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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' OPPOSITION TO MOTOIN TO DISMISS PURSUANT TO F.R.C.P. 12(b)(1) (b)(6) (b)(7) AND PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS

Plaintiff , responds in opposition to the motion under Fed. R. Civ. Proc. Rule 12(b)(1),(b)(6) and (b)(7) provided by Defendants MAXIMUS, INC., MAXIUMS, CANADA INC., d/b/a Themis Program Management & Consulting Ltd., the Company and as joined by STEVE KITCHER, in his individual capacity and JOANNE PLATT in her individual capacity, (hereinafter referred to collectively as "MOVANTS") Plaintiff is entitled to prove all facts set forth in Plaintiff's Complaint that would allow relief under their allegations. Plaintiff's essential

elements and claims are material to this matter, sufficiently stated, and in support thereof, would offer the attached Memorandum of Points and Authorities. Plaintiffs respectfully asks the Court to deny this Movant's motion to dismiss for failure to state a claim, and request that their Complaint be retained on the docket, indulge all inferences in favor of the Plaintiff, and for such other relief as the Court deems honorable and just. Movant's motion is not a responsive pleading to Plaintiff's claims as Plaintiff proves its case asserting their motion as moot.

MEMORANDUM OF POINTS AND AUTHORITES

A. Introduction

With a mission of helping Government Serve the People, MAXIMUS provides operational and consulting services for almost all aspects of government health and human services as well as Family Maintenance and Enforcement Programs. Since the company's origins in 1975, MAXIMUS has grown to more than 9,750 employees located in more than 220 offices in the United States, Canada, Australia, the United Kingdom, and Israel. Movants have tripled it's size around the free flow of federal funds .The company thrives on bad times while many companies' stocks were diving in the financial meltdown, MAXIMUS announced increased cash dividends to its shareholders. MAXIMUS also noted in its 2008 fourth quarter earnings call that there are more unemployed people and they look for job opportunities, and that plays right into the sweet spot for our welfare to work programs. The Movants has filed a Motion to Dismiss Plaintiffs Complaint with Prejudice this is only done and considered if the judge determines that the plaintiff has brought the case in bad faith, has failed to bring the case in a reasonable time, and has failed to comply with court procedures or on the merits after hearing the arguments in court this is not the case. The Movants boldly asserts without authority that the Movants can no more be held liable to the plaintiff than at the border between the United States and Canada.

But Movants fail to explain why a U.S. corporation alleged to have engaged in intentional misconduct, a knowing violation of the law and fraud for years enjoys immunity merely because of its corporate formalities to protect the bad acts of their subsidiary. Past complaints show the Movants propensity to skirt the rules and laws:

- **June 2001**- The Milwaukee Journal Sentinel reported that two MAXIMUS employees filed discrimination complaints against the company.
- **July 2007**- MAXIMUS settled a lawsuit brought against it by the United States government for involvement in falsifying Medicaid claims for $30.5 million.
- **October 2010**- The Los Angeles Times reported that 146 medical workers, including doctors, nurses and pharmacists were allowed to keep working despite failing drug tests. MAXIMUS was awarded a $2.5 Million a year contract to run California's confidential "diversion programs" The drug testing company was using the wrong standard of drug test from December 2009 to August 2010, resulting in medical workers who tested positive for drugs to continue working.
- **September 2011**- MAXIMUS INC. was sued by EEOC for disability discrimination. Maximus, Inc. allegedly violated federal law when it refused to promote a female employee because it regarded her as disabled, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed.
- **June 2012** MAXIMUS Inc. came under fire after a worker in Canada illegally viewed personal health records of Canadians.

Before former Illinois Governor Rod Blagojevich faced impeachment for allegedly trying to sell a U.S. Senate seat, he faced media scrutiny for his dealings with MAXIMUS. In 2005, The Chicago Sun Times reported on possible links between the company's receipt of state contracts and campaign contributions to Governor Blagojevich made by MAXIMUS and the company's lobbyists. According to the paper, MAXIMUS initially contracted with the state to develop a new plan to maximize federal aid dollars, and the company was then handed a waiver from state contracting rules by Blagojevich's administration so it could bid on the lucrative contract proposal it helped the state develop. The company had given Blagojevich's political fund $25,500, and the company's lobbying firm which employed the governor's former

congressional chief of staff donated another $80,300 to the governor. Movants are a threat of the foundational integrity of the system resulting in conflicts with statutory purpose and regulatory requirements to the point of illegality. Movants who spurs conflict also benefits from the conflict, contracting first with states to maximize federal grant-in-aid claims and then with the federal government to audit and reduce the payout of those same federal dollars. The instrumentality and improper purposes of the Movants Canadian subsidiary were used specifically to derail with others the Plaintiff's NAFTA dispute with the Government of Canada to redress discriminatory treatment for proposing and carrying out to build the largest private surgical facility in Canada.

In addition to providing operational and consulting services for all aspects of government aid, the Movants usurps inherently governmental functions and is rife with organizational conflicts of interest and has seized into the grant-in-aid funding as its main source of revenue. Through revenue maximization contracts, the Movants helps states increase claims for federal aid, and the additional funding is often diverted from its intended purpose. The Movants take as much as 25% as a contingency fee and assist cash-strapped states with strategies to route the aid dollars into general revenue rather than targeted assistance. Then, while maximizing claims on behalf of state clients, Maximus simultaneously contracts with the federal government to reduce payout of the same federal funds. This same pattern extends to the Movants Canadian operations both Federal and Provincial last year was a record-breaking year for B.C.'s Family Maintenance Enforcement Program owned by Maximus it raked in a record $190 million through means of corruption, misconduct and fraud. The anti-American health care sentiment is so prevalent that it allowed the Movants Canadian employees to use fraud and

misconduct to hold the Plaintiff indefinitely in Canada. As quoted from a Canadian news source. "Critics of the provincial government are livid after Health Services Minister Colin Hansen signed a 10-year, $324-million deal Thursday afternoon to contract out the information services program for the B.C. Medical Services Plan and Pharmacare."..."I am angry," said George Heyman, president of the B.C. Government and Service Employees Union. "I believe this government has doublecrossed us.""Regardless of all the plausible but ultimately empty safeguards trotted out by the minister this afternoon in defense of the deal, the simple and inescapable fact remains that Maximus BC is a wholly owned subsidiary of Maximus Inc.," said BCPWA chairperson Paul Lewand." This is the same union that begrudgedly runs the Movants Canadian arm. Although advised many times of the corruption in Canada the Movants has continued to turn a blind eye to the crookedness of its subsidiary companies.

The Movants Canadian arm illegally held the Plaintiff hostage for five years in Canada on a non-criminal matter using his children as pawns in the Plaintiff's international trade dispute heinous actions by any standards. The Plaintiff sought and was granted relief in BC Supreme Court to return with his children to the United States. As stated in the judge's Chambers Record prepared and submitted by the Plaintiff dated July 30, 2012. It shows a clear pattern of misconduct and conflict of interest by the Movants Canadian subsidiary. So much so that the judge in the case reprimanded Ms. Joanne Platt for her behavior. This abuse of authority and misconduct could have not been possible but by only through Maximus's Inc a U.S. corporation who was granted authority under the color of both U.S. and Canadian law to act as judge, jury and executioner. Maximus Canadian subsidiaries has been used for such an improper purpose in this instance that the court should permit its corporate form to be disregarded in this case. The

opportunistic and cynical attempt to wrap itself in the United States flag should not persuade this Court to dismiss Plaintiffs Complaint. Plaintiffs respectfully request that the Court deny the Movants motion to dismiss and permit the case to proceed. Permitting the judicial process to proceed in the regular course is, as set forth fully below, required by the controlling legal precedents. Further, permitting the judicial process to proceed best serves the United States overall interest in holding transnational companies accountable for their misdeeds. In 2007, MAXIMUS agreed to pay $30.5 million to resolve an investigation by the U.S. Department of Justice (DOJ) into False Claims Act allegations. In a deferred-prosecution agreement, the company admitted responsibility for causing the District of Columbia to request Medicaid reimbursement as if the city's foster care agency provided reimbursable services to every single foster child when, as Maximus then well knew, that was not true. Dismissing this case without factual discovery and telling the Plaintiff which is an American citizen he cannot get his day in an American court room to challenge the misdeeds of an American corporation who let employees, agents and/or subsidiaries commit such liable acts serves no interest other than preserving ill-gotten corporate largesse and furthering misuse of authority. In short, there is an ever-growing body of evidence supporting the veracity of the facts alleged in Plaintiff's Complaint namely, that Maximus Inc.'s employees, agents and subsidiaries conspired to interfere with the Plaintiff's NAFTA proceedings. Second, the Movants Memorandum asserts the premise that the Canadian subsidiary exercised complete control over this matter so therefore the Plaintiff is really challenging their subsidiary is moot Movants deceit is extreme.

Moreover, the harm that has resulted in their actions, including the Plaintiff's lost property, businesses and charitable organization requires payment of damages. As should be clear from

even a cursory reading of the Plaintiffs challenge the conduct of the Movants were with malice. Plaintiffs allege the Conspirators, which includes Defendants employees and agents are identifiable. The Movants have wrongfully benefited from their misconduct in the past and are accountable both in law and in equity. Not surprisingly, Movants contend that they are not liable for these harms and seek the extraordinary remedy of dismissal. However, the defendants do not challenge the sufficiency of the Plaintiff's allegations. Instead, defendants assert two general propositions which they say require the summary dismissal of *all* of the Plaintiff's claims. First, Movants contend that the Plaintiff's' harm is "derivative" and therefore not actionable under U.S. law. This argument fails under current U.S. and international laws. In the realm of *intentional* torts, unlike in negligence, the reach of liability is extended to more "remote" injuries. Intentional tortfeasors are held directly liable to those whom they harm if, as alleged here, their wrongdoing was a substantial factor in causing the harm. Finally, Movants argue that the RICO claims are barred because it does not reach alleged racketeering activity taking place outside of the United States.

However, the Plaintiff's' RICO claims satisfies the Supreme Court's test for proximate cause in the RICO context, in that (1) the Plaintiff was directly injured; (2) and stand at the same level of injury as do others injured by Movant's malicious acts. Moreover, the Plaintiff's economic losses qualify as a RICO injury. The Supreme Court has confirmed that the same RICO violations that cause personal injuries to some victims *also* may cause RICO-compensable injuries to the business or property of others. Far from extending traditional principles of civil liability, as Movant's histrionics would have it, the Plaintiff have alleged facts that give rise to liability both in law and equity. The Complaint sufficiently pleads the elements of a RICO claim

under sections 1962(a), (c), and (d).34 See Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit, 507 U.S. 163, 168 (1993), (federal civil procedure requires only notice pleading); Fed. R. Civ. P. 8(a) requires only a short and plain statement of the claim showing that the pleader is entitled to relief. Particularity in pleading is required in only two specific instances set forth in Rule 8(b), fraud and mistake. When a plaintiff alleges fraudulent acts as the predicate acts in his RICO claim, Fed.R. Civ. P. 9(b) requires that circumstances constituting fraud be stated with particularity.

B. Plaintiffs Adequately Plead a RICO Enterprise

Plaintiffs' claims are not precluded by the allegation that certain Canadian government employees conspired with Defendants. Plaintiffs have brought their RICO action against the corporations and two of their individual employees. RICO may not require more than that which is required by Rules 8 and 9. The Plaintiff alleges that participants in the enterprise shared a common purpose. The detention and confiscation of the Plaintiff's U.S. passport and other liable acts alleged were a part of a common plan to intimidate and discourage the Plaintiff proceeding with their NAFTA claims. This Court has jurisdiction over Plaintiffs RICO claims because conduct that materially furthered the unlawful conspiracy occurred in the United States and because the criminal conduct had an effect in the United States. The RICO statute is silent on the question of whether it confers subject matter jurisdiction to claims involving foreign entities, or acts and conspiracies occurring outside the United States. However the Court of Appeals for Ninth Circuit has looked to the tests used to assess the extraterritorial application of the securities laws to provide useful guidelines for evaluating whether the jurisdictional minimum exists.

Poulis v. Ceasars World, Inc., 379 F.3d 654, 663 (9th Cir. 2004). In doing so, this Circuit has approved the application of both the conduct and effects tests. Id. See also Republic of the Philippines v. Marcos, 862 F.2d 1355, 1358-59 (9th Cir. 1988) (en banc). Plaintiff alleges both that (1) conduct occurred in the United States (conduct test) and (2) events occurring abroad had an effect in the United States. The conduct test considers whether the Movants conduct in the United States was significant (as opposed to preparatory) with respect to the alleged violation, and whether it materially furthered the unlawful scheme. Butte Mining, 76 F.3d at 291-92 (approving a test articulated in Grunenthal v. Holz, 712 F.2d 421, 424 (9th Cir. 1983)); accord Robinson v. TCI/US West Communications, Inc., 117 F.3d 900, 906 (5th Cir. 1997) (other domestic conduct need be only significant to the fraud rather than a direct cause of it.) (citations omitted). In Grunenthal, the Court of Appeals for the Ninth Circuit held that the plaintiff had satisfied the conduct test, even though the transaction at issue involved foreign securities and foreign corporations and citizens. Thus, Plaintiffs here may prevail by showing that Movants domestic conduct was significant with respect to the predicate acts, and that Movants conduct furthered the predicate acts, regardless of where the acts themselves occurred. Plaintiffs have made allegations that suffice to satisfy all these standing requirements.

C. The Canadian Nationals and Subsidiary Are Not an Indispensable Party

Unlike what Movants contend, the Canadian subsidiaries and nationals are not an indispensable party under Federal Rule of Civil Procedure 19. Whose nonjoinder requires dismissal of Complaint. The question whether a party is indispensable can only be determined in the context of particular litigation, and a party is considered indispensable only if the absent

party is actually necessary to the litigation. Greyhound Racing, Inc. v. Hull, 305 F.3d 1015, 1018 (9th Cir. 2002); Shermoen v. United States, 982 F.2d 1312, 1317 (9th Cir. 1992); Allstate Life Ins. Co. v. Sundboll, No. C-95-1022, 1995 U.S. Dist. LEXIS 14247, *3 (N.D. Cal. Sept. 15, 1995). A party is only considered necessary if either (1) the present parties will be denied complete relief in the absence of the party to be joined, or (2) the absent party claims an interest that will be impaired or impeded if not joined. Fed. R. Civ. P. 19(a); Shermoen, 982 F.2d at 1317. Under these criteria, the Canadian subsidiaries and nationals are not a necessary party to the litigation. A party is not deemed necessary for joinder purposes if its interests can be adequately represented by an existing party. See, e.g., Washington v. Daley, 173 F.3d 1158, 1167-68 (9th Cir. 1999), rev in part on other grounds, Midwater Trawlers Coop. v. DOC, 282 F.3d 710 (9th Cir. 2002); Eldredge, 662 F.2d at 538. Any arguments that the Canadian subsidiaries and individuals would make will undoubtedly be made by the Movants whom have highly competent counsel. Therefore, the Canadian subsidiaries and individuals interests will be protected and therefore is not a necessary party.

D. Operative Facts

The Movants consistently misstates the facts and extrapolates from those misstated facts to erroneous legal conclusions. Thus the Motion to Dismiss should really be focused only on Plaintiffs allegations. This approach makes it necessary for Plaintiff to correct the factual record. A more complete summary of relevant facts is set forth in Plaintiffs opposition to the reference. This Statement is not exhaustive but responds to the Movants more glaring misstatements.

E. Standard of Review

A motion to dismiss under Fed. R. Civ. Proc. 12(b)(6) tests the legal sufficiency of the claims asserted in the complaint. The issue raised by a Rule 12(b)(6) motion is whether the facts pleaded would, if established, support a valid claim for relief. *Neitzke v. Williams,* (1989) 490 US 319, 328-329, 109 S.Ct. 1827, 1833; *Gilligan v. Jamco Development Corp.,* 108 F.3d 1370, 1374 (9th Cir. 1997). When acting on a motion to dismiss, a court must assume the plaintiff's allegations are true and construe the complaint in the light most favorable to the plaintiff. *See, e.g., Parks School of Business v. Symington*, 51 F.3d 1480, 1484 (9th Cir. 1995); *United States v. Redwood City*, 640 F.2d 963 (9th Cir. 1981). "The accepted rule is that a complaint is not to be dismissed 'unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.'" *Redwood City*, 640 F.2d at 966 (*quoting Conley v. Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99, 2 L. Ed. 2d 80 (1957)). Even if the face of the pleadings indicate that recovery is "very remote, the claimant is still entitled to offer evidence to support its claims." *Redwood City*, 640 F.2d at 966 (*citing Scheuer v. Rhodes*, 416 U.S. 232, 236, 94 S.Ct. 1683, 40 L.Ed.2d 90 (1974)). Under this rule, "it is only the extraordinary case in which dismissal is proper." *Redwood City*, 640 F.2d at 966 (*citing Corsican Productions v. Pitchess*, 338 F.2d 441, 442 (9th Cir. 1964); 5 C. Wright & A. Miller, *Federal Practice and Procedure*, § 1357 at 598 (1969)). As discussed below, the Plaintiff have sufficiently alleged both legal and equitable claims. According to Rule 8(a)(2), a complaint must set forth only "a short and plain statement of the claim showing that the pleader is entitled to relief." Such a statement is adequate so long as it "give[s] the defendant fair notice of what the plaintiff's claim is and the grounds

upon which it rests. As will be discussed more thoroughly herein, the Complaint sets forth a number of cognizable legal theories" and factual allegations under those cognizable legal theories. As the U.S. Supreme Court has stated: "The issue is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence in support of the claims.

F. LEGAL ARGUMENT

Corporate liability for subsidiaries is not merely esoteric or theoretical but globalization treaties such as NAFTA have made this a legal issue. Can a U.S. corporation be liable for the acts of its international subsidiary or its sub-contractor the answer is yes? U.S. corporations can be directly liable for wrongful acts abroad which are illegal under U.S. law. U.S. corporations can have the liability of their subsidiaries imputed to them via principles of agency such as respondeat superior and transnational torts. The law is willing to impose liability in cases of employee torts committed in the scope of employment. This is because; though the employer may not have been actually negligent they are in the position to control the employee's behavior. Arguments based on respondeat superior seek to impute liability to the parent company for the act of its employee. They include "chaining" arguments wherein the employees wrongful act is attributed to the employer corporation (or it's subsidiary) which in turn is imputed to the parent company under any of the various legal theories.

G. MOVATS IS VICARIOUSLY LIABLE FOR THE ACTIONS OF ITS EMPLOYEES

Movants argument that it cannot be held liable for the acts of its employees rests on a shaky Foundation. The Plaintiff alleges that Maximus Inc's management formulated or developed policy that encouraged or allowed abuse of authority. Plaintiffs alleged that Maximus Inc. knowingly recruited individuals willing to break the law to increase profits. Plaintiff alleged facts sufficient to support their claims under the instrumentality theory which list three elements: (1) Control, not mere majority or complete stock control, but complete domination, not only of finances but of policy and business practices; (2) that such control must have been used by the defendant to commit fraud or wrong, to perpetrate the violation of a statutory or other positive legal duty, or a dishonest or unjust act in contravention of plaintiff's legal rights; and (3) that the aforesaid control and breach of duty must proximately cause the injury or unjust loss complained of.

H. Lifting The Corporate Veil Plaintiffs Have Brought Claims Against Movants for Its Wrongful Conduct.

However, there are three substantive bases in general that plaintiff may show in any given case to penetrate corporate veil of a corporation, access its shareholders' assets as well as impose liability upon shareholders, officers or the corporation for the corporation's obligations and tortious acts. Movants claims that Plaintiff have sued the wrong party and failed to meet the high threshold necessary to pierce the corporate veil and hold Movants liable for the actions of its subsidiary. The question of whether the corporate veil should be pierced involves a highly fact-

specific inquiry. See Wm. Passalacqua Builders, Inc. v. Resnick Developers S., Inc., 933 F.2d 131, 137 (2d Cir. 1991) (Veil-piercing "is the sort of determination usually made by a jury because it is so fact specific."); FMC Fin. Corp. v. Murphree, 632 F.2d 413, 421 n.5 (5th Cir. 1980) ("This Court holds that the issue of corporate entity disregard is one for the jury"). The corporate form will be disregarded when not to do so would work an injustice upon innocent third parties"). Thus, under established corporate law principles, "the corporate veil may be pierced and the shareholder held liable for the corporation's conduct when, inter alia, the corporate form would otherwise be misused to accomplish certain wrongful purposes." The corporate entity may and should be disregarded 'in such cases as fraud, violation of law or contract, public wrong, or to work out the equities among members of the corporate internally.'") (emphasis added). The Complaint clearly has more than a sufficient statement of the claim and more than meets the requirement that it be "short and plain." For example, the Complaint specifically identifies the actions of Defendants and how those actions are wrongful.

I. This Court has subject matter jurisdiction.

The Court has subject matter jurisdiction, despite Defendants' claim to the contrary. In *Morrison v. Amway Corp.*, 323 F.3d 920, 925 (11th Cir. 2003), the Eleventh Circuit cautioned "that the district court should only rely on Rule 12(b)(1) if the facts necessary to sustain jurisdiction *do not implicate the merits of plaintiff's cause of action.' Garcia,* 104 F.3d at 1261 (emphasis added). If a jurisdictional challenge does implicate the merits of the underlying claim then. The proper course of action for the objection as a direct attack on the merits of the plaintiff's case. Judicial economy is best promoted when the existence of a federal right is

directly reached and, where no claim is found to exist, the case is dismissed on the merits. This refusal to treat indirect attacks on the merits as Rule 12(b)(1) motions provides, moreover, a greater level of protection for the plaintiff who in truth is facing a challenge to the validity of his claim the defendant is forced to proceed under Rule 12(b)(6) ... or Rule 56 ... both of which place great restrictions on the district court's discretion..*Id.* (quoting *Williamson v. Tucker,* 645 F.2d 404, 415-16 (5thCir.1981).

J. If Warranted Canadian Defendants Can Be Served

The Movants would have you to believe that the Canadian defendants cannot be served but this is truly wrong. In federal court in the United States, a party may be served by any means reasonably calculated to give notice to the defendant. Fed R. Civ. Proc. 4(f)(1); Tracfone Wireless Inc. v. Bitton, 278 F.R.D. 687, 690–692 (S.D. Fl 2012). Under FRCP 4(f)(3), service may be accomplished "by other means not prohibited by international agreement, as the court orders." See Fed. R. Civ. P. 4(f). Thus, upon the plaintiff's ex-parte motion, the court may allow service even by nontraditional means, including e-mail, facsimile or international courier, so long as the chosen means are not prohibited by any governing international agreement. See, e.g., R. Griggs Group Ltd. v. Filanto Spa, 920 F. Supp. 1100, 1103-1108 (D. Nev. 1996) (service via Federal Express on corporate defendant's president in Italy was valid). This is particularly true when time is of the essence, where injury or harm to the plaintiff may be complete before service could otherwise be effected, or where the plaintiff seeks injunctive relief. Rio Int'l Interlink, 284 F.3d 1007 (9th Cir. 2002) (affirming service of process upon Brazilian operator of Internet business by e-mail and international courier). Rule 4(m) does not apply in the international context and demonstrate diligent attempts to effect service upon the defendant. In the alternative

service under the Hague Convention, can be made by sending a request for service to the "Central Authority" in Canada. Pursuant to the Hague Convention, Article 3-7, each signatory to the Hague Convention has appointed a Central Authority or department to handle delivery of requests for service. The Hague Convention requires that its form "USM-94" be executed by the U.S. court, in duplicate, with the official seal of the court. Article 5(1)(2) of the Hague Convention describes when service is considered complete: "Service is effected either by registered post with a certificate of receipt of service or personally delivered by the clerks of the various Magistrate's courts.

CONCLUSION

Plaintiff have alleged substantial misconduct by Movants and suffered legally-cognizable injuries as a result. There is absolutely no reason in legal, philosophical or political standing that mandates shutting the doors of the American judicial system in the face of a U.S. citizen mistreated in Canada under the control of an American corporation. The Plaintiff retains enough faith in the United States judicial system to submit themselves to it in hopes that the Conspirators egregious conduct has not permanently extinguished the United States international reputation as a nation that recognizes and respects the inherent human dignity of every individual. Plaintiff respectfully requests that the Court deny the Motion to Dismiss.

Respectfully submitted,

Dated: October 28, 2013

By _____
Melvin J. Howard