code § 46.15.2.

41. The Commission also makes the nominations for vacancies on the Iowa Court of Appeals in the same manner. Iowa Code § 46.14A.

42. The Commission determines the composition of the judicial branch of government in Iowa.

43. Plaintiffs, as citizens of Iowa, are subject to the decisions of the Iowa Supreme Court and Courts of Appeals and to the laws of Iowa as interpreted by the Iowa Supreme Court.

Count 1

The Selection of Judges in Iowa Violates the Fourteenth Amendment to the U.S. Constitution by Denying Plaintiffs the Right to Equal Participation in the Selection of Judicial Officials.

44. Plaintiffs re-allege and incorporate by reference all allegations contained in paragraphs one through forty-three set forth above.

45. The Fourteenth Amendment to the United States Constitution provides that, “No State shall make or enforce any law which shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.

46. The Equal Protection Clause guarantees to every citizen “the right to vote in elections without having his vote wrongfully denied, debased, or diluted.” *Hadley v. Junior College Dist. of Metro. Kansas City*, 397 U.S. 50, 52 (1970).

47. The right to vote is preservative of the fundamental right to self-governance, because that “[a]ny unjustified discrimination in determining who may participate . . . in the selection of public officials undermines the legitimacy of representative government.” *Kramer v. Union Free Sch. Dist. No. 15*, 395 U.S. 621, 626 (1969).

48. An arrangement that restricts an election to a certain group of citizens is subject to strict scrutiny. This “is required because some resident citizens are permitted to participate and some are not.” *Kramer*, 395 U.S. at 629.

49. Accordingly, “if a challenged statute grants the right to vote in a limited purpose election to some otherwise qualified voters and denies it to others, ‘the Court must determine whether the exclusions are necessary to promote a compelling state interest.’” *Cipriano v. City of Houma*, 395 U.S. 701, 704 (1969) (quoting *Kramer*, 395 U.S. at 627).

50. While the United States Supreme Court has approved basic residency, age, and citizenship requirements to participate in an election, “[p]resumptively, when all citizens are affected [by an election], the Constitution does not permit . . . the exclusion of otherwise qualified citizens from the franchise.” *Phoenix v. Kolodziecki*, 399 U.S. 204, 209 (1970).

51. If an entity performs a traditional government function that affects every citizen, all otherwise qualified citizens must be included in the election for that entity. *See Hellebust v. Brownback*, 42 F.3d 1331, 1334-35 (10th Cir. 1994).

52. Selectively giving a certain group of citizens more electoral influence and granting the franchise on a selective basis always poses “the danger of denying some citizens any effective voice in governmental affairs which substantially affect their lives.” *Kramer*, 395 U.S. at 627.

53. Public officials may be selected by election or through appointment. *Id.* at 629. But the Equal Protection Clause must be respected regardless of how an official is selected. While the appointment of officials may make the influence of each voter *indirect*, this is constitutional when the official making the appointment is “elected consistent with the commands of the Equal Protection Clause,” thereby ensuring that each voter’s influence is *equal* to that of other citizens. *Id.* at 627 n.7. Ultimately, each citizen must be given an equal voice in the selection of government officials, however indirect that voice might be.

54. In order to justify limiting an election to a certain group, the state must show that the elected official does not exercise normal government power and that the group is disproportionately interested in and affected by the powers exercised by the official. *Hellebust*, 42 F.3d at 1333-35. This disproportion must be substantial, such that there is a compelling reason to restrict the franchise to that group. *Cipriano*, 395 U.S. at 704; *Kolodziecki*, 399 U.S. at 209

(holding that the differences between the interest of the included group and the interests of all citizens must be “sufficiently substantial to justify excluding the latter from the franchise.”).

55. The state must then show that all citizens are “in fact substantially less interested or affected than those . . . included.” *Cipriano*, 395 U.S. at 704. Otherwise, the state law is not narrowly tailored to meet the compelling government interest.

56. The seven Appointive Members of the State Judicial Nominating Commission are appointed by the Governor, who is selected through an election in which no qualified citizen’s vote is denied or diluted. *See* Iowa Const. art. II, § 1.

57. Plaintiffs are granted the franchise to vote for the Governor, and their vote is not diluted. Iowa Const. art. IV, § 2.

58. The Elective Members are selected through an election in which only resident members of the Iowa bar may participate. Iowa Const. art. V, § 16; Iowa Code § 46.7. All citizens who are not members of the bar are excluded from these elections.

59. Plaintiffs Steven Carlson, Mary Granzow, Richard Kettells, and William Ramsey are excluded from voting for the Elective Members of the Commission because they are not members of the bar.

60. Compared to the members of the bar in Iowa, Plaintiffs Steven Carlson, Mary Granzow, Richard Kettells, and William Ramsey have substantially less influence over who is nominated to become an Iowa Supreme Court justice or Court of Appeal judge.

61. The nomination of judges is a traditional government function. U.S. Const. art. II, § 2; *see Richardson v. Koshiba*, 693 F.2d 911, 914-15 (9th Cir. 1982); *In re Advisory Opinion to the Governor*, 276 So. 2d 25, 29-30 (Fla. 1973).

62. Plaintiffs have a substantial interest in, and are significantly affected by, the nomination of the justices and judges of Iowa's courts because "state court judges possess the power to 'make' common law . . . [and] have immense power to shape the States' constitutions as well." *Republican Party of Minnesota v. White*, 536 U.S. 765, 784 (2002).

63. Because the members of the Commission exercise a traditional government function that has an effect on all citizens of Iowa, the election of all Members of the Commission must be open to all citizens of Iowa who are qualified to vote. Iowa Const. art. II, § 1.

64. The Supreme Court has recognized a "significant exception" where the selection of government officials can be restricted to a certain group of qualified citizens, but this case does not satisfy the exception. *Ball v. James*, 451 U.S. 355, 360 (1981).

65. The franchise may be restricted to a specific group of voters, while excluding other qualified citizens, when the official or government entity elected has a "special limited purpose" and its activities have a "disproportionate effect" on the specific group. *Salyer Land Co. v. Tulare Lake Basin Water Storage Dist.*, 410 U.S. 719, 727-28 (1973).

66. The duties of certain government officials and entities may be "so far removed and so disproportionately affect different groups that a popular election in compliance with [the Equal Protection Clause] might not be required." *Hadley*, 397 U.S. at 56. But this exception does not apply in situations where the official or entity exercises general government power and performs a vital government function. *Id.*; *Ball*, 451 U.S. at 366.

67. To fall under this special limited purpose exception, the government entity, in this case the State Judicial Nominating Commission, must serve a narrow, nominally governmental function and the members of the Iowa bar must be shown to have a disproportionate relationship

with that function. *Id.* at 357.

68. A government entity has a narrow function that qualifies for the “special limited purpose” exception when it does not administer normal functions of government, has merely a nominal public character, and its duties are not a traditional element of governmental sovereignty such that it must answer to the people as a whole. *Id.* at 366-68.

69. The Members of the Commission are given the power to select nominees to fill vacant positions on Iowa’s courts, including the supreme court. The Governor is limited to selecting one of the nominees, so that the Commission decides who will sit in judgment over the citizens of Iowa.

70. The nomination of justices and judges is a traditional function of government. The Commission has the power to nominate members of the judiciary, and therefore to determine the composition of the third branch of government in the State of Iowa.

71. The aspect of the limited purpose of a government entity that would justify a restricted franchise is “the disproportionate relationship the [entity’s] functions bear to the specific class of people whom the system makes eligible to vote.” *Id.* at 370. The question is “whether the effect of the entity’s operations . . . [is] disproportionately greater than the effect on those seeking the vote.” *Id.* at 371.

72. In order to satisfy the limited purpose exception, not only must the effect of the power to nominate judges on the members of the Iowa bar be disproportionately greater than upon the Plaintiffs and all other qualified voters, *id.*, but Plaintiffs and all other qualified voters must be “in fact substantially less interested or affected” than the bar members, *Cipriano*, 395 U.S. at 704.

73. Plaintiffs are subject to the jurisdiction and decisions of the justices and judges of Iowa's courts.

74. Plaintiffs are subject to the laws and constitution of the State of Iowa, which are interpreted and applied by the justices and judges of Iowa's courts.

75. The Iowa Supreme Court determines the rights of Iowa's citizens, including the rights of the Plaintiffs, under the constitution and laws of the State.

76. Plaintiffs are legitimately and substantially interested in the composition of the third branch of their own government.

77. The selection and nomination of justices and judges substantially affects all of Iowa's citizens because of the power and authority entrusted to justices and judges.

78. While the members of the Iowa bar may have somewhat *different* interests in who the justices and judges are in Iowa, this interest is not substantially *greater* than the interest of all citizens of Iowa. *See Kolodziejcki*, 399 U.S. at 212.

79. The government cannot show that the restriction of the election of the Elective Members of the Commission, who nominate justices and judges and determine the composition of the Iowa judiciary, is narrowly tailored to a compelling government interest.

80. Nor does the selection of the Commission members qualify for the "special limited purpose" exception, because the Commission performs a normal function of government, does not have a merely nominal public character, and does not disproportionately affect the members of the Iowa bar compared to the rest of Iowa's citizens, including Plaintiffs.

81. Therefore, Iowa's system for selecting its supreme court justices violates Plaintiffs' Equal Protection rights and should be permanently enjoined and declared unconstitutional.

Count 2
**The Election of the Elective Members of the State Judicial Nominating Commission
Violates the Fourteenth Amendment to the U.S. Constitution by Denying Plaintiffs the
Right to Vote.**

82. Plaintiffs re-allege and incorporate by reference all allegations contained in paragraphs one through eighty-one set forth above.

83. Plaintiffs have the right to vote for officials who exercise government power affecting them. *See Reynolds v. Sims*, 377 U.S. 533, 554 (1964); *Hellebust*, 42 F.3d at 1333.

84. The State of Iowa excludes all citizens who are not bar members from participating in the elections for the Elective Members of the State Judicial Nominating Commission, Iowa Const. art. V, § 16; Iowa Code § 46.7, even though those officials exercise a traditional governmental function, namely, the nomination of judges, U.S. Const. art. II, § 2.

85. The State of Iowa must show a compelling interest for this voter qualification and that the classification is narrowly tailored to that interest. *Cipriano*, 395 U.S. at 704.

86. Because all Iowa citizens, and not just a single occupation, are substantially interested in and affected by the power to nominate justices to the Iowa Supreme Court, the election of members of the Commission must be open to all otherwise qualified voters, and cannot be restricted based upon occupation. *See Hellebust*, 42 F.3d at 1334-35.

87. Because the Commission exercises a traditional government function, and attorneys are not disproportionately affected by that function, Iowa does not have a compelling interest in limiting the election of the members of the Commission by occupation. *Salyer*, 410 U.S. at 727-28.

88. Because all Iowa citizens are substantially interested in and affected by the

nomination of Iowa Supreme Court justices, the restriction of the elections of certain members of the Commission based upon occupation is not narrowly tailored to any purported state interest.

89. Therefore, the elections of the Elective Members of the Nominating Commission violate the Equal Protection Clause because they deny Plaintiffs and all non-bar member Iowa citizens the right to vote in an election that affects them. *Kolodzieski*, 399 U.S. at 209. And so, these elections should be declared unconstitutional and permanently enjoined from being conducted because of their unconstitutional qualifications.

Prayer for Relief

Wherefore, Plaintiffs pray for the following relief:

1. A declaratory judgment declaring Iowa Const. art. V, § 16, and Iowa Code §§ 46.2, 46.4, 46.5, 46.7, 46.8, 46.9, 46.9A, 46.10, and 46.14 facially unconstitutional.
2. In the alternative, a declaratory judgment declaring Iowa Const. art. V, § 16, and Iowa Code §§ 46.2, 46.4, 46.5, 46.7, 46.8, 46.9, 46.9A, 46.10, and 46.14 unconstitutional as applied to the nomination to fill the current impending vacancies on the Iowa Supreme Court.
3. A preliminary and permanent injunction enjoining Defendants Jean Dickson, Steven J. Pace, Beth Walker, Amy J. Skogerson, Joseph L. Fitzgibbons, Guy R. Cook, and H. Daniel Holm, Jr., the seven Elective Members of the State Judicial Nominating Commission, from exercising any powers under Iowa Const. art. V, § 15, 16 and Iowa Code §§ 46.12 through 46.14A and from taking part in any deliberations and voting for nominees to fill the current impending vacancies created by the retention elections lost by Chief Justice Marsha Ternus, Justice David Baker, and Justice Michael Streit.
4. A preliminary and permanent injunction enjoining Defendants Justice Mark Cady,

Margaret G. Redenbaugh, Coleen A. Denefe, Mary Beth Lawler, Madalin A. Williams, David C. Cochran, Steven Brody, and Timothy L. Mikkelsen, from observing the requirement that they act by the affirmative vote of a majority of the full statutory number of commissioners under Iowa Code § 46.14, so that they may proceed with the nomination procedure acting by majority vote.

5. A preliminary and permanent injunction enjoining Defendant David K. Boyd from performing any actions under Iowa Code §§ 46.5, 46.8, 46.9, 46.9A, 46.10 and administering any future elections of the Elective Members of the State Judicial Nominating Commission.

5. Costs and attorneys fees pursuant to any applicable statute or authority; and

6. Any other relief this Court in its discretion deems just and appropriate.

December 8, 2010

Respectfully submitted,

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Local Counsel for Plaintiffs

VERIFICATION

I, Steven Carlson, declare as follows:

1. I have personal knowledge of myself and my activities, including those set out in the foregoing *Complaint*, and if called upon to testify I would competently testify as to the matters stated herein.

2. I verify under penalty of perjury under the laws of the United States of America that the factual statements in this *Complaint* concerning myself and my activities are true and correct.

Executed on December 4, 2010

A handwritten signature in black ink that reads "Steven Carlson". The signature is written in a cursive style with a large, stylized "S" at the beginning.

Steven Carlson

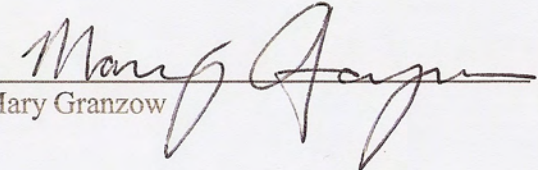
VERIFICATION

I, Mary Granzow, declare as follows:

1. I have personal knowledge of myself and my activities, including those set out in the foregoing *Complaint*, and if called upon to testify I would competently testify as to the matters stated herein.

2. I verify under penalty of perjury under the laws of the United States of America that the factual statements in this *Complaint* concerning myself and my activities are true and correct.

Executed on 12/2/2010


Mary Granzow

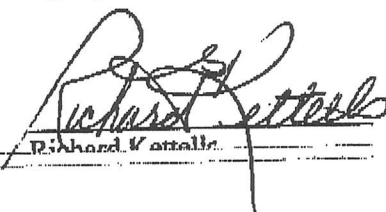
VERIFICATION

I, Richard Kettells, declare as follows:

1. I have personal knowledge of myself and my activities, including the foregoing *Complaint*, and if called upon to testify I would competently testify to the matters stated herein.

2. I verify under penalty of perjury under the laws of the United States that the factual statements in this *Complaint* concerning myself and my activities are correct.

Executed on 12-2-2010

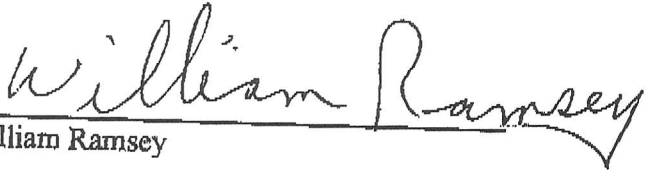

Richard Kettells

VERIFICATION

I, William Ramsey, declare as follows:

1. I have personal knowledge of myself and my activities, including those set out in the foregoing *Complaint*, and if called upon to testify I would competently testify as to the matters stated herein.
2. I verify under penalty of perjury under the laws of the United States of America that the factual statements in this *Complaint* concerning myself and my activities are true and correct.

Executed on 12-1-2010



William Ramsey