

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES LOCAL
2018, AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES
COUNCIL OF PRISON LOCALS 33**

Plaintiffs,

v.

**KIRAN AHUJA IN HER OFFICIAL
CAPACITY AS DIRECTOR OF THE
UNITED STATES OFFICE OF
PERSONNEL MANAGEMENT;
MERRICK GARLAND IN HIS
OFFICIAL CAPACITY AS ATTORNEY
GENERAL; LLOYD AUSTIN IN HIS
OFFICIAL CAPACITY AS SECRETARY
OF DEFENSE; JOSEPH R. BIDEN IN
HIS OFFICIAL CAPACITY AS
PRESIDENT OF THE UNITED STATES
OF AMERICA**

Defendants.

CASE NO. 2:21-cv-05172

COMPLAINT

The Plaintiffs, by their counsel van der Veen, Hartshorn, and Levin, through Bruce L. Castor, Jr. are seeking damages against State actors for committing acts, under color of law, which deprived Plaintiffs of rights secured by the First and Fourteenth Amendments to the United States Constitution, the laws of the United States, and the Civil Services Reform Act of 1978; arising out of Defendants’ engaging in constitutional violations that stemming out of the COVID-19 Mandate issued Office of Personnel Management following an executive order from Joseph R. Biden, President of the United States.

This civil action results from the Defendants' flagrant disregard for the constitutional and labor rights of American citizens as Defendants attempt to compel vaccinations of Plaintiffs' members against the members' will. This OPM mandate presents an unprecedented assertion of federal authority in an attempt to coerce over 80 million Americans to unwillingly inject the COVID-19 vaccine into their bodies on pain of losing their jobs. To be clear, Defendants seek by coercion workers ingest into their bodies a foreign substance by needles stabbed through their skin on multiple occasions on pain of depriving these workers of their livelihood creating financial insecurity to countless American families. No matter what the justification, Plaintiffs contend a more egregious invasion of the sanctity of the personal freedoms of American citizens by their government is unimaginable. The actions taken by OPM threatening the livelihoods and financial security of the Plaintiffs' members is done with a flagrant disregard for the constitutional and labor rights of American citizens. Through the actions of Defendants' and other non-party individuals and entities, vaccines have been politicized to a point where receiving or declining a vaccine has become a political act in the eyes of the public and being compelled into discussing one's vaccine status is tantamount to compelling that person to engage in political speech against that individual's will.

By forcing its employees to disclose their vaccine status, OSHA grants employers and federal contractors the authority to compel political speech in violation of the First Amendment to the United States Constitution. By requiring workers across America to disclose their vaccination status, Defendants Kiran Ahuja and Joseph R. Biden are forcing them to engage in un-sought-out, and individually undesirable, political speech in violation of the First Amendment.

Additionally, the OPM mandate disregards the rights of unionized employees as outlined and protected in the Civil Service Reform Act in which all changes to terms and conditions of employees must be bargained in good faith. OPM ignored the duty Plaintiffs have to their members to bargain in good faith about safety practices, since a unilateral change in terms and conditions without bargaining is a blatant *prima facie* indication of bad faith. In addition, retaliation against complaints or concerns about safety is prohibited by law, yet the OPM mandate has invited employers to terminate employees without the option of weekly testing and masks. In sum, Plaintiffs ask this Court to review the OPM mandate because it violates the First Amendment of the Constitution of the United States, the Civil Service Reform Act of 1978 and the unalienable natural rights of freedom of expression and religion of Plaintiffs members.

JURISDICTION

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 (federal question jurisdiction).
2. This Court is authorized to grant declaratory judgment under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02, implemented through Rule 57 of the Federal Rules of Civil Procedure.
3. This Court is authorized to grant Plaintiffs' prayer for temporary, preliminary, and permanent injunctive relief pursuant to Rule 65 of the Federal Rules of Civil Procedure.

PARTIES

4. Plaintiffs are the American Federation of Government Employees Local 2018 and the Council of Prison Locals 33 (hereinafter referred to as "Plaintiffs").

5. Defendant Kiran Ahuja (hereinafter referred to as “Ahuja”), is the Director of the United States Office of Personnel Management (OPM).

6. Defendant President Joseph R. Biden (hereinafter referred to as “President Biden”) is the President of the United States.

7. Defendant Merrick Garland (hereinafter referred to as “Garland”) is the United States Attorney General.

8. Defendant Lloyd Austin (hereinafter referred to as “Austin”) is the United States Secretary of Defense.

9. Plaintiffs are government employees and union members who have chosen, for various reasons, to refuse vaccination, or have refused to disclose their COVID-19 vaccination status to others, and OPM seeks to coerce Plaintiffs to engage in political speech in compelling such disclosure by threat to their livelihoods, and to the well-being and fiscal security of persons dependent on Plaintiffs’ jobs for their literal survival.

10. Members of Plaintiffs have sincere, bona fide beliefs in opposition to the vaccine which are religious, quasi-religious, or personal in nature, including privacy rights of individual American citizens to decide for themselves how their own bodies are to be treated by government actors.

11. All Plaintiffs are employed by the federal government and are covered by Title VII of the Civil Rights Act, which mandates the reasonable accommodation of sincere religious beliefs.

12. Plaintiffs are due bargaining in good faith with their employers due to their union membership, which cannot be obviated by an unprecedented and misplaced assertion of federal authority.

STATEMENT OF FACTS

13. On September 9, 2021, President Biden issued Executive Order 14043 (EO 14043) requiring vaccination against COVID-19 for all federal employees.

14. Subsequently, on October 5th, 2021, OPM issued a set of guidelines designed to enforce EO 14043.

15. The OPM guidelines require federal agencies (including those led by Garland and Austin) to require employees be vaccinated before November 22, 2021.

16. As federal employees, Plaintiffs have faced a campaign of harassment, embarrassment, and shaming due to their vaccination status. Despite union membership and protections, these workers were never given the opportunity to negotiate these newly mandated practices in good faith, and many have faced punishments through termination of contracts or employment.

17. Such disciplinary action is arbitrary, is not easily appealed, and is not narrowly tailored to fulfilling the goals of ending the COVID-19 pandemic.

18. Defendants chose the most invasive and dangerous action to address the pandemic instead of, for example, the far less invasive requirement of masking with periodic testing, *out of which workers could choose to opt if they were vaccinated.*

COUNT I
COMPULSION OF POLITICAL SPEECH

19. Plaintiffs incorporate by reference the preceding paragraphs as though the same were set forth at length herein.

20. The First Amendment to the U.S. Constitution enshrines the right to free speech for all American citizens.

21. The U.S. Supreme Court has long held that the right to free speech protects against state actors compelling others to express speech, or act in a manner that is fundamentally political in nature.

22. The determination of whether an act or a statement is “political” in nature is dependent on how society at large views such act or statement.

23. Because of such dependence, what a society defines as “political” changes as collective mores and sensitivities shift. Therefore, the list of acts and statements society considers “political” is not cast in stone, but ever-changing during the life of the Republic.

24. It is entirely possible, for example, that a previously considered “political act” or “political statement,” over time, can lose that political meaning. Conversely, it is possible for a previously apolitical act or statement to become controversial enough, and partisan enough, to acquire a previously unconsidered political meaning.

25. Disclosing one’s status as not vaccinated against the COVID-19 has become politicized in such a way that the expressing of one’s opposition has acquired a political meaning: bringing public derision down upon the individual or, in fewer instances, garnering public acclaim for the individual, depending on the political beliefs of the public toward coerced governmental action against its citizens.

26. The keenly political nature of the COVID-19 vaccine can be proven objectively by showing the correlation between COVID-19 vaccine hesitancy and political party affiliation, and subjectively by showing published and reported political commentary acknowledging the partisan nature of the act of vaccination and attitude toward forced vaccination.

27. Because of the act itself has become politically so intensely toxic in nature, refusing to disclose one’s COVID-19 vaccination status carries the weight and social effect of partisan

political speech especially because refusing to take the vaccine creates a political social stigma against the declarant. American citizens should not be compelled to make such statements with such effect, and this Honorable Court ought to treat politically charged speech as constitutionally protected speech that government actors may not compel.

28. Defendants violated the First Amendment of the United States Constitution when they compelled Plaintiffs' members to engage in the fundamentally political act of showing proof of COVID-19 vaccination as a pre-requisite for further employment or requiring Plaintiff to disclose a member's unvaccinated status, having the inevitable effect to publicly stigmatize such members by equating such a position with political "rightwing extremists," or worse.

29. If the member's objection is religious or due to medical risk or invasion of privacy, the mandate seeks to require Plaintiff members to make political statements against their will, and potentially against their moral beliefs, their right to privacy in their bodies, and their physical well-being, thereby subjecting them to public ridicule and contempt simply for invoking one or more of the constitutional rights all Americans are, supposedly, permitted to enjoy without government interference, governmental backlash or risk of financial ruin at the hands of the very government whose powers the Constitution seeks to limit.

30. By advancing plans and encouraging federal agencies to require employees to disclose their COVID-19 vaccination status, Defendants conspired with one another to violate the First Amendment rights of Plaintiffs' members.

COUNT II
VIOLATION OF THE FREE EXERCISE CLAUSE OF THE FIRST AMENDMENT TO
THE UNITED STATES CONSTITUTION

31. Plaintiff incorporates by reference the preceding paragraphs as though the same were set forth at length herein.

32. The Free Exercise Clause of the First Amendment to the United States Constitution prohibits the State from abridging Plaintiffs' members right to the free exercise of religion.

33. President Biden and OPM have a constitutional duty to grant reasonable religious exemptions to all federal employees who hold an honest, deeply held belief in opposition to COVID-19 vaccinations.

34. Various federal agencies had policies and procedures in place to review religious exemptions for other matters, including vaccines, but many agencies, as instructed by OPM have chosen instead to require new and far more restrictive applications for the COVID-19 vaccine relative to other vaccines, further demonstrating that President Biden and OPM are willing participants in the state's over-reaching infringement of the constitutional rights of its citizens.

35. Various federal agencies have made multiple formal statements to employees demonstrating that the COVID-19 "new" system for approving or denying religious exemptions to vaccination is arbitrary and could result in employees who previously held a religious exemption relative to other vaccines to be denied in the instance of the COVID-19 vaccine.

36. Federal agencies arbitrarily denied religious exemption applications from Plaintiffs' members, despite the fact that the members applying held longstanding, deeply felt and held religious beliefs in opposition to vaccination for COVID-19.

37. Defendants allowed and encouraged federal agencies to decide whether or not an employee holds a bona fide, deeply held religious belief in opposition to the COVID-19 vaccine, despite said agencies being unqualified by any objective measure to make such a determination. This assertion of power oversteps the authority of unions engaged in collective bargaining working within federal organizations.

38. Defendants thus violated the religious freedoms of Plaintiffs' members guaranteed to them by the free exercise of religion clause of the First Amendment.

39. By encouraging federal agencies to require vaccination without allowing for any religious exemption, Defendants conspired to violate the First Amendment rights of Plaintiff's members.

COUNT III

VIOLATION OF THE RIGHTS TO PRIVACY AND BODY AUTONOMY FOUND IN THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

40. Plaintiff incorporates by reference the preceding paragraphs as though the same were set forth at length herein.

41. The United States Supreme Court has long recognized a right to privacy and body autonomy written into the Fourteenth Amendment to the U.S. Constitution.

42. As state actors, the Defendants are limited by each constitutional right under the U.S. Constitution as interpreted by the United States Supreme Court, and thus hold a constitutional duty to not violate Plaintiffs' members' rights to privacy and body autonomy.

43. By compelling federal agencies to require vaccinations for employees under the threat of terminated contracts or financial penalties, President Biden violated the Fourteenth Amendment rights of Plaintiff's members.

44. By planning to compel employees to vaccinate under the threat of dismissal, OPM has conspired and continues to conspire to violate the Fourteenth Amendment rights of Plaintiffs' members to be free from unreasonable governmental intrusion into their bodies, and governmental interference into how each individual chooses to treat their own body.

COUNT IV

UNFAIR LABOR PRACTICES

45. Plaintiffs incorporate by reference the preceding paragraphs as though the same were set forth at length herein.

46. The Civil Service Reform Act explicitly considers “refusing to consult or negotiate with a labor organization” to be an “unfair labor practice.” 5 U.S.C. 7116(a)(5).

47. By ordering and encouraging federal agencies to unilaterally change the conditions of employment of union members without consulting or bargaining with labor organizations, Defendants have violated the Civil Service Reform Act.

48. Defendants arbitrary and discriminatory behavior in flagrant violation of U.S. Labor law has caused immediate and great psychological and monetary harm to members of Plaintiffs requiring the power of this Honorable Court to swiftly remedy.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter Judgment in their favor and against Defendants and award Plaintiff the following relief:

- a. An Order enjoining OPM and President Biden from enforcing EO 14403.
- b. Award members of Plaintiff compensatory damages for their losses caused by Defendants’ activities.
- c. Award Plaintiffs their costs and counsel fees; and
- d. Award any additional and further relief the Court deems appropriate.

VAN DER VEEN, HARTSHORN & LEVIN

DATE: 11/23/2021

BY: /s/ Bruce L. Castor Jr.
Bruce L. Castor, Jr.
Michael T. van der Veen
Attorneys for Plaintiffs

CIVIL COVER SHEET

JS 44 (Rev. 10/20)

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

American Federation of Government Employees Council of Prison Locals 33, American Federation of Government Employees Local 2018

(b) County of Residence of First Listed Plaintiff St. Francis County, AR
(EXCEPT IN U.S. PLAINTIFF CASES)

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

Bruce L. Castor Jr., van der Veen, Hartshorn & Levin
1219 Spruce Street, Philadelphia PA 19107
(215) 546-1000 ext. 210

DEFENDANTS

United States Office of Personnel Management Director
Kiran Ahuja, Attorney General Merrick Garland, Secretary of Defense Lloyd Austin, President of the United States of America Joseph R. Biden

County of Residence of First Listed Defendant District of Columbia
(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
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 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)

- | | | | | | |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
United States Constitution, Civil Services Reform Act 1978

VI. CAUSE OF ACTION

Brief description of cause: constitutional violations of OPM issued COVID-19 Mandate

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

11/23/2021

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 220 Cleveland Ave. Forrest City, AR 72335

Address of Defendant: 1900 E Street, NW, Washington, DC 20415-1000

Place of Accident, Incident or Transaction: Washington, DC

RELATED CASE, IF ANY:

Case Number: Judge: Date Terminated:

Civil cases are deemed related when Yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court?
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/23/2021 Must sign here Attorney-at-Law / Pro Se Plaintiff 46370 Attorney I.D. # (if applicable)

CIVIL: (Place a checkmark in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases (Please specify):

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify):
7. Products Liability
8. Products Liability - Asbestos
9. All other Diversity Cases (Please specify):

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Bruce Castor, counsel of record or pro se plaintiff, do hereby certify:

Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

Relief other than monetary damages is sought.

DATE: 11/23/2021 Sign here if applicable Attorney-at-Law / Pro Se Plaintiff 46370 Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.