

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

NANCY NJOROGÉ
8 North Summit Drive, Apt. 202
Gaithersburg, MD 20877,

WILLIAM NJOROGÉ
8 North Summit Drive, Apt. 202
Gaithersburg, MD 20877,

JOYCE NJOROGÉ
*a minor, by and through her parent and
next friend, Nancy Njoroge*
8 North Summit Drive, Apt. 202
Gaithersburg, MD 20877,

Plaintiffs,

v.

LT. ROBERT M. BOLESTA
Montgomery County Police Department
Special Investigations Division
2350 Research Boulevard
Rockville, Maryland 20850

OFFICERS JOHN DOE #1-12
Montgomery County Police Department
Special Investigations Division
2350 Research Boulevard
Rockville, Maryland 20850

and

MONTGOMERY COUNTY, MARYLAND
c/o Office of the County Executive
101 Monroe Street
2nd Floor
Rockville, Maryland 20850

Defendants.

Case No: _____

JURY TRIAL DEMANDED

COMPLAINT

(Police Misconduct: Violation of rights under the Constitution of the United States, the Declaration of Rights of Maryland, and the common law of Maryland)

Plaintiffs Nancy Njoroge and William Njoroge and their 15-year-old daughter, Joyce Njoroge, by and through Paul, Weiss, Rifkind, Wharton & Garrison LLP, for their complaint, allege on knowledge as to themselves and their own acts and on information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. This is an action to redress a violation of plaintiffs' federal and state constitutional and common law rights to be free of unreasonable search and seizure. In the pre-dawn hours of October 6, 2005, Nancy Njoroge and her two young daughters awoke to the sound of pounding on their front door. Within minutes, their small apartment was swarming with approximately one dozen officers of the Montgomery County Police Department ("MCPD") and Mrs. Njoroge and her daughters were in handcuffs – after either being pushed to the floor or forced from their bedroom – in which they remained for at least the next thirty minutes. The officers' entrance and search of the Njoroge home, as well as the force they used to restrain the three women were illegal; the officers possessed neither a warrant nor cause to enter the Njoroge's apartment. *Rather, they possessed a warrant to enter the neighboring apartment.* By their actions, defendants inflicted significant harm on the Njoroge family for which they should be severely sanctioned.

2. On October 6, 2005, and at the time of the filing this Complaint, plaintiffs leased a residence at 8 North Summit Drive, Apartment No. 202, in Gaithersburg, Maryland.

3. On that date, at approximately 4:00 a.m., Lt. Robert M. Bolesta and Officers of the MCPD executed a warrant authorizing entry for law enforcement purposes to the premises of Apartment 201, also located at 8 North Summit Drive in Gaithersburg. Upon information and belief, on its face, the warrant indicated that Apartment 201 was the target, but the Montgomery County police did not enter Apartment 201. Instead, defendants unlawfully raided Apartment 202 in pre-dawn darkness while the Njoroge family slept.

4. The unlawful entry should never have occurred and easily could have been prevented if the officers had taken the necessary, reasonable and simple step of carefully reading the warrant in hand and checking the apartment number on the door of the Njoroges' home. On information and belief, the warrant was clearly written. The apartment number was clearly marked on the door. The hallway was clearly lighted. There were no exigent circumstances which forced the officers to rush their entry into the Njoroge family home.

5. Instead, plaintiffs Nancy Njoroge, her sixteen-year-old daughter, Janet, and her thirteen-year-old daughter, Joyce, were awakened by the terrifying sound of the police making a forcible entry into their home. Approximately one dozen officers unlawfully entered the apartment by violently breaking down the Njoroges' front door. While some officers handcuffed Nancy and forced her to lie faced down on her stomach in her nightgown, others barged into the bedroom and handcuffed her two small daughters. Within minutes, the small apartment was secure and the officers were assured that no one in the apartment was a threat to their safety. These officers, however, continued to ransack the Njoroges' small apartment for 15 minutes.

6. Because the police had entered the wrong home, they found neither any criminal suspect nor any evidence of criminal activity in the Njoroges' home. Yet it was approximately half an hour

before the Njoroges were freed. During this entire time, Mrs. Njoroge and her young daughters remained in handcuffs and in nightclothes, trembling with fear and confusion. Finally, the police informed the Njoroge family that they had raided the wrong apartment.

7. Police are charged with protecting and serving the public, and in executing their responsibility, are charged with taking necessary and reasonable care to ensure that individual rights and liberties are not undermined by their actions. Defendants' actions inflicted significant harm on the Njoroge family. The individual defendants are liable for damages for constitutional and other violations and Montgomery County is liable as well for its failure properly to train and supervise its officers of the law.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction under 28 U.S.C. § 1331. Plaintiffs bring this action under 42 U.S.C. § 1983 to vindicate rights established by the Fourth Amendment to the United States Constitution and applicable to the states through the Fourteenth Amendment. Plaintiffs' claims under the Declaration of Rights of Maryland and the common law of Maryland arise from the same occurrences as their constitutional claims and are within the Court's supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

9. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b). The events, conduct and omissions giving rise to the plaintiffs' claims occurred in this judicial district.

PARTIES

10. Plaintiffs William and Nancy Njoroge are adult residents of Montgomery County, Maryland. The Njoroges immigrated to the United States from Nairobi, Kenya, with valid immigrant visas in 2004. Nancy Njoroge works as a nurses' aide while attending nursing school. William Njoroge works at a local

24-hour market. William and Nancy Njoroge have leased 8 North Summit Drive, Apartment No. 202, in Gaithersburg, MD 20877 since July 2004.

11. Plaintiff Joyce Njoroge is a 15-year-old resident of Montgomery County. She is a student in the Montgomery County public schools. Her mother, Nancy Njoroge, brings this action on her behalf.

12. Defendant Lieutenant Robert M. Bolesta is a sworn officer of the Montgomery County Police Department. Upon information and belief, Lt. Bolesta is assigned to the MCPD Special Operations Division, located at 2350 Research Boulevard, Rockville, MD 20850, and is the leader of the Montgomery Narcotics Team and was present at the unlawful raid on the Njoroge home. He is sued in his individual capacity.

13. Defendant Officers John Doe #1-12 are unknown, sworn officers employed by the Montgomery County Police Department who unlawfully entered and searched the Njoroge's home. Upon information and belief, defendant Officers John Doe #1-12 are members of the MCPD Special Operations Division, Montgomery Narcotics Team. Officers John Doe #1-12 are sued in their individual capacities.

14. Defendant Montgomery County, Maryland, is a municipal corporation of the State of Maryland.

FACTS

15. At approximately 4:00 a.m. on October 6, 2005, Nancy Njoroge was at home with her two daughters when she was awakened by the sound of loud banging and voices outside the front door of her second-floor apartment. Groggy from sleep, she assumed that it was her husband, William, and their son, who work a night shift at a local market, and who she assumed must have locked themselves out of the apartment.

16. Assuming it was her husband and son at the door, Nancy jumped out of bed and ran to the door in her nightgown. When she got to the door, she saw that it was partially opened and held closed only by the chain lock that connected the door to its frame. She saw police officers standing outside. She briefly closed the door so that she could to release the chain from its lock and find out what the problem was.

17. Before Nancy could open the door, however, a police team used a battering ram to break down the front door. Upon information and belief, the team was led by Lieutenant Robert M. Bolesta. Approximately one dozen officers, some dressed in riot gear, entered her family's home and yelled at Nancy to lie on the floor. Officers bound her hands behind her back using plastic handcuffs.

18. Thirteen-year old plaintiff Joyce Njoroge and her sixteen-year old sister Janet were awakened in their shared bedroom by the sound of the crashing front door. From their bedroom, Joyce saw men running down the hallway toward her room. Terrified, she shut the door and hid trembling behind it.

19. Joyce heard voices outside of her room yelling at her to open her bedroom door. When she did not do so, the officers kicked open the bedroom door, splitting the door frame with the force of the blow. At least three officers barreled into the room, handcuffed the girls and forced them out of their bedroom. Joyce's handcuffs were so tight that her hands soon swelled and turned red.

20. The officers then led the girls into the living room/dining room area of the apartment. The girls had to walk past their mother who was lying face down in her nightgown on the floor near the front door. The officers then made the girls sit at the dining room table, still handcuffed, while other officers ransacked the apartment.

21. Within minutes after the officers entered their home, Nancy Njoroge and her daughters were immobilized. Furthermore, because the Njoroge family live in a small, two-bedroom apartment, securing the apartment should have taken only a few minutes, at most. But, for approximately 15 minutes after entering the apartment, the police officers actively and energetically searched the premises.

22. After the police activity slowed down, two officers (one in civilian clothes, another in riot gear) started questioning Joyce and Janet without their mother's permission.

23. Finally, approximately thirty minutes after the Njoroge home had been forcefully invaded, the officers announced they had made a mistake, and that their warrant authorized entry to Apartment 201, not the Njoroges' home. They finally allowed Nancy Njoroge to get up from the floor, where she had been lying the entire time they ransacked her home and questioned her daughters. The police brought her over to the table to sit with her daughters, and finally un-handcuffed the exhausted and terrified family.

24. Even after the police expressly acknowledged that they had entered the wrong apartment, they did not all vacate the premises. One officer – not dressed in riot gear – remained behind with the family in the apartment. He did not ask whether he could stay and no family member asked him to stay. Frightened and intimidated, Ms. Njoroge was too afraid, after all she had been through, to ask the unwelcome officer to leave.

25. Mr. William Njoroge arrived home from work about an hour and a half later, at approximately 6:00 a.m., to find his wife and daughters traumatized, his apartment in shambles, and a police officer still inside his home. The remaining officer explained the police's mistaken entry and

fruitless search, apologized, and promised he would talk to the property manager about fixing the doors as soon as possible at the County's expense.

26. As a direct and proximate result of the actions of the defendants, Nancy and Joyce Njoroge suffered numerous injuries and damages, including physical pain and suffering, loss of liberty, emotional distress, shame and humiliation.

27. Nancy Njoroge felt quite ill following the raid and could not go to work that day. She went to a medical clinic with a headache and stomach problems. The doctor prescribed medication, which she took for one week.

28. As a result of the unlawful police entry into their home, Nancy and Joyce Njoroge now suffer from anxiety and have ongoing and significant emotional distress, including a fear of another police invasion of their home. They feel unsafe in their own home.

29. At the time of the illegal entry Nancy Njoroge was in nursing school. After the illegal raid, however, she experienced serious difficulty concentrating on her studies. As a result of these difficulties, she had to drop the course she was taking during the semester of the incident and retake it the following year. Nancy could not get a refund for the semester that she was unable to complete. Nancy will graduate a year later than planned and will, as a result, continue to suffer financial losses.

30. Joyce Njoroge had a hard time in school immediately after the incident. She continues to feel frightened by police officers as a result of these events, and avoids interacting with them as much as possible.

31. At all times relevant to this complaint, the Defendant officers acted under color of law, statute, regulation, custom or usage of Montgomery County, Maryland.

32. At all times relevant to this complaint, the officers acted within the scope of their employment as Montgomery County police officers and acted on behalf of, and in the interests of, their employer.

33. At no time did the police officers have probable cause, or a reasonable basis, to believe that a crime was taking place, or had taken place, at 8 North Summit Drive, Apartment 202, Gaithersburg, MD 20877, or that any wanted person resided there.

34. The officers acted in a manner that defendants knew or reasonably should have known was in violation of plaintiffs' clearly established rights under the Constitution of the United States, the Maryland Declaration of Rights, and the common law of Maryland.

35. The officers acted with reckless indifference and deliberate disregard to the plaintiffs' constitutional and other legal rights.

36. The police officers conducted a warrantless and unreasonable entry into the Njoroges' home, a warrantless and unreasonable seizure of the Njoroges, and a warrantless and unreasonable search of the plaintiffs' residence. The officers, by their own admission, lacked any basis for these actions.

37. At the time of the entry and search of the Njoroges' home and the search and seizure of the plaintiffs, the police officers should have known that the Njoroges' home was not the premises described in the warrant. The unambiguous search warrant in hand sufficiently described the place to be searched, Apartment 201, and not the Njoroge apartment, which is Apartment 202. The Njoroges' apartment number was clearly marked on a gold plate in the middle of the blue front door. Furthermore, a stairs/landing area, which was well-lighted on the night of the raid, separates the doors to Apartments

201 and 202; Apartment 202 is on the left side of the landing and Apartment 201 is to the right of the landing.

38. At the time of the entry and search of the Njoroges' home and the seizure and search of the plaintiffs, there were no exigent circumstances justifying the officers' actions. Nor were there distractions (such as crowds or noise) that prevented the police officers from taking care to locate the particular apartment described in the warrant. The apartment building, stairway, landings and corridors on the night of the search suffered no defects, such as lack of lighting or missing numbers.

39. The search of the apartment and the detention of the Njoroge family members, who were forced to remain restrained in handcuffs, continued well after the time when officers reasonably knew or should have known they were in the wrong place.

40. The notice requirement of the Maryland Local Government Tort Claims Act, Maryland Code, Courts & Judicial Proceedings, § 5-304, was satisfied by a timely letter sent by counsel on April 3, 2006, and acknowledged by Montgomery County on April 20, 2006.

41. Nancy and Joyce Njoroge suffered damages as a result of the unlawful conduct of the defendants, including immediate physical pain and suffering; fear and anxiety; shame, humiliation and emotional distress; as well as longer-lasting impairments of activities of daily life at work and school and continuing emotional distress. William suffered damages as a result of the unlawful entry, search and trespass upon his property.

42. On information and belief, the Montgomery County Police Department disciplined one or more officers for improper conduct in connection with the raid on the Njoroge residence.

CLAIM I: FOURTH AMENDMENT VIOLATION – UNLAWFUL ENTRY
(Lieutenant Robert M. Bolesta, Officers John Doe #1-12)

43. Plaintiffs reallege and incorporate by reference paragraphs 1-42 as set forth above.

44. Defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 are liable to plaintiffs for violation under color of law of plaintiffs' constitutional right to be free from unreasonable search and seizure when defendants unlawfully entered the Njoroge apartment without a warrant or exigent circumstance. This right is protected by the Fourth Amendment to the United States Constitution, made applicable to the states by the Fourteenth Amendment, and its violation is made actionable by 42 U.S.C. § 1983.

CLAIM II: FOURTH AMENDMENT VIOLATION – UNLAWFUL SEARCH

(Lieutenant Robert M. Bolesta, Officers John Doe #1-12)

45. Plaintiffs reallege and incorporate by reference paragraphs 1-44 as set forth above.

46. Defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 are liable to plaintiffs for violation under color of law of plaintiffs' constitutional right to be free from unreasonable search and seizure when defendants unlawfully searched the Njoroge apartment without a warrant, probable cause or exigent circumstance. This right is protected by the Fourth Amendment to the United States Constitution, made applicable to the states by the Fourteenth Amendment, and its violation is made actionable by 42 U.S.C. § 1983.

CLAIM III: FOURTH AMENDMENT VIOLATION – UNLAWFUL SEIZURE

(Lieutenant Robert M. Bolesta, Officers John Doe #1-12)

47. Plaintiffs reallege and incorporate by reference paragraphs 1-46 as set forth above.

48. Defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 are liable to Nancy and Joyce Njoroge for violation under color of law of Nancy and Joyce Njoroge's constitutional right to be free from unreasonable search and seizure when defendants unlawfully detained Nancy and Joyce Njoroge with physical restraints for one-half hour without a warrant, probable cause or exigent circumstance. This right is protected by the Fourth Amendment to the United States Constitution, made

applicable to the states by the Fourteenth Amendment, and its violation is made actionable by 42 U.S.C. § 1983.

CLAIM IV: FOURTH AMENDMENT VIOLATION – EXCESSIVE FORCE
(Lieutenant Robert M. Bolesta, Officers John Doe #1-12)

49. Plaintiffs reallege and incorporate by reference paragraphs 1-48 as set forth above.

50. Defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 are liable to Nancy and Joyce Njoroge for violation under color of law of plaintiffs’ constitutional right to be free from unreasonable search and seizure when defendants detained Nancy and Joyce Njoroge for one-half hour in over-tight handcuffs that were unnecessary under the totality of the circumstances. This right is protected by the Fourth Amendment to the United States Constitution, made applicable to the states by the Fourteenth Amendment, and its violation is made actionable by 42 U.S.C. § 1983.

CLAIM V: FOURTH AMENDMENT VIOLATION – FAILURE TO TRAIN AND SUPERVISE
(Montgomery County, Maryland)

51. Plaintiffs reallege and incorporate by reference paragraphs 1-51 as set forth above.

52. Defendant Montgomery County is liable to plaintiffs for violation under color of law of plaintiffs’ constitutional right to be free from unreasonable search and seizure (including unlawful detention and the use of excessive force) because its failure to train and supervise adequately its officers regarding the degree of care needed to avoid error in the execution of warrants reflects a deliberate indifference on the part of the County to the rights of individuals. This right is protected by the Fourth Amendment to the United States Constitution, made applicable to the states by the Fourteenth Amendment, and its violation is made actionable by 42 U.S.C. § 1983.

CLAIM VI: ARTICLE TWENTY-SIX VIOLATION – UNLAWFUL ENTRY
(Lieutenant Robert M. Bolesta, Officers John Doe #1-12)

53. Plaintiffs reallege and incorporate by reference paragraphs 1-52 as set forth above.

54. Defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 are liable to plaintiffs for violation under color of law of plaintiffs' state constitutional right to be free from unreasonable search and seizure when defendants unlawfully entered the Njoroge apartment without a warrant or exigent circumstance. This right is protected by Article 26 of the Maryland Declaration of Rights and its violation is actionable under Maryland common law.

CLAIM VII: ARTICLE TWENTY-SIX VIOLATION – UNLAWFUL SEARCH
(Lieutenant Robert M. Bolesta, Officers John Doe #1-12)

55. Plaintiffs reallege and incorporate by reference paragraphs 1-54 as set forth above.

56. Defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 are liable to plaintiffs for violation under color of law of plaintiffs' state constitutional right to be free from unreasonable search and seizure when defendants unlawfully searched the Njoroge apartment without a warrant, probable cause or exigent circumstance. This right is protected by Article 26 of the Maryland Declaration of Rights and its violation is actionable under Maryland common law.

CLAIM VIII: ARTICLE TWENTY-SIX VIOLATION – UNLAWFUL SEIZURE
(Lieutenant Robert M. Bolesta, Officers John Doe #1-12)

57. Plaintiffs reallege and incorporate by reference paragraphs 1-56 as set forth above.

58. Defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 are liable to Nancy and Joyce Njoroge for violation under color of law of plaintiffs' state constitutional right to be free from unreasonable search and seizure when defendants unlawfully detained Nancy and Joyce Njoroge with physical restraints for one-half hour without a warrant, probable cause or exigent circumstance. This right is protected by Article 26 of the Maryland Declaration of Rights and its violation is actionable under Maryland common law.

CLAIM IX: ARTICLE TWENTY-SIX VIOLATION – EXCESSIVE FORCE
(Lieutenant Robert M. Bolesta, Officers John Doe #1-12)

59. Plaintiffs reallege and incorporate by reference paragraphs 1-58 as set forth above.

60. Defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 are liable to Nancy and Joyce Njoroge for violation under color of law of Nancy and Joyce Njoroge's state constitutional right to be free from unreasonable search and seizure when defendants detained Nancy and Joyce Njoroge for one-half hour in over-tight handcuffs that were unnecessary under the totality of the circumstances. This right is protected by Article 26 of the Maryland Declaration of Rights and its violation is actionable under Maryland common law.

CLAIM X: ARTICLE TWENTY-SIX VIOLATION – RESPONDEAT SUPERIOR
(Montgomery County, Maryland)

61. Plaintiffs reallege and incorporate by reference paragraphs 1-60 as set forth above.

62. Defendant Montgomery County, Maryland, is liable to plaintiffs under a theory of *respondeat superior* for violation of plaintiffs' state constitutional right to be free of unlawful search and seizure. The County is liable for violations committed, as in this case, by their agents and employees who, within the scope of their employment, wrongfully entered the Njoroge residence, forcibly seized the family and recklessly searched their home without a warrant, probable cause, or reasonable suspicion of involvement in a crime. This right is protected by Article 26 of the Maryland Declaration of Rights and its violation is actionable under Maryland common law.

CLAIM XI: FALSE IMPRISONMENT
(Lieutenant Robert M. Bolesta, Officers John Doe #1-12)

63. Plaintiffs reallege and incorporate by reference paragraphs 1-62 as set forth above.

64. The defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 are liable to Nancy and Joyce Njoroge for false imprisonment when the defendants deprived Nancy and Joyce

Njoroge of their liberty for approximately thirty minutes without consent and without lawful justification, and continued their actions with reckless disregard for the plaintiffs' rights when it should have been apparent the officers held them needlessly while searching the wrong apartment. The defendants' conduct is actionable under Maryland common law.

CLAIM XII: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Lieutenant Robert M. Bolesta, Officers John Doe #1-12)

65. Plaintiffs reallege and incorporate by reference paragraphs 1-64 as set forth above.

66. The defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 are liable to Nancy Njoroge for intentional infliction of emotional distress when, acting within the scope of their employment but without any lawful basis, defendants battered down the plaintiffs' front door, entered and remained in the plaintiffs' residence, forced Nancy to lie face-down and handcuffed on the floor in her nightgown while officers battered down the door to her children's bedroom and then interrogated her children, ransacked the apartment in a fruitless search and continued their unlawful and menacing presence long after their error should have been plain to any reasonable observer. These actions, having caused Nancy Njoroge emotional distress, constitute extreme and outrageous conduct, and are actionable under Maryland common law.

CLAIM XIII: TRESPASS
(Lieutenant Robert M. Bolesta, Officers John Doe #1-12)

67. Plaintiffs reallege and incorporate by reference paragraphs 1-66 as set forth above.

68. The defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 are liable to the plaintiffs under Maryland law for trespass when, without any lawful basis, defendants intentionally entered and remained in the plaintiffs' apartment for considerable time after it became clear that

defendants' entry was improper. The actions of defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 caused the plaintiffs to suffer damages and are actionable under Maryland common law.

CLAIM XIV: BATTERY
(Lieutenant Robert M. Bolesta, Officers John Doe #1-12)

69. Plaintiffs reallege and incorporate by reference paragraphs 1-68 as set forth above.

70. The defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 are liable to Nancy and Joyce Njoroge under Maryland law for battery when defendants handcuffed Nancy and placed her on the floor and when defendants handcuffed Joyce and removed her from her bedroom to the dining room table. The actions of defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 caused plaintiffs Nancy and Joyce Njoroge to suffer damages and are actionable under Maryland common law.

PRAYER FOR RELIEF

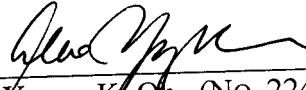
WHEREFORE, subject to further discovery and a right to amend the Complaint, plaintiffs request that the Court:

- (a) ENTER JUDGMENT declaring that the actions of the defendants violated the constitutional and other legal rights of the plaintiffs;
- (b) ENTER JUDGMENT awarding plaintiffs compensatory damages from the defendants in an amount appropriate to the proof adduced at trial;
- (c) ENTER JUDGMENT awarding plaintiffs punitive damages from defendants Lieutenant Robert M. Bolesta and Officers John Doe #1-12 in an amount appropriate to the proof adduced at trial;
- (d) AWARD plaintiffs their costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988; and
- (e) GRANT such other and further relief as the Court deems just and proper.

JURY DEMAND

Trial by jury is demanded on all issues for which a jury trial is available.

Respectfully submitted,



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