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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MELVIN J. HOWARD

Plaintiff,

vs.

MAXIMUS, INC., d/b/a **MAXIUMS, CANADA INC.,** d/b/a **Themis Program Management & Consulting Ltd., STEVE KITCHER,** in his individual capacity; **JOANNE PLATT,** in her individual capacity;

Defendants.

Case No.: 3:13-CV-01111-ST

PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES; INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE; NEGLIGENT INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

JURY TRIAL DEMANDED

PLAINTIFFS'FIRST AMENDED COMPLAINT

I. INTRODUCTION

1. This matter involves the unfair and illegal practices of one of the nation's largest and most sophisticated third party provider of government contracted medical services. In addition the Plaintiff alleges that his human rights, privileges and immunities have been violated and that the following facts form the basis for these allegations. Plaintiff has waited patiently for six years for justice so that this case could proceed. The Plaintiff, who have been subjected to horrific and

unspeakable violations of rights at the hands of the Canadian Government whose perpetration of crimes were facilitated by the Defendants to this action. Plaintiffs also believe it appropriate to incorporate allegations based on newly ascertained facts that bear directly on this case. The Defendants in concert with various private and foreign public entities subjected the Plaintiff to violations of excessive force, false imprisonment and malicious prosecution by the above captioned individuals, Maximus, Inc. and the individually listed Defendants violated his Civil Liberties and The Universal Declaration of Human Rights articles 1,2,3,5,6,7,9,10,13,17,19 and 30. All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others. Maximus, Inc. are liable for the individually listed Defendants for violations of the Oregon Constitution, and are liable for emotional distress, negligent infliction of emotional distress, and malicious prosecution under the state theory of *respondeat superior*. This complaint seeks equitable relief for Prosecutorial Misconduct resulting in the loss of property, loss earnings and in addition to attorney's fees and costs. Finally, this complaint seeks treble and punitive damages for fraud and conspiracy in violation of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. (sec) 1962 for Defendants' collective and organized illegal confiscation of Plaintiffs, U.S. passport and unlawful confinement resulting in deliberate interference with the Plaintiffs North America Free Trade Agreement (NAFTA) arbitration proceedings against the Government of Canada.

II. JURISDICTION, PARTIES AND VENUE

2. This civil action arises under violation of federal law 28 U.S.C. § 1331 and 28 U.S.C. § 1332 and 1343 they are properly before this court therefore this Court has jurisdiction. With regard to state law claims, this Court has pendent jurisdiction under 28 U.S.C. The Plaintiff resides in Oregon, and is a citizen of the United States of America at all times material to this case. The Defendant MAXIMUS, Inc., incorporated on September 18, 1975, is an American publicly traded (NYSE:MMS) for-profit privatizing company provider of business process services (BPS) to government health and human services agencies. The Company is primarily focused on operating government-sponsored programs, such as Medicaid, Children's Health Insurance Program (CHIP), health insurance exchanges and other health care reform initiatives, Medicare, welfare-to-work, child support services and other government programs. The Company serves both domestic and international governments, providing administrative services in the United States, Australia, Canada, the United Kingdom and Saudi Arabia. Defendant STEVE KITCHER was at all relevant times an employee or agent of Maximus, Inc. and is sued in his individual and official capacity. KITCHER carried out the actions complained of, against the Plaintiff, in his individual capacity, in the course and scope of his employment and duties as an employee of Maximus, Inc. Defendant JOANNE PLATT was at all relevant times an employee or agent of the Maximus, Inc. and is sued in her individual and official capacity. PLATT carried out the actions complained of, against the Plaintiff, in her individual capacity, in the course and scope of her employment and duties as an employee of Maximus, Inc. Both JOANNE PLATT and STEVE KITCHER participated in the conspiracy and fraud complained of.

III. FACTUAL ALLEGATIONS

3. This action is also brought against, the Defendant's predecessors, affiliates and subsidiaries, which hereafter are also referred to in use of the term Defendants. Plaintiff were victimized by hate-based propaganda, Defendants public sector union group intimidation, and verbal harassment and demonization causing fear, distress, physical pain and suffering, and an inability to enjoy basic international and domestic rights. Plaintiff were insulted, and subjected to public humiliation. The human rights abuses carried out by the Canadian Government officials through the Defendant's conduct comprise ultra vires acts that not only violate Canadian law, but also International law. As this Amended Complaint further establishes, the Defendants substantially assisted in the perpetration of the alleged crimes through conduct that was essential to and specifically directed towards the use of intimidation against the Plaintiff a U.S. citizen in order to deprive him of his fundamental rights under U.S. and international law. The Defendant's public sector unions who incidentally in part carried out these malicious acts made statements calling for the extension of anti-American suppression and deprivation of American health care companies:

OTTAWA, Sept. 18 /CNW Telbec/ - Today, the Canadian Union of Public Employees (CUPE) called on Canada's political leaders to include protection of not-for-profit health care in their platform to support families.

"Our health care system is under attack from creeping privatization, thanks to actions by some provincial governments and neglect by the federal government," said Paul Moist, national president of CUPE. "Further, the federal government has been ignoring concerns that NAFTA investment rules put the Canadian health care system at risk. Now, these concerns are becoming substantiated in a law suit filed recently by an American investor."

Both Liberal and Conservative governments have maintained that Canada's medicare system is protected from American-style privatization under the North American Free Trade Agreement. But Arizona businessman Melvin J. Howard is about to test the boundaries. Howard has filed legal papers that could lead to arbitration against the Canadian government under provisions of NAFTA that permit foreign investors to sue government for investment loss.

Howard and his financial backers claim to have lost $4 million in expenses and add an additional $150 million in lost profit after a failed attempt to invest in the BC health care system. The BC system has become increasingly open to foreign investment and privatization.

"For everyone who thought health care was safe from NAFTA, this is a reality check," says Moist. "This election, we need a government that is willing to protect our public health system, not bury its head in the sand while our health care system is undermined by increased privatization. Protection of our health care system must be part of our leaders' platforms on addressing the needs of our Canadian families."

"The threat also exposes the serious risks that follow from the privatization schemes British Columbia and other provinces have allowed to creep into their health care systems," says trade lawyer Stephen Shrybman. "NAFTA threatens to transform that modest flow, if it is not immediately abated, into a torrent."

The parent company actively participated in and maintained control over the Canadian subsidiary and had constant knowledge of, the specific human rights violations by which these horrific acts were carried out. Collaborations with branch offices and/or affiliates in the U.S. and Canada conducted mass intimidation campaigns against the Plaintiff. These expanded allegations clarify how the propaganda and related activities of the Defendants directly resulted in these violations and the injuries they encompass. Many of the acts directed towards the United States were partly carried out in the US with all decision making central to the campaign. Because these facts will determine some of the key issues in this litigation, including the extent of the relevant conduct

that occurred on U.S. soil, it is necessary for the Court to have a complaint that more fully incorporates these allegations. As discussed below, the relevant conduct is sufficiently domestic to readdress these human rights violations. Here, where the violations themselves involve relevant U.S. conduct and effects – particularly when the injuries endured by Plaintiff in the US are identical to some of the injuries endured by the Plaintiff in Canada. MAXIMUS was first established in Canada in 2002 with the acquisition of Themis Program Management & Consulting Ltd. Under the Themis banner, MAXIMUS manages and conducts full day-to-day administration of the Province of British Columbia's Family Maintenance Enforcement Program through the Ministry of Attorney General. In 2004, MAXIMUS was contracted by the Province of British Columbia to provide program management and administration services under the Health Insurance British Columbia brand for both PharmaCare (the province's drug benefit program) and the Medical Services Plan (MSP—the province's medical insurance program). Under a ten-year contract, they provide program support and health care providers including enrolment, account maintenance, claims processing services, document management and associated IT systems maintenance and production support. In February of 2010, MAXIMUS added additional healthcare services in Canada with the acquisition of DeltaWare Systems. DeltaWare is in the development and deployment of medical and drug claims software. Medigent, is in use in nine provinces and territories in Canada.

Melvin J. Howard, Centurion Health Corp. & Howard Family Trust v. The Government of Canada, UNCITRAL, PCA Case No. 2009-21 (NAFTA)

4. On January 5, 2008 the Plaintiff submitted a Notice of Arbitration to the Government of Canada Under The Arbitration Rules Of The United Nations Commission On International Trade Law And The North American Free Trade Agreement of **$160,000,000.00**. Followed by a Revised Amended Statement Of Claim on February 2, 2009 copies of these complaints are listed on the U.S. State Department's web site. These complaints originated as far back as September 13, 2003 when the Plaintiff and affiliated companies purchased an Ultrafast EBT Scanner in the United States to be used in a diagnostic imaging facility that was refitted in Calgary Alberta Canada. As a result through the actions of the Government of Canada the equipment was expropriated at total loss of $2,300,000.00 not including leasehold improvements this was the first lost with more to follow due to unfair trade practices by Canada. The Plaintiff's NAFTA complaint allege that his proposed project, Regent Hills Health Care Centre was treated in a manner that contravened Canada's NAFTA Chapter 11 obligations. The claim alleged the Canadian government amongst other things breached its obligations under NAFTA Article 1102, directly and through Canada's municipalities and Provinces, by not providing the Plaintiff a U.S. investor through clear guidance from the Government of Canada with the best treatment available to U.S. competitors in the monopoly health care services market, and in particular, U.S. surgical services and breached its obligations under NAFTA Article 1103 by failing to accord the Investor and its enterprises of Canada most favored nation treatment by providing treatment to Canadian Investors that is better than the treatment provided to the Plaintiff.

Maximus Canada Inc. /Themis Program Management and Consulting Ltd. Conflict of interest and prosecutorial misconduct

5. The Family Maintenance Enforcement Program is unit comprises of lawyers employed by the BC. Attorney-General's Family Maintenance Enforcement Program. Members are employed by Themis Program Management and Consulting Ltd., a private company contracted to deliver the FMEP mandate. The administration of the powers and duties of the Director of the Family Maintenance Enforcement Program (FMEP) and its contract lawyers falls into the classification of "public affairs. On December 7, 2009 the Plaintiff wrote the Department Of Economic Security Administrative Review Unit of Arizona where he was residing at the time to express his views of prosecutorial misconduct on behalf of the Family Maintenance Enforcement Program of BC and breach of the reciprocal agreement it has with the State of Arizona. A copy of the letter and the response from the Department Of Economic Security are on file. As defined by section 3 (1) of the Attorney General Act the Attorney General of BC has the power to demand that the Director and Themis must "comply with all requirements and standards established by the Attorney General for that public body in respect of (a) retaining, contracting with or employing persons to provide legal services; and (b) reports on and audits of those legal services" (section 3 (2). The Minister of Health Services of BC signed a ten-year contract with Maximus BC Health Inc., Maximus BC Health Benefit Operations Inc., Maximus Canada Inc., to operate and administer most aspects of the Medical Services Plan that resulted in a "10 year fixed price performance-based service contract with a five year renewal option. The agreement's purpose was to outsource most of the functions performed by BCGEU members a Canadian public sector labor union. It later became the subject of a judicial review: B.C.G.E.U. v. British Columbia (Minister of Health Services). Maximus Inc. the parent company (NYSE: MMS), is an

American for-profit company which provides program management and consulting services to local and state governments across the United States.

6. On Friday, April 22, 2012 the Plaintiff called the FMEP offices where he was directed to talk to a Mr. Steve Kitcher the enforcement officer of the Director of Family Maintenance Enforcement. Mr. Kitcher called the Plaintiff back it was in reference to a hold on a joint bank account that was used for the benefit of the Plaintiff's children. The Plaintiff asked him what was he suppose to do about his children in the meantime Mr. Kitcher replied they are not my concern. "During that same conversation he proceeded to ask the Plaintiff about how did he like the fact that his United States passport was taken away the Plaintiff responded back did you do that? He bragged and boasts and said yes I did and I can do more." This was later confirmed by Ms. Platt that she also jointly came up with the idea to unlawfully compel the Plaintiff to give up his passport this left the Plaintiff without any valid identification in a foreign country that created many undue hardships. This is after FMEP had the Plaintiff incarcerated in Canada 3 separate times while visiting his children. When the rationale to incarcerate the Plaintiff proved wrong time and again even after discovery of the Plaintiff's citizenship, residency they invented other fraudulent ways to continue more undue hardship on the Plaintiff and his family.

International Covenant on Civil and Political Rights (ICCPR) Law of Nations

7. The fact that Plaintiffs' injuries occurred abroad does not deprive plaintiffs of claims. U.S. courts have long recognized international legal principles that allow liability for claims originating abroad which nonetheless have important effects with the United States. "[I]t is settled law that any state may impose liabilities, even upon persons not within its allegiance, for conduct outside its borders that has consequences within its borders which the state reprehends; and these liabilities other states will ordinarily recognize." United States v. Aluminum Co. of Am., 148 F.2d 416, 443 (2nd Cir. 1945) (finding that agreements between foreign corporations that were intended to and did indeed affect United States imports violated the Sherman Act) (internal citations omitted). This principle – allowing claims to proceed based on effects in the United States (or where failure to apply laws extraterritorially will have negative effects in the United States) — has been uniformly applied across legal contexts, including tort, criminal law, unfair competition, antitrust, and Racketeer Influenced and Corrupt Organizations (RICO) cases. See, e.g., id. See also, Laker Airways, Ltd. v. Sabena, Belgian World Airlines 731 F.2d 909, 922 (1984) (stating that anti-competitive "conduct outside the territorial boundary which has or is intended to have a substantial effect within the territory may also be regulated by the state"); Steele v. Bulova Watch Co., 344 U.S. 280, 285 (1952) (finding that unfair competition laws apply extraterritorially where the failure to extend the statute's reach would have negative consequences within the United States); Ford v. United States, 273 U.S. 593, 620-21 (1927) (holding that a defendant, who outside of a country willfully puts in motion a force to take effect in it, is answerable at the place where the evil is done); Strassheim v. Daily, 221 U.S. 280, 285 (1911) ("Acts done outside a jurisdiction, but intended to produce and producing detrimental

effects within it, justify a state in punishing the cause of the harm as if [the wrongdoer] had been present at the effect, if the state should succeed in getting him within its power.").

8. The Defendant's argument that it cannot be held liable because its "activities and statements took place outside of the United States is invalid the D.C. Circuit emphasized that "conduct with substantial domestic effects implicates a state's legitimate interest in protecting its citizens within its borders," and thus "the regulation of foreign conduct meeting this 'effects' test is 'not an extraterritorial assertion of jurisdiction." 566 F.3d at 1130. The presumption against extraterritoriality hence does not apply when "a statute is applied to conduct" with a "substantial, direct, and foreseeable effect within the United States." *Id.* Because Defendants were highly successful in "influenc[ing] public opinion and persuad[ing] local officials that building the largest surgical center that would be U.S. owned would be dangerous . . . [and thus] should be kept from building it. Defendant's purposefully directed actions against a U.S. resident that had a substantial, direct, and foreseeable effect in the United States, and thus the presumption against extraterritoriality does not apply. As alleged in the original Complaint the Plaintiff were subjected to widespread persecution as a crime against humanity in that he was routinely deprived of his rights. Such effects within the borders of the United States goes far beyond what the D.C. Circuit found to be a "substantial, direct and foreseeable effect. Because the regulation of such foreign conduct with substantial, direct and foreseeable effects in the United States is "not an extraterritorial assertion of jurisdiction. The presumption against extraterritoriality does not block liability for tortious conduct in the United States, merely because tortious conduct was also committed abroad. The expanded allegations highlight both a Defendant's intent to harm this country and its citizens and residents as well as the domestic conduct in this case. These acts were part of the broader conspiracy to eliminate the Plaintiff from the playing field and were

both foreseeable and necessary to bring about the violations suffered by the Plaintiff in both Canada and the U.S.

9. As alleged, it was part of a conspiracy/ joint criminal enterprise (JCE) in which overt acts in furtherance of that conspiracy took place in part within the United States. Congress enacted laws to permit recovery of damages from those who violated basic international law norms. International law applies jurisdictional tests analogous to the non-jurisdictional "substantial, direct, and foreseeable effect" test described above. These international theories of jurisdiction would not consider the claims to be extraterritorial – or at least, would consider them to touch and concern the United States with sufficient force. Accordingly, international law now recognizes the theory of objective territorial jurisdiction, which holds that a state may exert jurisdiction over conduct occurring abroad which includes the intent to affect the state and its residents, and actual effects in the state arising therefrom. Courts have recognized jurisdiction when the intent to produce effects in the United States amounts to negligence and misconduct provided it was reasonably foreseeable that the effects would be felt in the United States. See Duple Motor Bodies, Ltd. V. Hollingsworth, 417 F.2d 231, 233-35 (9th Cir. 1969). In particular, courts have recognized objective territorial jurisdiction under the "continuing act theory," where the defendant engages in an act or activity that the law views as continuing into the territory of another country. See Ford v. United States, 273 U.S. at 623 (an act begun abroad which continues into the territory of the United States to effect significant harm may be subjected to U.S. jurisdiction); Strassheim v. Daily, 221 U.S. 280, 285 (1911) ("Acts done outside a jurisdiction, but intended to produce and producing detrimental effects within it, justify a state in punishing the cause of the harm as if he had been present at the effect"). In contrast, where, as here, the United States is the only or best forum capable of adjudicating upon a serious violation

of international law, particularly one occurring in part in its jurisdiction, failure to do so implicates failure to fulfill the international obligations of the United States and thus significantly touches and concerns this country, its residents and territory. Justice Roberts notes the obligation to provide judicial relief for violations of international law, where failure to hear a claim would cause the United States "embarrassment by its potential inability to provide judicial relief." Failure to adjudicate upon international law violations when no other state can do so, particularly when the relevant conduct occurs in part in a state's jurisdiction, constitutes the breach of an international obligation. A recent codification of states' obligations under international law is the Draft Articles on the Responsibility of States for Internationally Wrongful Acts, Report of the International Law Commission on the Work of its Fifty-third Session, UN GAOR, 56th Sess, Supp No 10, p 43, UN Doc A/56/10 (2001) (Draft Articles). The Draft Articles clearly set forth that states must not, by omitting to act, permit international law violations to occur or fail to prevent or punish such acts. Judicial failure to vigilantly enact the international law commitments of the United States may constitute an omission infringing U.S. responsibilities. Draft Articles, Article 12 (2). Failure to provide judicial remedy where obliged to do so is a serious breach. All major international instruments that the United States has ratified, where violations, require a judicial remedy be provided.

10. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation"). The corresponding duty of states to provide a remedy for such international law violations is a binding obligation. See Chorzów Factory (Ger. v. Pol.), 1928 P.C.I.J. (ser. A) No. 17, at 29 (Sept. 13) ("[I]t is a principle of international law, and even a general conception of law, that any breach of an engagement involves an obligation to make reparation"). See also, e.g. International Covenant on

Civil and Political Rights at arts. 2(3), 9(5), 14(6) (obliging remedies and compensation for wrongful convictions and imprisonment). The United States has repeatedly and explicitly stated that a claim touches and concerns the United States when, as here, "a refusal to recognize a private cause of action in these circumstances might seriously damage the credibility of our nation's commitment to the protection of human rights. There is no reason to address how much conduct must occur in the United States because all the relevant conduct that purportedly violated the law of nations in this case is alleged to have occurred on the territory of a foreign sovereign.").

State Law Claims

11. Plaintiffs' state law claims are not barred based on extraterritorial considerations. The doctrine of transitory torts has long been recognized in British common law. *See Mostyn v. Fabrigas*, 98 Eng. Rep. 1021 (K.B. 1774) ("there is not a colour of doubt that any action which is transitory may be laid in any county in England, though the matter arises beyond the seas.") The Supreme Court has also recognized that the transitory tort doctrine has been "repeatedly affirmed in the courts of the states of this Union." *McKenna v. Fisk*, 42 U.S. 241, 249 (1843) ("It then appears from our books, that the courts in England have been open in cases of trespass other than trespass upon real property, to foreigners as well as to subjects, and to foreigners against foreigners when found in England, for trespasses committed within the realm and out of the realm, or within or without the king's foreign dominions"); see also Mitchell v. Harmony, 54 U.S. 115 (1851) ("The trespass, it is true, was committed out of the limits of the United States. But an action might have been maintained for it in the Circuit Court for any district in which the defendant might be found, upon process against him, where the citizenship of the respective parties gave jurisdiction to a court of the United States"); Filartiga v. Pena-Irala, 630 F.2d 876,

885 (stating that the doctrine of transitory tort "came into our law as the original basis for state court jurisdiction over out-of-state torts"); Abramovitch v. U.S. Lines, 174 F. Supp. 587 (S.D.N.Y. 1959) ("venue is proper, for transitory actions, wherever the defendant may be found"); Gardner v. Thomas, 14 Johns. 145 (N.Y. 1817) ("Courts of this state have jurisdiction of actions brought for torts, committed on board of a foreign vessel, on the high seas, where both parties are foreigners; for actions of personal injuries are of a transitory nature, and follow the person or forum of the defendant."); Peas v. Burt, 3 Day 485 (Conn. 1806) ("all rights of a personal nature are transitory. A right . . . [of] tort acquired under the laws of one government, extend to, and may be exercised, and enforced in, any other civilized country, where the parties happen to be will lie here for injuries done to things personal in any part of the world.") (emphasis added).

12. The removal of the Plaintiff's United States passport and detentions' was a blatant and deliberate attempt by the British Columbia government of Canada and Maxiums, Inc. to block the Plaintiff's travel to The Hague in Holland where the international tribunal was to be held for the NAFTA case. A copy of the letter from the International Court Of Justice addressed to the Plaintiff is on file. Defendants' nondisclosure of this material fact constitutes misrepresentation, unfair and deceptive business practices. In addition to these actions it prevented the Plaintiff from preparing for his upcoming case to the international tribunal in The Hague. Both Canada and the US is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides in its Article 12 that, "Everyone shall be free to leave any country, including his own," and "No one shall be arbitrarily deprived of the right to enter his own country." Regardless of his citizenship or whether he has any passport, the Plaintiff is entitled by black-letter of international treaty law, expressly acceded to by the United States and Canada, to leave Canada and enter his

home country unrestricted the Plaintiff was denied these rights for five years. This treatment highlights the significance of United States Governmental oversight to intervene in procedures and decisions to deny, withhold, or confiscate a United States Citizen's passport as it is tantamount to decisions on whether to permit individual citizens to exercise their right to travel. The Plaintiff has been shown a disproportionate amount of prejudice because of the political implications of his international trade dispute with the Government of Canada more specifically with the Province of British Columbia. Maximus, Inc. a transnational corporation is subject to international law and has duties under the UN Declaration on the Elimination of All Forms of Discrimination. Defendants knowingly concealed and failed to disclose material facts with the intent that the Plaintiff would rely upon such concealment and non-disclosure. Further the Defendants' concealment and non-disclosure and other acts described through-out this amended complaint continues to this day. Defendants' conduct also affects and threatens the public interest now unknown but to be proven at trial, including undisclosed unethical business and or legal practices.

IV. HUMAN RIGHTS CLAIMS

FIRST CAUSE OF ACTION

AMERICAN CONVENTION ON HUMAN RIGHTS

13. Every person has the right to personal liberty and security. No one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned or by a law established pursuant thereto. No one shall be subject to arbitrary arrest or imprisonment. Anyone who is detained shall be informed of the reasons for his detention and shall be promptly notified of the charge or charges against him. Any person detained shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to be released without prejudice to the continuation of the proceedings. His release may be subject to guarantees to assure his appearance for trial. Anyone who is deprived of his liberty shall be entitled to recourse to a competent court, in order that the court may decide without delay on the lawfulness of his arrest or detention and order his release if the arrest or detention is unlawful. In States Parties whose laws provide that anyone who believes himself to be threatened with deprivation of his liberty is entitled to recourse to a competent court in order that it may decide on the lawfulness of such threat, this remedy may not be restricted or abolished. The interested party or another person in his behalf is entitled to seek these remedies. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law. Every person has the right to leave any country freely, including his own. The exercise of the foregoing rights may be restricted only pursuant to a law to the extent

necessary in a democratic society to prevent crime or to protect national security, public safety, public order, public morals, public health, or the rights or freedoms of others.

14. At all times mentioned the acts and omissions of Defendants JOANNE PLATT and STEVE KITCHER violated Plaintiff's protected rights of the AMERICAN CONVENTION ON HUMAN RIGHTS and was an excessive intrusion onto his person without just cause, was objectively unreasonable based on the totality of circumstances, and amounted to deliberate indifference to Plaintiff's protected rights. Defendants violated rights held by Plaintiff to his physical integrity and used excessive force in keeping the Plaintiff in Canada, without probable cause or belief of wrong doing these acts were carried out in secret. The specific acts of Defendants JOANNE PLATT and STEVE KITCHER individually and in each other, and alleged to be objectively unreasonable, are more particularly set forth below:

a.) Both Defendants decided to conspire to use false accusations and false imprisonment to force the Plaintiff against his will to surrender his U.S. passport, and therefore consequently failed to rely on an objectively reasonable assessment of the facts.

b.) Both Defendants made a premeditated choice to use a higher level of force and fraud to make the Plaintiff remain in Canada first by incarceration then removing his U.S. passport illegally it was therefore objectively unreasonable under the circumstances. The Defendants motivations and actions were purely driven for political and malicious reasons. Defendants acted individually and together to continue a pattern and practice of abuse and misuse of authority to cover up illegal activity in their office, including destroying evidence, doctoring financial reports to defend their misconduct, suppressing the truthful account of events, and falsely testifying at family court proceedings in Canada.

15. As a direct result of the misconduct of Defendants JOANNE PLATT, STEVE KITCHER , and MAXIUMS, CANADA . Plaintiff sustained actual damages, including loss of his liberty; mental and emotional suffering; worry; fear; anguish; shock; nervousness; anxiety; depression. He suffered and endured conscious pain and suffering, and was denied the right to enjoy his life.

a.) The actions of Defendants, as described in this complaint, were malicious, deliberate, intentional, and embarked upon with the knowledge of, or in conscious disregard of, the harm that would be inflicted upon Plaintiff. As a result of said intentional conduct, Plaintiff is entitled to punitive damages against Defendants, in their individual capacities, in an amount sufficient to punish them and to deter others from like conduct.

b.) Defendants JOANNE PLATT and STEVE KITCHER violated rights held by the Plaintiff which were clearly established, and no reasonable official similarly situated to the individual defendants could have believed that their conduct was lawful or within the bounds of reasonable discretion. Defendants JOANNE PLATT and STEVE KITCHER thus lack qualified or statutory immunity from suit or liability.

SECOND CAUSE OF ACTION

United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

16. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture. Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible Mr.

Howard was deprived of rights by Defendants, in that Plaintiff was denied his protected rights to liberty and to be free from malicious prosecution. Under the 1963 Vienna Convention on Consular Relations (VCCR), which entitles an individual arrested in a foreign land to receive the aid of his or her consulate. Under its terms, not only must the consulate be informed of the detention "without delay," but the consulate "shall have the right to visit a national ... who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. This was ignored repeatedly these deprivations were accomplished by Maximus, Inc. by and through its Maximus, Canada Inc. departments it's wholly owned subsidiary and their contract lawyers, as a result of the inadequate policy of training enforcement officers regarding the following areas:

a.) In having a policy and/or custom and practice of permitting contract lawyers and family maintenance officers to engage in unethical behavior to meet quota achievements of profitability targets;

b.) In having a policy of utilizing false financial paper arrearages that are created for alleged provincial debt or state expenses that have no basis in fact;

c.) In failing to properly train Defendants JOANNE PLATT and STEVE KITCHER of the rights of U.S. citizens;

d.) In having a policy and/or custom and practice of failing to terminate the employment of agents, enforcement officers who engage in unlawful conduct;

e.) In having a policy and/or custom and practice of finding complaints brought against Maximus, Inc. employees as "unfounded," even when said actions are unreasonable and/or have violated the rights of citizens. The Defendants engaged in suborning perjury in order to secure

favorable testimony before the British, Columbia Supreme Court and at family court proceedings in Canada.

THIRD CAUSE OF ACTION

Universal Declaration of Human Rights

17. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Defendants subjected Plaintiff to the deprivation of rights, privileges and immunities. The acts described herein, constituting forced detention, torture, and other cruel, inhuman, or degrading treatment, are within the body of acts that violate such definite and accepted international norms, as codified in numerous conventions, declarations, and other international instruments. The Defendants manufactured evidence in order to justify interfering in the Plaintiff's ongoing NAFTA arbitration proceedings against the Government of Canada. The actions of Defendants, as described in this complaint, were malicious, deliberate, intentional, and embarked upon with the knowledge of, or in conscious disregard of, the harm that would be inflicted upon the Plaintiff. As a result of said intentional conduct, Plaintiff is entitled to punitive damages against Defendants, in their individual capacities, in an amount sufficient to punish and to deter others from like conduct. Defendants violated rights held by the Plaintiff which were clearly established, and no reasonable official similarly situated to Defendants could have believed that this conduct was lawful or within the bounds of reasonable discretion. Defendants thus lack qualified or statutory immunity from suit or liability.

FOURTH CAUSE OF ACTION

Failure to Treat Medical Needs

(Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977)

17. As a detainee Plaintiff has a protected liberty interest to reasonable treatment of his medical needs while in custody.

18. The deprivations of human rights set forth above, were caused by the Defendants correctional facility Medical Staff, in the following manner:

a.) Refusing to allow Plaintiff to answer medical staff questions, and instead law enforcement answered the questions incorrectly for Plaintiff thereby jeopardizing his medical care;

b.) Failing to ensure Plaintiff was brought to scheduled medical appointments,

c.) Failing to provide necessary medical care such as timely medications and therapy as prescribed;

d.) Failing to adequately monitor and address his health care needs relating to his chronic injuries.

19. The actions of the above Defendants, as described in this complaint, were malicious, deliberate, intentional, and embarked upon with the knowledge of, or in conscious disregard of, the harm that would be inflicted upon and cause the Plaintiff all were undertaken to thwart justice from the plaintiff's trade dispute with Canada.

20. Said actions led to exacerbation of Plaintiffs injuries. As a result of said intentional conduct, Plaintiff is entitled to punitive damages against Defendants Maximus, Inc. Maximus,

Canada and in their individual capacities, in an amount sufficient to punish them and to deter others from like conduct.

FIFTH CAUSE OF ACTION

Conspiracy and Fraud in Violation of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. (sec) 1962, and Request for Treble Damages. (Intentional Interference With Prospective Economic Advantage)

21. RICO focuses not on the individuals committing criminal activities but rather on the criminal enterprises. RICO Applies Extraterritorially on Its Face.—The language and the structure of RICO indicate that Congress intended it to apply extraterritorially. Recall that a statute applies extraterritorially if there is a clear indication of congressional intent, which need not rise to the level of a clear statement. A statute should apply outside of the United States only if such a result arises from "the most faithful reading" of the text. The most faithful reading of RICO demonstrates that it should apply to extraterritorial conduct. RICO prohibits a pattern of racketeering activity in connection with "any enterprise" engaged in or affecting "interstate or foreign commerce. The statute does not distinguish between foreign enterprises or domestic enterprises in its text. In fact, it applies to any enterprise. Congress neither limited the term "enterprise" in the operative portion of the statute nor in the definitions section of the statute. Further, Congress's use of the word "includes" as opposed to "means" leaves the term "enterprise" as the most broadly defined word of all of RICO's defined terms. The Supreme Court recognized Congress's intention to maintain a broad definition of a RICO enterprise. When faced with a decision to narrowly define a RICO enterprise to a more specific "licit" or "illicit" enterprise, the Court refused to limit the definition of an enterprise. Similarly, had Congress intended to narrow the definition of "enterprise" to domestic enterprises, it could have

inserted a single word: "domestic." Rather than provide any limiting language on the type of enterprise reached by the statute, Congress kept the broadest phrase "any enterprise" in both the operative portion of the statute and the definitions. Congress intended that RICO apply to extraterritorial enterprises. Many of those predicate acts outlined in 18 U.S.C § 1961(1) have explicit extraterritorial applications by prohibiting a pattern of racketeering activity. Since many of the predicate acts can be committed in foreign countries or have explicit extraterritorial application (i.e., the predicate act's statute explicitly states that there is extraterritorial jurisdiction over violation of the statute), RICO's reference to those predicate acts adopts their extraterritorial application. Defendants and the Government of Canada engaged in a conspiracy to defraud by collectively agreeing to conceal the confiscation of the Plaintiff's U.S. passport to block the Plaintiff's travel to The Hague in Holland where the international tribunal was to be held for the NAFTA case. Defendant's aforementioned wrongful conduct was designed to disrupt, and has in fact disrupted, as well as adversely affected the Plaintiff's economic relationships.

22. As a result of this collective action to defraud the Plaintiff and conceal his confinement to U.S. Government Authorities and further conceal to the general public of Canada, that their universal health care system is already privatized by U.S. Company Maxiums, Inc. which was the subject of the Plaintiff's NAFTA Compliant. The Plaintiff has suffered injuries indicated above including the termination of the Plaintiffs' NAFTA proceedings. Treble damages are therefore appropriate under RICO to punish the conspiratorial nature of Defendants' planned concealment. Defendant's alleged actions in planning and managing a campaign of repression in Canada was with malice. The Complaint sufficiently pleads the elements of a RICO claim under sections 1962(a), (c), and (d).

SEVENTH CAUSE OF ACTION
(Piercing the Corporate Veil)

23. Plaintiff incorporate by reference paragraphs "1" through "22", as if fully alleged herein. The Federal courts, in applying Virginia law, are willing to pierce the corporate veil in diversity cases for injustice or fundamental unfairness. Piercing the corporate veil under Federal law requires an examination of two elements: (1) whether there was such a unity of interest and ownership that the separate personalities of the parent and subsidiary no longer existed; and (2) whether respecting the corporate form would produce an inequitable result.

24. The Defendant is a Virginia corporation with its headquarters in Reston. Defendant Maximus, Inc. the parent corporation owns all or most of the capital stock of its subsidiary. Themis Program Management and Consulting Limited ("Themis") owns and/or operates Maximus, Inc. Canada and other subsidiaries and controls the labeling and marketing of its services. To the extent Defendant does not so control the actions at its offices that are complained of herein, Defendant Maximus, Inc. intentionally misleads the public about the nature of the Maximus Co. structure and control over the Province's universal health care system which results in serious confusion about the manner and capacity in which the parents and subsidiaries are acting. This is accomplished through misleading statements disseminated through the website and through other corporate advertising and materials regarding the Maximus, Co., its office formats, and its relationship to Themis Program Management and Consulting Limited ("Themis") and Maximus, Canada, Inc. and other wholly owned subsidiaries. To the extent that a corporate shell separates Maximus Co. from Maximus, Canada and Themis Program Management and Consulting Limited ("Themis"), and any other subsidiaries under which it operates, such corporate formalities should be disregarded.

25. Defendant Maximus, Inc. has created this corporate structure to avoid its duties and responsibilities of adhering to the law of nations and to shelter its wrongdoings from judicial or administrative oversight. That the wrong perpetrated by this complaint can be traced back through the actions and decisions of personnel from the parent company.

26. The Defendant is now and has been at all times relevant to this action a for-profit entity and has individually controlled, directed, participated in and formulated the policies relating to the acts, practices, and activities which are the subject of this Complaint. A well pled veil-piercing action alleges not only that an entity in the corporate structure has committed a fraud for which the parent should be held vicariously liable, but also parental control is utilized to perpetuate a fraud or other wrong doing as well. Plaintiff has pled all substantial facts to pierce the corporate veil.

V. RELIEF REQUESTED

27. WHEREFORE, Plaintiff respectfully requests judgment against Defendants as follows:

(a) For an order requiring Defendant to show cause, why they should not be enjoined as hereinafter set forth, during the pendency of this action;

(b) A permanent injunction, all enjoining Defendant and all persons acting or claiming to act under, in concert with, or for Defendants, or any of them from:

(i) Destroying any documents or files of any kind, actively or passively, whether in written or electronic form, that relate in any way relate to the Plaintiff's case.

(c) For general damages;

(d) For punitive damages;

(e) For reasonable attorneys' fees;

(f) For all costs of suit incurred; and

(g) For such other and further relief as the court may deem proper.

Award Plaintiff compensatory damages in an amount to be ascertained according to proof on all remaining claims.

Dated: February 24, 2013

Respectfully submitted, by

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