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Attorneys for the Plaintiffs

TRACEY L. GORDON and
NAN LEE JOHNSON, on their own behalf
and on behalf of others similarly situated,
Plaintiffs

v.

The PHILADELPHIA COUNTY
DEMOCRATIC EXECUTIVE COMMITTEE
and its Chairman, ROBERT A. BRADY

and

The FORTIETH WARD (40B)
DEMOCRATIC EXECUTIVE COMMITTEE,
and its Leader, ANNA M. BROWN,
Defendants

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

CIVIL DIVISION

Term, 2011

No.

CLASS ACTION

COMPLAINT - CIVIL ACTION

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU MAY GET LEGAL HELP.

Lawyer Reference Service
One Reading Center
Philadelphia, PA 19107
Telephone: 238-1701

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todos las provisiones de esta demanda. Usted puede perder dinero o sus propiedades o otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

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CLASS ACTION

CLASS ACTION COMPLAINT

Introduction

1. Plaintiff Tracey L. Gordon, a duly elected, Philadelphia Democratic committeewoman, and one of the voters who elected her, Plaintiff Nan Lee Johnson, are filing this class action against the Democratic City Committee and Ward 40B within City Committee,

together with their respective leaders, to compel them to reinstate Plaintiff to her elected office and to enjoin Defendants from any future exclusions of Plaintiff or other similarly elected ward committee members, pursuant to the illegal rules, procedures and conduct described in this Complaint.

Parties

2. Plaintiff Tracey L. Gordon is a Philadelphia resident who resides in Ward 40B of the City and County of Philadelphia, at 6543 Windsor Avenue, Philadelphia, PA 19142.

3. Plaintiff Nan Lee Johnson is a Philadelphia resident and registered Democratic voter, who resides in Ward 40B of the City and County of Philadelphia, at 6573 Windsor Avenue, Philadelphia, PA 19142.

4. Defendant Philadelphia County Democratic Executive Committee (“City Committee”) is the governing body of the Democratic Party within the City and County of Philadelphia, as authorized by the Democratic Party of the Commonwealth of Pennsylvania. City Committee maintains an office at 2301 Pennsylvania Ave., Philadelphia, PA 19130.

5. Defendant Robert A. Brady is the elected Chairman of City Committee.

6. According to the governing Rules of the Democratic Party of the City and County of Philadelphia, City Committee is composed of Ward Committees corresponding to the neighborhood geographic divisions within the City of Philadelphia. Each Ward Committee consists of up to two committee members for each election division within the ward.

7. According to the said governing Rules, where a ward consists of more than 60 divisions, City Committee is authorized to divide the ward into units “A” and “B.” The 40th Ward in the Southwest section of Philadelphia was so divided. The Defendant 40th Ward

Committee (40B) Democratic Executive Committee is the Democratic Ward Committee representing the “B” segment of the 40th Ward in Southwest Philadelphia.

8. The elected leader of Ward 40B is Defendant Anna M. Brown. Defendant Brown is employed by City Committee as Chairman Brady’s Secretary and she resides within the ward at 7408 Elmwood Ave., Philadelphia, PA 19153.

Facts of the Case

a. The regulation of the election of political party officers by the Pennsylvania Election Code

9. Under the Pennsylvania Election Code, a political party has a legal status that depends on its ability to garner a threshold amount of votes in the preceding General Election. 25 P.S. § 2831.

10. For purposes of participating in elections for county-wide offices and for party office within the county, the party must obtain 5% of the vote in the preceding election. 25 P.S. § 2831(b). If the party meets that test, the Election Code grants to the party the right to elect its local offices in a state-run primary election conducted in accordance with the Election Code, that is, in accordance with the same electoral process and under the same statutory authority governing the election of public offices.

11. With regard to the election of party offices in a primary elections, the Election Code provides, among other things, that:

- a. only registered members of a party can participate in a primary election, 25 P.S. § 2832;
- b. each recognized party shall be directed by a state Committee and governed by a set of rules that are “not inconsistent with law” and that the state Committee must register with the Secretary of the Commonwealth, 25 P.S. § 2834;

- c. each recognized party may establish county Committees, to be governed by county rules that are “not inconsistent with law or with such State rules” and that are registered with the Secretary of the Commonwealth, 25 P.S. § 2837;
- d. where the county rules provide for election of committee members representing election districts, those elections must be conducted in official primary elections, 25 P.S. § 2837, and those elected constitute a “political committee” subject to the “control, direction and supervision” of that political committee. 25 P.S. § 2842.

12. The Democratic Party is a “political party” within the meaning of the Election Code. In accordance with that official status, the Democratic Party has registered its Rules with the Secretary of the Commonwealth, as well as the Rules of the Democratic Party of the City and County of Philadelphia (“City Committee”).

13. In accordance with Rule VII of the State Democratic Party, members of County Committees of the Party are elected to four year terms during the Spring primary election in the year the Governor is elected.

14. According to Rule II of the Rules of City Committee, the City Committee consists of Ward Committees and a city-wide “County Committee.” The members of Ward Committees include elected ward officers, “those elected to represent the division in which they reside,” and those appointed to fill vacancies. Members of City Committee include officers of the Committee and a representative (“ward leader”) from each of the wards.

15. According to Rule III of the Rules of City Committee, Ward officers and the Ward Leader are elected by Ward Committee members at a Ward organizing meeting held on the third Monday following the primary election at which members of the Ward Committee are elected.

16. As a result of the above-described provisions of the Election Code and the rules of the State and City Committees, Philadelphia voters who are registered Democrats have the

statutory right to choose their representatives to their Ward Committee, and through that representation, to have a say in the election of their Ward Leader and Ward officers.

17. In order to be placed on the ballot in a local residential election district as a candidate for Member of a Ward Committee, a Philadelphia Democrat must submit a qualifying nominating petition, in a form prescribed by the Secretary of the Commonwealth, signed by ten duly registered Democratic Party members residing in that election district. *See* 25 P.S. §§ 2867-70; 2872.1(35).

b. The Facts Pertaining to the Election and Removal of Plaintiff Gordon as a Ward Committee Member in the Philadelphia Democratic Party

18. For a period of time prior to the events relevant to this action, Plaintiff Tracey Gordon served as an appointed committeewoman for her electoral division in Ward 40B, Division 24, having been appointed between elections by Defendant Ward Leader Anna Brown to fill a vacancy, pursuant to the Rules of the Democratic Party of the City and County of Philadelphia (hereafter referred to as the “City Committee Rules”).

19. Although Ward Leader Brown had viewed Ms. Gordon as a promising future Ward functionary, she soured on Ms. Gordon when she realized Gordon’s willingness to make independent judgments and speak her mind. Accordingly, when, in the Primary Election of May 2006, Ms. Gordon ran as candidate for that same Party position she had held as an appointee, she was defeated by two candidates selected, endorsed and pushed by Ward Leader Brown.

20. In the aftermath of her electoral defeat, Ms. Gordon founded a neighborhood organization she named Southwest Concerned Citizens (“SWCC”), the purpose of which was to conduct voter education and to encourage and assist members of the community to run for positions in the Party. SWCC ran several candidates in the Primary Election of 2010, including Plaintiff Gordon, but City Committee challenged each of their nominating petitions. Upon

information and belief, those challenges were filed at the request of Ward Leader Brown who had previously chided the SWCC candidates for not obtaining her prior approval before running.

21. With regard to City Committee's challenge to Plaintiff Gordon's petition, this Court, by Order of the Honorable Idee Fox, dated March 19, 2010, denied the challenge and ordered the Philadelphia County Board of Elections to accept Gordon's nominating petition. *In re Nomination Petition of Tracey Gordon, as Democratic Candidate for Office of Member of Ward Executive Committee for the 40 Ward 24 Division*, March Term, 2010, No. 2663. (A copy of that order is attached hereto as Exhibit 'A.').

22. As a result of that court order, Plaintiff Gordon's name was on the ballot in the Primary Election that took place on May 18, 2010, and she won the election. Her election was certified by the Office of the City Commissioners. (A copy of that certification is attached as Exhibit 'B.')

23. Plaintiff Johnson participated in the election and voted for Plaintiff Gordon.

24. On June 7, 2010, Plaintiff Gordon attended the first scheduled meeting of the newly elected Ward Committee. This was the Ward's organizational meeting at which, according to the City Committee Rules, the newly elected members of the Ward Committee were to elect Ward officers.

25. Prior to the vote, Ward Leader Brown conducted a roll-call of the elected committeepeople, but Plaintiff's name was not included in the roll-call. Plaintiff called the omission to the attention of Defendant Brown who, instead of directly responding, called on her Ward Chair to read a written prepared resolution.

26. The resolution, which, upon information and belief, was prepared by City Committee for the Ward, resolved that Plaintiff Gordon be removed from her office as a member

of the Ward Committee. Plaintiff believes that the legal basis referenced in the resolution was Rule VII, Article 1, Section E of the City Committee Rules.

27. Rule VII, Article 1, Section E of the City Committee Rules provides as follows:

If at any time in the opinion of the majority of the entire Ward Committee, a member is unfaithful to the Democratic party and the best interested [sic] of the party, or refuses, fails or neglects to work in harmony with the Ward Committee, the Ward Committee shall be empowered to remove said person from its membership and declare a vacancy in the membership of the Ward Committee from the said division.

28. Following the reading of the resolution a vote was conducted and the resolution was approved. Two Philadelphia Police officers who were in attendance escorted Plaintiff Gordon from the meeting. Upon information and belief, Defendants City Committee, Ward Committee or Brown had arranged for the officers to be present, for the sole purpose of evicting Plaintiff after the anticipated vote.

29. At no time before or after the vote on the said resolution was Plaintiff Gordon ever provided any notice of the specific charges against her, nor was she ever provided a written statement regarding such charges, nor was she advised in any way what she did that was allegedly “unfaithful” to the Democratic party or its interests or in which she failed or neglected to work in harmony with the Ward Committee.

30. At no time before or after the vote did Plaintiff Gordon engage in any disruptive or inappropriate behavior.

31. Upon information and belief, Defendant Brown and the Ward officials who excluded Ms. Gordon, would not have done so without the prior knowledge, approval and assistance of City Committee and its Chairman, Defendant Brady.

32. On June 8, 2010, Ms. Gordon wrote to Chairman Brady, describing her improper exclusion from the Ward and requesting him to intervene to address what she described as “an

abuse of power” by the Ward leadership. “How,” she asked in her letter, “can a Ward leader go against the will of the citizens who elected me?” (A copy of her letter is attached as Exhibit ‘C.’)

33. Defendant Brady never responded to Plaintiff Gordon’s June 8, 2010 letter.

34. On August 6, 2010, approximately forty elected City Committee members and community leaders from around the City of Philadelphia, including Plaintiff Gordon, signed a letter to Chairman Brady, protesting both Ms. Gordon’s exclusion and the validity of the Rule supposedly justifying the 40th Ward’s action, and requesting that City Committee convene a special committee to review and update its rules. (A copy of the letter is attached as Exhibit ‘D.’)

35. Neither Defendant Brady nor Defendant City Committee responded to the August 6, 2010 letter.

36. On January 26, 2011, the elected committee person who composed the August 6, 2010 letter sent a follow-up letter to Chairman Brady, signed by her and fourteen other committeepeople, including Ms. Gordon. However, Defendant City Committee refused to even accept the letter. On or about February 2, 2011, that letter was returned to her with the notation “Refused.” (A copy of the letter and a refusal notation from February 2, 2011 are attached as Exhibit ‘E.’)

37. On April 26, 2011, Plaintiff Gordon commenced an administrative grievance with the State Democratic Party which when informed of the nature of grievance, required her to send a prior letter to Defendant Brady informing him of the grievance.

38. On July 28, 2011, pursuant to the instructions of the State Party, Plaintiff, through her counsel, sent the State Party a detailed grievance letter describing the facts of the case and requesting the Party order City Committee to seat Plaintiff Gordon; bar City Committee from any future interference in her serving as a committeepeople and invalidate the City Committee

rule which was the purported basis of Ms. Gordon's exclusion. (A copy of the grievance letter is attached as Exhibit 'F.')

39. On August 11, 2011, the Chairman of the State Party responded in writing to the July 28 grievance letter, denying the grievance based on "a preliminary review" that determined that unspecified "remedies available at the County level" had not been exhausted. (A copy of the Chair's letter is attached as Exhibit 'G.')

40. Counsel for Ms. Gordon responded to the State Chairman in writing, on August 17, 2011, explaining that (a) there are no County remedies available and none were made available by City Committee; (b) City Committee had been offered numerous opportunities to resolve the matter but chose instead to ignore it and (c) the refusal to consider the grievance was inconsistent with the previous instructions provided by State Committee to Ms. Gordon. Counsel made various information requests to the Chair concerning the basis for his decision, and, in closing, expressed his willingness to "seek the assistance of the courts to enforce the Constitutional rights of Ms. Gordon and the Democratic voters who elected her." (A copy of the August 17 letter is attached hereto as Exhibit 'H.')

Counsel received no response to that final letter.

Class Action Allegations

41. Plaintiff seeks to represent two classes (hereafter, "the Classes") consisting of:

Class A. All individuals who, in the future, win election as members of a Ward Committee within the Philadelphia City Democratic Committee ("City Committee") in a Pennsylvania Primary Election but who are barred from office under the authority of Rule VII, Article I, Section E of the Rules of City Committee or any similar rule, purporting to empower a Ward Committee to vote a member out of office for being unfaithful or disloyal to the Party or Ward.

Class B. All individuals (i) who voted for Tracey Gordon to be a member of the 40th Ward Committee in the May 2006 Primary Election or (ii) who vote in the future for a member of Class A.

42. Joinder of all members of the Classes is impracticable. It is impossible to determine the number of members of Class A who, in the future, will be subjected to the same kind of official action as was Plaintiff Gordon. However, it has happened before, and, absent permanent declaratory and injunctive relief, will likely occur to others in the future. Since Plaintiff Gordon received 38 votes, Class B has at least 38 members. Joinder of those 38 individuals is impracticable since their identity is not known and cannot be determined.

43. There are questions of law or fact common to the Classes including:

- a. Whether Rule VII, Article I, Section E was ever properly adopted;
- b. Whether Rule VII, Article I, Section E can properly delegate to a Ward Committee the power to nullify a Primary Election and deny office to a duly elected member of the Ward Committee within the requirements of the rules governing the Pennsylvania Democratic Party the Pennsylvania Election Code and/or the Pennsylvania Constitution;
- c. Whether a Ward Committee can remove from office a duly elected Ward Committee member, without any written notice of the alleged factual and legal basis for such action and without any opportunity to rebut those allegations before an independent decision-maker.

44. The claims or defenses being raised by Plaintiffs are typical of the claims or defenses of the Classes.

45. Plaintiffs will fairly and adequately assert and protect the interest of the classes in that:

- a. The attorneys for the representative parties will adequately represent the interests of the Classes. Irv Ackelsberg is a skilled practitioner who has been recognized locally and nationally for his public interest work and who has participated in numerous class actions. He is associated with the law firm of Langer Grogan & Diver, PC, a highly respected class action firm. Both co-counsel Mary Catherine Roper and her employer, the American Civil Liberties Union of Pennsylvania, are among the foremost civil liberties litigators in the region.

- b. The Representative Plaintiffs have no conflict of interest in the maintenance of this matter as a Class Action.

46. The Representative Plaintiffs and their Counsel have or can acquire adequate financial resources to assure that the interests of the classes will not be harmed. This matter, insofar as it seeks only declaratory and injunctive relief will not involve substantial notice costs.

47. A class action provides a fair and efficient method for adjudication of the controversy in that:

- a. Common questions of law or fact will predominate over any questions affecting only individual members;
- b. There are no material difficulties, with regard to the size of the Classes or any others that will interfere with the administration of the case;
- c. Prosecution of separate actions would create a risk of inconsistent adjudications that would present the Defendants with incompatible standards of conduct;
- d. There is no litigation by members of the Classes involving any of the same issues;
- e. This particular forum is appropriate for the litigation of the claims of the Classes as a whole; and
- f. The Defendants have acted or refused to act on grounds generally applicable to the Classes—namely, on the basis of Rule VII, Article 1, Section E—thereby making final equitable or declaratory relief appropriate with respect to the Classes.

Causes of Action

Count I-Mandamus (by Plaintiffs Individually against all Defendants)

48. The above allegations are incorporated and reaverred by this reference.

49. Prior to the Primary Election of May 18, 2010, Plaintiff Gordon, a registered Democratic, circulated and filed a nominating petition to run as a candidate for the party office of Ward Committee member representing her electoral division within Ward 40B.

50. After the unsuccessful court challenge to her candidacy by Defendant City Committee, she appeared on the ballot and was elected.

51. Plaintiff Johnson participated in the election, voting for Plaintiff Gordon.

52. Along with the other newly elected members of the Ward Committee, Plaintiff Gordon attended the Ward Committee organization meeting on June 7, 2010.

53. The vote that occurred at that meeting, purporting to remove her from office, was without any basis in law. On the contrary, the Ward Committee has no legal authority to nullify the results of an election duly conducted under the provisions of the Election Code and the supervision of relevant state and county election officials under the guise of its “control, direction and supervision” of party committee members, and such conduct was in violation of the rights of Plaintiffs under the Pennsylvania Election Code. *See Bentman v. Seventh Ward Democratic Executive Committee*, 421 Pa. 188, 218 A.2d 261 (1966).

54. The 40th Ward Committee and its officers, including Defendant Brown, had a legal duty under the Election Code to seat Plaintiff Gordon as a Ward Committee member and to respect the will of the voters, including Plaintiffs Johnson and Fisher, who elected her to that party office. The Ward and Defendant Brown are in continuing breach of that duty.

55. The City Committee and its officers, including Defendant Brady, have a legal duty to ensure that its ward committees are operating in accordance with the Election Code and the Pennsylvania Constitutions. Not only is the City Committee and Defendant Brady in breach of that duty, upon information and belief, they actively encouraged, assisted and participated in

the illegal removal of Plaintiff Gordon and have deliberately ignored the various requests by Ms. Gordon and other elected ward committee members to intervene and correct this illegal conduct.

56. The City Committee and its officers are also subject to the prior orders of this Court, more specifically, the order dated March 22, 2010, denying City Committee's challenge to Plaintiff Gordon's nominating petition. The effect of that Order was to prohibit City Committee from interfering with Plaintiff's right to seek party office as a Ward Committee member, which prohibition implicitly included any interference with Plaintiff's assumption of such office after she successfully won the election. Thus, City Committee is also violating an Order of this Court.

57. There is no other adequate remedy available to Plaintiffs. More specifically, as described above, after getting no response from Defendants City Committee and Brady, Plaintiffs sought the intervention of the State Committee to compel Defendants to perform their legal duties. However, these efforts failed when the Chair of the Pennsylvania Democratic Party refused to allow the state party to consider Plaintiffs' grievance.

58. For all these reasons, mandamus lies to restore Plaintiff Gordon to her rightful office. *Id.*

Count II—In Equity (on behalf of the Class against Defendants City Committee and Brady)

59. The above allegations are incorporated and reaverred by this reference.

60. The purported basis for the Ward Committee's removal of Plaintiff Gordon was Rule VII, Article 1, Section E of the Rules of City Committee.

61. There is no conduct by Plaintiff Gordon that could justify the use of Rule VII, Article 1, Section E by Defendants to refuse to accept the results of a duly conducted election,

since Plaintiff had not yet began her duties as a Ward Committee member and any conduct by her prior to the election would have been irrelevant.

62. Moreover, Defendants never presented Plaintiff Gordon with any allegations about any acts or conduct by her that purported to be a factual basis for removing her under the authority of Rule VII, Article 1, Section E, nor did they ever give her any opportunity to be heard to rebut any such allegations.

63. As applied to the circumstances here, and as authority for removing any other duly elected Ward Committee member, City Committee Rule VII, Article 1, Section E is invalid:

- a. under the Rules of State Committee (insofar as no ward contest is permitted where the subject of the contest has been elected in a Primary Election, *see* Rule VII, Section V);
- b. under the Election Code and the Rules of City Committee (which provides the method for selecting ward committee members); and
- c. under the right to due process and right to participate in elections without interference granted by Articles 1 and 5 of the Pennsylvania Constitution.

64. Without the intervention of this Court, the Plaintiffs and members of the Classes will be without any adequate remedy at law. The injuries at stake—the disenfranchising of voters and the illegal nullification of elections—cannot be remedied by damage awards.

65. Even if Defendants’ action against Plaintiff Gordon is revoked and her election recognized by the Ward and City Committees, Defendants’ illegal conduct is likely to continue in the future absent class-wide declaratory and injunctive relief from this Court. Defendants have already made clear their willingness to disobey prior court rulings. In this case, for example, even after City Committee lost its court challenge seeking to keep Plaintiff Gordon off the ballot, it nonetheless, with impunity, refused to accept the election results. Moreover, for twenty-five years, the City Committee has been subject to a binding precedent of the

Pennsylvania Supreme Court prohibiting the very action that occurred here, *see Bentman v. Seventh Ward Democratic Executive Committee*, 421 Pa. 188, 218 A.2d 261 (1966), yet as the facts of this case demonstrate, even a clear and binding legal precedent from our highest state court is not sufficient to deter Defendants from continuing to try to nullify the results of duly conducted elections if individuals not to their liking are elected to party office.

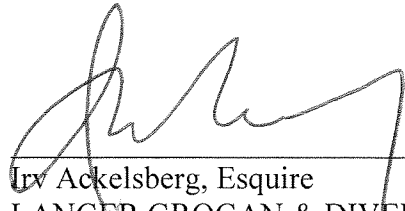
66. Moreover, as illustrated by Defendant Brady's flagrant and brazen refusal to take corrective action and the State Committee's abdication of responsibility over City Committee's illegal conduct, Plaintiffs and members of the Class have nowhere to turn for justice other than this Court.

Prayer for Relief

WHEREFORE, Plaintiffs request the following relief:

1. A peremptory judgment under Rule 1098, Pa. Rules of Civil Procedure, restoring Plaintiff to her position as a Member of the 40th Ward Committee of City Committee;
2. Certification of the above-defined classes;
3. Declaratory and injunctive relief (a) invalidating Rule VII, Article 1, Section E of the Rules of City Committee or any similar rule as a basis for any action removing a duly elected ward committee member from office, (b) enjoining Defendants from refusing to accept the results of duly conducted elections of ward committee members and from encouraging or assisting ward committees in excluding an elected ward committee member or participating in any way in such exclusion, and (c) enjoining Defendants from removing an elected ward committee member and from encouraging or assisting ward committees in removing an elected ward committee member or participating in any way in such removal based on alleged conduct occurring before the election and without providing written prior notice of the specific allegations and an opportunity to rebut those allegations before an independent decision-maker;
4. Any such other relief deemed appropriate by the Court.

Dated: 12/6/2011



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VERIFICATION

Tracey L. Gordon deposes and states, subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities, that she is a Plaintiff in this matter and that the facts set forth herein are true and correct to the best of her knowledge and belief.

Dated: 12/4/11



TRACEY L. GORDON

VERIFICATION

Nan Lee Johnson deposes and states, subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities, that she is a Plaintiff in this matter and that the facts set forth herein are true and correct to the best of her knowledge and belief.

Dated:

12/4/11

Nan Lee Johnson
NAN LEE JOHNSON