FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
SEP 10 2020
JAMES W. McCORMACK, CLERK
By: DEP CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

DISABILITY RIGHTS ARKANSAS, INC.,

Plaintiff,

vs.

SOLOMON GRAVES, in his official capacity as SECRETARY OF THE ARKANSAS DEPARTMENT OF CORRECTIONS,

Defendant.

Case No.: 4:20cv1081-BSM

This case assigned to District Judge Miller
and to Magistrate Judge

COMPLAINT

Plaintiff Disability Rights Arkansas, Inc., states the following for its Complaint in against Defendant:

INTRODUCTION

1. Plaintiff, Disability Rights Arkansas, Inc., (DRA) brings this action to challenge Defendant's refusal to provide documents relating to the death of an incarcerated individual who, at the time of his death, was a resident of the Varner Supermax Prison, in the custody of the Arkansas Department of Corrections.

2. DRA is an independent non-profit organization, federally designated as the Protection and Advocacy system for the state of Arkansas. As such, DRA is federally authorized to advocate for and protect the legal rights of all persons with disabilities across Arkansas, pursuant to the Developmental Disabilities Assistance and Bill of Rights

Act, ("DD Act"), 42 U.S.C. § 15041 *et seq.*; Protection and Advocacy for Individuals with Mental Illness Act, ("PAIMI Act"), 42 U.S.C. § 10801 *et seq.*; and the Protection and Advocacy of Individual Rights Act, ("PAIR Act"), 29 U.S.C. § 794e (collectively, "P&A Acts").

3. DRA brings this action to enforce its authority under the P&A Acts to obtain records of the incarcerated individual for whom DRA has received a complaint regarding abuse or neglect that preceded and may have contributed to his death.

4. Defendant, Secretary Solomon Graves, the acting Secretary of the Department of Corrections, pending confirmation by the Arkansas Senate, has denied access to the records of an individual who died while in Defendant's custody in a correctional facility Defendant operates. Defendant's predecessor, Secretary Wendy Kelley, also denied access to the records requested herein. Plaintiff renewed its request following Secretary Graves' nomination by Arkansas Governor Asa Hutchinson, and it was similarly denied.

5. Defendant's actions interfere with DRA's federal mandate to protect people with disabilities in Arkansas, investigate allegations of abuse and neglect, and provide legal advocacy.

6. DRA brings this action for declaratory and injunctive relief to obtain access to records.

Jurisdiction and Venue

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

8. Plaintiff's cause of action arises under the PAIMI Act, 42 U.S.C. § 10801 *et seq.* and 42 U.S.C. § 1983.

9. This Court has the authority to grant declaratory and injunctive relief under 28 U.S.C. § 2201 and § 2202.

10. Venue is proper in the Eastern District of Arkansas under 28 U.S.C. § 1391(b) because a substantial part of the events and omissions giving rise to the claims in this lawsuit occurred in this District.

PARTIES

a. Plaintiff

11. DRA is an independent non-profit corporation organized under the laws of the State of Arkansas.

12. DRA does business and files this Complaint under the name Disability Rights Arkansas, Inc.

13. At all times relevant to this action, DRA has been and is the statewide Protection and Advocacy ("P&A") agency designated by the Governor of the State of Arkansas to protect and advocate for persons with disabilities.

14. DRA is part of a nationwide network of disability rights agencies authorized to (1) investigate incidents of abuse and neglect of persons with disabilities; (2) pursue administrative, legal, and other appropriate remedies on their behalf; and (3) provide information and referrals relating to programs and services addressing the needs of persons with disabilities.

15. DRA has authority under federal law to gain broad access to facilities, individuals, and their records in order to detect, investigate, and prevent abuse and neglect or rights violations of individuals with disabilities.

16. DRA is allotted federal funds pursuant to the PAIMI Act, the DD Act, and the PAIR Act and is thereby obligated to similarly provide protection and advocacy for persons with mental illness, developmental disabilities, and individuals with disabilities who are not eligible under the PAIMI Act or the DD Act.

b. Defendant

17. Defendant Solomon Graves is the Secretary of the ADC.[1] As such, he is the executive head of the ADC and is responsible for the operation and administration of the ADC and its divisions. At all times described herein, he or his agents were acting under color of state law.[2] He is sued in his official capacity for declaratory and injunctive relief.

18. Defendant is believed to maintain offices at 6814 Princeton Pike, Pine Bluff, AR 71602.

19. Defendant, through his duties as Secretary for the Department of Corrections, manages, operates and otherwise controls correctional facilities in the State of Arkansas.

20. ADC's correctional facilities, under the management, operation and control of Defendant, are "facilities" as defined in the PAIMI Act. 42 U.S.C. § 10802(3).

[1] Pending confirmation by the Arkansas Senate.
[2] All communications were through ADC's chief counsel at ADC's request.

21. ADC's correctional facilities, under Defendant's management, operation and control, are "service providers" under the DD Act and PAIR Act because they are locations where services, supports, and other assistance are provided to persons with disabilities. 42 U.S.C. § 15043(a)(2)(H); 29 U.S.C. § 794e(f)(2).

22. ADC's correctional facilities, under Defendant's management, operation and control, are "locations" under the DD Act as their facilities provide services, supports, and other assistance to individuals with disabilities, including the individuals who are referred to in this Complaint. 42 U.S.C. § 15043(a)(2)(H).

23. The ADC, under Defendant's management, operation and control, confines individuals with disabilities in its correctional facilities.

24. Individuals in the custody of ADC, under Defendant's management, operation and control, receive care, treatment, services, supports and habilitation including, but not limited to: screening, evaluation, counseling, behavioral therapies, medication treatment and supervision, assistive devices, and special education services.

FACTS

a. Relevant Statutes and Regulations

25. DRA is the designated Protection and Advocacy system for the State of Arkansas. Congress authorized DRA and its sister organizations to pursue administrative, legal, and other appropriate remedies to ensure the protection of persons with disabilities. 42 U.S.C. § 15043(a); 42 U.S.C. § 10805(a); and 29 U.S.C. § 794e(f).

26. The P&A Acts authorize DRA to access records of persons with disabilities and records maintained by facilities that serve individuals with disabilities.

27. DRA's mission is to vigorously advocate for and enforce the rights of people with disabilities.

28. DRA is entitled to access draft and final documents, including handwritten notes, electronic files, photographs, or video or audio tape records.

29. Under the DD Act, DRA must be granted access to requested records within three business days of making a request. 42 U.S.C. § 15043(a) and 45 C.F.R. § 1326.25.

30. Under the PAIMI Act, DRA must be "promptly" granted access to records. 42 C.F.R. § 51.41(a).

31. Under the DD Act, if DRA's access to records is delayed or denied, ADC must provide DRA with a written statement of reason(s) for the delay or denial within one day after the expiration of the deadline for access. 45 C.F.R. § 1326.26.

32. Under the PAIMI Act, if DRA's access to records is delayed or denied, DRA must provide DRA with a written statement of reason(s) for the delay or denial promptly after the expiration of the deadline for access. 42 C.F.R. § 51.43.

b. PAIMI Act

33. This claim arises under DRA's access to records of a deceased individual pursuant to the Protection and Advocacy for Individuals with Mental Illness Act ("PAIMI Act"), 42 U.S.C. § 10801 *et seq.* Congress enacted the PAIMI Act in 1986 to "ensure that the rights of individuals with mental illness are protected" and to "assist States to

establish and operate a protection and advocacy system for individuals with mental illness which will [. . .] protect and advocate the rights of such individuals through activities to ensure the enforcement of the Constitution and Federal and State statutes." *Indiana Prot. And Advocacy Services v. Indiana Family and Social Services Admin.*, 603 F.3d 365, 367 (7th Cir. 2010) (citing to the PAIMI Act). The PAIMI Act gives a designated protection and advocacy system like DRA the authority to investigate incidents of abuse and neglect of individuals with mental illness and to pursue administrative, legal, and other remedies on behalf of those individuals. 42 U.S.C. § 10805(a)(1). The Eighth Circuit recognizes that a P&A's access for the purpose of investigation is not only broad, but it preempts any state statutes that might limit or deny such access. *Missouri Prot. & Advocacy Servs. v. Missouri Dep't of Mental Health*, 447 F.3d 1021, 1023 (8th Cir. 2006) (determining the preemption of a state statute regarding privileged peer review documents).

34. While DRA provides legal services and advocacy in a variety of situations, ranging from legal representation regarding special education issues and vocational rehabilitation to Medicaid advocacy and voting rights, an extremely important facet of DRA's work is our mandate to investigate allegations of abuse or neglect. In fact, the P&A system was created out of the discovery of rampant abuse at a facility that provides services to individuals with disabilities. Consequently, the investigation for which DRA seeks access to records in this case is germane to DRA's purpose as the designated P&A for the state.

35. DRA's mandate under the PAIMI Act extends to "individuals with mental illness" who are a patient or resident in a facility rendering care and treatment. 42 U.S.C. § 10802(4)(B)(i). Such "facilities" include "jails and prisons." 42 U.S.C. § 10802(3).

36. In order to fulfill its duties under the PAIMI Act to investigate reports of abuse and neglect in facilities, DRA is mandated both access to facilities and access to all records of any individual, "including an individual who has died [. . .] with respect to whom a complaint has been received by the system or there is probable cause to believe that such individual has been subject to abuse or neglect." 42 U.S.C. § 10805(a)(3) and (4)(B)(iii).

37. Pursuant to the PAIMI Act's implementing regulations, a "complaint" includes, but is not limited to "any report or communication, whether formal or informal, written or oral received by the P&A, including media accounts, newspaper articles, telephone calls (including anonymous calls) from any source alleging abuse or neglect of an individual with mental illness." 42 C.F.R. § 51.2.

38. After a complaint has been received or probable cause to believe that an individual with mental illness has been subjected to abuse or neglect has been determined, the PAIMI Act and its implementing regulations require prompt access to records of such an individual. 42 U.S.C. §10805(a)(4)(B), 42 C.F.R. § 51.14.

39. Under some circumstances, DRA is authorized to access records regardless of its possession of an executed authorization. One of those circumstances is when an individual, "including an individual who has died," is unable to authorize DRA to have access due to his or her mental or physical condition, the individual does not have a "legal

guardian, conservator or other legal representative," and DRA has received a report that causes DRA to determine that there is probable cause to believe that the individual has been or may be subject to abuse or neglect. 42 C.F.R. § 51.41(b)(2)(i)-(iii).

40. "Legal guardian, conservator, or legal representative" is defined by the PAIMI Act's implementing regulations as "an individual whose appointment is made and regularly reviewed by a State court or agency empowered under State law to appoint and review such officers, and having authority to consent to health/mental health care or treatment of an individual with mental illness." 42 C.F.R. § 51.2.

41. The PAIMI Act further requires DRA to maintain the confidentiality of records about an individual with mental illness pursuant to its federal investigative authority "to the same extent as is required" of a "provider of mental health services." 42 U.S.C. § 10806(a); 42 C.F.R. § 51.45. This strict statutory and regulatory confidentiality requirement defeats any alleged privacy concerns that may be raised by investigative agencies or facilities. *See Disability Rights Wisconsin, Inc. v. State of Wisconsin Dep't of Public Instruction*, 463 F.3d 719, 729-30 (7th Cir. 2006) ("The point of the federal P&A statutes is to establish and equip a specialized agency to look out for individuals with mental illness. Confounding the agency in the name of an illusory concern for privacy defeats that very important goal.").

42. DRA is the final arbiter of whether probable cause exists to suspect abuse or neglect of an individual with a disability. *Arizona Center for Disability Law v. Allen*, 197 F.R.D. 689, 693 (D. Ariz. 2000); see also *Protec. & Advoc. for Persons with Disabilities v. Armstrong*, 266 F.Supp. 2d 303, 321 (D. Conn. 2003); *Center For Legal Advocacy v. Earnest*,

188 F.Supp.2d 1251, 1257 (D. Colo. 2002); *Iowa Prot. & Advocacy Servs., Inc. v. Gerard Treatment Programs, L.L.C.*, 152 F.Supp.2d 1150, 1157 (N.D. Iowa 2001). *Disability Rights Idaho*, 168 F.Supp.3d at 1297 (citing as examples *Iowa Prot. and Advocacy Services, Inc. v. Rasmussen*, 206 F.R.D. 630, 638 (S.D. Iowa 2001) ("the statute is clear that it is the protection and advocacy systems that shall make the relevant probable cause determination, as a result of its 'monitoring and other activities,' and not a state agency."); *Ala. Disabilities Advocacy Prog. v. J.S. Tarwater Developmental Center*, 91 F.3d 492, 494–95 (11th Cir. 2007); *Office of Prot. and Advocacy for Persons with Disabilities v. Armstrong*, 266 F.Supp.2d, 303, 321 (D. Conn. 2003); *Prot. & Advocacy System, Inc. v. Freudenthal*, 412 F.Supp.2d 1211, 1219 (D. Wyoming 2006); *Ohio Legal Rights Service v. The Buckeye Ranch, Inc.*, 365 F.Supp.2d 877, 887 (S.D. Ohio, E. Div. 2005).

43. The P&A Acts do not require DRA to prove an individual's disability as a threshold matter. *Michigan Protection & Advocacy Service, Inc. v. Miller*, 849 F.Supp. 1202 (W.D. Mich. 1994); *see also Disability Rights Wash. v. Penrith Farms*, No. CV–09–024–JLQ, 2009 WL 777737, at *3 (E.D.Wash. Mar. 20, 2009); *Conn. Office of Prot. & Advocacy for Persons with Disabilities*, 355 F.Supp.2d at 655, ("Courts have found that protection and advocacy systems need not 'make a threshold showing of mental illness' in order to exercise their authority under PAIMI"); *Office of Prot. & Advocacy for Persons with Disabilities v. Armstrong*, 266 F.Supp.2d 303, 314 (D. Conn. 2003) (In granting the P&A access to records of prison inmates who committed suicide: "the fact that [nearly all of the inmates for whom records were requested] committed suicide certainly suggests that each suffered from some sort of mental illness or condition."); *Ky. Prot. & Advocacy Div.*

v.. Hall, No. Civ.A.3:01CV-538-H, 2001 WL 34792531, at *1 (W.D.Ky. Sept. 24, 2001) (citing *Miller*).

c. Denial of Records

44. On or about December 3, 2019, DRA began investigating an individual who took his own life while in ADC custody ("Decedent").

45. On January 27, 2020, Pursuant to its access authority, DRA requested records from ADC, specifically: "Copies of mental health evaluations, mental health referrals, mental health progress notes, copies of any mental health medications given to [Decedent] while at ADC."

46. On the same date, ADC requested that DRA produce a signed release from Decedent.

47. On January 30, 2020, DRA clarified that the request for records was made pursuant to its authority under the PAIMI Act, specifically 42 U.S.C. § 10805(a)(4)(B) and 42 C.F.R. § 51.41(a) & (b)(2).

48. On February 3, 2020, the ADC representative indicated that the request was sent to its "chief legal counsel."

49. On that same date, DRA contacted counsel for ADC, and requested that, in addition to the requested records, ADC provide any video surveillance from the date of Decedent's death, all incident reports and disciplinary actions involving Decedent for the 90 days preceding his death, and Decedent's "Pen Pack" indicating Decedent's movement throughout the prison system.

50. In response, ADC refused to provide any documents in response to DRA's request without a signed medical authorization from the Decedent's next of kin.

51. On September 1, 2020, after the previous Secretary for the ADC resigned, DRA renewed its request for records related to the Decedent.

52. On that same date, ADC reiterated that it knew of no authority that would allow them to release the Decedent's records to DRA without a release.

53. To date, ADC has failed to provide any of the requested records for the Decedent. Instead, ADC contends that, because the prison failed to provide Decedent mental health services, he must not be eligible for DRA to investigate his death. In addition, ADC contends that Decedent's next of kin should produce a medical authorization that permits ADC to release Decedent's records.

54. ADC asserts that its failure to provide Decedent with mental health services is the final arbiter of whether Decedent was an individual with a mental illness. In other words, because ADC did not identify Decedent as a "mental health inmate," DRA cannot assert its access authority as to Decedent.

55. DRA has probable cause to believe that Decedent both sought and received mental health evaluation, diagnosis, and treatment prior to his transfer to the prison, and attempted suicide on at least one prior occasion while incarcerated by ADC.

56. Decedent's parent is not the decedent's legal guardian, conservator, or legal representative.

57. Upon information and belief, no estate has been opened on Decedent's behalf.

58. Decedent was an adult at the time of his death.

59. Decedent did not have a guardian at the time of his death.

60. Decedent does not have a "legal guardian, conservator, or legal representative" according to the definition supplied by the PAIMI Act.

61. Decedent is unable to authorize release of records himself because of his death.

62. The P&A has probable cause to suspect that Decedent was abused or neglected while incarcerated.

63. The P&A is entitled to access Decedent's records as requested.

CLAIM FOR RELIEF BASED ON VIOLATION OF THE PAIMI ACT AND ITS IMPLEMENTING REGULATIONS AND 42 U.S.C. § 1983

64. Plaintiff repeats and re-alleges each and every allegation above as fully set forth herein.

65. Defendant's refusal to promptly provide records to DRA violates the PAIMI Act and its implementing regulations. 42 U.S.C. § 10805(a) and 42 C.F.R. § 51.41.

66. Defendant has acted under color of state law to deprive DRA of federal rights under the PAIMI Act.

67. Defendant's violation of the PAIMI Act and its implementing regulations frustrates and interferes with DRA's federal mandate to protect people with disabilities in Arkansas, investigate allegations of abuse and neglect, provide legal advocacy for people with disabilities, determine whether an investigation by DRA should be conducted or continued, and determine whether corrective action should be taken.

68. DRA is entitled to relief under 42 U.S.C. § 10805(a)(4)(A), 42 C.F.R. § 51.41(b)(1), and 42 U.S.C. § 1983.

69. DRA is entitled to recover its attorney fees, costs and expenses in this action pursuant to 42 U.S.C. § 1988.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court grant the following relief:

1. A declaratory judgment that Defendant has violated DRA's rights under the PAIMI Act and 42 U.S.C. § 1983;

2. A declaratory judgment that Defendant has an obligation to assure that the access rights granted to the Plaintiff by the P&A Acts are fully and uniformly implemented.

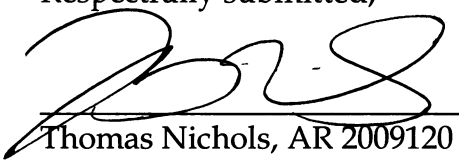
3. A permanent injunction ordering Defendant to provide timely and complete responses to all outstanding and future records requests made by DRA pursuant to its federally mandated P&A Authority;

4. An award of reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988; and,

5. Any further relief that the Court deems appropriate.

Dated: September 10, 2020

Respectfully submitted,



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JS 44 (Rev. 09/19)

CIVIL COVER SHEET 4:20CV1081-BSM

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Disability Rights Arkansas, Inc.

(b) County of Residence of First Listed Plaintiff Pulaski
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Thomas Nichols, Legal Director, Disability Rights Arkansas, Inc.; 400 West Capitol Avenue, Suite 1200, Little Rock, AR 72201; (501) 296-1775

DEFENDANTS

Arkansas Department of Corrections, Secretary Solomon Graves, in his official capacity.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☒ 1	Incorporated *or* Principal Place of Business In This State	☒ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☒ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
42 U.S.C. § 10801 et seq.; 42 U.S.C. § 1983; 28 U.S.C. § 2201 and § 2202

Brief description of cause:
Access to records under the PAIMI Act.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE
September 10, 2020

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE