The Legal Pad
Volume 1, Issue 11
"There are two wolves, and they're always right. One is darkness and despair. The other is light and hope. Which wolf wins? Whichever one you feed." – *Tomorrowland*
October 7, 2017

Extra! Extra!

Sunk by SCOTUS? — Regrouping for Round 2: *Karsjens* Plaintiffs Shift Gears & the *Gladden* Case Cranks Up!

In This Issue:

Unlike past and future editions, this issue will be treated like an "extra" edition. Its coverage will be limited to the flurry of legal news about the *Karsjens* case, projected 'spinoffs' from it, and the Gladden case, plus the latest (very important) positive development in the Wage Case. Accordingly, it will be somewhat shorter than usual, in order not to delay its distribution.

I urge you to read it closely to fully understand these latest developments. The overall news is good, and forward progress is underway. I'm sure you will find this reportage to be strong medicine to dispel the case of the 'gloomies' that you probably have been suffering from since learning of the denial of "certiorari" (review) by the U.S. Supreme Court of the infamous ruling by the Eighth Circuit in the *Karsjens* case. Read on, and be enlightened and uplifted....

1. The Official Event: SCOTUS Denies *Karsjens* Petition for Review.

Unless you've been living in a bomb shelter lately, you're probably already aware that the United States Supreme Court ("SCOTUS") issued a ruling Monday, Oct. 2nd denying review ("certiorari") of the *Karsjens* case.

You'll recall that, at the start of 2017, the federal 8th Circuit Court of Appeals had overturned the 2015 judgment by District Court Judge Donovan Frank for the *Karsjens* plaintiffs in "Phase I" of that case.

That appellate decision itself had surprised many here in MSOP. Despite the close attention paid to the facts by Judge Frank, that 8th Circuit opinion brushed everything aside by applying an extremely narrow standard of a purported need to "shock the conscience" of a court in order to prevail in a case challenging the constitutionality of actions by Executive Branch officials and/or employees.

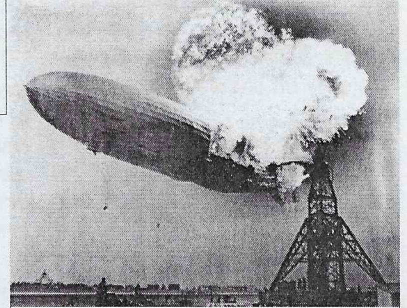
In this, that appellate panel relied upon a footnote in a 1998 SCOTUS case, *County of Sacramento v. Lewis*, 523 U.S. 833. Importantly, though, *Lewis* clearly distinguished between "legislation [and] a specific act of a governmental officer that is at issue." Id. Bear this in mind in the discussion below about the Gladden case.

Distinctly, that 'conscience-shocking' standard had never before been applied to circumstances that denied an individual's right to liberty. In reaching that decision, the 8th Circuit ruled that those under civil commitment have no liberty interest.

This itself is a radical notion. While a committed individual may not be able to exercise his right to physical freedom at the moment, he always retains the right to challenge unconstitutionality of that commitment. "Sex-offender laws have bored a hole in the nation's constitutional fabric," declared the Cato/Reason Foundation amicus brief.

Because of these things and other startling propositions of law endorsed by the 3-judge panel of the 8th Circuit, and because that ruling appears to set a precedent that calls into question the enforceability of constitutional rights by anyone confined by law, SCOTUS was widely expected to take up the *Karsjens* case.

Nonetheless, as it happened, SCOTUS declined to accept *Karsjens* for consideration. Denials of review by that Court are never explained, except in rare cases in which one or more justices of the Court dissent from that denial, criticizing the rationale privately discussed for rejection of a given case. No such dissent was appended to the dismissal order in


The *Hindenburg* disaster: Life is full of the unexpected.

Karsjens. However, the fact that the Karsjens petition to be heard was filed late in the 2016-2017 term, and yet was among the first to be denied at the start of the 2017-2018 term strongly suggests that the vote against rejection was fairly one-sided. This seems to imply a reconsideration motion would be futile. Nevertheless, challenges to MSOP commitment are not a dead issue.

The most recent of many articles published by the New York Times scathing sex offender commitment bluntly observes that "'civil commitment' ...has been justified by assertions about the recidivism of sex offenders. But those assertions turn out to be entirely belied by science." Again, bear this in mind as to the *Gladden* case, discussed below.

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Comments at Large

At moments like the SCOTUS denial of review in the *Karsjens* case, it is tempting to ponder the inflamed quote from Thomas Jefferson: "Rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add 'within the limits of the law' because law is often but the tyrant's will, and always so when it violates the rights of the individual."

However, perhaps we jump too quickly to a presumption that such denial of review is motivated by tyranny. Let's engage in a thought experiment about this. We know that SCOTUS is divided by political ideologies of sorts as to the proper role of the Constitution in modern American life. It seems clear that Justices Roberts, Alito, and Thomas are likely opponents of ours.

But on a sex offender issue, Kagan and Sotomayor may join them, along with dark-horse Gorsuch. If so, and *Karsjens* were reviewed, it could end badly. Perhaps then, denying review may have done us a favor. We may never know.

But, deliberate or not, now the *Gladden* case can proceed unimpeded by any such speculated bad precedent. And that's a favor.

2. The *Gladden* Case and Gustafson Gluek Ride to the Rescue.

Although it's been a while since it was last discussed in these pages, you may recall the *Gladden* case, filed in 2014. Later that year, Judge Frank appointed the Gustafson Gluek law firm to represent *Gladden* plaintiffs.

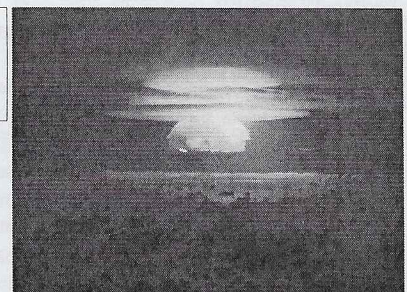
Gladden seeks class action status (as did *Karsjens*). Because the same arguments for that status apply in both cases, it would seem that gaining class status should be as assured as it was in *Karsjens*.

The news item at present is that I called David Goodwin at Gustafson Gluek ("GG") last Wednesday.

In that phone call, Attorney Goodwin confirmed that, notwithstanding the loss in the *Karsjens* case — indeed to some degree because of that loss — the GG firm intends to move forward with the *Gladden* case. Goodwin paraphrased Dan Gustafson to the effect that the GG firm has no intention of giving up the fight on our behalf. By this, Goodwin implied that the firm's efforts to advance the *Gladden* case would be energetic and sustained.

Gladden has one paramount advantage over the *Karsjens* claims. The key reason why the 8th Circuit ruled against us in *Karsjens* was application by that court to *Karsjens* of a requirement that wrongs inflicted upon plaintiffs by actions of government officials or employees must "shock the conscience" of the court to qualify for relief. This requirement was established to limit claims against the discretionary decisions of such officials and employees.

However, that requirement does not apply to cases simply challenging the constitutionality of statutes, administrative rules (including "policies"), and/or their application/applicability under court decisions construing


Bikini Atoll test H-bomb explodes with far greater force than calculated: Life is full of the unexpected.

them, and actions compelled by such unconstitutional provisions of law.

Even though the *Gladden* case alleges (among other things) such actions, it does so only to illustrate the results of the unconstitutional provisions of law, not to complain of any discretionary decisions or actions themselves. Therefore, it seems quite clear that Gladden cannot suffer the same fate meted out to *Karsjens* by the 8th Circuit.

Now let's review what the *Gladden* case aims

(Continued from page 1)

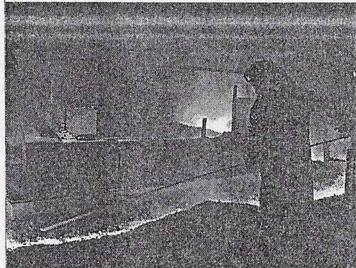
at.

The *Gladden* case challenges both MN sex offender commitment and MSOP. It contends that the "SPP" and "SDP" formulations themselves run contrary to known science, and hence amount to a "bill of attainder" (prohibited by the U.S. Constitution, Article I, Section 10), as well as denying substantive and procedural due process to us.

Gladden has been on a court-imposed stay during the pendency of *Karsjens*. However, now that the liberty claims of *Karsjens* have been buried by SCOTUS's hand-washing, *Gladden* is about to come alive in federal district court.

Because the focus in *Karsjens* was upon post-commitment official actions and inaction, even had Karsjens prevailed in SCOTUS, the outcome would merely have been a time-consuming round of current assessment of all those under MSOP commitment.

In all likelihood, this would have resulted in some uncertain percentage of us being released unconditionally, while others would only have been released to provisional discharge (which is at least restrictive as ISR under DOC parole), and some would have still remained confined here or at MSOP-SP — all because the underlying commitment standards would remain intact, or nearly so.



Stoking the 10th Circle Fires of MSOP Hell

The chief distinction between *Karsjens* and the *Gladden v. Swanson et al.* Complaint is this: *Karsjens* focuses mainly upon the lack of any meaningful opportunity for release through participation in MSOP's treatment regimen as things stand.

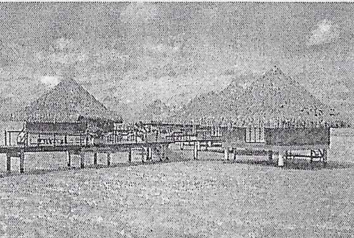
It adds that the statutory provision for a lesser-security placement (other than commitment to MSOP) is effectively meaningless because it is never invoked and since such lesser-security settings willing to take committed sex offenders don't exist. Further, *the burden of proving eligibility for such a* placement is foist upon the commitment defendant, rather than vice versa upon the prosecutor.

These are constitutional faults to be sure. However, they are not so lethal as to necessarily result in judicially ordered closure of MSOP, and they certainly don't void our respective commitments as such.

That's understandable; when *Karsjens* was filed about five years ago, the plaintiffs in that case had no way to conduct the research needed to determine that the standards for sex offender commitment in Minnesota (the so-called "SPP" and "SDP" formulations) are not just UNscientific, they are actually CONTRARY to science.

Because the state courts of Minnesota have been upholding such commitments so long based on mumbo-jumbo testimony and reports by so-called "experts" supported by rationalizations of an 'arm-chair psychology' kind made up by those judges themselves, it was easy, just reading all those bullshitting opinions, to believe that science was on the side of our commitments. But in fact, <u>it is in strong opposition to them.</u>

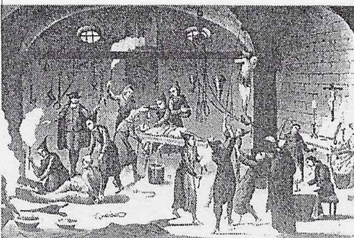
Hence, the *Gladden* case emphatically proves that point with countless items of academic research.



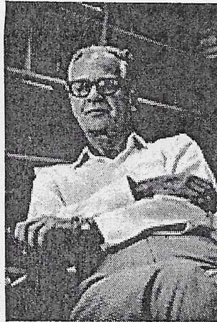
Bed & Breakfast in Bora Bora

Unlike in *Karsjens*, if we win in *Gladden*, we all go home, without need for an "assessment," with no DHS strings attached, and with our commitments simply erased. *Gladden* has some serious promise. Consider its claims.

<u>Bill of Attainder</u>: A bill of attainder is created by imposing deprivations on one to prevent his future misconduct. SPP/SDP commitment turns on a claimed "high likelihood" of future offenses, a definition-by-feared-future-misconduct -- classic instances of attainder identification of a disfavored group. The whole trial is a matter of group characteristics, applied to you.



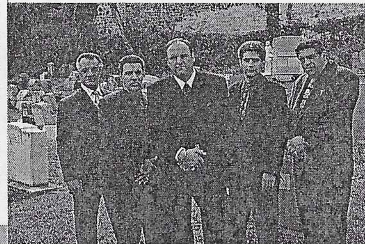
Rounding Up the Usual Suspects



An Old Codger

SPP/SDP commitments occur at or near to the end of an offender's sentence. Despite aging and decades of treatment, almost no one is declared 'safe enough' to release. SPP/SDP commitment is a retroactive death sentence, with execution by death from old age.

U.S. v. Brown, 381 U.S., 437 (1965), shows that it is the procedural protections of a trial that avoid creating a bill of attainder. <u>None</u> of the procedural protections accorded to criminal defendants or even in a standard lawsuit is provided to an SPP/SDP defendant. Thus, the SPP/SDP statute imposes a bill of attainder upon each of us.



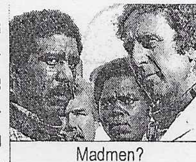
Trial to the Court

<u>Substantive Due Process</u> violation: The fact that commitment occurs typically at the end of a very long prison term baselessly presumes that a mental state at the time of such decades-old crimes still drives an offender with the same irresistibility claimed to motivate him at that earlier era in his life.

This ignores well-known phenomena of general criminal desistance and sex-crime desistance specifically, and especially of the biologically based phenomenon known as "aging out." The fact is that as sex offenders enter middle age and beyond, sex crime motivation dwindles in lockstep with hormonal reduction.

Yet those in that age frame are the most numerous victims of sex offender commitment — under claims that they are madmen irresistably compelled to commit crimes against the first available random victim.

This horror-movie hysteria must cease — along with the myths of high sex-crime recidivism and that only "treatment" — many years of confined treatment, more exactly — can avert this claimed inevitability.

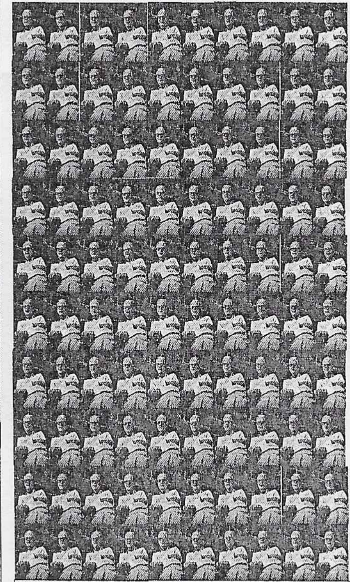


Madmen?

Even young sex offenders only have a 3-4% recidivism average, and focusing only on *those with multiple-sex-crime records increases* that percentage only to the 10% range.

Since there is no way to tell with certainty exactly <u>who</u> will reoffend and who will <u>not</u>, it is intolerably barbaric and tyrannical to lock up any 100 recidivist sex offenders emerging from prison for fear that an unidentifiable 10 of them will repeat their crimes.

In the more realistic scenario of older offenders released from prison, that 10 is reduced year by year, until <u>less than 1% at age 60</u>. <u>In what world is preventive detention or continued preventive detention of 100 60-year-olds for fear of the actions of one of them considered just and reasonable?</u>



100 Old Codgers — Which **one**???

Kansas v. Hendricks requires both "dangerousness" <u>and</u> "a volitional impairment" to commit a sex offender. Yet in almost all SPP/SDP cases, no "volitional impairment" exists, in its scientific definition.

The Minnesota Supreme Court, in *Linehan IV*, turned the *Hendricks* burden of proof around, so that a commitment <u>defendant</u> must show that his "control" is "adequate" -- contrary to *Kansas v. Crane*.

In Minnesota, the only way to establish such "adequate control" is to show that one has refrained from sex crimes for many years of freedom. Of course, the <u>means</u> to prove that is denied to someone being committed straight from prison.

The true psychological meaning of "volitional control" involves <u>only</u> resistance to <u>momentary impulses</u>, <u>not</u> permanent desistance from behaviors <u>deliberately chosen</u> in the past.

Further, most of the so-called '*Linehan* factors' lack any relationship to sexual reoffense. They blatantly depart from science into sheer intuition. Use of such 'hunches' is sheer witch-hunting, denying due process.

Only scientifically valid and reliable consid-

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erations can be applied. Clinical risk assessment of sex offenders has been shown to be incorrect 86-94% of the time. *E. Janus & R. Prentky*, "Forensic Use of Actuarial Risk Assessment with Sex Offenders:...," 40 *Am. Crim. L. Rev.* 1443, 1456 (2004). There is nothing valid or reliable about predictions so inaccurate.

The other method, "actuarial risk assessment" hovers at just around 50% accuracy – the same as mere coin-toss guessing. (*Id.*, at 1465-67). Neither of these procedures is scientifically valid at forecasting sexual re-offense "probability."

Denial of Procedural Due Process: Overall denial to a commitment defendant of all of his procedural rights denies procedural due process. The key issue is whether restraint of basic physical liberty is at stake. If so, procedural guarantees are invoked. To uphold the Kansas statute, *Hendricks*, at 368, required "strict procedural safeguards."

Even before the GG firm was appointed as counsel in *Gladden*, I personally submitted three large briefs, each supporting one of these elemental claims.

The Complaint in *Gladden* is huge — close to 600 pages currently. Recent research has resulted in the conclusion that an additional deprivation — of equal protection of law (also 14th Amendment) — should be considered as an extra claim to be added into that Complaint. If any of the counts in *Gladden* prevail, every commitment to MSOP is inherently invalidated.

Moreover, that commitment law would have to be completely rewritten to omit all unconstitutional aspects before anyone could be re-committed. Most importantly, in order to achieve constitutionality, such a replacement law would have to restrict commitments very narrowly to only those offenders who currently lack any decision-making power ("volitional control"). The fact is that almost all sex offenders decided to commit their crimes. Almost no one acts like a brainless automaton, even as to matters of sex.

Thus, under such a replacement commitment law, only those who have recently declared that they will sexually reoffend immediately upon release, and will do so as an impulse they simply have no power to resist, would be vulnerable to re-commitment.

In short, if it succeeds, the *Gladden* case will send almost everyone home, and will ensure that they have no commitment on their record. You need to keep this extremely important fact in mind.

The *Gladden* case is just getting started, however. Its amended "Class Action Complaint" needs to be extensively revised and filed, in order to kick off serious proceedings, just like in the *Karsjens* case.

But here's where you come in – and your help CAN make a big difference! There is a need for co-named plaintiffs to represent each of the four sub-classes in *Gladden* other than the sub-class of those already under commitment (which I, Cyrus Gladden, am representing).

These other sub-classes are, respectively:

(1) those already under pending petitions for commitment;

(2) those already referred by the DOC to prosecutors for such petitioning, but not yet petitioned;

(3) those under current scrutiny for such referral or who have been told that they will be reviewed for referral soon; and

(4) those who have not yet reached that stage, but who may well be considered later for such referral, in light of their sex-crimes record. (Ideally, these should be within the last two years prior to release.)

If you know any MN DOC prisoners who would make ideal co-named plaintiffs, feel free to write to them to urge them to write to me (Cyrus Gladden). I will reply, explaining to each one what is involved, and I will urge especially ideal candidates to write to GG directly at that point. This is how GG wants it to be done, since they do not have enough time to screen each individual from scratch.

Other sex offenders, both in prison and released, are also within the overall plaintiff class, since anyone can be committed under MN's SDP criteria. However, these offenders are not facing a sufficiently definite peril of commitment to be good named plaintiffs.

Thanks on this! Your help could prove worth its weight in gold! It all depends: **What's your freedom worth to you?**

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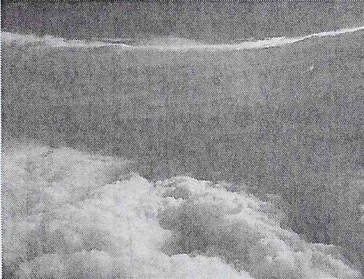
3. Now Playing: Son of Karsjens — Raising a Phoenix from the Ashes?

By Kenneth Daywitt

After an unfortunate decision from SCOTUS denying review in *Karsjens*, the wind in our sails was all but depleted, I am sure is what you are saying. However, allow me to maybe give you some re-hope.



In the Eye of the Hurricane

After a conversation with G&G on Wednesday we (the 14) were informed on some new information. Sure, there is no chance of the bad ruling by the 8th Circuit made in *Karsjens* to be overturned, at least not for the masses of sex offenders across the country.

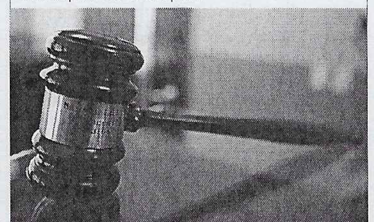
However, there is some hope for those who are embedded here in Minnesota. G&G has made it quite clear they are here for the long haul and are not going to give up; they believe in the decision Judge Frank made, as do a lot of others. They have committed to trying a different approach to this.

Now believe me, this seems somewhat crazy. However, after careful thought and research I stand behind the idea. We are going to be filing a lawsuit in state court. I am sure you are asking, why would you do that, given that they are the same people who are putting us in these places? Why would they take a suit and make changes for us?

Well, believe me, I had similar thoughts, but given the fact that Minnesota has a longstanding history of ruling cases dealing with liberty interest related to us (sex offenders) require strict scrutiny be applied, it is our best option. See *In re Linehan*, 594 N.W.2d 867, 872, 557 N.W.2d 171, 180-81; *In re Blodgett*, 510 N.W.2d 910, 921.

With this in mind, we are also going to attempt to get Judge Frank to certify a question to the MN Supreme Court to have them give a direct ruling on the matter as well. This question will involve something from either Minnesota's Statutes or Constitution. This will, in hopes, set the bar for the future suit going forward.

Look for more to come as these new developments transpire.



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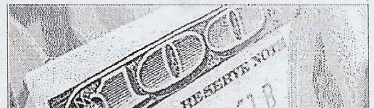
The Money-Go-Round Has a Brass Ring: FLSA Minimum Wage Claim Survives Dismissal. Time to Get On Board!

In the Wage case (*Gamble, Gladden et al. v. Minnesota State-Operated Services et al.*), the federal District Court (Chief Judge John Tunheim presiding) has ruled on the defendants' motion to dismiss all counts in the Amended Complaint. That complaint contained six counts in all.

Count 1 protests failure by defendants to acknowledge that the plaintiffs (and all other MSOP "patient-workers" here and at MSOP-SP) are "employees" for purposes of the federal Fair Labor Standards Act ("FLSA") and hence, that we qualify for its requirement of payment of the federally required minimum wage. Since MSOP-ML alone confiscated about a half-million dollars of wages in Fiscal Year 2015, this count is the biggest claim in our lawsuit.

It is also the count that Chief Judge Tunheim's most recent Order decided was not subject to dismissal. Accordingly, our case can go forward on that lucrative claim.



Counts 2 through 5 were based on claimed violations of various provisions of the U.S. Constitution stemming from the same wage confiscation and refusal to treat MSOP patient-workers as employees.

The last count (Count 6) claimed coverage under the federal Rehabilitation Act — not as actually "disabled," but as seen that way due to our committed status and alleged "diagnoses" asserted by "clinical" MSOP staff, including claimed personality disorders and/or related non-sexual conditions (such as Antisocial Personality Disorder) and Narcissistic Personality).

Judge Tunheim's Order dismissed all of these other five counts, leaving only Count 1 on which to drive the case.

Had any of those other five counts sur-

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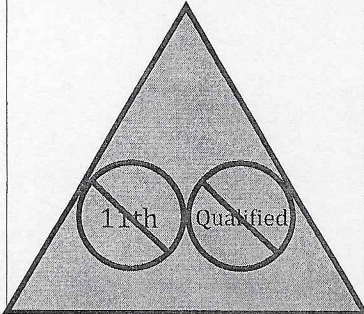
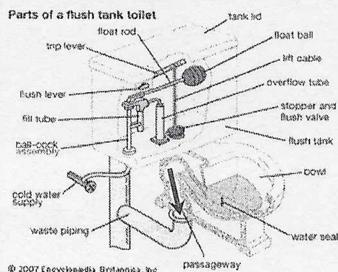
vived, it is uncertain in any event whether any damages for past confiscated wages would have been available under any of those counts. This is due to the interaction of Eleventh Amendment immunity for governmental agencies and qualified immunity for government officials and employees acting in their personal capacities.



These immunities, however, do not apply to a claim under the FLSA. State agencies in general, and specifically State mental health commitment facilities such as MSOP, are expressly covered under the FLSA, and even more specifically, so are their "patient-workers," such as us.

Even had damages been available under those other five counts, their amount for each worker would have been slightly less than the damages available to that worker under the FLSA, and those other-count damages would have been completely offset by the greater amount of the FLSA damages. (See below about this.) In short, then, we did not lose any retrospective damages by the judge's dismissal of those other five counts.



The controlling facts are not in any serious dispute in this case. There is no doubt that the work we have been doing for MSOP or MSI (which operates the Industry shops here and in MSOP-SP) is completely controlled by officials and 'civilian' employees of those defendant agencies.

Further, if we did not hold those patient-worker jobs, the services we perform would have to be performed in any event by civilian laborers hired from the surrounding region.

These facts and many others mean that we are certainly "employees" for FLSA purposes. Thus, Judge Tunheim was quite correct in ruling that we can claim FLSA minimum wage coverage.

Now let's talk past-wages damages. For simplicity, we'll use a hypothetical of an MSOP patient-worker (let's call him "Mr. Sample") earning a gross amount of $5,000 per year. Of this, obviously, he was actually receiving only half ($2,500) yearly.

We'll assume that this fellow has been here and working steadily at that same wage rate since the start of 2010. The 50% confiscation began in September 2009. So our guy has been getting dinged by those deductions as long as he has been working here, i.e., 8 years as of the end of 2017. Eight times $2,500 equals $20,000. This is the limit of lost-wage damages that our guy might have gotten under any of the dismissed claims.

But here is where things get more complicated. Federal minimum wage ($7.25 per hour) is lower than the minimum rate set by Minnesota ($9.50 per hour, which we don't qualify for by state law). What we have been getting paid net amounts to only $4.75 per hour. For our Mr. Sample, That $4.75 rate yielded net annual wages of $2,500. Using ratio math (ratio = 1.5263), we can determine that, had he been paid at the federally mandated $7.25 rate, he would have earned $3,816 instead.

The difference is $1316 per year. This, times 8 years equals $10,528. This is the total of wages that our guy lost through this confiscation, as measured by his federal minimum wage right.

Now here is where things get interesting. The FLSA has a provision calling for recovery of that sum, PLUS an extra equal amount as liquidated damages for the fact that the full federal minimum wage was not paid when due. Hence, in short, Mr. Sample will recover twice that sum, that is, $21,056.

This is slightly more than he would have recovered if any of those other counts (or all of them) had survived dismissal. In other words, dismissal of those other five counts did not actually cost us anything. Further, as observed above, recovery of anything on those other five counts was uncertain at best.

Hence, this Order by Judge Tunheim effectively grants us the right to move ahead on the one claim with high likelihood of success and substantial recovery in exchange (if you will) for dismissal of doubtful-recovery claims. I would call that a good bargain.

More specifically, the Order rejects the argument made by the defendants that the 2011 case *Martin v. Benson* bars our FLSA claim through precedential effect. This rejection clears the way for our claim to forge forward.

We will seek partial summary judgment as to the liability of the Defendant State-entities on Count I in due course. We will also pursue a Department of Labor administrative order requiring those defendant entities to pay us at least the federal minimum wage rate from now on.

Getting the back wages that were denied us over the years since 2009 will take extra effort. Nonetheless, it appears that nothing serious impedes our way from this point forward toward recovery of all such back wages in the end.

Now this is where you come in. Thus far, this has been an action only by the five of us (Gladden, Jannetta, Gamble, Wailand, and Washington). Originally, we moved for class action status, but that motion was denied.

We certainly can go on without you all, if you don't want to join us. I do understand why there may previously have been considerable reluctance to join us, at a time when it may have struck you that the *Martin* decision might be ruled to stop us cold.

However, it now appears clear that no such impact will affect our FLSA claim. Therefore, if you ever had a chance to recoup your unpaid wages, this is it.

The FLSA statutes allow a unique form of proceeding in federal District Court in such cases. It is called a "collective" action, and is a little like a class action, in that the originally named plaintiffs proceed on behalf of all willing employees of the same employer, as well as on their own behalf. The main difference is that, unlike a class action, those who wish to be included must specifically agree to be represented in this way and to be bound by the outcome of the case.

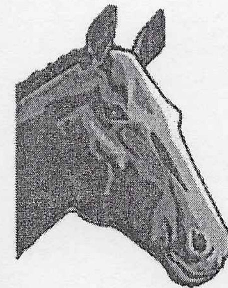
Now, you could file a case of your own and follow through on all of the required procedures involved to get a federal court judgment in your own behalf. But bear in mind that there is no "conciliation" (small claims) court in the federal system, so there is no 'streamlined' procedure or simple set of fill-in-the-blank forms that will simplify this for you.

So let's be honest with ourselves: you probably would not feel that you could pull off such a lawsuit on your own. Thus, most likely, you would simply lose out on the chance to get these back wages. For your sake, we hope you won't choose that dead-end option.

Instead, I attach hereto a sheet that you can fill out and sign that will serve as your statement to the federal District Court that you wish to join our case for federal minimum wage coverage and recovery of back wages overdue under the FLSA as a "collective" plaintiff under the FLSA for that purpose.

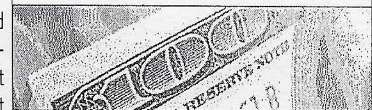
I also attach another sheet that we must also ask you to fill out and to return with the assent for itself. This is an affidavit identical to the one attached to the last edition of this newsletter. It clarifies that, whatever your physical state, you are capable of doing the duties of your employment for defendant State-entities.

If you already signed this affidavit and submitted it to any of the individuals below, you need not sign this form. Otherwise, we need one from each person seeking to join us in this lawsuit. This is important because those defendant entities have tried to evade the minimum wage requirement by claiming that MSOP patient-workers are handicapped in ways that limit their job performance. In law, this is known as the "horseshit defense."



We need to negate this lie emphatically.

Assuming you wish to join us, please fill out and sign these forms if both are needed (or just the assent form if not), and then return it/them to me (Cyrus Gladden) or to David Jannetta. (Those in MSOP-SP may return them to David Gamble, Jerrad Wailand, or Clarence Washington.) We will submit these forms to the federal District Court with a motion to that effect as soon as practicable. Thank you, and welcome aboard!



(Don't forget to sign the attached forms in front of the Notary Public, and then return them promptly.)

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