

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

DANIEL JARRELLS
2637 April Dawn Way
Odenton, Maryland 21113,

Plaintiff,

v.

**ANNE ARUNDEL COUNTY,
MARYLAND**
2660 Riva Road
Annapolis, Maryland 21401

and

**JOSHUA SHAPIRO, individually and in
his capacity as an officer of the Anne
Arundel County Police Department**
8945 Veterans Highway
Millersville, MD 21108

and

**DANIEL REYNOLDS, individually and in
his capacity as an officer of the Anne
Arundel County Police Department**
8945 Veterans Highway
Millersville, MD 21108

and

**BRIAN RANCK, individually and in his
capacity as an officer of the Anne Arundel
County Police Department**
8945 Veterans Highway
Millersville, MD 21108,

Defendants.

Case No. _____

Jury Trial Demanded

COMPLAINT AND JURY DEMAND

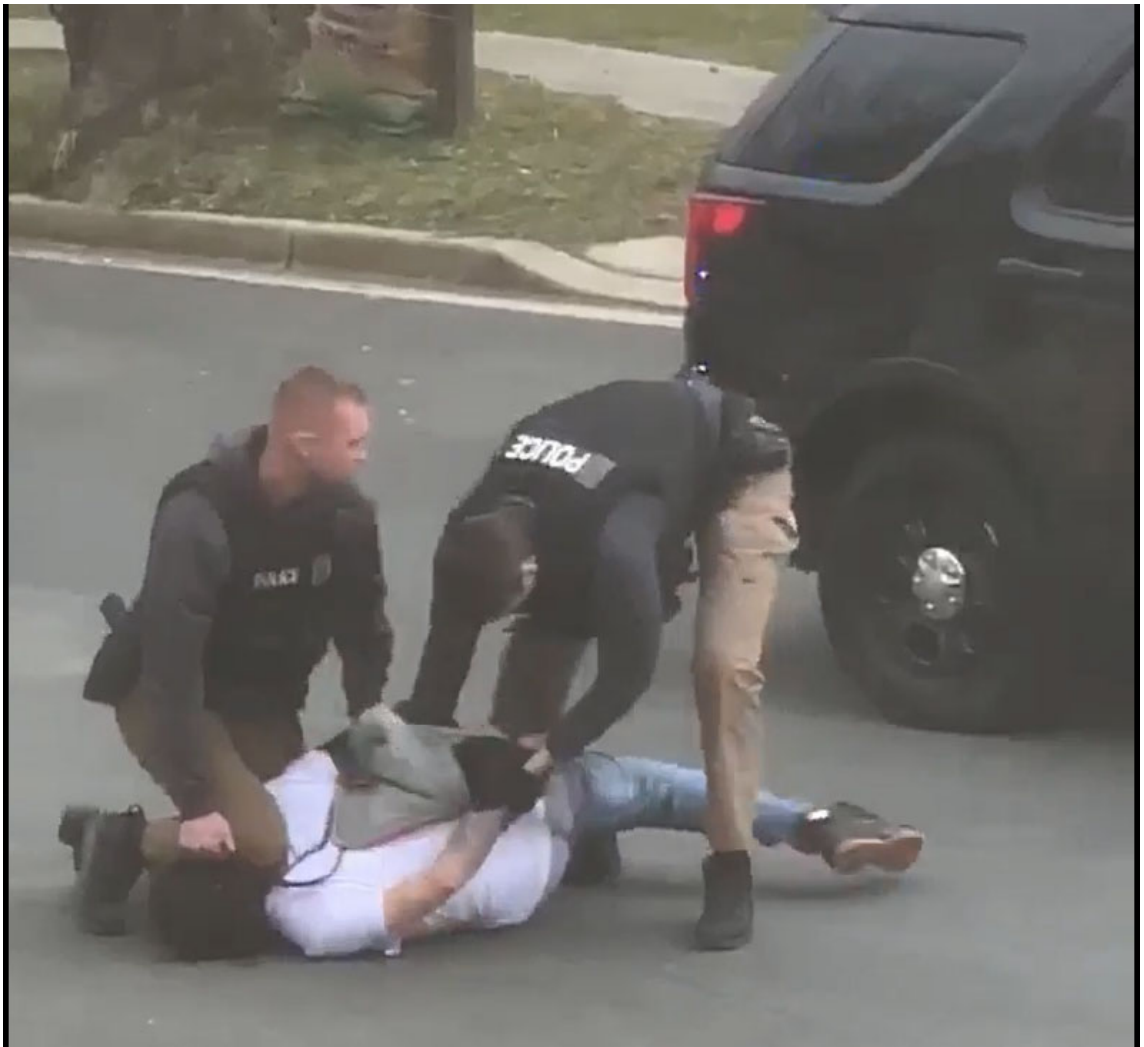
Plaintiff Daniel Jarrells, through the undersigned counsel, sues Defendants Anne Arundel County, Maryland; Joshua Shapiro, individually and in his capacity as an officer of the Anne

Arundel County Police Department; Daniel Reynolds, individually and in his capacity as an officer of the Anne Arundel County Police Department; and Brian Ranck, individually and in his capacity as an officer of the Anne Arundel County Police Department, and complains as follows:

INTRODUCTION

Daniel Jarrells, a young African-American man, was stopped without any legitimate probable cause by officers of the Anne Arundel County Police Department. In their report immediately after the stop, the police did not even attempt to invent a pretext for the stop; months later, officers claimed that Daniel was “suspicious” because he was driving a two-door vehicle with a Lyft sticker on it. This “suspicious” sticker was apparently the most plausible justification the officers could invent for following Daniel, pulling him over, ordering him out of the car at gunpoint, handcuffing him, searching him, and placing him in a police vehicle, all without ever giving Daniel an explanation of why or for what he was under arrest.

Shortly after placing him into the police vehicle with no explanation, officers pulled Daniel out of the vehicle and threw him to the ground. Officers claimed it was necessary to violently tackle Daniel because he was “resisting arrest,” but video taken by a neighbor shows this claim to be false. As Daniel lay handcuffed and helpless on the ground, one of the officers kneeled on Daniel’s neck, and at one point slammed his knee into Daniel’s prone body, presenting a serious and unjustified risk of injury or death:



The officers' violent and dangerous actions toward Daniel were not justified by any police or public safety necessity. After arresting Daniel, and taking him to the hospital for treatment of abrasions caused by the officers' assault, the officers charged Daniel with minor offenses, none of which had any basis in law and all of which were later dismissed as *nolle prosequi*.

Daniel brings this suit to recover for the Anne Arundel County Police Department's violation of his civil rights. Daniel also seeks an injunction compelling Anne Arundel County to adopt a general order preventing its officers from using potentially lethal force on

handcuffed arrestees unless necessary to protect the life and safety of officers or of the public, which was not the case here.

PARTIES

1. Plaintiff Daniel Jarrells is the aggrieved party in this suit and is an adult citizen of Anne Arundel County, Maryland.

2. Defendant Anne Arundel County, Maryland (the “County”) is a municipal corporation organized under Article XI of the Maryland Constitution. The County organizes, operates, and maintains the Anne Arundel County Police Department (AAPD), the primary law enforcement agency in the County.

3. Defendant Detective Joshua Shapiro is an officer of the AAPD and an agent and employee of the County. Plaintiff sues Detective Shapiro in his official and individual capacities.

4. Defendant Detective Daniel Reynolds is an officer of the AAPD and an agent and employee of the County. Plaintiff sues Detective Reynolds in his official and individual capacities.

5. Defendant Detective Brian Ranck (collectively with Defendants Shapiro and Reynolds, the “Detectives”) is an officer of the AAPD and an agent and employee of the County. Plaintiff sues Detective Ranck in his official and individual capacities.

JURISDICTION AND VENUE

6. The Court has jurisdiction over this action pursuant to Md. Code, Cts. & Jud. Proc § 1-501.

7. Venue is proper in this Court pursuant to Md. Code, Cts. & Jud. Proc. § 6-201 because all Defendants reside or are employed in Anne Arundel County.

NOTICE

8. To the extent that certain of Plaintiff's claims are governed by provisions of the Maryland Tort Claims Act and/or the Local Government Tort Claims Act, Plaintiff provided notice of his claims to Defendants on December 9, 2019.

FACTS COMMON TO ALL COUNTS

9. On February 14, 2019, Plaintiff Daniel Jarrells was driving his friend's car while en route to his mother's house in Gambrills, Maryland.

10. Lamar Redfield, another friend of Daniel's, was in the passenger's seat.

11. Daniel and Lamar came to an intersection and pulled up next to an unmarked black SUV operated by Defendants, Detectives Joshua Shapiro and Daniel Reynolds of the AAPD.

12. Both Detectives are white. Both Daniel and Lamar are African-American.

13. Although Daniel was operating the car safely and lawfully, the Detectives, after noticing Daniel and Lamar in the vehicle next to them, chose to follow him.

14. An arrest report written the day after the incident (the "First Report") does not offer a reason for the Detectives' decision to follow Daniel, stating only that they "attempted to make a traffic stop."

15. However, the Detectives followed Daniel for approximately two miles before they attempted a stop.

16. More than two months after the incident, on April 19, 2019, Detective Shapiro wrote another arrest narrative, and this time attempted to justify his decision to follow Daniel.

17. In the April report, Detective Shapiro claimed that the reason the Detectives began following Daniel was because the vehicle "displayed a Lyft [ride-sharing service] sticker

in the front and rear windshield,” which was “suspicious considering Lyft requires a four door vehicle.”

18. Detective Shapiro did not explain what “suspicious” or illegal activity the Lyft sticker could possibly have indicated.

19. The Detectives followed Daniel until they obtained a pretext for pulling the vehicle over. The First Report does not say what this pretext was, only that the Detectives “attempted to conduct a traffic stop.”

20. In the April report, Detective Shapiro claimed that the basis for the stop was that the Detectives “paced” Daniel’s car over the speed limit, and/or that Daniel stopped the vehicle at a stop sign with his tires in front of the white line.

21. After the Detectives hit their lights, Daniel proceeded at low speed approximately a quarter mile down the road, so that he could pull over in front of his mother’s home and not on a street where he did not know anyone. Once he arrived at his mother’s home, he stopped the car.

22. After Daniel stopped, the Detectives jumped out of their vehicle and immediately drew their guns, pointing them at Daniel and Lamar. Neither Daniel nor Lamar posed any threat to officer safety or engaged in any conduct which would in any way suggest that they posed any dangers to the officers or the public.



23. The First Report makes no mention of either Detective having drawn his weapon. In the April report, Detective Shapiro claims that the Detectives drew their guns because of Daniel’s “suspicious driving behavior,” his “attempt to elude the traffic stop,” and their claimed knowledge that the car’s owner—not Daniel—had been arrested for weapons and drug charges, which also went unmentioned in the First Report.

24. After the Detectives ordered Daniel and Lamar out of the car at gunpoint, Detective Shapiro detained Lamar. Meanwhile, Detective Reynolds approached the car and

grabbed Daniel's arm through the window, at which point he holstered his firearm, drew his TASER stun device, and told Daniel to "get out of the car or I'm gonna Tase you."

25. Daniel exited the car, both he and Lamar were placed in handcuffs, and Daniel was searched. Neither man was told why they had been pulled over, why they had been ordered out of the car at gunpoint, or why they were under arrest.

26. Daniel was then placed in the front seat of the Detectives' vehicle. Around this time, Detective Ranck arrived. Shortly afterward, however, the Detectives pulled Daniel out of the vehicle.

27. In the First Report, Detective Shapiro claimed that Daniel was removed from the vehicle because he was "kicking the window attempting to break it out." Daniel made no such attempt, and photographs of the vehicle taken by Detective Ranck show no damage to the window or vehicle.

28. Detectives Ranck and Reynolds, along with another officer, hauled Daniel out of the vehicle and threw him to the ground. The Detectives later claimed this takedown was necessary because Daniel "resisted arrest by flailing his arms and body"; they did not explain how it was possible for Daniel to "flail his arms" while in handcuffs.

29. Moreover, video taken by a neighbor belies the Detectives' explanation. It shows the Detectives pulling Daniel out of the vehicle and immediately throwing him down. Daniel had no opportunity to "resist arrest" even had he been so inclined:



30. After the Detectives took Daniel to the ground, Detective Reynolds put his knee in the back of Daniel's neck as he lay face down on the pavement. Detective Reynolds wrote in

his report that he put his knee on Daniel's shoulder, but the video shows Detective Reynolds's account to be false.

31. As Daniel lay on the ground with Detective Reynolds's knee on his neck, he attempted to shift his weight so that he could lie flat on his stomach instead of partially on his side, due to the discomfort that the restraint was causing. He also called out to his mother, telling her that the Detectives had pulled their guns on him for no reason.

32. When Daniel shifted, Detective Reynolds responded by grabbing Daniel's head and then slamming his knee into the back of Daniel's neck.

33. Detective Reynolds's knee strike on Daniel's neck was an excessive use of force, intended to inflict punishment and pain and not for any legitimate law enforcement purpose.

34. Strikes to the back of the neck risk causing damage to the cervical spine.

35. Daniel asked why Detective Reynolds was using such extreme force, and yelled to his mother to contact an attorney. Daniel then yelled to Detective Reynolds that there was no reason to slam his head into the ground, because "I'm in fuckin' handcuffs." Detective Reynolds yelled back for Daniel to "Shut the fuck up." Daniel responded, "Fuck you," to which Detective Reynolds yelled "Fuck you!"

36. As Detective Reynolds and Daniel yelled at one another, Detective Ranck came over and twisted Daniel's legs behind his back, then kneeled on his legs. When Daniel protested, Detective Reynolds put his full weight on Daniel's back and neck:



37. Detective Reynolds and the other officers knew or should have known that officers should refrain from striking or kneeling suspects in the neck or keeping their knee on the suspects' head or neck due to the risk of serious and even life-threatening injuries. This use of force can potentially block the suspects' airways and ability to breathe, and can cause a broken neck and paralysis.

38. Daniel called out again for his mother, to which Detective Reynolds responded by screaming at Daniel to "Shut up!"

39. When Daniel stated that "I can't even breathe," Detective Reynolds did not remove his knee from Daniel's neck, but instead responded dismissively, "You can breathe."

40. Detective Reynolds held Daniel against the pavement for several minutes, repeatedly yelling at him and slamming him into the ground.

41. While Daniel fortunately did not suffer the kinds of serious or fatal injuries that could have resulted from Detective Reynolds's excessive and unjustified use of force, he did suffer abrasions on his face, for which he was treated at the hospital.

42. The Detectives later claimed that Daniel had "dragged his face across the pavement" of his own accord.

43. Daniel was arrested without probable cause and strip searched. The Detectives claimed that the strip search was "based on the vehicle's failure to stop," but did not allege that they had any reason to believe that Daniel was hiding a weapon or a controlled substance on his body. Notably, the Detectives had already frisked Daniel and searched his clothing when they initially placed him in handcuffs.

44. The officers also brought a drug dog to search the vehicle, again without any reason to suspect any wrongdoing.

45. Daniel was charged with disorderly conduct, resisting arrest, and, after the dog found CBD oil with a THC content of less than one-half of one percent in his friend's vehicle, possession of a controlled dangerous substance.

46. The Detectives did not have and could not have had reasonable suspicion of any of the charged crimes.

47. All of the charges against Daniel were disposed as *nolle prosequi*.

COUNT 1
Article 24 of the Maryland Declaration of Rights –
Excessive Force

48. Plaintiff incorporates and realleges the foregoing paragraphs as if fully set forth herein.

49. The Detectives used unreasonable and unnecessary force in the treatment of Plaintiff, thereby injuring him as alleged above in violation of his rights to due process and to be free from excessive force and unreasonable seizure, as protected by Article 24 of the Maryland Declaration of Rights.

50. The Detectives' actions were without provocation or legal justification and were undertaken on the basis of race, ethnicity, and/or other protected characteristics and with the intent to violate Plaintiff's civil rights, including but not limited to his rights under Article 24.

51. The Detectives were at all relevant times acting as agents of and within the scope of their employment by the County.

52. As a result of the Detectives' actions, Plaintiff suffered damages, including but not limited to pain and suffering, assault, battery, mental and emotional distress, and deprivation of constitutional rights.

WHEREFORE, Plaintiff demands judgment against Defendants Anne Arundel County, Maryland; Joshua Shapiro, individually and in his capacity as an officer of the Anne Arundel County Police Department; Daniel Reynolds, individually and in his capacity as an officer of the Anne Arundel County Police Department; and Brian Ranck, individually and in his capacity as an officer of the Anne Arundel County Police Department, in an amount exceeding \$75,000, plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT 2
Article 26 of the Maryland Declaration of Rights –
Excessive Force and Deprivation of Liberty

53. Plaintiff incorporates and realleges the foregoing paragraphs as if fully set forth herein.

54. By the actions detailed above, the Detectives deprived Plaintiff of his rights under Article 26 of the Maryland Declaration of Rights, including but not limited to the right to freedom from unlawful seizure and the right to bodily integrity.

55. The Detectives' actions were without provocation or legal justification and with the intent to violate Plaintiff's civil rights, including but not limited to his rights under Article 26.

56. The Detectives were at all relevant times acting as agents of and within the scope of their employment by the County.

57. As a result of the Detectives' actions, Plaintiff suffered damages, including but not limited to pain and suffering, assault, battery, mental and emotional distress, and deprivation of constitutional rights.

WHEREFORE, Plaintiff demands judgment against Defendants Anne Arundel County, Maryland; Joshua Shapiro, individually and in his capacity as an officer of the Anne Arundel County Police Department; Daniel Reynolds, individually and in his capacity as an officer of the Anne Arundel County Police Department; and Brian Ranck, individually and in his capacity as an officer of the Anne Arundel County Police Department, in an amount exceeding \$75,000, plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT 3
Battery

58. Plaintiff incorporates and realleges the foregoing paragraphs as if fully set forth herein.

59. The Detectives repeatedly and intentionally contacted Plaintiff in a harmful and offensive manner as described above.

60. Plaintiff did not consent to any of these contacts.

61. The contacts were not justified by any legitimate police necessity.

62. The Detectives undertook these contacts deliberately, with ill will and actual malice.

63. During the commission of the foregoing acts, the Detectives were acting as agents of and within the scope of their employment by the County.

64. As a result of the Detectives' actions, Plaintiff suffered damages, including but not limited to pain and suffering, assault, battery, mental and emotional distress, and deprivation of constitutional rights.

WHEREFORE, Plaintiff demands judgment against Defendants Anne Arundel County, Maryland; Joshua Shapiro, individually and in his capacity as an officer of the Anne Arundel County Police Department; Daniel Reynolds, individually and in his capacity as an officer of the Anne Arundel County Police Department; and Brian Ranck, individually and in his capacity as an officer of the Anne Arundel County Police Department, in an amount exceeding \$75,000, plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT 4
False Arrest

65. Plaintiff incorporates and realleges the foregoing paragraphs as if fully set forth herein.

66. The Detectives deprived Plaintiff of his liberty and freedom of movement.

67. Plaintiff did not consent to this deprivation, and it was without any legal justification or legitimate police necessity.

68. During the commission of the foregoing acts, the Detectives were acting as agents of and within the scope of their employment by the County.

69. As a result of the Detectives' actions, Plaintiff suffered damages, including but not limited to pain and suffering, assault, battery, mental and emotional distress, and deprivation of constitutional rights.

WHEREFORE, Plaintiff demands judgment against Defendants Anne Arundel County, Maryland; Joshua Shapiro, individually and in his capacity as an officer of the Anne Arundel County Police Department; Daniel Reynolds, individually and in his capacity as an officer of the Anne Arundel County Police Department; and Brian Ranck, individually and in his capacity as an officer of the Anne Arundel County Police Department, in an amount exceeding \$75,000, plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT 5
False Imprisonment

70. Plaintiff incorporates and realleges the foregoing paragraphs as if fully set forth herein.

71. The Detectives restrained Plaintiff, depriving him of his liberty.

72. Plaintiff did not consent to this deprivation.

73. As the Detectives did not have reasonable suspicion of any crime at the time that they restrained Plaintiff, there was no legal authority or justification for the restraint.

74. During the commission of the foregoing acts, the Detectives were acting as agents of and within the scope of their employment by the County.

75. As a result of the Detectives' actions, Plaintiff suffered damages, including but not limited to pain and suffering, assault, battery, mental and emotional distress, and deprivation of constitutional rights.

WHEREFORE, Plaintiff demands judgment against Defendants Anne Arundel County, Maryland; Joshua Shapiro, individually and in his capacity as an officer of the Anne Arundel County Police Department; Daniel Reynolds, individually and in his capacity as an officer of the Anne Arundel County Police Department; and Brian Ranck, individually and in his capacity as an officer of the Anne Arundel County Police Department, in an amount exceeding \$75,000, plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT 6
Intentional Infliction of Emotional Distress

1. Plaintiff incorporates and realleges the foregoing paragraphs as if fully set forth herein.

2. The Detectives' conduct as described above was intentional.

3. The Detectives' actions—pulling over Plaintiff without any reasonable suspicion of a crime, pointing their guns at him after stopping him for no reason, threatening to use a stun control device on him, detaining him without any probable cause, pressing a knee into Plaintiff's neck, and slamming his head into the ground as he lay handcuffed and helpless—were extreme and outrageous.

4. As a result of this wrongful conduct, Plaintiff suffered severe emotional distress.

5. During the commission of the foregoing acts, the Detectives were acting as agents of and within the scope of their employment by the County.

6. As a result of the Detectives' actions, Plaintiff suffered damages, including but not limited to pain and suffering, assault, battery, mental and emotional distress, and deprivation of constitutional rights.

WHEREFORE, Plaintiff demands judgment against Defendants Anne Arundel County, Maryland; Joshua Shapiro, individually and in his capacity as an officer of the Anne Arundel County Police Department; Daniel Reynolds, individually and in his capacity as an officer of the Anne Arundel County Police Department; and Brian Ranck, individually and in his capacity as an officer of the Anne Arundel County Police Department, in an amount exceeding \$75,000, plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT 7

Article 26 of the Maryland Declaration of Rights – Unconstitutional Policy and or Training Authorizing Use of Force On or Near Airways of Restrained Suspects

1. Plaintiff incorporates and realleges the foregoing paragraphs as if fully set forth herein.

2. By the actions detailed above, the Detectives deprived Plaintiff of his rights under Article 26 of the Maryland Declaration of Rights, including but not limited to the right to freedom from unlawful seizure and the right to bodily integrity.

3. While the Detectives violated Plaintiff's constitutional rights by using excessive force against him, Anne Arundel County committed a separate and distinct violation of Plaintiff's constitutional rights by authorizing, permitting, and/or allowing the use of force and/or restraint of Plaintiff's neck on or near his airway when Plaintiff did not pose a risk of deadly force and he was restrained by handcuffs.

4. Additionally, Anne Arundel County violated Plaintiff's constitutional rights when it trained and/or permitted its officers to use a "knee strike" in the neck area of arrestees.

5. On June 9, 2020, AAPD Chief Timothy J. Altomare released a list of "Frequently Asked Questions" about the AAPD's use of force, in response to widespread protests and attention to police use of force, and particularly to strikes and restraints to the neck, following the murder of George Floyd by officers of the Minneapolis, Minnesota police department.

6. In the FAQ, Chief Altomare states that the AAPD "does not teach any type of neck restraint," considers "force to the head and neck" to be "deadly force," and that AAPD officers are "trained throughout our entire career to avoid impacting or restricting the neck."

7. Chief Altomare also claimed that the only circumstance under which a neck restraint is permissible is during the "active defense of human life in which no other option exists."

8. Despite Chief Altomare's claims to the public, however, the AAPD's Use of Force Policy, IC 401, is silent as to neck restraints or strikes to the neck, and mentions knee strikes only in passing as a "use of force" requiring a report.

9. Moreover, the Detectives clearly were not "actively defending human life" when they followed Plaintiff without cause, pulled Plaintiff over in a pretextual stop, ordered Plaintiff out of the vehicle at gunpoint despite having no reason to believe that Plaintiff posed any sort of threat at all—much less one requiring lethal force—threatened to Tase Plaintiff, arrested Plaintiff without suspicion of any crime, hauled Plaintiff out of the police vehicle where they had placed him, slammed him onto the ground facedown and in handcuffs, and—while Plaintiff was still restrained by handcuffs—used a knee to strike and restrain Plaintiff's neck.

10. Contrary to Chief Altomare's assurance in the FAQ that officers are required to stop and report any excessive force, none of the other officers on scene put a stop to or reported Detective Reynold's use of knee strikes and restraints to Plaintiff's neck.

11. Moreover, on information and belief, no member of the AAPD, either on scene or after the fact, requested or demanded that Officer Reynolds or any of the four officers on scene explain the use of force, despite the fact that the Detectives stated in multiple arrest reports that they had used physical force to subdue Plaintiff, the fact that Plaintiff had been taken to the hospital, and the fact that photographs of Plaintiff in the AAPD's arrest file taken at the hospital clearly show lacerations and abrasions to Plaintiff's face.

12. No Use of Force Report is present in the AAPD arrest file provided to Plaintiff, and on information and belief, no such report was ever requested or submitted.

13. Despite Chief Altomare's statement, the AAPD has no policy or procedure, written or unwritten, that restricts the use of knee strikes to or the restraint of an arrestee's neck.

14. In the alternative, any such policy that the AAPD does have is neither sufficiently taught nor adequately enforced.

15. AAPD officers are trained, authorized, and/or permitted to use knee strikes and restraints to an arrestee's neck area, despite the risk of serious injury or death publicly acknowledged by Chief Altomare.

16. The Detectives used unreasonable and unnecessary force in the treatment of Plaintiff, thereby injuring him as alleged above in violation of his rights to due process and to be free from excessive force and unreasonable seizure, as protected by Article 26 of the Maryland Declaration of Rights.

17. During the commission of the foregoing acts, the Detectives were acting as agents of and within the scope of their employment by the County.

18. As a result of the Detectives' actions, Plaintiff suffered damages, including but not limited to pain and suffering, assault, battery, mental and emotional distress, and deprivation of constitutional rights.

WHEREFORE, Plaintiff demands judgment against Defendants Anne Arundel County, Maryland; Joshua Shapiro, individually and in his capacity as an officer of the Anne Arundel County Police Department; Daniel Reynolds, individually and in his capacity as an officer of the Anne Arundel County Police Department; and Brian Ranck, individually and in his capacity as an officer of the Anne Arundel County Police Department, in an amount exceeding \$75,000, as well as injunctive relief 1) enjoining Defendant Anne Arundel County from training, authorizing, permitting, or allowing the use of knee strikes in the neck area of arrestees; 2) enjoining Defendant Anne Arundel County from training, authorizing, permitting, or allowing its officers to restrain an arrestee's neck in a manner that blocks or could block an arrestee's air passage; 3) compelling Defendant Anne Arundel County to adopt an explicit general order preventing officers from using force which potentially blocks an arrestee's airways or could potentially cause serious injury to an arrestee's cervical spine, and defining such force as "lethal force"; and 4) compelling Defendant Anne Arundel County to adopt a general order preventing its officers from using potentially lethal force on handcuffed arrestees unless necessary to protect the life and safety of officers or the public, plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

JURY DEMAND

Plaintiffs demand a trial by jury of any and all claims so triable.

/s/ Timothy F. Maloney
By: Timothy F. Maloney

Respectfully submitted this 16th day of July, 2020,

/s/ Timothy F. Maloney
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