IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WEIH STEVE CHANG
AND GORDON GENE SMITH, INDIVIDUALLY AND AS TAXPAYERS, and on behalf of a Class of others similarly situated,

Plaintiffs,

v.

LAURA L. ROGERS, OFFICE ON VIOLENCE AGAINST WOMEN,

ASHLEY GORODETZER,

DELAWARE VOLUNTEER LEGAL SERVICES,

COMMUNITY LEGAL AID SOCIETY, INC.,

STEPHANIE HAMILTON, City of Wilmington Police Department,

JOELLE HITCH, Delaware Family Court,

Unnamed OVW Grantees and VAWA Coordinators, Private and Governmental,

in their individual and official capacities, jointly and severally,

Defendants.

Civil Action No. 1:19-cv-01241 TSC

Non-Jury Trial Demanded

FIRST AMENDED VERIFIED CLASS ACTION COMPLAINT

Plaintiff, Weih Steve Chang ("Chang") brings his First Amended Verified Class Action Complaint against defendants Laura L. Rogers, Ashley Gorodetzer, Stephanie Hamilton, Joelle Hitch, and Office on Violence Against Women, Delaware Volunteer Legal Services, Community Legal Aid Society and other unnamed individuals hereinafter referred to collectively as "Defendants" seeking declaratory and injunctive relief as well as damages on his behalf and on

behalf of those similarly situated and alleges, upon personal knowledge or other information obtained upon investigation by him and his counsel that he believes to be true, as follows:

PREFACE

1. This civil action challenges the constitutionality of the enactment of the Violence Against Women Act (United States Code at 34 U.S. Code § 12291 *et. seq.,* hereafter, "VAWA" or the "Act"), as subsequently amended and also the rules, regulations and policies under which it is enforced. Plaintiffs allege that Congress exceeded its authority under the Commerce Clause and the 14th Amendment to the United States Constitution when it enacted a "Separate but Equal" domestic violence law which it titled as the "Violence Against Women Act" and allege further that the rules, regulations and administrative procedures employed to enforce the Act have been and continue to be unconstitutionally discriminatory.

2. This civil action also challenges the constitutionality of the cooperative federalism, which constitutes the enforcement mechanism of the Act. Defendants employed and continue to employ the principles of cooperative federalism in administering the Act. In so doing, Defendants deliberately disregard to the rights of the accused or to the rights of the actual victims. Defendants, among other things, deprived Plaintiffs' of due process protection, imposed taxation without representation, and levied excessive fines upon domestic violence victims in order to enable themselves to claim that the program was successful when in fact, the unfair and biased enforcement of the Act promoted a false narrative under which innocent persons were prosecuted and penalized without the benefit of due process or equal protection under the 14th Amendment of the United States Constitution. Plaintiffs seek judicial review of the Act itself and its method of enforcement under the Administrative Procedure Act and the 10th Amendment of the Constitution.

3. Glaringly absent from the Act are due process protections, right to counsel, and other nondiscriminatory provisions designed to safeguard equal rights and due process. Plaintiffs

therefore rely upon the 4th, 5th and 6thAmendments of the Constitution of the United States and seek compensatory damages because Defendants acted as state actors and agents or representatives of a federal agency. [1]

4. Plaintiffs seek compensatory damages under the Tucker Act, "Little Tucker Act" and statutorily allowable damages because Defendants acted as agents or representatives of a federal agency in federal taxation and federal enforcement of the "Separate but Equal" Act.

5. Plaintiffs also seek compensatory damages under *Bivens,* as a common law cause of action because Defendants acted as agents or representatives of a federal agency.[2] Defendants conducted systemic gender profiling and malicious prosecutions of Plaintiffs, both private and governmental, which resulted in unlawful seizures of Plaintiffs' properties and other interests in violation of the 4th, 5th, 6th, and the 14th Amendments.

6. VAWA, as presently enacted and enforced is discriminatory in letter and in spirit. The term "domestic violence" as used therein is virtually interchangeable with the term "heterosexual men's violence against women" and it has been enforced in a manner consistent with such discriminatory definition.

7. Plaintiffs assert that Congress overstepped constitutional boundaries under the Commerce Clause and 14th Amendment to the United States Constitution when it enacted VAWA, a "Separate but Equal" law, to regulate sexual assaults and domestic violence by men against women using its powers to regulate interstate commerce.

THE PARTIES

Plaintiffs

[1] Glaringly oppressive is Section 13981 of the Act which unconstitutionally purports to give females a civil rights remedy against private actors. See *USA v. Morrison*.

[2] The term "Bivens action" comes from *Bivens v. Six Unknown Named Agents*, in which the Supreme Court held that a violation of one's Fourth Amendment rights by federal officers can give rise to a federal cause of action for damages for unlawful searches and seizures. *Bivens v. Six Unknown Agents*, 403 U.S. 388 (1971).

8. Plaintiff Weih Steve Chang ("Chang") is and at all relevant times mentioned herein was, a citizen of the United States and residing in Hockessin, Delaware. In October of 2012, Chang faced his first VAWA prosecution for alleged domestics violence offenses after his ex-wife consulted Delaware Volunteer Legal Service ("DVLS"), a VAWA grantee. Although false allegations were made against Chang, he obtained full custody of his three children during court proceedings. In the following months, Chang contacted Delaware Family Services ("DFS") and the Wilmington, Delaware Police Department ("WPD") to report child abuse and neglect by his ex-wife. Chang also informed the WPD and DFS that his ex-wife had threatened him and his children with a knife. No action was taken by WPD or DFS. In October 2013, DVLS, DFS and WPD instead leveled allegations against Chang and initiated a second VAWA prosecution to have Chang placed on Delaware's child abuser registry. DVLS allegations were ultimately rejected by family court in a ruling dismissing their claim. By information and belief, however, based on false accusations by his ex-wife Chang was included as a perpetrator of domestic violence in OVW's Biennial Reports to Congress on the Effectiveness of Grant Programs under the Violence against Women Act ("Biennial Reports"), when, in fact, Chang has been a victim of domestic violence.

9. Plaintiff Gordon Gene Smith ("Smith") is a citizen of the United States currently residing in Port Orange, Florida. Between 2009 and 2012, Smith was arrested nine times in Delaware based on false allegations of sexual assault and domestic abuse by his ex-wife. Smith's ex-wife was arrested in 2012 in Delaware for filing false police reports and lying to the police regarding the allegations she made against Smith. In 2013, Smith was exonerated of all but the first of the charges made against him. In 2017, Smith received a governor's pardon for the initial arrest and all remaining arrests and charges were expunged from his record. Although exonerated, Smith was included as a perpetrator of domestic violence in the Biennial Reports, when, in fact, Smith was falsely accused and arrested.

10. The number of class plaintiffs can be reasonably assessed mathematically from the Biennial Reports to have exceeded a critical mass of law-abiding taxpayers who during some point of their lifetime were or will be discriminatorily subjected to the full force of the Act.

11. According to the National Coalition Against Domestic Violence, 1 in 4 women and 1 in 7 men have been victims of severe physical violence by an intimate partner in their lifetime. Yet, the statistics compiled in the enforcement of the Act reveal that it has been enforced in a grossly disproportionate manner, favoring women excessively over men.

12. For each ten thousand unique female victims of physical violence included in the Biennial Reports, thousands of male victims of physical violence, like Chang, were excluded solely because of their gender.

13. The Biennial Reports also included persons who were not victims of domestic violence as the beneficiaries of federal grants even when their accused perpetrators, like Smith, were found to be innocent.

Defendants

14. Defendant the Office on Violence Against Women ("OVW") is a federal agency established under the provisions of the Act. Legislation passed in 2002 made OVW a permanent part of the Department of Justice with a Presidentially-appointed, Senate-confirmed Director.

15. Defendant Laura L. Rogers ("Rogers") is at all relevant times mentioned herein the acting interim director of OVW.

16. Under the scheme of Defendants' cooperative federalism and pursuant to Delaware's Title 11 Chapter 87 Delaware Defendants mentioned herein are the enforcing agents and representatives of Defendants OVW and Rogers.

17. The City of Wilmington is a municipal corporation, organized and existing under the laws of the State of Delaware and is engaged in various municipal activities including the

operation of a municipal police force, the Defendant City of Wilmington Police Department ("WPD"). Defendant Stephanie Hamilton ("Hamilton") is a civilian member of the WPD and serves as its OVW-funded VAWA coordinator, which is defined as the administrative overseer of VAWA enforcement. Defendant Adrienne Owen ("Owen")[3] of Delaware State Police acted in the same capacity.

18. Defendant Delaware Volunteer Legal Services ("DVLS") is a private non-profit organization incorporated in the state of Delaware. DVLS is an OVW grantee acting as a private prosecutor for VAWA enforcement in the Family Court of Delaware.

19. Defendant Community Legal Aid Society, Inc. ("CLASI") is a private non-profit organization incorporated in the state of Delaware. CLASI is a grantee acting as a private prosecutor for VAWA enforcement in the Family Court of Delaware. Defendant OVW featured Defendant CLASI in its 2012 Biennial Report to Congress.

20. Defendant Ashley Gorodetzer ("Gorodetzer") was a staff attorney at DVLS.

21. Defendants Joelle Hitch ("Hitch") and Louann Vari ("Vari") are, at all relevant times hereto, employed by the Family Court of Delaware, an OVW grantee, which has exclusive jurisdiction over VAWA enforcement cases.

22. Unnamed co-conspirators with the defendants include, but are not limited to, OVW-funded VAWA coordinators employed by the Family Court of Delaware, OVW-funded VAWA coordinators employed by the state attorney general's office, which acted as a government prosecutor of VAWA enforcement in the Family Court of Delaware, and OVW-funded VAWA coordinators employed by non-profit OVW grantees

23. All Defendants participated in cooperative federal enforcement actions of financing

[3] Owen has dual roles of a law enforcement officer and a VAWA coordinator, while Hamilton of WPD is a VAWA coordinator.

and conducting the investigation, private and governmental prosecutions of Plaintiffs Chang and Smith by, among other things, falsifying police reports, administering false affidavits, and signing orders of unlawful seizures of properties.

JURISDICTION AND VENUE

24. This Court has jurisdiction over this action under the provisions of 28 U.S.C. §§1331, 1341 & 1343 because it is filed to obtain declarative relief, injunctive relief, and compensatory damages for the deprivation, under color of a federal law, of the rights and privileges of citizens of the United States secured by the 4th, 5th, 6th, 10th, and 14th Amendments of the Constitution and federal law pursuant to 42 U.S.C. § 1983.

25. Venue is proper under 28 U.S.C. § 1391(b)(2) because Congress enacted VAWA in this judicial district.

26. Venue is proper under 28 U.S.C. § 1391(b)(2) because an estimated $474 million dollar collected through federal taxation were appropriated to and administered by OVW in this judicial district.

27. Venue is proper under 28 U.S.C. § 1391(b)(2) because OVW defines campus dating violence, campus sexual assaults, and domestic violence as "National Crimes" and has engaged in a cooperative federalism in which the federal, state and local governments, university administrations, and OVW-funded nonprofits interact cooperatively and collectively to enforce the Act, OVW's policies, rules, and regulations. A substantial part of the acts performed in this cooperative federalism occurred in this judicial district. These acts include, but are not limited to, making rules, issuing regulations, operating under administrative procedures, approving grant applications, and regulatory oversight of grantees.

28. Venue is proper because the evil spirit of the "Separate but Equal" Act has metastasized and has impaired the fair and impartial administration of justice by the federal

judiciary for the District of Delaware. Under Defendant OVW's cooperative federalism, Delaware legislatively requires a federal judge and a federal prosecutor to participate in the state's VAWA implementation as members of a state agency in charge of VAWA enforcement. Furthermore, numerous federal judges of the district personally donated to the designated private prosecutors and grantees of Defendant OVW, which creates a clear conflict of interest or, at the very least, the appearance of a conflict.

LEGAL FRAMEWORK

VAWA and other "Separate but Equal" Laws

29. VAWA is a part of the Violent Crime Control and Law Enforcement Act of 1994 ("Crime Bill"). The chief architect of the Crime Bill announced that the "predators on our streets" were "beyond the pale" and that Congress has "an obligation to cordon them off from the rest of society."

30. Since 1996 the National Domestic Hotline has answered over three million calls.

31. Over the past ten years states have passed over 660 laws to combat domestic violence, dating violence, sexual assault and stalking. All states have passed laws making stalking a crime and changed laws that treated date of spousal rape as a lesser crime than stranger rape.

32. Businesses have also joined the fight against violence and have created Employee Assistance Programs that help victims of domestic violence.

33. Congress has estimated that the cost of domestic violence to the national economy nationally is between five to ten billion dollars.

34. While the congressional intent of VAWA was virtuous, in application it has had a profoundly negative effect on the lives of innocent men and men wrongfully accused of domestic violence.

35. The "Separate but Equal" component of the Crime Bill was written by its authors using

false gender stereotypes analogous to other laws such as drug laws.

36. Using similar logic, the authors of the Crime Bill concerned themselves with "male predators on college campus" and "male predators at homes" when enacting the [men's] Violence Against Women Act.

37. By plain reading, VAWA followed the ugly footprint of previous laws such as the *Chinese Exclusion Act* and *Montgomery City Code* by overtly targeting a specific class of persons separately.

38. It must be noted that "Separate" enforcement of a seemingly "equal" law had the same effect of a "Separate but Equal" law. An 1880 ordinance of the city of San Francisco required all laundries in wooden buildings to hold a permit issued by the city's Board of Supervisors. In *Yick Wo v. Hopkins*, the court concluded "if it [the ordinance] is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution." *Yick Wo*'s property interest was deprived by the "Equal Law Enforced Separately" scheme.

39. When VAWA was first enacted in 1994, the stated goal of Congress was to "deter and punish violent crimes against women."[4] No mention was made of any other violent crimes committed in intimate relationships other than those committed by men against women.

40. The very name of the Act (the Violence Against Women Act) which purports to protect only one gender and, leaves out men, gays and other sexual preferences shows the intentional disregard of fundamental fairness and equal representation.

41. The Act created a gender-activated private right of action for allegedly abused women to the exclusion of other genders and sexual preferences. The Act delineates a *prima facie*

[4] H.R Rep. No. 103-395, at 26 (1994). See Pub. L. 103-322 (Sept. 13, 1994).

dividing line of "us versus them" and was patently discriminatory and unconstitutional when enacted.

42. The purported reason for this federally-sanctioned gender discrimination is belied by federally collected statistics from local law enforcement agencies which allegedly supports the fact that domestic violence in intimate relationship settings is limited to violence against women. Contrary to this however, domestic or dating violence (perpetrated by heterosexual women) against men, and domestic or dating violence in LGBTQ communities does occur and is prevalent in many communities.

Commerce Clause and Congressional Limits on Regulations

43. Article 1, Section 8, Clause 3 of the U.S. Constitution known as the Commerce Clause, delegates to Congress the power to regulate Commerce with foreign nations, and among the several states and with the Indian Tribes. The Framers thus gave Congress the power to regulate or make regular, commerce among the states. It was meant to be a power primarily to facilitate free trade. Congress relied on the Commerce Clause as its authority to enact VAWA.

44. In the years since its enactment, the Act has changed both through judicial action and through amendment. In 2000, the Supreme Court in *United States v. Morrison,* 529 U.S. 598 (2000*),* addressed the question of whether Congress has the authority to enact portions of the Violence Against Women Act of 1994 under either the Commerce Clause or the Fourteenth Amendment. The Court ruled that neither the Commerce Clause nor the Fourteenth Amendment contained sufficient authority for Congress to provide a civil remedy, since the Act did not regulate an activity that substantially affected interstate commerce nor did it redress harm caused by the state.

45. The Court in *Morrison* relied on *U.S. v. Lopez* in making its ruling. In *Lopez*, the Supreme Court ruled that Congress had exceeded its authority under the Commerce Clause in

passing the Gun-Free School Zones Act of 1990, which prohibited the possession of a firearm within 1,000 feet of a school.[5]

46. The Court in *Lopez* ruled "under the theories that the Government presented,…it is difficult to perceive any limitation on federal power, even in areas such as criminal law enforcement or education where states historically have been sovereign…if we were to accept the Government's arguments, we are hard-pressed to posit any activity by an individual that Congress is without power to regulate." *Id.* at 564.

47. Despite the decisions in *Morrison* and *Lopez*, Defendant OVW continues to assert on its website and in its brochures that campus dating violence, campus sexual assault, and domestic violence are federally recognized "National Crimes."

Equal Protection

48. Section 1 of the Fourteenth Amendment to the U.S. Constitution states "nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

49. In 2013, Congress at last took notice of the absence of equal protection in VAWA. Thus, 19 years after the enactment of VAWA and 14 years after *Morrison*, it amended the Act with the 2013 Nondiscrimination Provision. Defendant OVW claimed that "this groundbreaking provision will ensure that lesbian, gay, bisexual and transgender (LGBT) victims of domestic violence, sexual assault, dating violence and stalking are not denied services under VAWA, on the basis of their sexual orientation or gender identity..."

50. Despite the language of the 2013 amendments, nothing changed for heterosexual males. VAWA affords them no protections and the practices and procedures heretofore employed under the Act have not changed. The discriminatory nature and effect of the Act, even as

[5] United States v. Lopez, 514 U.S. 549 (U.S. April 26, 1995).

amended, remains the same. Defendants' *modus operandi* and the *de jure* and *de facto* gender bias enshrined in the Act and its enabling regulations and procedures directed against heterosexual men remains the same.

51. Defendants continue to unjustly and illegally discriminate between persons in similar circumstances based solely on their gender. The effect of the Act and its enforcement, paid for with federal taxation, constitutes taxation without representation.

Cooperative Federalism of the Act

52. In *Morrison*, the court concluded that domestic violence and campus sexual assaults are inherently local crimes under state sovereignty, which do not affect interstate commerce. There was therefore no basis for federal intrusion or a federally created civil right.

53. The federal enforcement mechanism devised under the Act is to use a gender-neutral federal taxation to provide incentives to states and local governments and non-profits as vehicles of governmental and private prosecution of violence against women as "National Crimes." More local prosecutions mean more federal incentives.

54. As a result, a whole new, publicly funded infrastructure sprang into existence, dedicated to prosecuting alleged crimes against women to the exclusion of all other crimes of the same nature. The result is that a previous state function was converted into a partially privatized, federally funded program, which is inherently unfair and biased.

55. By using federal dollars to incentivize state and local governments to prosecute violence against women, Congress has created interstate commerce for regulation of an activity that would be sovereign to the states.

56. By choosing to nationalize the prosecution of one tier of the domestic abuse problem affecting only one gender/class of accusers, Defendants intentionally discriminated against other persons affected by domestic violence, both by denying them the same rights and privileges

granted to women and also by treating them unfairly in the prosecutorial process by skewing the resources available in favor of female accusers, regardless of the merits of their claims.

57. Under the Act, Defendant Rogers and her agency has funded a national network of VAWA coordinators. They act as administrative overseers within local governments and universities and have foundationally modified traditional, local police procedures and judicial proceedings for the purpose of discriminatorily enforcing local laws under the Act.

58. Under the paradigm of cooperative federalism Congress has in the past created delivery systems for federally sponsored programs such as medical assistance ("MA") or the former Aid to Families with Dependent Children ("AFDC"). In those programs a participating state's program is financed largely by the Federal Government, on a matching fund basis, subject to federal laws and the Constitution of the United States.

59. In contrast to MA or AFDC where a recipient's eligibility is based on poverty or medical conditions, VAWA determines a recipient's eligibility based solely on a recipient's gender and presumes they are victims of a "National Crime" committed by a person of the opposite gender.

60. Defendants routinely hold the accused to be guilty until proven innocent and heavily subsidize his prosecution without the due process protection afforded to defendants committing the worst of offenses.

61. Under the Commerce Clause, Congress may regulate the channels of interstate commerce, protect the instrumentalities of interstate commerce and regulate activities that substantially affect interstate commerce.

62. Simply because Congress may conclude that a particular activity substantially affects interstate commerce does not necessarily make it so. Whether a particular activity affects interstate commerce sufficient to fall under Congressional power is ultimately a judicial question.

63. Congress may not regulate noneconomic, violent criminal conduct based solely on that conduct's aggregate effect on interstate commerce. The Constitution requires a distinction between what is national and what is local. The regulation and punishment of intrastate violence that is not directed at the instrumentalities of interstate commerce is the province of the states.

64. To extend the Commerce Clause beyond the context of statutes regulating economic activities and uphold an Act regulating noneconomic activity, merely because that activity, in the aggregate, has an attenuated, though real, effect on the economy and presumably interstate commerce, would remove all limits on federal authority and render Congress a police power impermissible under the Constitution.

65. The gender-based "guilty until proven innocent" scheme, deliberate deprivation of due process for gender-based program eligibilities, and intrusion of a federal agency upon state sovereignty under the "Separate but Equal" law violates the 4th, 5th, 6th, 10th, and 14th Amendments.

Civil Lynching - Local Enforcement Mechanism of the Act

66. A Lynch law proceeding is a political process, not a judicial one. The accused is pre-determined to be guilty of supposed crimes. Due process protection of the accused is not required prior to, during, or after a summary execution.

67. The enforcement mechanism of the "Separate but Equal" law on university campuses and in family courts inherited the very extrajudicial characteristics of a Lynch Law, i.e. by-passing the due course of law for the purpose of depriving certain classes of accused persons of due process protection.

68. Defendants Rogers and OVW deliberately and effectively transformed local enforcement of the Act into civil Lynch proceedings, a contemporary form of Lynch law carried out by college administrations, state actors, private nonprofit attorneys, and a network of

coordinated OVW-funded administrative overseers.

69. In a civil Lynch proceeding, constitutionally protected interests of the accused, with the exception of his life, are subject to the same grave jeopardy by local VAWA coordinators and other extrajudicial authorities, whose actions are legally sanctioned by the Act, administratively supported, and financially incentivized by Defendant OVW.

70. For example, Defendant OVW jointly with Title IX enforcement agencies mandated colleges to use a lower standard of evidence than in criminal courts when adjudicating sexual assaults by stressing that adjudication is an educational experience, where students are found "responsible" rather than "guilty" so their processes should be different from the criminal justice system's.

71. In a civil Lynch proceeding on college campuses, labeled as an educational proceeding, the accused is not entitled to legal representation. While a government-funded quasi-prosecutor charges "National Crimes" against the accused, the accused must stand completely on his own, or bear the burden of property loss in paying private attorney, or risk complete annihilation of his reputation, scholarship, education opportunities, and future employment opportunities, all of which are Constitutionally protected property interests.

72. The question of whether colleges should hear sexual assault cases is moot largely because they are required by the "Separate but Equal" federal law to act as a state actor and an agent and representative of federal government.

73. Defendant OVW deliberately created and effectively maintained an even more Draconian infrastructure of civil Lynch proceedings in state and local governments.

74. Defendant OVW funded a network of VAWA coordinators in the administrative sections of the law enforcement agencies, state courts, and nonprofits. The network of VAWA coordinators acted with extrajudicial authorities in governmental and private agencies with

interlocking interests to enforce the "Separate but Equal" law.

75. VAWA coordinators discharged their extrajudicial authority during "pre-screenings" intake processes, where they, by the very letter and spirit of the Act, determined domestic violence perpetrators by gender, cross-referred "victims" to OVW-funded private prosecutors and service providers, and denied the same services to male victims solely because of their gender.

76. The extrajudicial determinations of "guilt" of the accused and eligibility of the "victim" for OVW program services carry the force of a federal law with no mechanism for the accused to appeal.

77. For example, through inter-agency coordination and cross-referrals, VAWA coordinators in the state prosecutor's office administered Victims' Compensation Assistance Program ("VCAP") funded by federal and state funds, in which "victims" are provided with cash assistance before a conviction of a crime.

78. With federal sanctions and federal dollars flooding into the state proceedings, VAWA funded proceedings have thrived in family courts nationwide.

79. Defendant OVW through its "Court Training and Improvements Program" and other federal funding mandates commandeered state family courts to encourage civil convictions of the accused by preponderance of evidence. Often the accused persons went *pro se* when charged with "National Crimes" in closed-door proceedings where OVW-funded private prosecutors trumped the accused persons on behalf of extrajudicially designated "victims" by the court's own administrative overseers.

80. Defendant OVW and its grantees financially incentivized caseloads and convictions by private prosecution of "National Crimes" often disregarding due process protection, wrongful convictions, and other violations of civil rights mandates. Under the federally mandated lower standard of proof local courts maximized civil Lynch convictions of "pre-screened" defendants

without evidence or contrary to evidence.

81. In high numbers of extreme cases nationwide, law-abiding taxpayers were removed from their homes and children under the darkness of night by *ex parte* orders issued for charges of "National Crimes" to which they never had an opportunity to respond, their reputation, employment prospect, properties, and natural familial bounds with their children, destroyed forever.

Noted Cases of Civil Lynching

82. The draft of VAWA came together in the aftermath of the 1991 Clarence Thomas hearing, where Professor Anita Hill alleged she faced sexual harassment by Supreme Court nominee Clarence Thomas, an African American, who described the civil proceeding in the U.S. Senate as a "high-tech lynching".

83. The enactment of the Act in 1994 as part of an omnibus federal crime bill occurred in the immediate aftermath of Nicole Simpson's murder and the acquittal of O.J. Simpson for her murder.

84. In September 1994, the same month VAWA was enacted, Christy Brzonkala, a white female college student athlete, alleged that she was gang-raped by Antonio Morrison and James Crawford. Both Morrison and Crawford were African American college football players. Neither man was ever charged with a crime. Crawford produced an alibi witness; Morrison said the sex was consensual.

85. Using private attorneys as private prosecutors Brzonkala exercised her private right of action under Section 13981 of the Act to sue Morrison. Although the Supreme Court of the United States eventually ruled in favor in *Morrison*, Brzonkala's accusations left a permanent scar on Morrison's reputation.

86. David Paxton, Morrison's attorney, wrote that "[h]is good name has been completely

trashed… convicted of something he never did."

87. On October 15, 2016, Nikki Yovino, a white female college student, alleged that she was gang-raped by fellow college students Dhameer Bradley and Malik St. Hilaire. Bradley and St. Hilaire were African American and both men admitted having sex with Yovino, but said it was consensual.

88. Nikki Yovino reported the incident police rather than the college administration. Following the due course of law the police initiated a traditional law enforcement investigation.

89. When the detective questioned Yovino at her home she, according to the officer, "…admitted that she made up the allegation of sexual assault against (the football players) because it was the first thing that came to mind and she didn't want to lose (another male student) as a friend and potential boyfriend," according to the arrest warrant affidavit: "She stated that she believed when (the other male student) heard the allegation it would make him angry and sympathetic to her."

90. On August 24, 2018, Yovino was sentenced to one year for her false rape allegations.

91. Although Bradley and St. Hilaire were ultimately exonerated under traditional police procedures and judicial proceedings, however, both were concurrently subject to prosecution proceedings under VAWA. The college administration was required by Defendant OVW and Title IX enforcement agencies to conduct its own hearing based on Yovino's October 15, 2016's allegations against the two men.

92. Within three days from Yovino's initial false allegations, on October 18, 2016, both Bradley and St. Hilaire were suspended academically, barred from the campus, with Bradley's football scholarship taken away.

93. Male students of all ethnicities on college campuses have been subject to similar proceedings for sexual assaults. Men of all races and ethnicities in domestic relationships were

subject similar proceedings in local domestic violence courts under the "Separate but Equal" principle embodied in the Act.

94. Indeed, civil Lynch proceedings became a popular choice in handling sexual assault allegations in workplaces. Judge Brett Kavanaugh was nominated for a post on the Supreme Court of the United States when allegations of sexual assaults emerged. The "high-tech lynching", as Justice Clarence Thomas coined the term in 1991, entered the age of smart phones and social media mobs.

95. Anger flooded social media and the nation witnessed the mob justice stampeding over one of the most sacred principles in the American criminal justice system, holding that a defendant is innocent until proven guilty.

96. For 25 years since the enactment of the "Separate but Equal" law and in the name of prosecuting "National Crimes", Defendant OVW and its grantees deliberately removed Plaintiffs' due process protection guaranteed in the American criminal justice system.

97. Through federal taxation Defendant OVW and its grantees deliberately financed and instituted VAWA proceedings, i.e. employing of private prosecutions of class plaintiffs for the purpose of depriving them of their constitutionally protected rights and privileges without due course of law.

ALLEGATIONS SPECIFIC TO PLAINTIFFS

Delaware's Cooperative Federalism: Interlocking Entities of Civil Lynching

98. Plaintiffs re-allege and incorporate by reference the preceding allegations as though fully set forth herein.

99. State of Delaware's FFY2014-FFY2016 S.T.O.P. Violence Against Women Implementation Plan is a 142-page document of Defendants' *modus operandi* under the

cooperative federalism. See Exhibit A.

100. To surrender its state sovereignty to the "Separate but Equal" federal law Delaware enacted Title 11 Chapter 87, § 8700-8709. The state law created a state agency Criminal Justice Council ("CJC") in charge of the administration of OVW grants, which is guided by VAWA Implementation Committee ("Implementation Committee").

101. To secure the role and responsibility of the federal government in enforcement of a federal law against "National Crimes" Title 11 Chapter 87, § 8700-8709 requires the United States Attorney for the District of Delaware as a member of the state agency. The state law also requires the Chief Judge of the United States District Court for the District of Delaware, or his/her designee, as a member of the state agency. See Exhibit B.

102. The purpose of the Implementation Committee is to "ensure the appropriate use of federal funds received under the Violence Against Women Act" and to "draw on the collective experience of individuals and agencies (*both private/non-profit and governmental*) to strengthen…coordinated approach to address the problem of violence against women."

103. In compliance to the letter and spirit of the Act the Implementation Committee explicitly emphasized the gender-activated eligibility for "the programs, laws, and policies Delaware has established to protect *female* victims [from] violent crimes". The CJC and its Implementation Committee explicitly exclude male victims solely because of their gender.

104. Governmental actors, in whose capacities individual defendants acted in implementation of the "Separate but Equal" federal law, include but are not limited to the City of Wilmington Police Department, the Delaware State Police, the Victims' Rights Task Force, the Domestic Violence Task Force, the Delaware Department of Justice, the Family Court of Delaware, and the Domestic Violence Coordinating Council ("DVCC"). See Exhibit C.

105. To coordinate its surrender of state sovereignty to the "Separate but Equal" federal law

Delaware also enacted Title 13, Chapter 21 § 2102 Domestic Violence Coordinating Council ("DVCC"), which is a state agency led by a similar set of governmental chiefs and coordinators designated in CJC. DVCC is exclusively focused on coordinating the "Separate but Equal" enforcement of the Act and the Defendant OVW's rules, regulations and policies. DVCC co-administered OVW grants. See Exhibit D.

106. Private actors, in whose capacities individual defendants enriched themselves from federal grants through unlawful means, include but are not limited to the Delaware Coalition Against Domestic Violence ("DCADV"), CLASI, DVLS, and Legal Services Corporation of Delaware, Inc. ("LSCD"), Child Inc., and People's Place II, Inc. DCADV is the private coordinating agency of private actors. See Exhibits E and F.

107. DVCC and DCADV represented a statutorily mandated government-private partnership in forging a web of interlocking interests, void of independence and impartiality, which permeated the criminal justice system, civil proceedings, and the local enforcement of the Act and Defendant OVW's rules, regulations and policies.

108. CLASI and DVLS are the primary providers of "Domestic Abuse Legal Services". See "CLASI" in Exhibit D.

109. Under the "Separate but Equal" federal law "Domestic Abuse" literally equates "Violence against Women" only. CLASI and DVLS are funded by Defendant OVW to function as private prosecutors of "National Crimes".

110. Child Inc., People's Place II, Inc., and other nonprofit grantees of OVW are victim service organizations. Victim service organizations are financially incentivized by the quantity of services to predetermined "victims".

111. Through coordinated cross-referrals individual defendants from DVCC, DCADV, and its members, governmental or private, including but are not limited to Hamilton, Gorodetzer, and

unnamed VAWA coordinators, routinely conduct extrajudicial functions of "pre-screenings" of designating "victims" versus "perpetrators" through "intake" processes, which appears to have evaded regulatory oversight.

112. Many of class plaintiffs who were found innocent of "National Crimes", including Chang and Smith, were "civilly convicted" by "pre-screeners" without due process of law.

113. Many of class plaintiffs who are real victims of domestic violence, including Chang, were apparently "pre-screened" out of OVW-funded program services solely because of their gender.

114. Governmental data with regard to all perpetrators, real or wrongfully convicted, their victims, governmental or private prosecutions of the perpetrators, and related victim services are collected and tabulated into Defendant OVW's Biennial Reports to Congress.

115. Relying on APA Plaintiffs assert the detailed governmental data related to Defendant OVW's Biennial Reports to Congress are judicially reviewable because (a) the Act exceeded constitutional boundaries; (b) the enforcement of the Act is discriminatory; and (c) the enforcement of the Act and the collection of enforcement data are funded through federal taxation therefore public records.

116. By information and belief, the unlawful extrajudicial authorities, *modus operandi*, and secretive standards to designate Chang and Smith in domestic relationship or other similarly prosecuted persons on college campuses as perpetrators of "National Crimes" are direct and proximate results of the "Separate but Equal" federal law, and Defendant OVW's rules, regulations, and policies. The Act and its discriminatory enforcement under the cooperative federalism are judicially reviewable under the Constitution and APA.

Private Prosecutors' Financial, Operational, and Legal Collusions in Civil Lynching

117. Plaintiffs re-allege and incorporate by reference the preceding allegations as though fully set forth herein.

118. On the surface, CLASI, DVLS and LSCD appeared to be three independently operated nonprofit legal service organizations, when in fact they are financially, operationally, and legally colluded.

119. In July 2010, Office of the Inspector General ("OIG") issued its Audit Report GR-70-10-005, which identified $829,340, or 93 percent of OVW grant awarded to CLASI as "unsupported and unallowable expenditures". See Exhibit G.

120. Behind the scene CLASI concealed an extensively negotiated distribution formula contained in an agreement among itself, DVLS, and LSCD.

121. The first possible motive of keeping the formula from OIG is to avoid compliance audit requirement for the other two OVW grantees, DVLS and LSCD.

122. Indeed, the three OVW grantees shared another secret distribution formula for funds obtained from another funding source, Combined Campaign for Justice ("CCJ"). See Exhibit H.

123. The second possible motive of keeping the two formulas secret from OIG is to hide the joint financial interest of the three legal practices from other litigants.

124. Operationally, any requests statewide for free "Domestic Abuse Legal Services" or any free legal services from the three nonprofits went to DVLS for pre-screenings. See Exhibit I.

125. On its recruitment brochure DVLS states that "we coordinate the PFA Pro Bono Program in which an attorney signs up to represent financially eligible victims of domestic violence in obtaining a Protection From Abuse Order. DVLS also administers the "Legal Help Link" which refers potential clients with the appropriate agency." PFA means Protection From Abuse.

126. "Legal Help Link" is the statewide contact numbers for any residents, like Chang and

Smith, who sought for free legal services from the three nonprofits, including LSCD. See Exhibit J. Note "PERSON IN CHARGE" as Janine N. Howard-O'Rangers, Executive Director of Defendant DVLS.

127. DVLS as an OVW-funded private prosecutor and the operator of "Legal Help Link" possesses a monopolistic form of extrajudicial authority to determine which caller is a victim of domestic violence and the extrajudicial authority to presume who is the perpetrator of "National Crimes". Pursuant to the Implementation Committee's explicitly stated objectives that Delaware's programs, laws, and policies are established to "protect *female* victims [from] violent crimes", DVLS routinely designate men like Plaintiffs Chang and Smith as perpetrators from the intake solely based on their gender.

128. DVLS' extrajudicial authority, sanctioned by governmental authorities in CJC, DVCC, and DCADV, carries the force of law and cannot be appealed. In practice, once DVLS determined someone like Chang and Smith to be perpetrators, the accused became the subject and target upon which the entire web of interlocking VAWA entities would unleash its draconian powers to infinity, even though they were not convicted in a judicial hearing.

129. In helping their "pre-screened" clients in obtaining PFA Orders from the Family Court of Delaware, DVLS and CLASI routinely conducted civil lynching of "pre-determined" perpetrators like Chang and Smith with a commissioner who personally donated to the same OVW-funded private prosecutors.

130. The "pre-determined" perpetrators like Chang and Smith had to appeal a PFA hearing decision to a state judge who personally donated to the OVW-funded private prosecutors.

131. The "pre-determined" perpetrators like Chang and Smith had to appeal a PFA hearing decision to a state supreme court justice who also personally donated to the OVW-funded private prosecutors.

132. The "pre-determined" perpetrator like Chang and Smith had to sue state actors in the district court for violations of their civil rights and but to be dismissed by a district court judge who also personally donated to the OVW-funded private prosecutors.

Common Genesis of Plaintiffs Chang and Smith's
Failed Civil Rights Litigations in the District Court for the District of Delaware

133. Plaintiffs re-allege and incorporate by reference the preceding allegations as though fully set forth herein.

134. As direct and proximate effects and results of the "Separate but Equal" Act and Defendant OVW's *de facto and de jure* discriminatory rules, regulations and policies, Plaintiffs Chang and Smith have been and continue to be subject to civil Lynch proceedings administered by statutorily-coordinated and federal-state cooperated OVW grantees, both governmental and private.

135. At all relevant times mentioned herein, Defendants Gorodetzer of DVLS and James McGiffin ("McGiffin") of CLASI, in coordination with all other OVW-grantees, including but not limited to "Legal Help Link" of Widener Law School, extrajudicially determined Plaintiffs to be "perpetrators" of "National Crimes", which unlawfully created the common genesis of subsequent violations of Plaintiffs Chang and Smith's civil rights.

136. By information and belief, Defendants designated Smith as a violent domestic abuser in and around January 2009 and they designated Chang the same between August 2012 and October 2012. The extrajudicial determinations were based on intentionally fabricated allegations.

137. Between October and November of 2012 and as a domestic violence victim, Chang contacted "Legal Help Link" of DVLS/Widener Law School and sought assistance. Defendant DVLS refused to assist Chang solely because of his gender. Court records and case files in Defendants' possessions showed that Chang was subject to multiple domestic assaults with his

children present at the scenes.

138. At all relevant times mentioned herein, Defendants Hamilton of WPD and Owen of Delaware State Police, in their OVW-funded VAWA coordinator capacity, extrajudicially provided multiple OVW program services to "victims" of Chang and Smith, financially or otherwise, including nine arrests of Plaintiff Smith by Delaware State Police and attempted arrest of Plaintiff Chang by WPD.

139. Defendants Hamilton and Owen, in coordination with Defendant Patricia Lewis ("Lewis" in Exhibit C), an OVW-funded government prosecutor, extrajudicially provided VCAP assistance to "victims" designated by OVW-funded private prosecutors DVLS and CLASI.

140. VAWA provision in 8 U.S.C. 1367(a) lets certain immigrants receive VAWA-specified government benefits by making a "prima facie" allegation of domestic violence, an allegation that the accused citizen is expressly forbidden to rebut, as long as the allegations are sufficiently specific as to constitute a "prima facie" case, which is the legal term for allegations, regardless of their truth or falsity, which are sufficiently detailed and internally consistent to adequately allege a legal violation. Under VAWA, the federal immigration agency deems a U.S. citizen, like Plaintiff Chang, accused of domestic violence to be a "prohibited source." So in Kafka-esque manner, a federal agency must refuse to accept any documentation that might reveal the alleged immigrant victim to be a criminal, welfare cheat or perjurer under VAWA.

141. Defendant McGiffin privately prosecuted Smith in four separate civil Lynch proceedings. Smith was subjected to five PFA orders issued by co-Defendant the Family Court of Delaware, each of which stipulating no contact with Smith's two young sons. Twenty-one domestic violence charges and nine arrests, including a 24-hour solitary confinement in Delaware's maximum-security prison, ensued.

142. Plaintiff Smith's nine arrests by Delaware State Police and other police agencies gave

rise to his civil rights complaint, which was dismissed by Chief Judge Sleet (from 2007 to 2014) of the District Court, who was a fellow member of the state agency CJC with the very state defendants. See Exhibits A and B.

143. For his eight-year ordeal Smith was able to obtain, by acting *pro se* against an unlimited prosecutorial machine funded by the "Separate but Equal" Act, was a pardon letter signed by Governor John Carney in April 2017. See Exhibit K. The pardon board and the governor's legal counsel were apparently convinced that Smith has been innocent to begin with.

144. At all relevant times mentioned herein Defendant Gorodetzer and DVLS knew that their pre-screened "victim" purportedly assaulted by Plaintiff Chang was a real and repeat domestic violence perpetrator against Chang and his children. Yet, for the purpose of perpetuating their unlawful and extrajudicial determinations Defendants, private and governmental, engaged in a public-private partnership of malicious prosecution of Chang.

145. Defendant Gorodetzer, an OVW-funded private prosecutor of "National Crimes", knowingly administered a false sworn affidavit with a government representative of an OVW-funded state agency. See D.I. 15 Exhibit B of 1:15-cv-00963-LPS.

146. Then, a government prosecutor under Defendant Lewis took over the baton from the private prosecutor Gorodetzer and carried out a malicious prosecution of Plaintiff Chang.

147. The malicious prosecution gave rise to Plaintiff Chang's civil rights complaint, which was dismissed by Chief Judge Stark (from 2014 to present) of the District Court, who is also a *de facto* member of the state agency CJC with the very state defendants. See Exhibits A and B.

148. At all relevant times mentioned herein, Chief Judge Stark made multiple personal and financial donations (Exhibit H) to the OVW-funded private prosecutor, Defendants DVLS, which is already in multiple collusions with Defendant CLASI, LSCD, and other OVW-grantees, governmental and private.

149. Chang and Smith's failed civil rights litigations in the District Court for the District of Delaware proved a shocking effect of the "Separate but Equal" Act and its "cooperative federalism" -- the very rules, policies, procedures and methods of VAWA enforcement adopted by federal and state agencies under the aegis of the Court are being challenged and the Court is being asked to pass judgment on the wisdom of decisions made under its oversight. This blending of the prosecutorial power with the judicial power is something that occurs in other countries but not in this country. In our democracy there is a strict division of powers, and the very image of a federal court participating in the prosecution of a case before itself is anathema to the American system of justice.

150. At all relevant times mentioned herein, Defendant the Family Court of Delaware is an OVW-grantee and a member of CJC and DVCC. It retains exclusive jurisdiction on criminal and civil proceedings related to enforcement of the "Separate but Equal" Act. Its members routinely made personal and financial contributions (Exhibit H) to OVW-funded private prosecutors, Defendants DVLS and CLASI, and vested their interests, governmental, personal and financial, into each and every extrajudicial determination unlawfully made by Defendants DVLS and CLASI.

151. At all relevant times mentioned herein, extrajudicial determinations of "guilt" by Plaintiffs Chang and Smith, and malicious prosecutions thereafter by government prosecutors or private prosecutors alike, shared one common evil objective, i.e. to separate children from their law-abiding tax-paying parents solely because of the gender of the parents.

152. Defendants Vari and Hitch routinely and irreversibly severed ties betweens children and their non-offending parents solely because of the gender of the parents.

153. Defendant Vari ordered no contact between Plaintiff Smith and his children when Defendant McGiffin, an OVW private prosecutor, commenced the initial proceeding against Smith

who was compelled to defend himself of "National Crimes" of domestic assaults without legal representation.

154. The only venue Smith could have any contact with his two sons was at Defendant People's Place II (Exhibit F), who is an OVW-grantee operating "supervised visitations" of "perpetrators" designated extrajudicially by Defendants McGiffin of CLASI and other VAWA enforcers.

155. The pronounced objective of private and governmental prosecutions of Plaintiff Chang by DVLS, WPD, and other OVW grantees, as shown in D.I. 15 Exhibit B of 1:15-cv-00963-LPS, is to permanently separate a U.S. citizen from his children, also U.S. citizens, on the U.S. soil.

156. The only venue Chang could have any contact with his three children was Defendant Child Inc. (Exhibit F), who is an OVW-grantee operating "supervised visitations" of "perpetrators" designated extrajudicially by Defendants Gorodetzer of DVLS and other VAWA enforcers.

157. In support of Defendant DVLS/"Legal Help Link" and Gorodetzer's extrajudicial authority under the "Separate but Equal" Act, and to fulfill their shared governmental, personal, financial, and academic interests with Defendants DVLS and "Legal Help Link", Defendants Hitch, Mark Buckworth, and Chandlee Kuhn of the Family Court repeatedly rejected Plaintiff Chang's petitions to see his children.

158. In three separate rulings issued by Defendants Hittch and Buckworth, the latter of whom made multiple personal and financial donations to Defendants DVLS and CLASI, Plaintiff Chang was compelled to pay DVLS legal fees in the thousands of dollars.

CLASSS ACTION ALLEGATIONS

159. Plaintiffs bring this action as a class pursuant to Rule 23 of the Federal Rules of Civil

Procedure on behalf of innocent and wrongfully accused victims of VAWA prosecutions.

160. The Class is so numerous that joinder of all members is impracticable. While the exact number of Class members is unknown to Plaintiffs at this time and can only be determined through discovery, Plaintiffs believe there are thousands of members in the Class, as detailed in the governmental data contained in OVW's Biennial Reports to Congress.

161. Questions of law and fact are common to the class including the following: all Class members are men, who faced discrimination based on gender, were not provided due process under the Constitution, were subjected to civil lynching procedures administered by OVW grantees, were victims of false allegations, were wrongfully accused or found innocent and were in fact victimized by OVW proceedings resulting in significant damages to their life and reputation.

162. Plaintiffs claims are typical of the claims of the other members of the Class. Plaintiffs are committed to prosecuting this action, will fairly and adequately protect the interests of the Class, and have no interest contrary to or in conflict with those of the Class that Plaintiffs seek to represent.

163. The prosecution of separate actions by individual members of the Class would create the risk of inconsistent or varying adjudications for individual members of the Class and of establishing incompatible standards of conduct for the party opposing the Class.

164. Conflicting adjudications for individual members of the Class might as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

165. A class action is a superior method for adjudication because the cost of prosecuting individual actions is prohibitive and would be an insufficient use of judicial resources because the injunctive relief being sought is an equitable remedy and applicable to the Class as a whole.

166. Concentrating the litigation of claims in this forum is desirable because Congress

enacted VAWA legislation in Washington, DC. Defendants have acted on grounds generally applicable to the Class, making appropriate final injunctive and declaratory relief with respect to the Class as a whole.

167. There are no issues requiring individualized resolution or the creation of sub-classes, thus class wide adjudication will not present manageability concerns.

CLAIMS FOR RELIEF

Count I Declaratory Judgment Regarding VAWA (Violation of the Commerce Clause and 14th Amendment)

168. Plaintiffs re-allege and incorporate by reference the preceding allegations as though fully set forth herein.

169. The Commerce Clause delegates to Congress the power to regulate commerce among the several states to facilitate free trade.

170. The Court in *Morrison* ruled that domestic violence and campus sexual assaults are inherently crimes under state sovereignty which do not affect interstate commerce.

171. Congress cannot create interstate commerce by establishing a publicly funded infrastructure dedicated to prosecuting alleged crimes against women and use the Commerce Clause as a basis for its authority to regulate an activity sovereign to the states.

172. Pursuant to *Lopez*, "if we accept the government's arguments, we are hard pressed to posit any activity by an individual that Congress is without power to regulate."

173. OVW is the agency responsible for implementation and enforcement of VAWA.

174. VAWA runs afoul of the standards set in *Morrison* and *Lopez* and exceeds Congressional authority to regulate intrastate criminal activity.

175. Even if Congress was permitted to enact VAWA under the Commerce Clause, the Court should declare Defendants attempt to enforce VAWA prosecutions to be unconstitutional,

invalid and unenforceable under the 14th Amendment.

Count II Against All Defendants
(Violation of the 14th Amendment)

176. Plaintiffs re-allege and incorporate by reference the preceding allegations as though fully set forth herein.

177. Pursuant to the "Separate but Equal" Act, its cooperative federalism under Title 11 Chapter 87, § 8700-8709, and the rules, regulations and policies promulgated by Defendant OVW, state defendants acted as the agent and representative of Defendants OVW and Rogers, the federal defendants.

178. Both federal and state defendants knowingly and deliberately denied to Plaintiffs the equal protection of the laws.

Count III Against All Defendants
(Violation of the 4th, 5th, and 6th Amendments)

179. Plaintiffs re-allege and incorporate by reference the preceding allegations as though fully set forth herein.

180. Under the Act Defendants promulgated and instituted secret extrajudicial authorities nationwide to pre-determine "victims" for the sole purpose of deliberately seizing the accused persons' properties and other constitutionally protected rights and privileges without due course of law, in violations of the 4th and 5th Amendments.

181. Under the Act Defendants promulgated and instituted a form of double jeopardy where a single stream of gender-neutral taxation funded both private and governmental prosecutions of class plaintiffs, who were held to answer for the same "National" or infamous crimes, in violation of the 5th Amendment.

182. Under the Act Defendants promulgated and instituted civil Lynch proceedings nationwide accusing class plaintiffs of committing "National Crimes" where the assistance of

counsel for defense of the accused was deliberately removed to maximize convictions, in violations of the 6th Amendment.

Count IV Against OVW and Rogers
(Violation of APA and the 10th Amendment)

183. Plaintiffs re-allege and incorporate by reference the preceding allegations as though fully set forth herein.

184. Under the Act Defendant OVW promulgated and instituted secret extrajudicial authorities nationwide, produced multitude of fraudulent victims receiving OVW program services, and tabulated fraudulent cases and submitted to Congress in its Biennial Reports. OVW program services are entirely funded by taxpayers and therefore all records with regard to are subject to judicial review under APA.

185. The cooperative federalism under the Act, as exemplified in Delaware's Title 11 Chapter 87, § 8700-8709, the blending of the prosecutorial power with the judicial power, the blending of federal power with state power, and the rules, regulations and policies promulgated by Defendant OVW violated the 10th Amendment and APA, and are therefore subject to judicially review.

Count V Against OVW and Laura Rogers
(Violation of the Tucker Act)

186. Plaintiffs re-allege and incorporate by reference the preceding allegations as though fully set forth herein.

187. Class plaintiffs were subject to unlawful federal taxation in funding the "Separate but Equal" Act that Defendants OVW and Rogers enforced with *de facto* and *de jure* discriminatory force, by which class plaintiffs were intentionally deprived of government services, either as a defendant of "National Crimes" or as a real victim of domestic violence.

188. The taxation without representation scheme of the Act and its enforcement gave rise to

class plaintiffs' constitutional claims under the Tucker Act, particularly taking of property by the government with no intention to provide related government services.

Count VI Against All Defendants
(Common Law Violations)

189. Plaintiffs re-allege and incorporate by reference the preceding allegations as though fully set forth herein.

190. Plaintiffs re-allege and incorporate by reference their allegations in 1:14-cv-01066-GMS and 1:15-cv-00963-LPS as though fully set forth herein. Defendants engaged in conducting wrongful arrests, conspiring wrongful arrests, falsifying police reports, administering false affidavits, and signing orders of unlawful seizures of properties.

191. Defendants initiated the private and governmental prosecutions of Plaintiffs, did so without probable cause and acted with apparent gender-based discriminative motives and purposes.

192. Defendants investigation and initiation of prosecutions against Plaintiffs were based on impermissible gender factors under the "Separate but Equal" Act.

193. Plaintiffs suffered a deprivation of liberty, properties, association with their children, reputation, and other constitutionally protected interests as a result of Defendants' deliberately coordinated unlawful actions.

RELIEF REQUESTED

WHEREFORE, Plaintiff prays that this Court issue as ORDER:

a. Declaring that the Act in plain reading is discriminatory and violates the 14th Amendment; Congress exceeded its authority under the Commerce Clause and 14th Amendment when enacting the Act;

b. Declaring that the federal taxation in funding the enforcement of the Act discriminatory against the same taxpayers solely because of their gender is taxation without representation and therefore violated class plaintiffs' property interest; Congress exceeded its authority when funding the Act;

c. Declaring that the Defendant OVW exceeded its authority and abused its enforcement powers by making and promulgating rules, regulations, procedures, policies, and customs, including but not limited to federalizing local crimes as "National Crimes" and promoting extra-judicial administration of guilt of such crimes, in violation of the 4th, 5th, 6th, and 14th Amendments;

d. Declaring that co-enforcement of VAWA and Title IX violated the rights and privileges of the accused under the 4th, 5th, 6th, and 14th Amendments;

e. Declaring that VAWA provision within federal immigration statutes violated the rights and privileges of the accused under the 4th, 5th, 6th, and 14th Amendments;

f. Declaring that Defendant OVW exceeded its authority and abused its enforcement powers in violating state sovereignty over local crimes, in violations of APA and the 10th Amendment;

g. Enjoining the Defendants as follows:

The class plaintiffs are under continuing threats of suffering from another arrest, another private or governmental prosecution, another wrongful eviction from their homes or colleges, another unlawful seizure of their vehicles, another expropriation of their properties in forms of fees to OVW-funded private prosecutors, another incarceration, and another loss of reputation and other constitutionally protected rights and privileges.

The Court has authority to issue an injunction that, prior to any meaningful amendment to the Act, Defendant OVW and its grantees immediately provide public defender services nationwide to any person accused of "National Crimes" under its cooperative enforcement of the Act.

h. Awarding damages under the Tucker Act for deprivations of right to counsel and private attorney fees;

i. Awarding (1) actual and compensatory damages for the Class, to be determined at trial but no less than $75,000, (2) award costs of suit and attorney fees, and (3) grant such further relief as the Court deems appropriate.

DATED: AUGUST 2, 2019

Respectfully Submitted,

/s/

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