

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RALPH VANZANT
6947 Mountain View Drive
Hillsboro, Ohio 45133,

and

NICOLE BECKWITH
7840 Shadow Creek Drive, Unit 237
Hamilton, Ohio 45011,

and

CHARLES SANDERS
74 Private Drive 2573
Chesapeake, Ohio 45619,

and

THOMAS RUPP
890 Hornbeam Road
Sabina, Ohio 45169,

Plaintiffs,

vs.

JENNIFER BRUNNER
OHIO SECRETARY OF STATE
180 East Broad Street
Columbus, Ohio 43215,

Defendant.

Case No. 1:10-cv-596

JUDGE

**VERIFIED COMPLAINT FOR
DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF**

Now come Plaintiffs Ralph Vanzant, Nicole Beckwith, Charles Sanders, and Thomas Rupp (“Plaintiffs”) and for their Verified Complaint against Ohio Secretary of State Jennifer Brunner (“Secretary Brunner”) state as follows:

INTRODUCTION

1. “[A] citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction.” *Dunn v. Blumstein*, 405 U.S. 330, 336, 92 S. Ct. 995, 31 L. Ed. 2d 274 (1972).

2. This is an action brought under 42 U.S.C. § 1983 on behalf of Ohio electors for a declaratory judgment and for temporary and permanent injunctions to enforce their fundamental right to vote and to require Ohio Secretary of State Jennifer Brunner to issue temporary and permanent directives that (a) Ohio county boards of elections cannot send applications for absent voter’s ballots to all electors in the county unless all Ohio counties are required to mail applications to all electors in the county; (b) Ohio county boards of elections cannot pre-pay the postage to submit the application for an absent voter’s ballot unless all Ohio counties are required to pre-pay the postage; and (c) Ohio county boards of elections must require the elector to pay the postage to return the absent voter’s ballot to the director of the county board of elections consistent with R.C. 3509.05(A).

3. Several Ohio counties have indicated that, at least for the November 2, 2010 election, they will mail applications for absent voter’s ballots to all electors within the county. Some of those counties have further indicated that they will pre-pay the postage to submit the application to receive an absent voter’s ballot. Other counties, however, will not mail applications to all electors and will not pre-pay the postage to submit the application.

4. Several Ohio counties have also indicated that, at least for the

November 2, 2010 election, they will pre-pay the postage for the elector to return the absent voter's ballot to the director of the board of elections in that county. Other counties have indicated they will not pre-pay the postage for the return of the absent voter's ballot for the November 2, 2010 election.

5. Thus, a voter in one county is subject to different rules and requirements regarding absent voter's ballots than a voter in another county. This unequal system of voting by absent voter's ballot, which is dependent upon the county in which the elector resides, deprives Ohio electors of the right to participate in elections on an equal basis in violation of the Equal Protection and Substantive Due Process Clauses of the 14th Amendment.

6. As chief election officer, Secretary Brunner is responsible for the voting process in the state of Ohio. R.C. 3501.04. Secretary Brunner's duties include "preparing rules and instructions for the conduct of elections" and issuing "instructions and directives to the boards of election for the conduct of the election." R.C. 3501.05(B)-(C). Secretary Brunner has a duty to issue temporary and permanent directives related to the process of voting by absent voter's ballots to ensure that all Ohio electors participate in elections on an equal basis, consistent with Ohio statutes and state and federal constitutional law.

PARTIES

7. Plaintiff Ralph Vanzant ("Mr. Vanzant") is a citizen of Ohio registered to vote in Highland County and residing at the address as captioned above.

8. Plaintiff Nicole Beckwith ("Ms. Beckwith") is a citizen of Ohio

registered to vote in Butler County and residing at the address as captioned above.

9. Plaintiff Charles Sanders (“Mr. Sanders”) is a citizen of Ohio registered to vote in Lawrence County and residing at the address as captioned above.

10. Plaintiff Thomas Rupp (“Mr. Rupp”) is a citizen of Ohio registered to vote in Clinton County and residing at the address as captioned above.

11. Defendant Jennifer Brunner is the Ohio Secretary of State and the chief election officer of the State of Ohio.

JURISDICTION

12. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343, and 2202.

13. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because jurisdiction is not based on diversity of citizenship and because a substantial part of the events or omissions giving rise to Plaintiffs’ claims occurred within the territorial jurisdiction of this Court.

FACTUAL ALLEGATIONS

The Secretary of State’s Election Duties

14. “The secretary of state is the chief election officer of the state, with such powers and duties relating to the registration of voters and the conduct of elections as are prescribed in Title XXXV [35] of the Revised Code.” R.C. 3501.04.

15. As the chief election officer, the secretary of state is responsible for all elections conducted in the state of Ohio and has broad powers and authority to carry out those duties.

16. Specifically, the secretary of state shall:
 - a. “Issue instructions by directives and advisories in accordance with section 3501.053 of the Revised Code to members of the boards as to the proper methods of conducting elections;” and (R.C. 3501.05(B))
 - b. “Prepare rules and instructions for the conduct of elections;” (R.C. 3501.05(C)).

17. The secretary of state accomplishes these duties by issuing “instructions as to the proper method of conducting elections to members of the boards of elections by permanent or temporary directives.” R.C. 3501.053. The secretary of state may issue temporary directives not more than ninety days prior to an election or fourteen days after an election. *Id.* “If the situation prompting the establishment of a temporary directive appears likely to recur, the secretary of state shall establish a permanent directive addressing the situation.” *Id.*

18. Directives issued by the secretary of state have the same weight and authority as law when applied in election-related matters and issues. 1930 Ohio Atty. Gen. Ops. No. 1423.

The County Boards of Elections

19. Each county in Ohio has a county board of elections comprised of four electors of the county appointed by the secretary of state. R.C. 3501.06.

20. The county boards of elections are the representatives of the secretary of state and must obey the directives and orders of the secretary of state.

Absent Voter's Ballots

21. Ohio residents meeting the “qualifications of an elector” under Ohio Const. Art. V, Sec. 1 have the right to vote in “all elections.”

22. Ohio statute requires each board of elections to “provide absent voter’s ballots for use at every primary and general election.” R.C. 3509.01(A).

23. Ohio statute further provides that “[a]ny qualified elector may vote by absent voter’s ballots at an election.” R.C. 3509.02(A).

24. In the past few elections, there has been an exponential increase in the amount of electors voting by absent voter’s ballot in Ohio. Upon information and belief, in the 2010 primary election, more than 45 percent of the votes cast in Franklin County were by absent voter’s ballot. *See* Barbara Carmen, *County agrees to pay for postage on November ballots*, July 15, 2010, available at http://www.dispatch.com/live/content/local_news/stories/2010/07/15/County-will-pay-postage-for-November-ballots.html.

25. Thus, absent voter’s ballots have a significant effect on elections conducted in Ohio.

26. An elector seeking to vote by absent voter’s ballot must make a written application for the absent voter’s ballot to the director of the board of elections of the county in which the elector’s voting residence is located. R.C. 3509.03.

27. Upon receipt by the director of a board of elections of an application for an absent voter’s ballot containing all the information required by the statute, the director “shall deliver to the applicant in person or mail directly to the applicant by

special delivery mail, air mail, or regular mail, postage prepaid, proper absent voter's ballot." R.C. 3509.04(B).

28. The director of the board of elections must also mail the absent voter's ballot with an unsealed identification envelope and an unsealed return envelope. *Id.*

29. The absent voter's ballots must be printed and ready for use on the thirty-fifth day before the day of the election. R.C. 3509.01(B)(2).

30. The director of the board of elections in each county must also forward a copy of the absent voter's ballots to the secretary of state at least twenty-five days before the election.

31. After receiving the absent voter's ballot, the elector is responsible for mailing the identification envelope to the director from who it was received in the return envelope with postage prepaid. R.C. 3509.05(A).

The November 2, 2010 Election

32. On November 2, 2010, the state of Ohio will hold a general election.

33. At the November 2, 2010 election, Ohio voters will select candidates for numerous federal and statewide offices including governor, as well as federal and state senators and representatives.

Unequal Procedures Regarding Applications for Absent Voter's Ballots

34. Franklin County has already mailed applications to receive an absent voter's ballot to 637,980 registered electors in Franklin County for the November 2, 2010 election. Declaration of Matthew Damschroder at ¶ 3, attached as Exhibit A

35. Several other counties, including Cuyahoga, Hamilton, Madison, and

Montgomery counties, have indicated that they will also mail applications for absent voter's ballots to all electors within the county for the November 2, 2010 election. See Declaration of Robert Frost at ¶ 3, attached as Exhibit B; Declaration of Alex Triantafilou at ¶ 3 attached as Exhibit C; Declaration of Tim Ward at ¶ 3, attached as Exhibit D; Declaration of Greg Gantt at ¶ 3, attached as Exhibit E.

36. Cuyahoga, Madison and Montgomery counties have further indicated that they will pre-pay the postage for the elector to submit the application to receive an absent voter's ballot for the November 2, 2010 election. Frost Decl. at ¶ 4; Ward Decl. at ¶ 4; Gantt Decl. at ¶ 4.

37. Other counties, including Butler, Highland, and Lawrence counties, will not mail applications for absent voter's ballots to all electors in the county and will not pre-pay the postage to submit an application to receive an absent voter's ballot for the November 2, 2010 election. See Declaration of Tom Ellis at ¶¶ 3-4, attached as Exhibit F; Declaration of Kay Ayres at ¶¶ 3-4, attached as Exhibit G; Declaration of Catherine Overbeck at ¶¶ 3-4, attached as Exhibit H. Upon information and belief, Clinton County is not going to mail applications for absent voter's ballots to all electors in the county and will not pre-pay the postage to submit an application to receive an absent voter's ballot for the November 2, 2010 election either.

**Unequal Procedures for Payment of the Postage to Return
Absent Voter's Ballots**

38. Once the director of the county board of elections receives an application containing all the requisite information, he or she will mail an absent

voter's ballot along with a return envelope to the elector.

39. Notwithstanding the provision of the Ohio Revised Code requiring the elector to pay the postage for returning the absent voter's ballot to the director, some county boards of elections in Ohio, including Cuyahoga and Franklin counties, have indicated they will pre-pay the postage for the elector to return the absent voter's ballot to the director of the county board of elections for the November 2, 2010 election. Frost Decl. at ¶ 5; Damschroder Decl. at ¶ 4.

40. Consistent with R.C. 3509.05(A), however, other county boards of elections in Ohio, including Butler, Highland, and Lawrence counties, will require the elector to pay the postage to return the absent voter's ballot to the director for the November 2, 2010 election. Ellis Decl. at ¶ 5; Ayres Decl. at ¶ 5; Overbeck Decl. at ¶ 5. Lawrence County will, however, pay the difference in postage if any ballot is returned with insufficient postage. Overbeck Decl. at ¶ 5. Upon information and belief, Clinton County has indicated it will not pre-pay the postage to return the absent voter's ballot to the director for the November 2, 2010 election either.

The Unequal Treatment of Plaintiffs

41. Plaintiff Ralph Vanzant resides and is registered to vote in Highland County. Mr. Vanzant is a quadriplegic confined to a wheelchair who is unable to vote on the day of the election in person with any expectation of a secret ballot, and must vote by absent voter's ballot.

42. Because Mr. Vanzant resides in Highland County, he must request an application for an absent voter's ballot, submit the application to receive his absent

voter's ballot, pay the postage to submit that application, and pay the postage to return his absent voter's ballot to the director of the board of elections for Highland County.

43. Plaintiff Nicole Beckwith resides and is registered to vote in Butler County. Ms. Beckwith is a single mom who works in the defense industry from 8am to 5:30pm and is often out of town for work. Therefore, Ms. Beckwith is unable to vote on the day of the election in person, and must vote by absent voter's ballot.

44. Because Ms. Beckwith resides in Butler County, she must request an application for an absent voter's ballot, submit the application to receive her absent voter's ballot, pay the postage to submit that application, and pay the postage to return her absent voter's ballot to the director of the board of elections for Butler County.

45. Plaintiff Charles Sanders resides and is registered to vote in Lawrence County. Mr. Sanders is a navy reservist with a full-time job. Therefore, Mr. Sanders is unable to vote on the day of the election in person, and must vote by absent voter's ballot.

46. Because Mr. Sanders resides in Lawrence County, he must request an application for an absent voter's ballot, submit the application to receive his absent voter's ballot, pay the postage to submit that application, and pay the postage to return his absent voter's ballot to the director of the board of elections for Lawrence County.

47. Plaintiff Thomas Rupp resides and is registered to vote in Clinton

48. Because Mr. Rupp resides in Clinton County, he must request an application for an absent voter's ballot, submit the application to receive his absent voter's ballot, pay the postage to submit that application, and pay the postage to return his absent voter's ballot to the director of the board of elections for Clinton County.

49. Electors residing in other counties in Ohio are not subject to the same burdens in voting by absent voter's ballots. Electors in Cuyahoga, Franklin, Hamilton, Madison, and Montgomery counties need not request an application because one will be mailed to them. Moreover, electors in Cuyahoga, Madison, and Montgomery counties need not pay the postage to submit the application because those counties have decided to pre-pay the postage on behalf of the electors in their county. Finally, electors in Cuyahoga and Franklin counties need not pay the postage for returning their absent voter's ballot because those counties have decided to pre-pay the postage on behalf of all absentee electors in their respective counties.

50. Upon information and belief, this unequal system of voting by absent voter's ballots will continue even after the November 2, 2010 election.

**COUNT I
VIOLATION OF EQUAL PROTECTION CLAUSE OF FOURTEENTH
AMENDMENT AND 42 U.S.C. § 1983**

51. Plaintiffs restate the allegations in paragraphs 1 through 50 as if fully

restated herein.

52. Secretary Brunner as the chief election officer is responsible for the running of all statewide elections.

53. Secretary Brunner is required to provide instructions by directives and advisories to members of the county boards of elections as to the proper method of conducting elections.

54. Secretary Brunner is required to prepare rules and instructions for the conduct of elections.

55. Secretary Brunner provides such direction and instruction through temporary and permanent directives.

56. By permitting certain county boards of elections to mail applications for absent voter's ballots to all electors within the county while other counties do not, Secretary Brunner, acting under the color of state law, has permitted the maintenance of an unequal system of voting that burdens or inhibits equal access to the right to vote, and that results in the inconsistent treatment of electors residing in various counties throughout Ohio.

57. By permitting certain county boards of elections to pre-pay the postage for the elector to submit the application to receive an absent voter's ballot while other counties do not, Secretary Brunner, acting under the color of state law, has permitted the maintenance of an unequal system of voting that burdens or inhibits equal access to the right to vote, and that results in the inconsistent treatment of electors residing in various counties throughout Ohio.

58. By permitting certain county boards of elections to pre-pay the postage for the return of absent voter's ballots while other counties do not, Secretary Brunner, acting under the color of state law, has permitted the maintenance of an unequal system of voting that burdens or inhibits equal access to the right to vote, and that results in the inconsistent treatment of electors residing in various counties throughout Ohio.

59. As a result, Ohio electors face differing procedures related to absent voter's ballots depending upon the county in which they reside, and, thus, do not have equal access to their fundamental right to vote.

60. This current unequal system of voting by absent voter's ballot does not serve any compelling state interest, lacks any substantial relationship to any important state interest, and is not rationally related to any legitimate state interest.

61. Upon information and belief, such inconsistent system of voting by absent voter's ballot will continue for future elections.

62. Plaintiffs will be irreparably harmed if their fundamental right to vote is chilled by Ohio's unequal system of voting by absent voter's ballot.

63. Plaintiffs cannot be adequately compensated for this harm in any action at law for monetary damages.

COUNT II
VIOLATION OF SUBSTANTIVE DUE PROCESS CLAUSE OF FOURTEENTH
AMENDMENT AND 42 U.S.C. § 1983

64. Plaintiffs restate the allegations in paragraphs 1 through 63 as if fully

restated herein.

65. Secretary Brunner, acting under color of state law, is maintaining an inconsistent system of voting by absent voter's ballot in Ohio that will cause the November 2, 2010 election to be conducted in a manner that is fundamentally unfair and that burdens or inhibits equal access to the fundamental right to vote in violation of the Due Process Clause of the 14th Amendment.

**COUNT III
DECLARATORY JUDGMENT**

66. Plaintiffs restate the allegations in paragraphs 1 through 65 as if fully restated herein.

67. Under 28 U.S.C. § 2201, this Court may declare "the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought."

68. As chief election officer, Secretary Brunner is required to provide instruction to the county boards of elections regarding the proper methods of conducting elections.

69. Secretary Brunner may provide that instruction through temporary and permanent directives.

70. The current system of election related to absent voter's ballots in Ohio creates an unequal system of voting where electors are subject to different procedures and requirements depending upon the county in which they reside. Such an unequal system of voting violates the constitutional rights of Ohio's electors.

71. As chief election officer, Secretary Brunner is required to issue

directives to remedy these violations.

72. Plaintiffs are entitled to a declaratory judgment that Secretary Brunner must issue temporary and permanent directives that (a) Ohio county boards of elections cannot send applications for absent voter's ballots to all electors in the county unless all counties are required to mail applications to all electors in the county; (b) Ohio county boards of elections cannot pre-pay the postage to submit the application for an absent voter's ballot unless all counties are required to pre-pay the postage; and (c) Ohio county boards of elections must require the electors to pay the postage to return the absent voter's ballot to the director of the county board of elections consistent with R.C. 3509.05(A).

WHEREFORE, Plaintiffs pray for judgment against Defendant Ohio Secretary of State Jennifer Brunner, and that the Court:

- A. Adjudge, decree, and declare the rights and other legal relations of the parties to the subject matter in controversy in order that such declarations shall have the force and effect of final judgment and that the Court retain jurisdiction of this matter for the purpose of enforcing the Court's Orders;
- B. Issue a declaratory judgment that Secretary Brunner is required under her duties as chief election officer to issue a temporary and permanent directive that all county boards of elections may not mail applications for absent voter's ballots to all electors within the county unless all counties in Ohio are required to mail applications to all electors in the county;
- C. Issue a declaratory judgment that Secretary Brunner is required under her duties as chief election officer to issue a temporary and permanent directive that county boards of elections may not pre-pay the postage to submit an application to receive an absent voter's ballot unless all counties in Ohio are required to pre-pay the postage;
- D. Issue a declaratory judgment that Secretary Brunner is required under her duties as chief election officer to issue a temporary and permanent

directive that all county boards of elections in Ohio must require the elector to pay the postage for the return of the absent voter's ballot in accordance with R.C. 3509.05;

- E. Issue a declaratory judgment that Ohio's voting system related to absent voter's ballot varies from county to county, and, thus, violates Plaintiffs' right to Equal Protection and Due Process under the Fourteenth Amendment to the United States Constitution;
- F. Issue a temporary restraining order enjoining Defendant Secretary of State Jennifer Brunner prior to statewide elections, including the November 2, 2010 election, to issue a temporary directive that all county boards of elections may not mail applications for absent voter's ballots to all electors within the county unless all counties in Ohio are required to mail applications to all electors in the county;
- G. Issue a temporary restraining order enjoining Defendant Secretary of State Jennifer Brunner prior to statewide elections, including the November 2, 2010 election, to issue a temporary directive that all county boards of elections may not pre-pay the postage to submit an application to receive an absent voter's ballot unless all counties in Ohio are required to pre-pay the postage;
- H. Issue a temporary restraining order enjoining Defendant Secretary of State Jennifer Brunner prior to statewide elections, including the November 2, 2010 election, to issue a temporary directive that no Ohio county board of elections may pre-pay the postage for the return of an absent voter's ballot;
- I. Issue preliminary and permanent injunctions enjoining Defendant Secretary of State Jennifer Brunner prior to statewide elections, including the November 2, 2010 election, to issue a temporary and permanent directive that all county boards of elections may not mail applications for absent voter's ballots to all electors within the county unless all counties in Ohio are required to mail applications to all electors in the county;
- J. Issue preliminary and permanent injunctions enjoining Defendant Secretary of State Jennifer Brunner prior to statewide elections, including the November 2, 2010 election, to issue a temporary and permanent directive that all county boards of elections may not pre-pay the postage to submit an application to receive an absent voter's ballot unless all counties in Ohio are required to pre-pay the postage;
- K. Issue preliminary and permanent injunctions, enjoining Defendant Secretary of State Jennifer Brunner prior to statewide elections, including the November 2, 2010 election, to issue a temporary and

permanent directive that no Ohio county board of elections may pre-pay the postage for the return of an absent voter's ballot;

- L. Award Plaintiffs their costs and expenses incurred in bringing this action, including reasonable attorney fees; and
- M. Grant such other and further relief as the Court deems equitable, just and proper.

Respectfully submitted,

/s/ Robert J. Tucker
Robert J. Tucker (0082205)
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jburtch@bakerlaw.com

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I, Ralph Vanzant, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Executed on: August 29, 2010

Ralph Vanzant by
Ralph Vanzant *Sharon Vanzant P.O.A.*

Pursuant to 28 U.S.C. § 1746, I, Nicole Beckwith, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Executed on: August ____, 2010

Nicole Beckwith

Pursuant to 28 U.S.C. § 1746, I, Charles Sanders, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Executed on: August ____, 2010

Charles Sanders

Pursuant to 28 U.S.C. § 1746, I, Thomas Rupp, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Executed on: August ____, 2010

Thomas Rupp

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I, Ralph Vanzant, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Executed on: August __, 2010

Ralph Vanzant

Pursuant to 28 U.S.C. § 1746, I, Nicole Beckwith, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Executed on: August 27, 2010



Nicole Beckwith

Pursuant to 28 U.S.C. § 1746, I, Charles Sanders, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Executed on: August __, 2010

Charles Sanders

Pursuant to 28 U.S.C. § 1746, I, Thomas Rupp, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Executed on: August __, 2010

Thomas Rupp

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I, Ralph Vanzant, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Execute on: August ____, 2010

Ralph Vanzant

Pursuant to 28 U.S.C. § 1746, I, Nicole Beckwith, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Execute on: August ____, 2010

Nicole Beckwith

Pursuant to 28 U.S.C. § 1746, I, Charles Sanders, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Execute on: August 30, 2010

Charles Sanders
Charles Sanders

Pursuant to 28 U.S.C. § 1746, I, Thomas Rupp, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Execute on: August ____, 2010

Thomas Rupp

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I, Ralph Vanzant, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Executed on: August ____, 2010

Ralph Vanzant

Pursuant to 28 U.S.C. § 1746, I, Nicole Beckwith, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Executed on: August ____, 2010

Nicole Beckwith

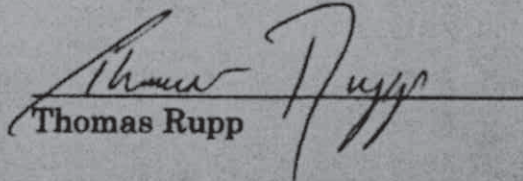
Pursuant to 28 U.S.C. § 1746, I, Charles Sanders, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Executed on: August ____, 2010

Charles Sanders

Pursuant to 28 U.S.C. § 1746, I, Thomas Rupp, hereby declare under penalty of perjury that the allegations set forth in the foregoing Verified Complaint are true and correct.

Executed on: August 30, 2010



Thomas Rupp