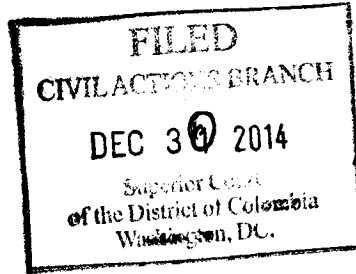


3095

DISTRICT OF COLUMBIA
SUPERIOR COURT

SHARYL THOMPSON ATTKISSON,
22697 Hillside Circle, Leesburg, VA 20175
JAMES HOWARD ATTKISSON,
22697 Hillside Circle, Leesburg, VA 20175
and
SARAH JUDITH STARR ATTKISSON
22697 Hillside Circle, Leesburg, VA 20175



Handwritten signature/initials.

Plaintiffs,
v.

Case No.: CA
14 - 0008321

ERIC HOLDER, individually,
Serve: Eric Holder, Attorney General
950 Pennsylvania Avenue, NW, Room 511
Washington, DC 20530

PATRICK R. DONAHOE, individually,
Serve: Patrick R. Donahoe
475 L'Enfant Plaza, SW
Washington, DC 20260

UNKNOWN NAMED AGENTS OF the DEPARTMENT OF JUSTICE, in their individual capacities,
UNKNOWN NAMED AGENTS OF the UNITED STATES POSTAL SERVICE, in their individual capacities,
and
UNKNOWN NAMED AGENTS OF the UNITED STATES, in their individual capacities,

Defendants.

COMPLAINT

The Plaintiffs, by and through their undersigned attorneys, allege the following upon information and belief after due investigation.

1. This lawsuit is brought pursuant to *Bivens* and challenges the government's unauthorized and illegal surveillance of the Plaintiffs' laptop computers and telephones from



2011 - 2013 under the First Amendment to the United States Constitution and the Fourth Amendment to the United States Constitution. *See Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

JURISDICTION

2. The present case arises under the Constitution and laws of the United States and is within this Court's jurisdiction pursuant to §11-921 and §§13-422 and -423.

PARTIES

3. Plaintiffs incorporate and re-allege each and every allegation above as if fully set forth herein.

4. At all times relevant to this lawsuit, Plaintiff Sharyl Atkisson was a citizen and resident of Leesburg, Virginia, and an investigative reporter for CBS News. She was responsible for investigating, writing, publishing, and airing investigative news stories on a wide-variety of topics, including the federal gun-trafficking investigation that came to be known as "*Fast and Furious*," and the controversial attack of the American diplomatic mission in Benghazi, Libya. At all times relevant hereto, Ms. Atkisson was a member of "the press" as described by the First Amendment to the Constitution of the United States. In the course of her investigative journalism, she experienced confrontational encounters with officials within the Department of Justice and White House who demanded disclosure of the identity of confidential sources who may have been leaking information. Federal agencies and the White House repeatedly withheld documents, at times invoking "national security" as the justification. During the same time period, the Department of Justice implemented efforts to vastly expand its cyber security

capabilities, efforts, and resources in the name of national security and actively targeted journalists and news organizations as part of leak investigations. Ms. Attkisson discovered that her computers and telephone had been "hacked," that an unauthorized party or parties had illegally installed software on her laptop computer, and that her confidential, professional, and personal information had been illegally accessed.

5. At all times relevant to this lawsuit, Plaintiff James Howard Attkisson was a citizen and resident of Leesburg, Virginia, and was married to Sharyl Attkisson. Because much of the surveillance alleged in this complaint occurred at Ms. Attkisson's residence, Mr. Attkisson was subjected to surveillance as well, and his confidential, professional, and personal information were illegally accessed.

6. At all times relevant to this lawsuit, Plaintiff Sarah Judith Starr Attkisson was a citizen and resident of Leesburg, Virginia, and the daughter of James and Sharyl Attkisson. Because much of the surveillance alleged in this complaint occurred at Sarah Attkisson's residence, she was subjected to surveillance as well, and her confidential, professional, and personal information were illegally accessed

7. Defendant Eric H. Holder is the Attorney General of the United States. Attorney General Holder has ultimately authority over the Department of Justice ("DOJ") and the Federal Bureau of Investigation ("FBI"). He is sued in his individual and official capacity.

8. Defendant Patrick R. Donahoe is the Postmaster General and Chief Executive Officer of the United States Postal Service ("USPS") and has ultimate authority over the USPS. He is sued in his individual and official capacity.

9. Plaintiffs are unaware of the true names and capacities, whether individual or otherwise, of the Unknown Federal Agents and therefore sues those Defendants by fictitious

names. Plaintiffs are informed and believe, and on that basis allege, that these Defendants, and each of them, are in some manner responsible and liable for the acts and/or damages alleged in this Complaint, and that these Defendants are employees or agents of the federal government who acted under color of law.

BACKGROUND

10. Ms. Attkisson was a reporter for CBS News for twenty (20) years. Her job required her to investigate and report on national news stories. In 2011, during the course of her reporting, she began investigating what later became known as the “*Fast and Furious*” gun-walking story involving federal agents from the Bureau of Alcohol, Tobacco, and Firearms (ATF) improperly permitting weapons to pass into the hands of the Mexican drug cartels.

11. Her first “Fast and Furious” report aired on CBS on February 22, 2011. The report quoted and relied upon numerous confidential sources, all of whom were critical of the *Fast and Furious* gun-walking strategy deployed by the respective federal agencies.

12. In February 2011 the ATF, in an internal memorandum, instigated an orchestrated campaign against Ms. Attkisson's report, including efforts to discredit it, and outlined a strategy for the Agency to push "positive stories" in order to "preempt some negative reporting."¹

13. Despite the foregoing efforts, Ms. Attkisson continued to report *Fast and Furious* stories. When contacted for comment, DOJ officials persisted in their denial of the allegations

¹ See http://www.cbsnews.com/8301-31727_162-20039251-10391695.html

“Given the negative coverage by CBS Evening News last week and upcoming events this week, the bureau should look for every opportunity to push coverage of good stories. Fortunately, the CBS story has not sparked any follow up coverage by mainstream media and seems to have fizzled...It was shoddy reporting...ATF needs to proactively push positive stories this week, in an effort to preempt some negative reporting, or at minimum, lessen the coverage of such stories in the news cycle by replacing them with good stories about ATF.”

and continued efforts to unveil Ms. Attkisson's confidential sources. ATF sources told Ms. Attkisson that the Agency was actively seeking to identify government insiders who were providing information or "leaking" to her and CBS.

14. In September, 2011, Ms. Attkisson reported on secret audio recordings that implicated the F.B.I. in an alleged discrepancy in its accounting of evidence in the *Fast and Furious* related murder of Border Patrol Agent Brian Terry.

15. Also in September, 2011, Ms. Attkisson reported on the existence of secret audio recordings implicating the F.B.I. in an alleged discrepancy in accounting of evidence in the *Fast and the Furious* related murder of Border Patrol Agent Brian Terry.

16. Also in September, 2011, Ms. Attkisson reported on the alleged involvement of an F.B.I. informant in the *Fast and Furious* matter.

17. In October, 2011, Ms. Attkisson reported on the continuing controversy regarding the F.B.I.'s accounting of evidence in *Fast and Furious*.

18. In November, 2011, Ms. Attkisson reported on evidence contradicting Attorney General Holder's sworn testimony wherein he claimed that he had only heard of *Fast and Furious* for the first time in the past couple of weeks.

19. In mid-to-late 2011, Ms. Attkisson, Mr. Attkisson, and Sarah Attkisson began to notice anomalies in numerous electronic devices at their home in Virginia. These anomalies included a work Toshiba laptop computer and a family Apple desktop computer turning on and off at night without input from anyone in the household, the house alarm chirping daily at different times, often indicating "phone line trouble," and television problems, including interference. All of the referenced devices use the Verizon FiOS line installed in Ms. Attkisson's

home. Verizon was unable to cure the problems, despite multiple attempts over a period of more than a year.

20. In December, 2011, Ms. Attkisson reported on the DOJ's formal retraction of a letter and a misrepresentation made to Congress in February, 2011, which had stated, incorrectly, there had been no "gun-walking."

21. In January, 2012, Ms. Attkisson contacted Verizon about ongoing internet problems and intermittent connectivity because the residential internet service began constantly dropping off. She had not experienced similar problems previously. In response to the complaint, Verizon sent a new router, which was immediately installed. The new router failed to resolve the issues.

22. In January, 2012, Ms. Attkisson began a series of reports, spanning several months, that were critical of some of the Executive Branch's green energy initiatives, including the Solyndra failure.

23. In February, 2012, an unauthorized party or parties remotely installed sophisticated surveillance spyware on Ms. Attkisson's Toshiba laptop. The invasion was obviously unknown to Ms. Attkisson at the time, but revealed later by forensic computer analysis.

24. In February, 2012, Ms. Attkisson contacted Verizon yet again to complain about continuing anomalies.

25. In March, 2012, a Verizon representative visited Ms. Attkisson's home and replaced the router a second time. The representative also replaced the entire outside FiOS service box. Despite Verizon's efforts, however, the anomalies persisted.

26. In April-May, 2012, the DOJ and FBI publicly announced a new effort to vastly expand cyber related efforts to address alleged "national security-related cyber issues." During the same time frame, the DOJ secretly--and without notice--seized personal and phone records belonging to journalists from the Associated Press news agency in violation longstanding DOJ practice. The records seizure was not publicly known at the time, but was later revealed.²

27. In July, 2012, the DOJ designated U.S. Attorneys' offices to act as "force multipliers" in its stepped-up cyber efforts in the name of national security.³

28. That same month, July, 2012, intruders remotely "refreshed" the ongoing surveillance of Ms. Attkisson's Toshiba computer. Again, the access was unknown to Ms. Attkisson at the time, but was revealed later through computer forensic analysis.

29. In September, 2012, Wikileaks published internal emails from a global intelligence company doing business with government agencies. The materials made reference to "Obama leak investigations" and the alleged "witch hunts of investigative journalists learning information from inside the beltway sources." The email states, "(T)here is a specific tasker from the [White House] to go after anyone printing materials negative to the Obama agenda (oh my.) Even the FBI is shocked."⁴

30. On October 5, 2012, CBS aired Ms. Attkisson's first Benghazi story for CBS, which was critical of the Executive Branch's handling of the security requests at the U.S.

² http://www.washingtonpost.com/world/national-security/under-sweeping-subpoenas-justice-department-obtained-ap-phone-records-in-leak-investigation/2013/05/13/11d1bb82-bc11-11e2-89c9-3be8095fe767_story.html

³ <http://blogs.justice.gov/main/archives/date/2012/11>

⁴ http://www.wikileaks.org/gifiles/docs/1210665_obama-leak-investigations-internal-use-only-pls-do-not.html (last accessed on October 28, 2014).

compound in Benghazi, Libya, where Ambassador Christopher Stevens and three (3) other U.S. personnel were killed on September 11, 2012.

31. On October 8, 2012, CBS aired another Attkisson report on Benghazi that included an interview with whistleblower Col. Andrew Wood.⁵ During the weeks following the airing of Col. Wood's interview, Ms. Attkisson made personal contact with numerous confidential sources within the federal government (or who had links to intelligence agencies within the U.S. government). The confidential government sources reported to Ms. Attkisson that efforts were being made by the Executive Branch to clamp down on leaks and to track the leaking of information to specific reporters regarding the Benghazi affair.

32. During the same time period, October of 2012, the DOJ continued its stepped-up cyber efforts with its National Security Division providing specialized training at DOJ headquarters for the National Security Cyber Specialists (NSCS) network and the Criminal Division's Computer Crime and Intellectual Property Section (CCIPS).

33. In the later part of October 2012, Ms. Attkisson, Mr. Attkisson, and Sarah Attkisson began noticing an escalation of electronic problems at their personal residence, including interference in home and mobile phone lines, computer interference, and television interference. They were still unaware of any intrusion, however.

34. During the same general time frame, several sources with close ties to the intelligence community approached Ms. Attkisson privately and informed her that the government would likely be monitoring her electronically in an effort to identify her confidential sources, and also to monitor her continued *Fast and Furious* and *Benghazi* stories.

⁵ http://www.cbsnews.com/8301-18563_162-57528335/security-dwindled-before-deadly-libyan-consulate-attack/

35. From November 7-9, 2012, Attorney General Holder hosted a national training conference at DOJ headquarters for the expanded efforts of DOJ's National Security Cyber Specialists (NSCS).⁶ On November 13, 2012, the F.B.I. initiated a body of cyber security case investigations that would later relate to the illegal intrusions directed at Ms. Attkisson.

36. In November 2012, Ms. Attkisson's phone line became nearly unusable because of anomalies and interruptions. Her mobile phones also experienced regular interruptions and interference, making telephone communications unreliable, and, at times, virtually impossible.

37. In December 2012, Ms. Attkisson discussed her phone and computer issues with friends, contacts, and sources, via her home phone, mobile phones, and email. She decided to begin logging the times and dates that the computers turned on at night without her input. Soon after these phone and email discussions, the computer nighttime activity stopped.

38. Computer forensic analysis later revealed that the intruders initiated remote actions in December, 2012, to remove evidence of the intrusion from Ms. Attkisson's computers and home electronic equipment.

39. In December, 2012, a contact with U.S. government intelligence experience conducted an inspection of Ms. Attkisson's exterior home. During the course of the inspection,

⁶ "With the network built, the [Justice] department will be able to accelerate some of the national security cyber work that has been ongoing since [National Security Division's] cyber review." "To equip this large cyber cadre in how to best address these new threats, the department has developed and carried out extensive training. Last week's inaugural NSCS conference covered topics ranging from digital evidence, to the Foreign Intelligence Surveillance Act, to current threat trends, to common challenges in combating national security cyber threats specifically. Underscoring the importance of this mission, Attorney General Eric Holder, FBI Director Robert Mueller, Assistant Attorney General Monaco, and others from the department and the FBI addressed the network throughout the three-day conference. . . the network will help strengthen partnerships between the department and agencies across the U.S. government, including the Department of Homeland Security, the Department of Defense, and various elements of the Intelligence Community. The network also will work particularly closely with the FBI's National Cyber Investigative Joint Task Force (NCIJTF) to help preserve all intelligence collection, prevention, disruption and response options for cyber national security threats. . . Going forward, the NSCS network is focused on ensuring a whole-of-government and all-tools approach to combating cyber threats to national security. The network will be working to bring investigations and prosecutions as viable options for deterrence and disruption as part of the government-wide response to these threats. The network will also be advising and consulting other parts of the government in the use of additional tools to counter these threats."

<http://blogs.justice.gov/main/?s=NSCS%2C+specialized+training&search.x=25&search.y=16>

the consultant discovered an anomaly with Ms. Attkisson's FiOS (Verizon) box: an extra fiber optics line was dangling from the exterior of the box. Based on the strange finding, Ms. Attkisson contacted Verizon on December 31, 2012, which denied it had installed or had knowledge of the extraneous fiber optics line affixed to the equipment at the Attkisson's home and suggested Attkisson contact law enforcement authorities. Shortly thereafter, a person identifying herself as a Verizon supervisor telephoned Ms. Attkisson to advise her she was dispatching a technician to the house. It would be New Year's Day, so Ms. Attkisson informed the purported supervisor that it was not necessary to dispatch a technician just then, and she offered to send them a photograph of the stray fiber optics line to save Verizon the trip. The purported supervisor declined the photograph and insisted that a technician would be present on New Year's Day.

40. On January 1, 2013, a Verizon technician visited the Attkisson's home and removed the additional fiber optics cable from the system. Ms. Attkisson asked the technician to leave the cable. The technician placed it next to the equipment and left the home. When Ms. Attkisson's husband arrived home and went to retrieve the extraneous cable, it was no longer located where the technician left it.

41. Throughout the month of January, 2012, Ms. Attkisson repeatedly contacted the purported Verizon technician to seek the location of the missing cable. The person representing himself as a technician never returned any of the calls at the number he had provided.

42. In January and February of 2013, Ms. Attkisson continued to experience phone and internet usage issues, including drop-offs, noises, and other interference. Verizon was notified and technicians and supervisors made additional contacts and visits.

43. On January 8, 2013, Ms. Attkisson made arrangements to deliver her Toshiba laptop to a contact with connections to a government forensics computer expert in the

intelligence community. On January 9, 2013, the forensics expert reported to Ms. Attkisson that the Toshiba laptop showed clear evidence of outside and unauthorized "intrusion," and that the sources of the intrusion were state-supported due to the nature of the technology used.

44. On January 10, 2013, the computer was returned to Ms. Attkisson through an intermediary, along with a report. According to the report, the forensics computer expert found that so-called sophisticated software had been used to accomplish the intrusion, and the software fingerprint indicated the software was proprietary to the federal government. The intrusion included, among other surveillance, keystroke monitoring, exfiltration of data, audio surveillance of Ms. Attkisson's conversations and activities at home while conducting Skype interviews, mining personal passwords, monitoring work and personal email, and probable compromise of Ms. Attkisson's work and personal smartphones. According to the report, the surveillance by the identified software spanned most of 2012 at least. The report also stated the intruders had accessed CBS network systems, such as the ENPS program, and that someone had also placed three (3) classified documents deep in the computer's operating system. Ms. Attkisson thereafter notified her direct supervisor at CBS News of the laptop intrusion.

45. On February 2, 2013, an independent forensic computer analyst retained by CBS News spent approximately six (6) hours at Ms. Attkisson's home, during which time he reported finding evidence on both Ms. Attkisson's Toshiba laptop and Apple desktop computers of a coordinated, highly-skilled series of actions and attacks directed at the operation of the computers and the storage and access of data thereon. CBS engaged the company to do further analysis of the Toshiba laptop in an attempt to recover wiped data.

46. In March 2013, Ms. Attkisson's Apple desktop computer began malfunctioning and, after several days of it freezing and emitting a burning odor, it shut down. Ms. Attkisson was unable to turn the Apple computer back on after this event.

47. On April 3, 2013, Ms. Attkisson filed a complaint with the DOJ Inspector General.

48. On May 6, 2013, an official with the United States Inspector General's office called Ms. Attkisson and stated that he had checked with the FBI, and the FBI denied any knowledge of any operations concerning Ms. Attkisson's computers or phone lines. The official also stated that there was no PATRIOT Act related order authorizing surveillance of Ms. Attkisson.

49. On May 21, 2013, Ms. Attkisson publicly stated in a radio interview her belief that her computers had been compromised, but did not assign or allege responsibility. A news outlet sought a statement from the DOJ regarding Ms. Attkisson's assertions. The DOJ issued a written response stating, "To our knowledge, the Justice Department has never compromised Ms. Attkisson's computers, or otherwise sought any information from or concerning any telephone, computer or other media device she may own or use."

50. On June 10, 2013, the independent cyber security firm hired by CBS confirmed that there was a highly sophisticated intrusion into Ms. Attkisson's computer, as well as remote actions in December, 2012, to delete all evidence of the intrusion.

51. On June 11, 2013, CBS News issued a public statement, based on the forensics report, confirming that Ms. Attkisson's computer was accessed by an unauthorized, external, unknown party on multiple occasions in late 2012, and that the party used sophisticated methods to attempt to remove all possible indications of unauthorized activity.

52. The DOJ Inspector General requested a copy of the CBS forensic expert's report and requested the opportunity to examine the Toshiba computer. CBS denied the requests. Ms. Attkisson then retained an independent computer forensics expert to conduct further analysis of the Toshiba computer.

53. In September, 2013, while Ms. Attkisson continued working on the Benghazi story at her home in the evening, she observed for the first time that a third computer, her personal MacBookAir, was accessed remotely, controlled, and that data was deleted.

54. In June of 2013, the F.B.I. had opened a case on Ms. Attkisson's computer intrusions under the auspices of a national security issue, but it failed to contact or interview her. (Ms. Attkisson was unaware of the F.B.I. case at the time it was opened and for months thereafter.)

55. The F.B.I. case involving Ms. Attkisson's computer intrusions was circulated to the DOJ's national cyber security group and included with a set of cases opened in November, 2012, during the DOJ's expansion of its cyber team and the announcement of its intention to use "new tools" in its arsenal.

56. In January, 2014, Ms. Attkisson agreed to release her personal Apple desktop computer to the DOJ Inspector General for analysis.

57. On January 16, 2014, and January 27, 2014, the head of the DOJ Inspector General computer forensics unit and a colleague visited Ms. Attkisson's home as part of the investigation, which included analysis of the Apple desktop. As of this filing, they have not yet reported back on findings.

58. Among other findings, Ms. Attkisson's computer forensics expert has identified an unauthorized communications channel opened into her Toshiba laptop directly connected to

an Internet Provider (IP) address belonging to a federal government agency, specifically the United States Postal Service, indicating unauthorized surveillance.

59. The analysis shows the connection to a federal government agency was in use prior to January 8, 2013. The USPS is known to have a strong relationship with the FBI, Department of Homeland Security, and DOJ when conducting computer forensic actions.

60. Ms. Attkisson's analyst also found that while the government source who first analyzed the Toshiba laptop in January, 2013, wiped evidence, there are indications that he or she likely copied and retained the evidence on an external hard drive.

61. Ms. Attkisson's analyst also found that direct evidence pointing to attribution for Ms. Attkisson's computer intrusions may also reside on the CBS network computer systems.

62. The above-cited events, which offer only brief highlights of the cyber attacks suffered in Ms. Attkisson's home, caused the Plaintiffs to incur unreasonable and unnecessary expenses in an effort to diagnose and correct the problems resulting from the attacks and intrusions; resulted in an invasion of their personal and family privacy; caused them to fear for their individual and family's well-being and safety; interfered with their ability to use their telephones, computer, and television; caused Ms. Attkisson fear for her sources' well-being and safety; interfered with her ability to maintain necessary contacts with sources to perform her professional investigative reporting duties as a member of the press; affected her sources' willingness to communicate with her; distracted from her duties as an investigative reporter; and resulted in irreparable tension in her relationship with her employer.

**COUNT I--VIOLATION OF THE FIRST
AMENDEMENT TO THE CONSTITUTION**

63. Plaintiffs incorporate and re-allege each and every allegation above as if fully set forth herein.

64. This action arises under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

65. The Defendants acted under color of law when conducting surveillance on the Plaintiffs and inhibiting the exercise of her First Amendment rights.

66. The surveillance of Ms. Attkisson's computers and telephone violated the First Amendment to the United States Constitution. By subjecting Ms. Attkisson to surveillance in relation to her investigative efforts, the Defendants sought to abridge the freedom of the press and chill the exercise of her free speech.

67. The violation of Ms. Attkisson's First Amendment rights proximately caused her injuries, as set forth herein.

68. The Defendants' acted with reckless and callous indifference to the federally-protected rights of the Plaintiffs.

69. By virtue of the foregoing, the Defendants are liable to the Plaintiff Sharyl Attkisson for their violation of her rights under the First Amendment.

**COUNT II--VIOLATION OF THE FOURTH
AMENDEMENT TO THE CONSTITUTION**

70. Plaintiffs incorporate and re-allege each and every allegation above as if fully set forth herein.

71. This action arises under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

72. The Defendants acted under color of law when conducting surveillance on the Plaintiffs.

73. The surveillance of Ms. Attkisson's computers and telephone violated the Fourth Amendment to the United States Constitution. The Plaintiffs' right to be secure in their person, residence, papers, and effects against unreasonable searches and seizures was violated. The Plaintiffs had a reasonable expectation of privacy with respect to their computers and telephones, and the Defendants had no warrant authorizing the surveillance, nor did any exigent circumstances exist at the time of such surveillance.

74. The violation of the Plaintiffs' Fourth Amendment rights proximately caused their injuries, as set forth herein.

75. The Defendants' acted with reckless and callous indifference to the federally-protected rights of the Plaintiffs.

76. By virtue of the foregoing, the Defendants are liable to Plaintiffs for their violation of the Plaintiffs' rights under the Fourth Amendment.

DAMAGES

77. The Defendants' conduct directly and proximately caused injury to the Plaintiffs in the form of trespass upon and damage to personal property, both real and tangible, workplace harassment and intimidation, fear, stress, embarrassment, expense, inconvenience, and anxiety.

78. In an effort to discover what was happening with Ms. Attkisson's laptop and phone lines, the Plaintiffs were forced to spend a substantial amount of time and expense in investigating the malades and hiring others to perform forensic investigations.

79. As a journalist, the ability to protect sources is crucial, and Ms. Attkisson's ability to offer such protection was compromised as a result of the surveillance giving rise to this claim.

This created a substantial amount of anxiety, jeopardized Ms. Attkisson's success as a journalist, and made her job more difficult than it would otherwise have been.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs request judgment in their favor against Defendants, Eric H. Holder, individually, Patrick R. Donahoe, individually, Unknown Named Agents of the Department of Justice, Unknown Named Agents of the United States Postal Service, and Unknown Named Agents of the United States, jointly and severally,

1. for compensatory damages in an amount to be proven at trial;
2. for punitive damages in an amount to be proven at trial;
3. for an injunction prohibiting the Defendants, and all other agents of the DOJ and USPS, from conducting surveillance of any sort against Ms. Attkisson without first obtaining a warrant in compliance with the law;
4. for a Declaration that Defendants' actions, practices, customs, and policies regarding the unauthorized surveillance of the Plaintiffs were unjustified, illegal, and violated the constitutional and legal rights of the Plaintiffs.
5. for attorney's fees and costs; and
6. for such other and further relief as the Court deems just and appropriate.

TRIAL BY JURY IS DEMANDED

Respectfully Submitted,

Sharyl Thompson Attkisson
James Howard Attkisson,
Sarah Judith Starr Attkisson
By Counsel



David Thomas, Esq. (D.C. Bar No. 976513)

MICHIE HAMLETT LOWRY

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500 Court Square, Suite 300

Post Office Box 298

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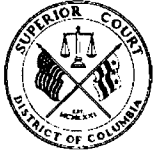
C. Tab Turner, Esq.

TURNER & ASSOCIATES, P.A.

4705 Somers Avenue, Suite 100

North Little Rock, Arkansas 72116

Counsel for the Plaintiffs



Superior Court of the District of Columbia
 CIVIL DIVISION
 500 Indiana Avenue, N.W., Suite 5000
 Washington, D.C. 20001 Telephone: (202) 879-1133

Sharyl Thompson Attkisson et al.

Plaintiff

vs.
 Eric H. Holder, Attorney General
 950 Pennsylvania Ave., NW, Room 511
 Washington, DC 20530

Defendant

Case Number 14-0008321

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within five (5) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

David W. Thomas, Esq.
 Name of Plaintiff's Attorney
500 Court Square, Suite 300
 Address
Charlottesville, VA 22902
(434) 951-7224
 Telephone

Clerk of the Court

By 
 Deputy Clerk

Date 12/30/14

如需翻译,请打电话 (202) 879-4828 Veuillez appeler au (202) 879-4828 pour une traduction Để có một bản dịch, hãy gọi (202) 879-4828
 번역을 원하시면, (202) 879-4828 로 전화하십시오 የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation
 Veá al dorso la traducción al español



TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL
 500 Indiana Avenue, N.W., Suite 5000
 Washington, D.C. 20001 Teléfono: (202) 879-1133

_____ Demandante

contra

Número de Caso: _____

_____ Demandado

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veinte (20) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante _____

Por: _____

Dirección _____

Subsecretario

Teléfono _____

Fecha _____

如需翻译, 请打电话 (202) 879-4828 Veuillez appeler au (202) 879-4828 pour une traduction Để có một bản dịch, hãy gọi (202) 879-4828
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Vea al dorso el original en inglés
 See reverse side for English original



Superior Court of the District of Columbia
 CIVIL DIVISION
 500 Indiana Avenue, N.W., Suite 5000
 Washington, D.C. 20001 Telephone: (202) 879-1133

Sharyl Thompson Attkisson et al.

Plaintiff

14-0008321

Eric H. Holder
 c/o Civil Process Clerk, US Attorney for the District of Columbia
 555 4th Street, NW
 Washington, DC 20001

Case Number _____

Defendant

SUMMONS

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You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

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David W. Thomas, Esq.
 Name of Plaintiff's Attorney
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(434) 951-7224
 Telephone

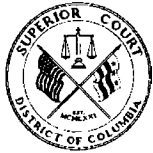
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 By [Signature] Deputy Clerk
 Date 12/30/14

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**TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL**

500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Teléfono: (202) 879-1133

_____ Demandante

contra

Número de Caso: _____

_____ Demandado

CITATORIO

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Por: _____

Dirección

Subsecretario

Teléfono

Fecha _____

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See reverse side for English original



**Superior Court of the District of Columbia
CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133**

Sharyl Thompson Attkisson et al.

Plaintiff

Patrick R. Donahoe
475 L'Enfant Plaza, SW
Washington, DC 20260

vs.

Case Number 14-0008321

Defendant

SUMMONS

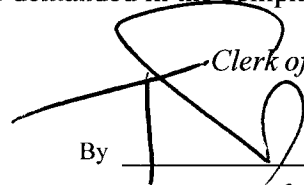
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David W. Thomas, Esq.
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Address
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(434) 951-7224
Telephone

Clerk of the Court

By  _____
Deputy Clerk

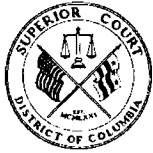
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DIVISIÓN CIVIL**

500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Teléfono: (202) 879-1133

_____ Demandante

contra

Número de Caso: _____

_____ Demandado

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SECRETARIO DEL TRIBUNAL

Nombre del abogado del Demandante

Por: _____

Dirección

Subsecretario

Teléfono

Fecha _____

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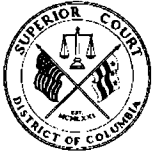
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**Superior Court of the District of Columbia
CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133**

Sharyl Thompson Attkisson et al.

Plaintiff

Patrick R. Donahoe
c/o Eric H. Holder, Attorney General vs.
950 Pennsylvania Ave., NW, Room 511
Washington, DC 20530

Case Number 14-0008321

Defendant

SUMMONS

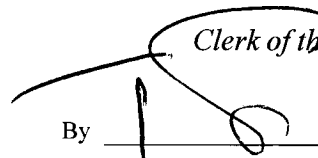
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David W. Thomas, Esq.
Name of Plaintiff's Attorney
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Address
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(434) 951-7224
Telephone

Clerk of the Court

By 
Deputy Clerk

Date 12/30/14

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DIVISIÓN CIVIL
 500 Indiana Avenue, N.W., Suite 5000
 Washington, D.C. 20001 Teléfono: (202) 879-1133

_____ Demandante
 contra _____
 _____ Demandado

Número de Caso: _____

CITATORIO

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CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133**

Sharyl Thompson Attkisson et al.

Plaintiff

Patrick R. Donahoe
c/o Civil Process Clerk, US Attorney for the District of Columbia
555 4th Street, NW
Washington, DC 20001

Defendant

Case Number 14-0008321

SUMMONS

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Clerk of the Court

By [Signature]
Deputy Clerk

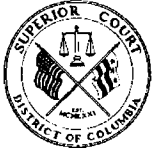
Date 12/30/14

如需翻译,请打电话 (202) 879-4828 Veuillez appeler au (202) 879-4828 pour une traduction Để có một bản dịch, hãy gọi (202) 879-4828
번역을 원하시면, (202) 879-4828 로 전화하십시오 የአግርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation
Vea al dorso la traducción al español



TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA
DIVISIÓN CIVIL
 500 Indiana Avenue, N.W., Suite 5000
 Washington, D.C. 20001 Teléfono: (202) 879-1133

_____ Demandante
 contra _____
 _____ Demandado

Número de Caso: _____

CITATORIO

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veinte (20) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

A usted también se le requiere presentar la Contestación original al Tribunal en la Oficina 5000, sito en 500 Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p.m., de lunes a viernes o entre las 9:00 a.m. y las 12:00 del mediodía los sábados. Usted puede presentar la Contestación original ante el Juez ya sea antes que Usted le entregue al demandante una copia de la Contestación o en el plazo de cinco (5) días de haberle hecho la entrega al demandante. Si usted incumple con presentar una Contestación, podría dictarse un fallo en rebeldía contra usted para que se haga efectivo el desagravio que se busca en la demanda.

SECRETARIO DEL TRIBUNAL

 Nombre del abogado del Demandante

 Dirección

 Teléfono

Por: _____
 Subsecretario
 Fecha _____

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 번역을 원하시면, (202) 879-4828 로 전화하십시오 የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANTE: SI USTED INCUMPLE CON PRESENTAR UNA CONTESTACIÓN EN EL PLAZO ANTES MENCIONADO, O, SI LUEGO DE CONTESTAR, USTED NO COMPARECE CUANDO LE AVISE EL JUZGADO, PODRÍA DICTARSE UN FALLO EN REBELDÍA CONTRA USTED PARA QUE SE LE COBRE LOS DAÑOS Y PERJUICIOS U OTRO DESAGRAVIO QUE SE BUSQUE EN LA DEMANDA. SI ESTO OCURRE, PODRÍAN RETENERLE SUS INGRESOS, O PODRÍAN TOMAR SUS BIENES PERSONALES O RAÍCES Y VENDERLOS PARA PAGAR EL FALLO. SI USTED PRETENDE Oponerse a esta acción, NO DEJE DE CONTESTAR LA DEMANDA DENTRO DEL PLAZO EXIGIDO.

Si desea conversar con un abogado y le parece que no puede afrontar el costo de uno, llame pronto a una de nuestras oficinas del Legal Aid Society (202-628-1161) o el Neighborhood Legal Services (202-279-5100) para pedir ayuda o venga a la Oficina 5000 del 500 Indiana Avenue, N.W., para informarse de otros lugares donde puede pedir ayuda al respecto.

Vea al dorso el original en inglés
 See reverse side for English original

Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH

INFORMATION SHEET **14-008521**

Sharyl Thompson Attkisson et al. _____

Case Number: _____

vs

Date: 12/30/2014

Eric Holder, Patrick R. Donahoe et al. _____

One of the defendants is being sued in their official capacity.

Name: <i>(Please Print)</i> David W. Thomas, Esq.	Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff
Firm Name: Michie Hamlett PLLC	<input type="checkbox"/> Self (Pro Se)
Telephone No.: (434) 951-7224	Six digit Unified Bar No.: 976513 <input type="checkbox"/> Other: _____

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury
 Demand: \$ To be proven at trial Other: Injunctive relief

PENDING CASE(S) RELATED TO THE ACTION BEING FILED
 Case No.: _____ Judge: _____ Calendar #: _____
 Case No.: _____ Judge: _____ Calendar#: _____

NATURE OF SUIT: <i>(Check One Box Only)</i>		
A. CONTRACTS <input type="checkbox"/> 01 Breach of Contract <input type="checkbox"/> 02 Breach of Warranty <input type="checkbox"/> 06 Negotiable Instrument <input type="checkbox"/> 15 Special Education Fees <input type="checkbox"/> 10 Mortgage Foreclosure/Judicial Sale	<input type="checkbox"/> 07 Personal Property <input type="checkbox"/> 09 Real Property-Real Estate <input type="checkbox"/> 12 Specific Performance <input type="checkbox"/> 13 Employment Discrimination	COLLECTION CASES <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent <input type="checkbox"/> 16 Under \$25,000 Consent Denied <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent <input type="checkbox"/> 18 OVER \$25,000 Consent Denied
B. PROPERTY TORTS <input type="checkbox"/> 01 Automobile <input type="checkbox"/> 02 Conversion <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a)		
<input type="checkbox"/> 03 Destruction of Private Property <input type="checkbox"/> 04 Property Damage		
<input type="checkbox"/> 05 Trespass <input type="checkbox"/> 06 Traffic Adjudication		
C. PERSONAL TORTS <input type="checkbox"/> 01 Abuse of Process <input type="checkbox"/> 02 Alienation of Affection <input type="checkbox"/> 03 Assault and Battery <input type="checkbox"/> 04 Automobile- Personal Injury <input type="checkbox"/> 05 Deceit (Misrepresentation) <input type="checkbox"/> 06 False Accusation <input type="checkbox"/> 07 False Arrest <input type="checkbox"/> 08 Fraud		
<input type="checkbox"/> 09 Harassment <input checked="" type="checkbox"/> 10 Invasion of Privacy <input type="checkbox"/> 11 Libel and Slander <input type="checkbox"/> 12 Malicious Interference <input type="checkbox"/> 13 Malicious Prosecution <input type="checkbox"/> 14 Malpractice Legal <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death) <input type="checkbox"/> 16 Negligence- (Not Automobile, Not Malpractice)		
<input type="checkbox"/> 17 Personal Injury- (Not Automobile, Not Malpractice) <input type="checkbox"/> 18 Wrongful Death (Not Malpractice) <input type="checkbox"/> 19 Wrongful Eviction <input type="checkbox"/> 20 Friendly Suit <input type="checkbox"/> 21 Asbestos <input type="checkbox"/> 22 Toxic/Mass Torts <input type="checkbox"/> 23 Tobacco <input type="checkbox"/> 24 Lead Paint		

SEE REVERSE SIDE AND CHECK HERE IF USED

Information Sheet, Continued

C. OTHERS

- | | | |
|---|--|--|
| <input type="checkbox"/> 01 Accounting | <input type="checkbox"/> 10 T.R.O./ Injunction | <input type="checkbox"/> 25 Liens: Tax/Water Consent Granted |
| <input type="checkbox"/> 02 Att. Before Judgment | <input type="checkbox"/> 11 Writ of Replevin | <input type="checkbox"/> 26 Insurance/ Subrogation
Under \$25,000 Consent Denied |
| <input type="checkbox"/> 04 Condemnation (Emin. Domain) | <input type="checkbox"/> 12 Enforce Mechanics Lien | <input type="checkbox"/> 27 Insurance/ Subrogation
Over \$25,000 Pltf. Grants Consent |
| <input type="checkbox"/> 05 Ejectment | <input type="checkbox"/> 16 Declaratory Judgment | <input type="checkbox"/> 28 Motion to Confirm Arbitration
Award (Collection Cases Only) |
| <input type="checkbox"/> 07 Insurance/Subrogation
Under \$25,000 Pltf.
Grants Consent | <input type="checkbox"/> 17 Merit Personnel Act (OEA)
(D.C. Code Title 1, Chapter 6) | <input type="checkbox"/> 29 Merit Personnel Act (OHR) |
| <input type="checkbox"/> 08 Quiet Title | <input type="checkbox"/> 18 Product Liability | <input type="checkbox"/> 30 Liens: Tax/ Water Consent Denied |
| <input type="checkbox"/> 09 Special Writ/Warrants
(DC Code § 11-941) | <input type="checkbox"/> 24 Application to Confirm, Modify,
Vacate Arbitration Award
(DC Code § 16-4401) | <input type="checkbox"/> 31 Housing Code Regulations |
| | | <input type="checkbox"/> 32 Qui Tam |
| | | <input type="checkbox"/> 33 Whistleblower |
| | | <input type="checkbox"/> 34 Insurance/Subrogation
Over \$25,000 Consent Denied |

II.

- | | | |
|---|--|--|
| <input type="checkbox"/> 03 Change of Name | <input type="checkbox"/> 15 Libel of Information | <input type="checkbox"/> 21 Petition for Subpoena
[Rule 28-I (b)] |
| <input type="checkbox"/> 06 Foreign Judgment | <input type="checkbox"/> 19 Enter Administrative Order as
Judgment [D.C. Code §
2-1802.03 (h) or 32-1519 (a)] | <input type="checkbox"/> 22 Release Mechanics Lien |
| <input type="checkbox"/> 13 Correction of Birth Certificate | <input type="checkbox"/> 20 Master Meter (D.C. Code §
42-3301, et seq.) | <input type="checkbox"/> 23 Rule 27(a) (1)
(Perpetuate Testimony) |
| <input type="checkbox"/> 14 Correction of Marriage
Certificate | | <input type="checkbox"/> 24 Petition for Structured Settlement |
| | | <input type="checkbox"/> 25 Petition for Liquidation |

David W. Thomas / by Jordan E. McKay
Attorney's Signature DC Bar #1002488

12/30/2014

Date



**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

SHARYL THOMPSON ATTKISSON et al

Vs.

C.A. No. 2014 CA 008321 B

ERIC HOLDER et al

INITIAL ORDER AND ADDENDUM

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure (“SCR Civ”) 40-I, it is hereby **ORDERED** as follows:

(1) Effective this date, this case has assigned to the individual calendar designated below. All future filings in this case shall bear the calendar number and the judge’s name beneath the case number in the caption. On filing any motion or paper related thereto, one copy (for the judge) must be delivered to the Clerk along with the original.

(2) Within 60 days of the filing of the complaint, plaintiff must file proof of serving on each defendant: copies of the Summons, the Complaint, and this Initial Order. As to any defendant for whom such proof of service has not been filed, the Complaint will be dismissed without prejudice for want of prosecution unless the time for serving the defendant has been extended as provided in SCR Civ 4(m).

(3) Within 20 days of service as described above, except as otherwise noted in SCR Civ 12, each defendant must respond to the Complaint by filing an Answer or other responsive pleading. As to the defendant who has failed to respond, a default and judgment will be entered unless the time to respond has been extended as provided in SCR Civ 55(a).

(4) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an Initial Scheduling and Settlement Conference to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings, including, normally, either mediation, case evaluation, or arbitration. Counsel shall discuss with their clients **prior** to the conference whether the clients are agreeable to binding or non-binding arbitration. **This order is the only notice that parties and counsel will receive concerning this Conference.**

(5) Upon advice that the date noted below is inconvenient for any party or counsel, the Quality Review Branch (202) 879-1750 may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. Request must be made not less than six business days before the scheduling conference date. No other continuance of the conference will be granted except upon motion for good cause shown.

(6) Parties are responsible for obtaining and complying with all requirements of the General Order for Civil cases, each Judge’s Supplement to the General Order and the General Mediation Order. Copies of these orders are available in the Courtroom and on the Court’s website <http://www.dccourts.gov/>.

Chief Judge Lee F. Satterfield

Case Assigned to: Judge HERBERT B DIXON JR

Date: December 31, 2014

Initial Conference: 9:30 am, Friday, April 03, 2015

Location: Courtroom 415

500 Indiana Avenue N.W.

WASHINGTON, DC 20001

Caio.doc

ADDENDUM TO INITIAL ORDER AFFECTING ALL MEDICAL MALPRACTICE CASES

In accordance with the Medical Malpractice Proceedings Act of 2006, D.C. Code § 16-2801, et seq. (2007 Winter Supp.), "[a]fter an action is filed in the court against a healthcare provider alleging medical malpractice, the court shall require the parties to enter into mediation, without discovery or, if all parties agree[,] with only limited discovery that will not interfere with the completion of mediation within 30 days of the Initial Scheduling and Settlement Conference ("ISSC"), prior to any further litigation in an effort to reach a settlement agreement. The early mediation schedule shall be included in the Scheduling Order following the ISSC. Unless all parties agree, the stay of discovery shall not be more than 30 days after the ISSC." D.C. Code § 16-2821.

To ensure compliance with this legislation, on or before the date of the ISSC, the Court will notify all attorneys and *pro se* parties of the date and time of the early mediation session and the name of the assigned mediator. Information about the early mediation date also is available over the internet at <https://www.dccourts.gov/pa/>. To facilitate this process, all counsel and *pro se* parties in every medical malpractice case are required to confer, jointly complete and sign an EARLY MEDIATION FORM, which must be filed no later than ten (10) calendar days prior to the ISSC. Two separate Early Mediation Forms are available. Both forms may be obtained at www.dccourts.gov/medmalmediation. One form is to be used for early mediation with a mediator from the multi-door medical malpractice mediator roster; the second form is to be used for early mediation with a private mediator. Both forms also are available in the Multi-Door Dispute Resolution Office, Suite 2900, 410 E Street, N.W. Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to earlymedmal@dcsc.gov. *Pro se* Plaintiffs who elect not to eFile may file by hand in the Multi-Door Dispute Resolution Office.

A roster of medical malpractice mediators available through the Court's Multi-Door Dispute Resolution Division, with biographical information about each mediator, can be found at www.dccourts.gov/medmalmediation/mediatorprofiles. All individuals on the roster are judges or lawyers with at least 10 years of significant experience in medical malpractice litigation. D.C. Code § 16-2823(a). If the parties cannot agree on a mediator, the Court will appoint one. D.C. Code § 16-2823(b).

The following persons are required by statute to attend personally the Early Mediation Conference: (1) all parties; (2) for parties that are not individuals, a representative with settlement authority; (3) in cases involving an insurance company, a representative of the company with settlement authority; and (4) attorneys representing each party with primary responsibility for the case. D.C. Code § 16-2824.

No later than ten (10) days after the early mediation session has terminated, Plaintiff must eFile with the Court a report prepared by the mediator, including a private mediator, regarding: (1) attendance; (2) whether a settlement was reached; or, (3) if a settlement was not reached, any agreements to narrow the scope of the dispute, limit discovery, facilitate future settlement, hold another mediation session, or otherwise reduce the cost and time of trial preparation. D.C. Code § 16-2826. Any Plaintiff who is *pro se* may elect to file the report by hand with the Civil Clerk's Office. The forms to be used for early mediation reports are available at www.dccourts.gov/medmalmediation.

Chief Judge Lee F. Satterfield