

# 19-3054

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

---

Lewis Y. Liu,

Plaintiff - Appellant, Pro Se

Equal Vote America Corp,

Plaintiff,

v.

United States Congress,

Nancy Pelosi, in her official capacity as the Speaker of the House of  
Representatives,

Kevin McCarthy, in his official capacity as the Minority Leader of the House,

Mitch McConnell, in his official capacity as the Senate Majority Leader,

Charles Schumer, (Chuck) in his official capacity as the Senate Minority Leader,

Defendant - Appellees.

---

On Appeal from the United States District Court  
for the Southern District of New York

---

## **Appendix of Appellant**

Respectfully Submitted:

Lewis Y. Liu

Plaintiff – Appellant Pro Se

98 Mott Street, Suite 609

New York, NY 10013

347-237-0192

equalvoteamerica@gmail.com

## **TABLE OF CONTENTS**

<b>Index</b>	<b>Section</b>	<b>Page</b>
<b>1.</b>	District Court Docket Sheet	<b>3</b>
<b>2.</b>	Order Being Appealed	<b>10</b>
<b>3.</b>	Judgment	<b>22</b>
<b>4.</b>	Notice of Appeal	<b>23</b>
<b>5.</b>	The Online Affidavit	<b>24</b>
<b>6.</b>	The List of Co-Plaintiffs	<b>25</b>

**U.S. District Court Southern District of New York (Foley Square)**

**CIVIL DOCKET FOR CASE #: 1:19-cv-00311-CM**

Liu et al v. Congress

Assigned to: Judge Colleen McMahon

Date Filed: 01/11/2019

Date Terminated: 09/04/2019

Cause: 28:2403 Constitutionality of State Statute(s)

Jury Demand: None

Nature of Suit: 441 Civil Rights: Voting

Jurisdiction: Federal Question

Plaintiff

Lewis Y. Liu

represented by Lewis Y. Liu

98 Mott Street Suite 609

New York, NY 10013

347/237-0192 PRO SE

Yu-Xi Liu

Law Office of Yu-Xi Liu, Esq.

602 39th Street Ste 102

Brooklyn, NY 11232

347-721-1383 Email: [yuxiliuny@yahoo.com](mailto:yuxiliuny@yahoo.com)

ATTORNEY TO BE NOTICED

Plaintiff

Equal Vote America Corp

represented by Yu-Xi Liu

(See above for address)

ATTORNEY TO BE NOTICED

V.

Defendant

Congress

represented by Steven John Kochevar

United States Attorney's Office SDNY

86 Chambers St. New York, NY 10007

212-637-2715

Fax: 212-637-2717

Email: [steven.kochevar@usdoj.gov](mailto:steven.kochevar@usdoj.gov)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

represented by Steven John Kochevar

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Nancy Pelosi

*in her official capacity as the Speaker of the House of the Representatives*

Defendant

Kevin McCarthy

*in his official capacity as the Minority Leader of the House*

represented by Steven John Kochevar

(See above for address)

ATTORNEY TO BE NOTICED

Defendant Mitch McConnell

*in his official capacity as the Senate Majority Leader*

represented by Steven John Kochevar

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Charles Schumer

*in his official capacity as the Senate Minority Leader*

represented by Steven John Kochevar

(See above for address)

ATTORNEY TO BE NOTICED

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/11/2019	<b>1</b>	FILING ERROR - DEFICIENT PLEADING - FILED AGAINST PARTY ERROR - COMPLAINT against LEWIS Y LIU. (Filing Fee \$ 400.00, Receipt Number ANYSDC- 16175181)Document filed by LEWIS Y LIU.(Liu, Yu-Xi) Modified on 1/14/2019 (jgo). (Entered: 01/11/2019)
01/11/2019	<b>2</b>	FILING ERROR - DEFICIENT PLEADING - SUMMONS REQUEST As To - REQUEST FOR ISSUANCE OF SUMMONS as to Lewis Y. Liu, re: 1 Complaint. Document filed by LEWIS Y LIU. (Liu, Yu-Xi) Modified on 1/14/2019 (jgo). (Entered: 01/11/2019)
01/11/2019	<b>3</b>	FILING ERROR - PDF ERROR - CIVIL COVER SHEET filed. (Liu, Yu-Xi) Modified on 1/14/2019 (jgo). (Entered: 01/11/2019)
01/14/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Yu-Xi Liu to RE-FILE re: Document No. 1 Complaint. The filing is deficient for the following reason(s): all of the parties listed on the pleading were not entered on CM ECF. Add parties Equal Vote America Corp., and, Congress; the wrong party/parties whom the pleading is against were selected; all of the filers were not selected for the pleading. Docket the event type Add Party to Pleading found under the event list Complaints and Other Initiating Documents. Re-file the pleading using the event type Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. (jgo) (Entered: 01/14/2019)
01/14/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney Yu-Xi Liu to RE-FILE Document No. 3 Civil Cover Sheet. The filing is deficient for the following reason(s): the PDF case caption does not exactly match initial pleading caption; Nature of Suit code - multiple selections; Jury Demand code - no selection; Office code - no selection; the PDF was not signed or dated by the attorney;. Re-file the document using the event type Civil Cover Sheet found under the event list Other Documents and attach the correct PDF. Use civil cover sheet issued by S.D.N.Y. dated June 2017. The S.D.N.Y. Civil Cover Sheet dated June 2017 is located at <a href="http://nysd.uscourts.gov/file/forms/civil-cover-sheet..">http://nysd.uscourts.gov/file/forms/civil-cover-sheet..</a> (jgo) (Entered: 01/14/2019)
01/14/2019		***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Yu-Xi Liu. The following case opening statistical information was erroneously selected/entered: Cause of Action code 28:1331; Fee Status code due (due); The following correction(s) have been made to your case entry: the Cause of Action code has been modified to 28:2403; the Fee Status code has been modified to pd (paid);. (jgo) (Entered: 01/14/2019)
01/14/2019		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Yu-Xi Liu. The party information for the following party/parties has been modified: Lewis Y. Liu. The information for the party/parties has been modified for

		the following reason/reasons: party name was entered in all caps; party role was entered incorrectly. (jgo) (Entered: 01/14/2019)
01/14/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Colleen McMahon. Please download and review the Individual Practices of the assigned District Judge, located at <a href="http://nysd.uscourts.gov/judges/District">http://nysd.uscourts.gov/judges/District</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="http://nysd.uscourts.gov/ecf_filing.php">http://nysd.uscourts.gov/ecf_filing.php</a> . (jgo) (Entered: 01/14/2019)
01/14/2019		Magistrate Judge Sarah Netburn is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="http://nysd.uscourts.gov/forms.php">http://nysd.uscourts.gov/forms.php</a> . (jgo) (Entered: 01/14/2019)
01/14/2019		Case Designated ECF. (jgo) (Entered: 01/14/2019)
01/14/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Yu-Xi Liu to RE-FILE Document No. 2 Request for Issuance of Summons. The filing is deficient for the following reason(s): party name on 'as to' docket entry text is incorrect; the PDF 'To' section must name the party(ies) whom summons is for;. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (jgo) (Entered: 01/14/2019)
02/04/2019		ADD PARTY FOR PLEADING. Plaintiffs/Petitioners Lewis Y. Liu added. Party added pursuant to 1 Complaint,.Document filed by Lewis Y. Liu. Related document: 1 Complaint,.(Liu, Yu-Xi) (Entered: 02/04/2019)
02/04/2019	<b>4</b>	FILING ERROR - DEFICIENT PLEADING - SUMMONS REQUEST As To - REQUEST FOR ISSUANCE OF SUMMONS as to Nancy Pelosi, Kevin McCarthy, Mitch McConnell, Charles Schumer, and Congress, re: 1 Complaint,. Document filed by Lewis Y. Liu. (Liu, Yu-Xi) Modified on 2/5/2019 (dnh). (Entered: 02/04/2019)
02/04/2019	<b>5</b>	ORDER SCHEDULING AN INITIAL PRETRIAL CONFERENCE: Initial Conference set for 4/5/2019 at 10:30 AM in Courtroom 24A, 500 Pearl Street, New York, NY 10007 before Judge Colleen McMahon. (As further set forth in this order) (Signed by Judge Colleen McMahon on 2/4/2019) (ne) (Entered: 02/04/2019) 02/05/2019 ***NOTICE TO ATTORNEY REGARDING REMOVAL OF PARTY. Notice to attorney Yu-Xi Liu. The following party/parties has been removed from this case: Hon. Nancy Pelosi ; Kevin McCarthy; Mitch McConnell ; Charles Schumer. The party was added to the case in error. (dnh) (Entered: 02/05/2019)
02/05/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR

		ISSUANCE OF SUMMONS. Notice to Attorney Yu-Xi Liu to RE-FILE Document No. 4 Request for Issuance of Summons. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the issuance of summons is not correct. 'As to' Error; Summons may only be requested for parties of record.. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (dnh) (Entered: 02/05/2019)
02/08/2019	<b>6</b>	FILING ERROR - DEFICIENT PLEADING - FILER ERROR - COMPLAINT against Congress. Document filed by Equal Vote America Corp.(Liu, Yu-Xi) Modified on 2/11/2019 (sj). (Entered: 02/08/2019)
02/08/2019		ADD PARTY FOR PLEADING. Defendants/Respondents Nancy Pelosi, Kevin McCarthy, Mitch McConnell, Charles Schumer added. Party added pursuant to 6 Complaint, 1 Complaint,.Document filed by Equal Vote America Corp. Related document: 6 Complaint, 1 Complaint,.(Liu, Yu-Xi) (Entered: 02/08/2019)
02/08/2019	<b>7</b>	FILING ERROR - DEFICIENT PLEADING - FILER ERROR - FIRST AMENDED COMPLAINT amending 6 Complaint, 1 Complaint, against Congress, Kevin McCarthy, Mitch McConnell, Nancy Pelosi, Charles Schumer.Document filed by Equal Vote America Corp. Related document: 6 Complaint, 1 Complaint.(Liu, Yu-Xi) Modified on 2/11/2019 (sj). (Entered: 02/08/2019)
02/08/2019	<b>8</b>	REQUEST FOR ISSUANCE OF SUMMONS as to Congress, Nancy Pelosi, Kevin McCarthy, Mitch McConnell, and Charles Schumer, re: 7 Amended Complaint, 6 Complaint, 1 Complaint,. Document filed by Equal Vote America Corp. (Liu, Yu-Xi) (Entered: 02/08/2019)
02/11/2019		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Yu-Xi Liu. The party information for the following party/parties has been modified: Nancy Pelosi; Kevin McCarthy; Mitch McConnell; Charles Schumer. The information for the party/parties has been modified for the following reason/reasons: party text was omitted. (sj) (Entered: 02/11/2019)
02/11/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Yu-Xi Liu to RE-FILE Document No. 7 Amended Complaint. The filing is deficient for the following reason(s): the wrong filer/filers were selected for the pleading. Re-file the pleading using the event type Amended Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. (sj) (Entered: 02/11/2019)
02/11/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Liu, Yu-Xi to RE-FILE Document No. 8 Request for Issuance of Summons. The filing is deficient for the following reason(s): The summons requested was not processed due to the deficient pleading. Please file your request for summons when you correct and refile your pleading. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (sj) (Entered: 02/11/2019)

02/11/2019	<b>9</b>	FIRST AMENDED COMPLAINT amending 7 Amended Complaint, 6 Complaint, 1 Complaint, against Congress, Kevin McCarthy, Mitch McConnell, Nancy Pelosi, Charles Schumer. Document filed by Lewis Y. Liu, Equal Vote America Corp. Related document: 7 Amended Complaint, 6 Complaint, 1 Complaint,. (Liu, Yu-Xi) (Entered: 02/11/2019)
02/11/2019	<b>10</b>	REQUEST FOR ISSUANCE OF SUMMONS as to Congress, Nancy Pelosi, Kevin McCarthy, Mitch McConnell, and Charles Schumer, re: 9 Amended Complaint, 7 Amended Complaint, 6 Complaint, 1 Complaint,. Document filed by Equal Vote America Corp, Lewis Y. Liu. (Liu, Yu-Xi) Modified on 2/12/2019 (pc). Modified on 2/12/2019 (pc). (Entered: 02/11/2019)
02/12/2019	<b>11</b>	ELECTRONIC SUMMONS ISSUED as to Congress, Kevin McCarthy, Mitch McConnell, Nancy Pelosi, Charles Schumer. (pc) (Entered: 02/12/2019)
03/04/2019	<b>12</b>	LETTER MOTION for Extension of Time and Adjournment of Initial Conference addressed to Judge Colleen McMahon from Steven J. Kochevar dated 03/04/2019. Document filed by Congress, Kevin McCarthy, Mitch McConnell, Nancy Pelosi, Charles Schumer. (Kochevar, Steven) (Entered: 03/04/2019)
03/05/2019	<b>13</b>	ORDER granting 12 Letter Motion for Extension of Time. Extension of time to file CMPlan OK, but I want to conference this case on 4/26/19 at 11:00 a.m. (Signed by Judge Colleen McMahon on 3/5/2019) (mml) (Entered: 03/05/2019)
03/05/2019		Set/Reset Hearings: Status Conference set for 4/26/2019 at 11:00 AM before Judge Colleen McMahon. (mml) (Entered: 03/05/2019)
04/05/2019	<b>14</b>	04/05/2019 14 FIRST RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Equal Vote America Corp, Lewis Y. Liu. (Liu, Yu-Xi) (Entered: 04/05/2019)
04/08/2019	<b>15</b>	AFFIDAVIT OF SERVICE. Congress served on 2/15/2019, answer due 3/8/2019. Service was accepted by Robert Edmonton. Document filed by Lewis Y. Liu; Equal Vote America Corp. (Liu, Yu-Xi) (Entered: 04/08/2019)
04/08/2019	<b>16</b>	CERTIFICATE OF SERVICE. Nancy Pelosi served on 2/15/2019, answer due 3/8/2019. Service was accepted by Robert Edmonton, Chief of Staff. Document filed by Lewis Y. Liu; Equal Vote America Corp., AFFIDAVIT OF SERVICE of Amended Complaint served on Nancy Pelosi on 2/15/2019. Service was accepted by Robert Edmonton, Chief of Staff. Document filed by Lewis Y. Liu; Equal Vote America Corp. (Liu, Yu-Xi) (Entered: 04/08/2019)
04/08/2019	<b>17</b>	AFFIDAVIT OF SERVICE. Kevin McCarthy served on 2/15/2019, answer due 3/8/2019. Service was accepted by Trevor Smith. Document filed by Lewis Y. Liu; Equal Vote America Corp. (Liu, Yu-Xi) (Entered: 04/08/2019)

04/08/2019	<b>18</b>	AFFIDAVIT OF SERVICE. Charles Schumer served on 2/15/2019, answer due 3/8/2019. Service was accepted by Morgan Frankel. Document filed by Lewis Y. Liu; Equal Vote America Corp. (Liu, Yu-Xi) (Entered: 04/08/2019)
04/08/2019	<b>19</b>	AFFIDAVIT OF SERVICE. Mitch McConnell served on 2/15/2019, answer due 3/8/2019. Service was accepted by Morgan Frankel. Document filed by Lewis Y. Liu; Equal Vote America Corp. (Liu, Yu-Xi) (Entered: 04/08/2019)
04/25/2019	<b>20</b>	CONSENT TO BECOME PARTY PLAINTIFF. Document filed by Equal Vote America Corp, Lewis Y. Liu.(Liu, Yu-Xi) (Entered: 04/25/2019)
04/26/2019		Minute Entry for proceedings held before Judge Colleen McMahon: Initial Pretrial Conference held on 4/26/2019. Decision: Initial conference. Government to make motion to dismiss by June 7, 2019. Plaintiffs opposition due by July 10, 2019. Governments reply due by July 24, 2019. Submitted by: Kyla Magun. (mde) (Entered: 04/26/2019)
06/07/2019	<b>21</b>	MOTION to Dismiss. Document filed by Congress, Kevin McCarthy, Mitch McConnell, Nancy Pelosi, Charles Schumer. (Kochevar, Steven) (Entered: 06/07/2019)
07/08/2019	<b>22</b>	MEMORANDUM OF LAW in Support re: 21 MOTION to Dismiss. . Document filed by Congress, Kevin McCarthy, Mitch McConnell, Nancy Pelosi, Charles Schumer. (Kochevar, Steven) (Entered: 06/07/2019)
07/08/2019	<b>23</b>	FIRST MOTION to Amend/Correct 9 Amended Complaint, . Document filed by Equal Vote America Corp, Lewis Y. Liu.(Liu, Yu-Xi) (Entered: 07/08/2019)
07/08/2019	<b>24</b>	MEMORANDUM OF LAW in Support re: 23 FIRST MOTION to Amend/Correct 9 Amended Complaint, . . Document filed by Equal Vote America Corp, Lewis Y. Liu. (Attachments: # 1 Exhibit proposed 2nd Amended Complaint) (Liu, Yu-Xi) (Entered: 07/08/2019)
07/08/2019	<b>25</b>	DECLARATION of Lewis Y. Liu in Opposition re: 21 MOTION to Dismiss .. Document filed by Equal Vote America Corp, Lewis Y. Liu. (Liu, Yu-Xi) (Entered: 07/08/2019)
07/08/2019	<b>26</b>	07/08/2019 26 MEMORANDUM OF LAW in Opposition re: 21 MOTION to Dismiss. . Document filed by Equal Vote America Corp, Lewis Y. Liu. (Liu, Yu-Xi) (Entered: 07/08/2019)
07/18/2019	<b>27</b>	MEMORANDUM OF LAW in Opposition re: 23 FIRST MOTION to Amend/Correct 9 Amended Complaint, . . Document filed by Congress, Kevin McCarthy, Mitch McConnell, Nancy Pelosi, Charles Schumer. (Kochevar, Steven) (Entered: 07/18/2019)
07/24/2019	<b>28</b>	REPLY MEMORANDUM OF LAW in Support re: 21 MOTION to Dismiss . . Document filed by Congress, Kevin McCarthy, Mitch McConnell, Nancy Pelosi, Charles Schumer. (Kochevar, Steven) (Entered: 07/24/2019)



09/03/2019	<b>29</b>	MEMORANDUM DECISION AND ORDER GRANTING DEFENDANTS' MOTION TO DISMISS AND DENYING PLAINTIFFS' MOTION FOR LEAVE TO AMEND granting 21 Motion to Dismiss; denying 23 Motion to Amend/Correct. Defendants' Motion to Dismiss is GRANTED in full, and with prejudice. Plaintiffs' Motion to Amend is DENIED. This constitutes the written opinion and order of the Court. The Clerk of Court is respectfully requested to close the motions at Docket Numbers 21 and 23. (Signed by Judge Colleen McMahon on 9/3/2019) (mml) Transmission to Orders and Judgments Clerk for processing. (Entered: 09/03/2019)
09/04/2019	<b>30</b>	CLERK'S JUDGMENT re: 29 Order on Motion to Dismiss in favor of Congress, Charles Schumer, Kevin McCarthy, Lewis Y. Liu, Mitch McConnell, Nancy Pelosi against Equal Vote America Corp, Lewis Y. Liu. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Decision and Order dated September 3, 2019, Defendants' Motion to Dismiss is GRANTED in full, and with prejudice. Plaintiffs' Motion to Amend is DENIED. (Signed by Clerk of Court Ruby Krajick on 9/4/2019) (Attachments: # 1 Right to Appeal)(km) (Entered: 09/04/2019)
09/23/2019	<b>31</b>	NOTICE OF APPEAL from 29 Order on Motion to Dismiss, Order on Motion to Amend/Correct, 30 Clerk's Judgment. Document filed by Lewis Y. Liu. Filing fee \$ 505.00, receipt number 465401244702. Form D-P is due within 14 days to the Court of Appeals, Second Circuit. (tp) (Entered: 09/23/2019)
09/23/2019		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 31 Notice of Appeal. (tp) (Entered: 09/23/2019)
09/23/2019		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 31 Notice of Appeal, filed by Lewis Y. Liu were transmitted to the U.S. Court of Appeals. (tp) (Entered: 09/23/2019)
09/23/2019	<b>32</b>	NOTICE OF APPEARANCE PRO SE by Lewis Y. Liu. (sc) (Entered: 09/24/2019)
09/23/2019	<b>33</b>	PRO SE CONSENT TO RECEIVE ELECTRONIC SERVICE. The following party: Lewis Y. Liu consents to receive electronic service via the ECF system. Document filed by Lewis Y. Liu.(sc) (Entered: 09/24/2019)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EQUAL VOTE AMERICA CORP.,  
LEWIS Y. LIU

Plaintiffs,

- against-

CONGRESS; NANCY PELOSI, in her official capacity as the Speaker of the House of the Representatives; KEVIN MCCARTHY, in his official capacity as the Minority Leader of the House; MITCH McCONNELL, in his official capacity as the Senate Majority Leader; and CHARLES (CHUCK) SCHUMER, in his official capacity as the Senate Minority Leader,

Defendant [s].

**No: 1:19-cv-00311 (CM)**

**MEMORANDUM DECISION AND ORDER GRANTING DEFENDANTS MOTION TO  
DISMISS AND DENYING PLAINTIFFS' MOTION FOR LEAVE TO AMEND**

McMahon, CJ.:

Plaintiffs Lewis Y. Liu ("Liu") and Equal Vote America Corp. ("EVA") bring this declaratory judgment action against Defendants Nancy Pelosi, Kevin McCarthy, Mitch McConnell, Charles Schumer and all successive classes of Congress since 1911 including the current Congress." (Dkt. No. 9. hereinafter "AC," or "Complaint" at 1.) The thrust of the Complaint is that the apportionment laws, which determine the allocation of 435 House seats among the 50 states, dilute the representation of persons located in more populous congressional districts. Plaintiffs claim that this apportionment scheme violates numerous Constitutional provisions, including the First, Fifth, and Fourteenth Amendments. They seek an order declaring the Apportionment Acts of 1911, 1929, and 1941 unconstitutional- a ruling Plaintiffs believe

necessary to restore "Every American's rights to equal representation...and equal vote in any election." (Id at 22.)

Defendants moved to dismiss for a lack of subject matter jurisdiction pursuant to Federal Rule 12(b)(1), among other arguments. (Dkt. No. 21.) Plaintiffs opposed and moved for leave to amend the Complaint. (Dkt. No. 23.)

For the following reasons, Defendants' motion to dismiss is granted, and Plaintiffs motion for leave to amend the complaint is denied.

### **BACKGROUND**

To begin at the beginning: the method of congressional apportionment in use today originated at the Constitutional Convention in 1787. In order to balance the interests of more populous and less populous states, the Framers reached the Great Compromise, embodied in a bicameral legislature, with the House of Representatives including members "apportioned among the several States... according to their respective Numbers," U.S. Const. Art. I, § 2, and the Senate, "composed of two Senators from each state," *fa* § 3. Although more populous states could exercise considerable legislative power in the House, smaller states were granted the ability to protect themselves from large-state coercion in the Senate: as one attendee of the convention put it, "in one branch the people, ought to be represented; in the other, the States."<sup>3</sup> The Records of the Federal Convention of 1787 (Farrand ed. 1911), at 462 (William Samuel Johnson).

After each decennial census, Congress determines how the 435 House seats—a total defined in the 1911 Apportionment Act shall be divided among the 50 states. Apportionment follows a formula known as the "method of equal proportions," which was initially adopted upon the recommendation of a committee of the National Academy of Sciences pursuant to the 1941 Apportionment Act. 2 U.S.C. § 2a(a). The committee selected the method of equal proportions

because it minimized the percentage difference in population between districts, and because, of the five methods the committee reviewed, the method of equal proportions most evenly balanced the interests of less populous states and more populous states the core concern addressed by the Great Compromise. See also *U.S. Dept. Comm. v. Montana*, 503 U.S. 442, 447-456 (1992) (reviewing development of apportionment process). The results of each decennial census generate a priority order based on state population for the 385 seats not assigned by Article I's one-representative-per-state mandate (i.e., the 51st seat is assigned to the most populous state, California, and so on). As applied using the results of latest census (2010), the smallest single-district state is Wyoming, with a population of 563,626. The population per district is higher in every other state except for Rhode Island; the highest population per district belongs to Montana, which has a population of 989,415. (AC at 9-10.)

Constitutional design and practical considerations, including population growth and voter relocation between censuses, cause House districts to vary in size between states. Article I places two conditions on House apportionment: no district may have fewer than 30,000 persons, and each state shall have at least one representative. *U.S. Const. Art. I, S 2*. Courts and states also understand that district boundaries, drawn by state legislatures, may not cross state lines. See *Montana*, 503 U.S. at 448. While the Supreme Court has recognized that intrastate districting plans that place the population of a particular district grossly out of balance" with other districts in the same state may be subject to constitutional challenge, see *Wesberry v. Sanders*, 376 U.S. 1,3 (1964), no federal court has ever intervened to equalize the population of districts in different states.

Nonetheless, Plaintiffs claim that the varying sizes of congressional districts across states infringe the constitutional rights of persons in purportedly "underrepresented" states, meaning

states where individuals share their House representative with more than 563,625 other persons. EVA, a nonprofit, nonpartisan corporation with a mission of promoting voter education and participation in the democratic process, brings this suit challenging the method of equal proportions on the grounds that "by causing significant unequal representation at the House and diluting vote value in electing representatives for over 95 % of Americans due to state residence . . the Apportionment Formulas have discriminated against some states while favoring other states." (Id at 15-16.) Liu resides in one such underrepresented state: New York. (Id at 1.)

To remedy the variance in representation afforded to voters in different states, Plaintiffs seek a declaratory judgment that the 1911, 1929, and 1941 Apportionment Acts are unconstitutional. Plaintiffs urge the Defendants to enact an alternative apportionment formula that would "increase the number of House Representatives to 542, among which 497 regular members have 1 vote each, and 45 special members having a] vote of 1.1 to 1.9." (d. at 26-27.) According to the Complaint, that subset of representatives assigned weighted votes, coupled with new House district boundaries in every state, would reduce population variance to less than 59% between districts. (Id.)

### **LEGAL STANDARD**

"Determining the existence of subject matter jurisdiction is a threshold inquiry and a claim is properly dismissed for lack of subject matter jurisdiction under Rule 12(b)(1) when the district court lacks the statutory or constitutional power to adjudicate it." *Arar v. Ashcroft* 532 F.3d 157, 168 (2d Cir. 2008) (internal citations and quotation marks omitted). To survive a motion to dismiss pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, Plaintiffs must carry their burden to prove that it exists. See *Makarova v. United States*, 201 F.3d 110, 113) (2d Cir. 2000). Unlike other factual allegations, "jurisdiction must be shown affirmatively, and

that showing is not made by drawing from the pleadings inferences favorable to the party asserting it." *APWU v. Potter*, 343 F.3d 619, 623 (2d Cir. 2003).

## **DISCUSSION**

### **I. Defendants' Motion to Dismiss is Granted.**

#### **A. Plaintiffs Lack Standing to Bring This Suit**

"The irreducible constitutional minimum" necessary to establish subject matter jurisdiction is standing. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). Plaintiffs must satisfy three requirements to establish standing under Article III: First, "plaintiff must have suffered an 'injury in fact an invasion of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical,'" *id* (internal citations omitted); second, plaintiff must show a "causal connection between the injury and the conduct complained of *id*"; finally, "it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision," *id*.

In addition, standing analysis must account for certain prudential" requirements that the Supreme Court has developed on its own accord and applied in a more discretionary fashion as rules of judicial 'self-restraint further to protect, to the extent necessary under the circumstances, the purpose of Article III." *Sullivan v. Syracuse Hous Auth.*, 962 F.2d 1101, 1106 (2d Cir.1992). "Pursuant to the doctrine of prudential standing, a court must ask whether a plaintiffs claim rests on the legal rights of a third party, asserts only a generalized grievance, or asserts a claim that falls outside the zone of interests protected by the legal provision invoked." *Center for Reproductive Law and Policy v. Burh*, 304 F.3d 183, 196 (2d Cir.2002).

The Complaint fails to establish Plaintiffs standing to bring this suit.

**1. Plaintiffs fail to identify any "injury in fact" to a legally protected interest.**

Plaintiffs argue that Liu, a citizen of an underrepresented state, is injured in fact because his vote counts less than the votes of persons who reside in Wyoming and Rhode Island. Like other New Yorkers, I sympathize with Liu -our House representatives stand for 717,707 of us rather than a mere 563,626 Wyomingites. (See AC at 10.) But his is not the sort of "injury in fact" that confers standing to bring suit challenging the Apportionment Act

No provision of the federal Constitution or the United States Code recognizes the "rights [of each citizen] to equal representation at the House and equal vote in any election [sic]" invoked in the complaint. (Id. at 22.) To the contrary: In *Wesberry*, the Supreme Court admitted that "it may not be possible to draw congressional districts with mathematical precision," i.e, it may not be possible to afford each vote equal weight across districts-even districts in the same state. *Wesberry*, 376 U.S. at 18. Three decades later, addressing Montana's loss of a House seat due to the outcome of the 1990 census, the high court further articulated that the method of equal proportions reflects "the fact that it is impossible for all States to have districts of the same size." *Montana*, 503 US. at 453. Yet the Court held that there is "no constitutional obstacle preventing Congress from adopting the method of equal proportions. Id at 465.

Those decisions put the lie to Plaintiffs claim that population differences across House districts constitutes an injury to Liu's legally protected interest. And only an injury to a legally protected interest confers standing.

In addition, EVA has no protectable interest at all. To sue on its own behalf, EVA must "meet the same standing test that applies to individuals" *N.Y Civil Liberties Union v N.Y. Transit Auth.*, 684 F3d 286, 294 (2d Cir. 2012). It cannot: EVA does not vote and is not

entitled to any representation, because the right to vote is "a citizen's right to vote." *Reynolds v. Sims*, 377 U.S. 533, 567 (1964). And in order to bring claims on behalf of its members under the "associational standing" doctrine, an organizational plaintiff such as EVA must identify, by name, at least one member with standing. *Summers v. Earth island Inst.*, 555 U.S. 488, 498-99 (2009). Because it has not done so, EVA lacks associational standing as well.

Since Plaintiffs do not have any legally cognizable interest to protect, there is no need to go further. But even if Congress were required to apportion districts so that each one contained an equal number of persons, Defendants' alleged failure to do so would not create the "distinct and palpable injury" to Plaintiffs necessary to confer standing. *Bluebird Partners, LP. v. First Fidelity Bank, N.A.* N.J., 85 F.3d 970, 973 (2d Cir. 1996) (quoting *Warth v. Seldin*, 422 U.S. 490, 501 (1975)). Alleged injuries that are "shared with the general voting population" do not suffice to show concrete and particularized harm. *Collins v. Merrill*, No. 16-cv-9375, 2016 WL 7176651, at 2 (S.D.N.Y. Dec. 7, 2016). For example, in *Cohen v Obama*, No. 08-cv-2150, 2008 WL 5191864 (D.D.C. Dec. 11, 2008) *quaff d*, 332 F. App'x 640 (DC. Cir. 2009), the district court dismissed a voter's challenge to the president-elect's eligibility to take the oath of office on the grounds that "plaintiff's stake is no greater and his status no more differentiated than that of millions of other voters." *Id* at 1. And, in *Clemons v. Department of Commerce*, 362 U.S. 1105 (2010), the Supreme Court summarily vacated a challenge to the 435-seat cap on House seats for want of subject matter jurisdiction; as here, the Clemmons plaintiffs sought to create "substantially more districts in order to reduce the population discrepancies [between districts]. *Clemons v US Dept of Comm.*, 710 F. Supp. 2d 570, 571-2 (N.D. Miss. 2010).

Plaintiff Liu knows firsthand that courts routinely reject claims based on generalized voter standing. Just two years ago, he brought an action against Leaders Pelosi, McConnell, and



Schumer, as well as then-Speaker Paul Ryan, challenging the constitutionality of the Electoral College, claiming that "his vote, cast in New York during the 2016 presidential election, received less weight than votes cast in less populous states." *Liu v. Ryan*, 724 Fed. Appx. 92, 93 (2d Cir. 2018), cert denied, 136 S.Ct. 600 (2018). There, as here, Liu complained that "representation for less populous states remains unfair." (AC at 24.) The Second Circuit affirmed the lower court's dismissal of the Electoral College challenge, noting that Liu's alleged injury did not establish constitutional standing because it is widely shared by the vast majority of Americans." *id* at 93. So too here.

The Third Circuit has rejected the exact underrepresentation claim Plaintiffs bring in this case. In *Lavergne v Bryson*, 497 Fed. App'x 219 (3d Cir. 2012), plaintiff alleged "that the method of congressional apportionment under 2 U.S.C. § 2a is unconstitutional" and "sought a declaratory judgment and injunction ordering the leaders of Congress to enact an apportionment plan... [that] would expand the House of Representatives... ." *Id* at 220. The circuit court held that "n unconstitutionally low number of representatives" was a type of injury which necessarily damage all United States voters equally," and thus could not give rise to standing *id* at 221 (quoting *Raines v. Byrd*, 521 U.S. 811, 821 (1997)).

Plaintiffs do not bother to argue that they suffered an individualized injury. Instead they question the soundness of that requirement:

If a citizen's complaint must be based on an individualized injury, it means an existing law applies only to this citizen. However, laws are supposed to apply to all people. There should be no law targeted to one particular individual; or if there is, then such law by definition is either discriminative or giving unfair advantage, hence Unconstitutional in either case.

(PL's Opp'n at 12.)

But, none of the cases cited by Plaintiffs to support these sweeping assertions excuses the "concrete and particularized" injury requirement, because each involved a violation of a protected property or statutory right. Plaintiffs in *U.S. Students Challenging Regulatory Agency Procedures (SCRAP)*, 412 U.S. 669 (1973) alleged a "specific and perceptible harm" arising from increased pollution, *id.* at 689; likewise for the Plaintiffs in *Covington v. Jefferson County*, 358 F.3d 626 (9th Cir. 2004), whose property was exposed to potential contamination as the result of "ozone-depleting substances," *id.* at 641, and for the commonwealth of Massachusetts in *Massachusetts v. EPA*, 549 U.S. 497 (2007), in which the state alleged a particularized injury to its property "in its capacity as a landowner" posed by rising sea levels, *id.* at 522. And the Supreme Court in *FEC v. Akins*, 524 U.S. 1 (1998) recognized that an "inability to obtain information... which must be publicly disclosed pursuant to a statute" qualifies as an injury in fact. *Id.* at 21

Plaintiffs' alleged injuries here are neither individualized nor particular. Plaintiffs claim that every person outside of Wyoming and Rhode Island is denied the maximum representation conceivable under the Plaintiffs' alternate apportionment method. Plaintiffs may not satisfy the injury-in-fact requirement with a newly-imagined harm- underrepresentation relative to residents of Wyoming and Rhode Island-to a right never before recognized in federal courts "equal vote in any election." (AC at 22.)

**2. Plaintiffs fail to establish a causal nexus between their injuries and the Defendants' conduct.**

Plaintiffs claim that their persons-per-district statistics demonstrate a causal nexus their underrepresentation injury "from the existing reapportionment laws which was [sic] enacted by the 71st Congress to the resultant unequal representation ever since." (Pl's Opp'a at 14.) But there is no causal nexus between Plaintiffs' perceived injuries and the Defendants conduct,

because the Complaint alleges no conduct of any kind by any of the Defendants. Indeed, the Plaintiffs acknowledge that "neither the current Congress nor Defendants personally enacted] these existing reapportionment laws." (Id)

Plaintiffs' only theory causation which would allow suit against Congress over any federal law on the books -is "that [Defendants] have carried on these laws [making] them as culpable as the 71st Congress." (Id) That is wrong in so many ways. The allegation that Congress has "carried on" the apportionment laws is at best conclusory, and at worst, contrary to the plain text of the Constitution. The executive branch, not the Congress, must "take Care that the Laws be faithfully executed," U.S. CONST. Art. I 3, and the apportionment laws at issue specifically direct the President to "transmit to the Congress a statement showing. . the number of Representatives to which each State would be entitled," 2 U.S.C. § 2a(a); see also Lavergne, 497 Fed. App'x at 223 (Congress acted within its authority by delegating the ministerial tasks of implementing the method of equal proportions, for redistricting, to the Department of Commerce and its employees."). Therefore the President, not Congress, has the discretion to alter the priority order governing apportionment that is the source of Plaintiffs' purported injury.

Because Plaintiffs alleged injuries are the result of the actions of the executive branch, the Complaint seeks redress for an injury causes by "the independent action of some third party not before the court," *Allen v. Wright*, 468 US. 737.750 (1984), and thus fails to establish the causation element of standing.

**3. Plaintiffs fail to establish this Court's ability to redress their injuries.**

Finally, Plaintiffs must "at least make a showing that there is a substantial likelihood that the relief requested will redress the injury claimed. See *E M. N.F. City Dept of Educ.*, 758 F.3d 442,450 (2d Cir. 2014) (internal quotation marks and citations omitted). Plaintiffs say that a declaratory judgment from this Court finding the Apportionment Acts of 1911, 1929 and

1941 to be unconstitutional will force Congress "to pass new reapportionment laws to replace the existing ones." (PL.'s Opp'n at 24.) This Court is not convinced.

First of all, the individual Defendants, who currently serve as leaders of the Democratic and Republican parties in the House and Senate, do not possess the power to move legislation through the House and Senate on their own (to say nothing of obtaining the necessary presidential approval to pass a new apportionment bill into law). As one district court has noted, "it is pure speculation that certain legislation will be enacted" if a Court compels individual members of Congress to take up a particular agenda. *Hoffman v. Jeffords*, 175 F. Supp. 2d 49, 59 (D.D.C. 2001). Besides, any attempt by this Court to dictate new apportionment laws would violate the separation of powers, which commits "All legislative Powers" to Congress, not the judiciary. U.S. CONST. ART. I; see *Liu*, 724 Fed. App'x at 93-94 (citing 1 Annals of Cong. 604 (1789) (reporting Madison's statement in first Congress that "if there is a principle in our constitution, indeed in any free constitution, more sacred than another, it is that which separates the legislative, executive, and judicial powers").

For these reasons, it is highly unlikely that an order directing Leaders Pelosi, McCarthy, McConnell, and Schumer to enact new apportionments laws would redress the underrepresentation issues identified in the Complaint. Plaintiffs fail to satisfy the redressability element of standing.

#### **B. Sovereign Immunity Bars This Suit.**

Sovereign immunity poses an independent bar to this Court's subject matter jurisdiction.

The doctrine of sovereign immunity is jurisdictional in nature ...and therefore to prevail, the plaintiff bears the burden of establishing that [their] claims fall within an applicable waiver.

*Makarova v. United States*, 201 F.3d 110, 113 (2d Cir. 2000)

Plaintiffs are suing Congress and certain of its members "on ex official basis [sic]" for their legislative activities (and inactivates) related to apportionment. (AC at 1) Yet Plaintiffs ignore two well-established rules that shield Defendants' actions from jurisdiction (let alone liability). First, The shield of sovereign immunity protects not only the United States but also its agencies and officers when the latter act in their official capacities. *Dorson v. Griesa*, 398 F.3d 156, 177 (2d Cir. 2005) (citing *FDIC v. Meyer*, 510 U.S. 471, 475, 114 S.Ct. 996, 127 L.Ed.2d 308 (1994)). Second, the Speech and Debate Clause of Article I of the Constitution, which provides that "the Senators and Representatives. shall not be questioned in any other Place" for any Speech or Debate in either House," U.S. CONST. Art. I, §6, cl. 1, renders "members of Congress... absolutely immune" for their legislative acts, *Lynch v. U.S. Congress*, No. 3:17-cv-C0704, 2017 WL 19463 13, at 3 (D. Or. May 10, 2017) (citing *Eastland v. US Servicemen's Fund*, 421 U.S. 491, 508-9 (1975)).

Even if Plaintiffs could satisfy the standing requirements to sue in this Court, their claim would fail because Congress and its members are entitled to immunity, both generally as federal employees and specifically in their legislative roles. Plaintiffs identify no applicable waiver.

For all the reasons above, the Complaint must be dismissed for lack of subject matter jurisdiction. Because these jurisdictional grounds suffice to decide the motion to dismiss, this Court does not address the Defendants remaining arguments pursuant to Rules 12(b)(2) and 12(b)(6). Plaintiffs failure to plead subject matter jurisdiction also establishes this Court's authority to decide the motion without convening the three-judge panel required to decide an apportionment case on the merits. See 28 U.S.C.A. 2284(a). A district court may forego the three-judge requirement if, as here, it "lacks jurisdiction of the complaint or the complaint is not justiciable in the federal courts," *Shapiro v. McManus*, 136 S.Ct. 450, 455 (2015).

**II. Plaintiffs' Motion for Leave to Amend is Denied as Futile.**

The remaining motion before this Court is Plaintiffs Motion to Amend Complaint to Add Parties. (Dkt. No. 23.) Rule 15(a) provides that leave to amend a complaint "shall be freely given when justice so requires. See Fed. R. Civ. P. 15(a)(2). The Supreme Court has, however, interpreted Rule 15 to permit such amendments only when (1) the party seeking the amendment has not unduly delayed, (2) when that party is not acting in bad faith or with a dilatory motive, (3) when the opposing party will not be unduly prejudiced by the amendment, and (4) when the amendment is not futile. See *Foman v. Davis*, 371 US. 178, 182 (1962). A proposed amendment that fails to cure jurisdictional deficiencies is considered futile. See, e.g, *Chan v. Reno*, 916 F. Supp. 1289, 1302 (S.D.N.Y. 1996). Because Plaintiffs lack standing to sue, amendment would be futile. The motion for leave is denied.

**CONCLUSION**

Defendants Motion to Dismiss is GRANTED in full, and with prejudice. Plaintiffs Motion to Amend is DENIED.

This constitutes the written opinion and order of the Court. The Clerk of Court is respectfully requested to close the motions at Docket Numbers 21 and 23.

Dated: September 3, 2019

Signature of Chief Judge

Chief Judge

BY ECE TO ALL PARTIES

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EQUAL VOTE AMERICA CORP.,  
LEWIS Y. LIU

Plaintiffs,

against-

CONGRESS; NANCY PELOSI, in her official  
capacity as the Speaker of the House of the  
Representatives; KEVIN MCCARTHY, in his  
official capacity as the Minority Leader of the House;  
MITCH McCONNELL, in his official capacity as the  
Senate Majority Leader; and CHARLES (CHUCK)  
SCHUMER, in his official capacity as the Senate  
Minority Leader,

Defendant [s].

USDC SDNY

DOCUMENT  
ELECTRONICALLY FILED  
DOC#

DATE FILED: 9/4/19

No: 1:19-cv-00311 (CM)

**JUDGMENT**

It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons  
stated in the Court's Memorandum Decision and Order dated September 3, 2019, Defendants  
Motion to Dismiss is GRANTED in full, and with prejudice. Plaintiffs' Motion to Amend is  
DENIED.

Dated: New York, New York  
September 4, 2019

RUBY J. KRAJICK  
Clerk of Court

BY: Signature of Deputy Clerk  
Deputy Clerk

### **The Online Affidavit**

<https://drive.google.com/open?id=1z0MhsNgf2vHoqANRJ-rhGUMCwl0pcmaQ7teGNSMhc5M>

Affidavit to Join the Equal Representation Lawsuit

Instruction: simply scroll down and complete the five entries.

To: The U.S. District Court for the Southern District of New York

Case Name: Equal Vote America Corp. v. Congress

Case Number: 1:19-cv-00311-CM

I, the Affiant, hereby declare that:

1. I am a citizen residing at the address below and would like to become one of the plaintiffs to the captioned Lawsuit.
2. I understand that my name will be added to the list of plaintiffs in the order in which it is received.
3. I understand that Equal Voter America Corp. will represent all individual plaintiffs including myself in this lawsuit.
4. I understand the purpose of this lawsuit is to achieve equal representation in the House of Representatives for all Americans of all states according to the Constitution Article I § 2 and the Fourteenth Amendment § 2.
5. I understand that the list of co-plaintiffs will become a part of Court record, and be available to the general public.
6. I understand that there is NO financial compensation from this case, and I will NOT be asked to make any financial contribution of any form with respect to this lawsuit and Equal Vote America Corp.

Affiant's Full Name (same as your voter registration)

\*

Affiant's Street Address

\*

Affiant's City

\*

Affiant's State

\*

Affiant's Zipcode

\*

Affiant's Email Address

\*

Today's Date

\*

Month, day, year



**The List of Co-Plaintiffs**  
who signed the online affidavit:

<b>Court Index</b>	<b>State</b>	<b>Affiant's Full Name</b>	<b>Affiant's Street Address, City, State &amp; Zipcode</b>
1	AK	Ward E person	73890 Seabury Road, Anchor Point, Ak
2	AL	A Louis Toledo	508 Rives Mill Loop Deatsville Alabama 36022
3	AL	Brian Thomas Inzer	180 Vikie Ln OXR, Al. 35763
4	AL	Marilyn Stripling	508 Rives Mill Loop, Deatsville, AL 36022
5	AR	David J Blaisus	7286 NC 9560 Pettigrew AR 72752
6	AZ	Barbara Lynne Skor	9449 E.Charter Oak Dr, Scottsdale, AZ 85260
7	AZ	Deborah Susens Felnagle	480 W. Desert Ave., Gilbert, Arizona 85233
8	AZ	Miriam J Hall	108 N Greenfield Rd #2139, Mesa, AZ 85205
9	AZ	Stephen Robert Skor	9449 E Charter Oak Dr, Scottsdale, AZ 85260
10	AZ	Stephen Y. Wu	695 W Mulberry Dr, Chandler, AZ, 85286
11	CA	Aaron Louis Goldstein	35751 Gateway Dr, Apt B236, Palm Desert, CA 92211
12	CA	Alejandra cruz	265 S. Vicentia ave apt 1 corona ca 92882
13	CA	Bruce I Grobman	3745 Roland Drive, Santa Cruz, CA 95062
14	CA	Cathy E. Cretser	7829 Tres Ranchos Ln., Vacaville, CA 95688
15	CA	Chris Darling	648 South 15th Steet, Richmond, CA 94804
16	CA	Colleen Ross	24362 Valley St. Newhall, CA 91321
17	CA	Danny Wigington	25556 Daphne Way, Willits, Ca, 95490
18	CA	David John Denning	19 Mohawk Ave. Corte Madera, CA 94925
19	CA	Dennis Post Wheeler	23 Mill Rd Santa Cruz CA 95060
20	CA	Derik Olson	276 Wildrose Lane, Bishop, CA 93514
21	CA	Fan Jiao	21438 Krzich Place, Cupertino, CA 95014
22	CA	Geoffrey Fischer	31055 Knob Cone Rd, Gold Run, CA 95717
23	CA	Gina M Taylor	15000 Martis Peak Rd. Truckee, Ca. 96161
24	CA	Howard Gregory Fraser	17425 Robinson Rd. Sutter Creek, CA 95685
25	CA	Janet Hazel Oliver	658 33rd Street, Richmond, CA 94804
26	CA	Jennifer J. Klugman	348 Pala Vista Dr APT 8, Vista, CA 92083
27	CA	Joel Pelletier	6569 De Longpre Ave, Hollywood, CA 90028
28	CA	Judith Savage	15878 Larkspur Street, Sylmar CA 91342
29	CA	Karen R Slentz	13728 San Pablo Avenue, San Pablo CA 94806
30	CA	Lee Biolos	290 E Glenarm St, #4 Pasadena CA 91106
31	CA	Mandeep S. Gill	2551 Monarch Pl, Union City, CA 94587
32	CA	Manuel Oropeza	15553 Lujan Street Hacienda Heights CA 91745
33	CA	Mary L Harwood	853 Harper Ct, Santa Maria, CA 93454
34	CA	Matthew Aaron Hartzell	38 Loma Vista Ave Larkspur CA 94939
35	CA	Michael Gorfain	19412 Pompano Lane #102 Huntington Beach. CA 92648
36	CA	Michele Angelique Eason	10235 Russett Ave, Sunland-Tujunga, CA 91040
37	CA	Ping Pamela Tang	3985 Chamberer dr, San Jose, CA 95135
38	CA	Rick Mozer	221 caribe isle, Novato, CA 94949
39	CA	Scott A. Redlin	12496 Pomerado Court, San Diego, CA 92128
40	CA	Sharik Boekee	1972 Locke St, Arcata, CA, 95521
41	CA	Stephen Cruz	2021 Louella Ave, Venice, CA 90291
42	CA	Suneil Mishra	410 Sheridan Avenue, Palo Alto CA 94306
43	CA	William D. Brockhaus	21762 Salado, Mission Viejo, CA, 92691
44	CA	Yiling Peng	19544 Yuma St., Castro Valley CA 94546

45	CO	Brian Leffler	653 Falcon Crest Way, Loveland, CO 80537
46	CO	Carol Leffler	653 Falcon Crest Way, Loveland, CO 80537
47	CO	Charles Berger	1553 Drake Street, Longmont, CO 80503-2214
48	CO	Cynthia Combs Copeland	500 Lashley St. #21, Longmont CO 80504
49	CO	Eva Leffler	653 Falcon Crest Way, Loveland, CO 80537
50	CO	Gary Leffler	653 Falcon Crest Way, Loveland, CO 80537
51	CO	John Leffler	653 Falcon Crest Way, Loveland, CO 80537
52	CT	Anne K. Blake	29 Oakwood Road, Manchester CT 06042-3207
53	CT	Corey Irene Hollemeyer	106 Heather Dr, New Canaan, CT 06840
54	CT	John Whitbeck	18 Bellevale St, Monroe CT 06468
55	CT	PAUL M. HUBERT	69 Quebec Square, Brooklyn, CT. 06234
56	DE	Lynne Klosowski	114 Saint Augustine Ct Middletown, DE.19709
57	FL	Angela Colasanti	4152 Mockingbird drive Boynton Beach, FL 33436
58	FL	Billie A Lanzer	2128 Pinewoods Blvd Sebring FL 33870
59	FL	Debra Frisco	1110 Canberra Cir #102 Avon Park, FL 33825
60	FL	Delia Anderson	36945 Shore Dr. , Dade City, FL 335225
61	FL	Donia W Connell	2825 E HWY 329, Anthony, FL 32617
62	FL	Ellen D Davis	1227 Cherokee Drive, Tallahassee, FL 32301
63	FL	Horace B Ard	757 El Vergel Ln St Augustine FL 32080
64	FL	Howard Andrew Smith	6354 Pine Meadows Drive, Spring Hill, FL 34606
65	FL	Jacqueline L Cetnar	2025 Tickford Street Middleburg, FL 32068
66	FL	Jennifer Louise Kardys	12458 SW 122nd St., Miami, FL 33186
67	FL	Joseph Childress	14620 Porter Road, Winter Garden, FL 34787
68	FL	Kane A. Miller	6805 PLUMPJACK CT, Port Orange, FL 32128
69	FL	Lynn T Surum	9401 E Fowler Ave Thonotosassa, FL 33592
70	FL	Marta Mendoza	1415 Main Street Dunedin, FL 34698
71	FL	Melissa A Klemundt	110 Ocean View Ln, Melbourne, FL 32903
72	FL	Miguel A Capo	8567 Coral Way, miami fl 33155
73	FL	Nataliya Yakovleva	2528 14th Ave SW Largo FL 33770
74	FL	Randolph T. Atkins	1177 Sparkman St., Melbourne, FL. 32935
75	FL	Robert M Gorman	935 NW 201 Avenue, Pembroke Pines, FL. 33029
76	FL	Terry Lynn Perry	1708 Roberta Ave Sebring FL 33870
77	FL	Wendell K. Rodgers	6328-D chasewood drive, Jupiter, FL 3458
78	FL	Zhihua Deng	19053 NW 52 Ct. Miami Gardens, FL33055
79	GA	Barbara F MacLennan	727 DYCHES DR Savannah, GA 31406
80	GA	Lisa W Gantner	324 Lake Drive Pine Mountain, Georgia 31822
81	GA	Willard P. Mittelman	590 Brookstone Dr., Athens, GA 30605
82	HI	John Nix	828A Kumulani Dr., Kihei, HI, 96753
83	HI	Susan Galam	1889 Loke Street, #215, Wailuku, Hawaii 96793
84	IA	Lee Baldwin Jolliffe	4049 Cottage Grove Av, DM, IA 50311
85	IA	Margo Feuerbach Stites	4801 N. Division St. Apt. A Davenport, IA 52806
86	IA	Nedra Jean Sparland	6336 Hickman Road apt 206, Windsor Heights, IA 50324
87	IA	Rudolph Robert Leytze	443 Red Fox Rd SE, Cedar Rapids, IA 52403
88	ID	jeremy robert fryberger	104 Badger Lane, Ketchum, ID 83340
89	ID	Karen Pence	11053 N Boyer Rd, Sandpoint, ID 83864
90	IL	Anthony Parson	908 Holmes Ave, Deerfield, IL 60015
91	IL	David Laub	4645 Jerome Street West, IL 60076
92	IL	Donald Grandolfo	1926 W. Morse, Chicago, IL 60626
93	IL	Edward Lowitzki	12125 Oakcrest Dr, Huntley, IL 60142
94	IL	Mary C Cotey	225 Timber Ridge Ln, Lake Barrington, IL. 60010

95	IL	Mary McCabe	1511 Wilson ave. Waukegan, IL 60087
96	IL	Rena Odenthal	2735 Pennyroyal Cir, Naperville, IL 60564
97	KA	Arthur M Carlton	905 Duffy Road, Hutchinson, KA 67501
98	KS	Catherine Beaumont	1805 Atherton Court Lawrence, KS 66044
99	KY	John Louis McAllister	727 E. 11th Avenue, Bowling Green, KY 42101
100	KY	Karen Hughto	875 Parent Ln, Finchville, KY 40022
101	KY	Kimberly D. Howard	3403 Susanna Dr., Louisville, KY 40213
102	KY	Rene Mallett Hales	3072 Roundway Down Lane Lexington, KY 40509
103	KY	Rhonda Crystal Coston	392 Oak Hill Road Liberty KY 42539
104	MA	Andrea Cain	415 Linden St., Fall River MA 02720
105	MA	Bin Zhang	11 Gavins Pond Rd, Sharon MA 02067
106	MA	Cheryl L Bancroft	170 Branch Street Scituate, MA 02066
107	MA	Christopher Doucette	00 Middlesex St #1 Wakefield MA 01880
108	MA	Donnah Nickerson-Reti	147 Massachusetts Ave #1 Arlington, MA 02474
109	MA	Gregory K Miranda	50 Worcester Road, Princeton, MA 01541
110	MA	Jill Osullivan	42 laws brook road, concord, ma 01742
111	MA	Kathryn J. Riss	290 River Rd Apt M1, Winthrop, MA 02152
112	MA	Penny Aldrovandi	30 Grove St, Plympton MA 02367
113	MA	Rowland Stephen Whittet	39 Summer Street Apt 3F, Boston, MA 02110
114	MA	sarah trafton-anderson	14 travers street, gardner, MA 01440
115	MA	Susan Rivo	37 GORDON STREET, Somerville, MA 02144
116	MA	Yu Shen	109 Minot Rd, Concord, MA 01742
117	MD	Anita M Guidos	2515 Franklinville Rd. Joppa, MD 21085
118	MD	Kathryn K Gage	4021 Lawrence Avenue, Kensington, MD 20895
119	MD	Leah Colleen Mathers	1850 East-West Hwy., Silver Spring, MD 20910
120	MD	Sandra K Stephon	13212 Park Lane, Fort WA, MD, 20744
121	MD	Sumayyah A Hamid	6628 Vincent Lane 203, MD 21215
122	ME	Dawn Freeman	907 Southern Bay Rd, Penobscot ME
123	ME	Rowland Stephen Whittet	39 Summer Street Apt 3D Rockland ME 04841
124	MI	Anna Marie Katich	3741 BALDWIN ROAD, Metamora, MI 48455
125	MI	Anthony J. Semanik	7176 Green Farm Road, West Bloomfield, MI 48322
126	MI	Brian Thomas Scull	591 Watson St., Coopersville, MI 49404
127	MI	Cherie Riley	36530 Jefferson Ave, Harrison Charter Township, MI 48045
128	MI	Garrett Daniel Bradford	2205 North five lakes rd Lapeer MI, 48446
129	MI	Haidong Gu	15 East Kirby Street, #728, Detroit, MI 48202
130	MI	Kathryn Bernice Connaughton	8798 N. State Rd., St. Louis, MI 48880
		Liselle Anne-Cavner	
131	MI	McFletcher	3408 Huron Ave, Kalamazoo, MI 49006
132	MI	Mary Christina Wendt	5292 N. State Rd., Davison, MI 48423
133	MI	Monica Fly	1657 Knollwood, Ypsilanti, MI 48198
134	MI	Peggy L Van Sickle	230 Pierce Street, Brighton, MI 48116
135	MN	Dorothy Louise Peck	6840 Washburn Ave S, Richfield, MN 55423
136	MN	Mary Jeanne Creighton	501 6th St. S. Virginia, MN 55792
137	MN	Robert Krajewski	30199 Foxtail Ln, Stacy, MN 55079
138	MN	Robert S. Daniel	6448 54th St. N, Oakdale, MN 55128
139	MO	James Lovell	1332 Westbrooke Terrace Dr, Ballwin, MO 63021
140	MO	Peter Kaplan	3439 McKean Avenue, Saint Louis, Missouri 63118
141	MT	Carolyn Elizabeth Hidy	18 Moon Shadow Lane, Trout Creek, MT 59874
142	MT	Carolyn Hidy	18 Moon Shadow Lane, Trout Creek, MT 59874
143	NC	Elaine L Minier	4145 lake lynn dr #108 Raleigh Nc 27613
144	NC	Henry Holden Lewis	784 Broad Creek Rd New Bern, NC 28560

145	NC	John A. Wiles UII	5205 Langford Ter, Durham, NC 27713
146	NC	John Archibald Wiles III	5205 Langford Ter Durham NC 27713
147	NC	Kenneth A. Wallston	1025 Hart Road; Pisgah Forest, NC 28768
148	NC	Philip Lloyd Huffsmith	309 Cox Lake Rd, Stanley, NC 28164
149	NH	Daniel J Fudala	510 Amherst St Manchester NH 03104
150	NH	Paul L Button	85 Yvette St, Manchester, NH 03102
151	NH	Paul R. Birk	4 Sanborn Dr Nashua NH 03063
152	NJ	Bing Bonnie Liao	504 Bergen Street, Lawrenceville, NJ 08648
153	NJ	Chang Jun Wang	9 Pennsylvania Lane, Parsippany, NJ07054
154	NJ	Jason Wu	87 Thoreau Drive, Plainsboro, NJ 08536
155	NJ	Jennifer DAlessio	100 Hepburn Road G10 Clifton, NJ 07012
156	NJ	Jo Ann Coleman	108 Berry St, Hackensack, NJ 07601
157	NJ	Kevin Pannuzzo	615 Cherokee Lane, Brielle NJ 08730
158	NJ	Living An	363 wendover Dr. Princeton NJ 08540
159	NJ	Na Peng	14 Campbell Road, Kendall Park, NJ 08824
160	NJ	Teresa DeMaio	6 Country Road, Manahawkin, NJ 08050
161	NM	Beverly cameron	2225 state rd 68 embudo nm 87532
162	NM	Daniel R Forrest	1443 Acequia Borrada W, Santa Fe, NM 87507
163	NM	Karen Cohen	70 County Road 240, Dixon, New Mexico, 87527
164	NM	Leona M. Sonne	7 Balke St. Reserve NM 87830
165	NM	Luis Torres	P. O. Box 901, Santa Cruz, NM 87567
166	NM	Ms. Rebecca Ann Mueller	118 County Road 64, Dixon NM 87527
167	NV	Donald J. Ludwig	30 Strada Di Villaggio #133, NV 89011
168	NV	Kelli S Carpenter	9594 Bluff Ledge Ave Las Vegas NV 89149
169	NV	Nan C Thompson	4650 Ranch House Rd #64 No Las Vegas Nv 89031
170	NV	Susan Roberts	2520 W Simkins Rd, Pahrump NV 89060
171	NY	Alice DiDomizio	605 South Shore Rd, Peck Lake, Gloversville, NY 12078
172	NY	Barry Louis Malkin	70-14 261st Street, 2nd Floor, Glen Oaks, NY 11004
173	NY	Claudette Mobley	3323 Palmer Avenue Bronx,NY 10475
174	NY	Daniel J. McCarthy	350 Beach 54th Street, Rm. 613-C, Arverne, NY, 11692
175	NY	David Francis Owen	7 Saddle Hill Honeoye Falls NY 14472
176	NY	David H. Crocker	2087 East Ave., Apt. A, Rochester, NY 14610
177	NY	FengHing Wong	102 Mott Street, #4A, New York, NY 10013
178	NY	Ian Cohen	484 West 43rd St. Apt. 38S, New York, NY 10036
179	NY	John J Graepel	18630 Radnor Road, Jamaica, NY 11432
180	NY	Julia Bartholomew-King	124 Remsen St. #18, Brooklyn, NY 11201
181	NY	Maggie Kong	208-07 Estates Drive, 1FL, Bayside, NY 11360
182	NY	Marc S. Castle	4427 Purves St. #8A. Long Island City, NY. 11101
183	NY	Marcia Levy	2 Locust Ridge Rd Larchmont NY 10538
184	NY	MeiYi Jiang	8320 Bay Parkway, #C25, Brooklyn, NY 11214
185	NY	Michael J Maresca	119 Reggies Way, Lagrangeville, NY 12540
186	NY	Patricia Matteson	730 Mohonk Road, High Falls, NY 12440
187	NY	PooKeem Leon	420 West 42nd Street, #9C, New York, NY 10070
188	NY	Ralph Ulysses	2100 Beekman Place 6H, Brooklyn, NY 11225
189	NY	Salli Bragg	149 Oxford Ave Buffalo NY 14209
190	NY	Sarah Hall	1393 Stevens Rd, Tully, NY 13159
191	NY	Shirley Huang	47 Mott Street, #35, New York, NY 10013
192	NY	Steven A. Rose	325 Cedar Terrace, Hilton, NY 14468
193	NY	Steven Wong	101 Mott Street, #4A, New York, NY 10013
194	NY	Tito Joseph Maresca	6 Frances Ct, Hyde Park, NY 12538

195	NY	W. Michael Biklen	515 East Eleventh Street, New York, NY 10009
196	NY	Weinian Luo	210-18 69 Ave. Oakland Gardens, NY 11364
197	NY	WeiTang Zhang	6924 Narrows Av., Brooklyn NY 11209
198	OH	C. Jeff Jacobson Jr	1411 WEIGOLD AVE Cincinnati OH 45223
199	OH	Donna E. Williams	2891 Indianola Ave, Columbus, OH 43202
200	OH	Eileen Ann Corrice	122 Gillett St Painesville, OH 44077
201	OH	John A Spada	4752 Rooney Ave, New Franklin, OH 44319
202	OH	Patti L Montico	724 E Cassilly St. Springfield, OH 45504
203	OH	Qun Chen	517 Cricket Run Rd. Lewis Center, OH 43035
204	OH	Thomas L. Wells	2620 Eton Place Findlay, OH 45840
205	OK	Daniel Lee Thomas	8612 NE 24th ST, Spencer, OK. 73084
206	OK	Darlene Faye Roberts	212 n 23rd St. Duncan okla 73633
207	OK	Darlene Roberts	212 n 23rd duncan ok73533
208	OK	Robert Hunter Adams	6730 S 73rd East Ave Tulsa, OK 74133
209	OR	Carole A Moore	17052 SW Eldorado Drive, Tigard, OR 97224
210	OR	Charlean Ann Born	3920 SW Martins Lane, Portland, OR 97239
211	OR	Gerald W. Moss	310 SE Greenwood St. Irrigon, OR 97844
212	OR	Jon Stuart Lang	53971 beach loop rd Bandon OR 97411
213	OR	Laura L Miller	1995 N. Bayview Rd., Waldport, OR
214	OR	Mary Brewer	225 SE 126th Ave, Portland, OR 97233
215	OR	Patricia E Kreger	37027 Wallace Creek Rd, Springfield, OR 97478
216	OR	Phillip Lee Gibbs	8079 SW Sacajawea Way Wilsonville, OR 97070
217	PA	Dale M Brown	21040 Meadow RD. Saegertown PA. 16433
218	PA	Gail Marlene Meister	14210 Hiland Place North Huntingdon, PA 15642
219	PA	James Edward Forestal	5049 Warrensville Rd, Montoursville,PA. 17754
220	PA	Johnny R. Shafer	55 Second Ave., Atlasburg, PA 15004
221	PA	Steven Vincent Young	44 S Baltimore St, Dillsburg, PA 17019
222	SC	Janine Garropy	96 Hardy Place Rd, Johnston, SC 29832
223	SC	Mary E. Hibbard	714 Schuyler Dr. RockHill S. C. 29730
224	SC	Patrick Mckearin	329A Pond Branch Rd. Lexington SC29071
225	TN	Connie L Childs	5450 Forest Hill Irene Road, Memphis, TN 38125
226	TN	Elsa Lee Gamaunt	816 Wall Ave, Cookeville TN 38501
227	TN	Kevin Patrick Maher	420 Marion ct, Springfield, TN 37172
228	TN	Sara K. Ogden	910 Mc Cord Hollow Rd, Hohenwald, TN 38462
229	TN	Yvonne Brockenborough	6440 Lee Avenue, Murfreesboro, TN 37129
230	TX	Hongfei Li	3853 Elgin Drive, Plano, TX, 75025
231	TX	Jan forney	607 kipling st Houston TX 77006
232	TX	JAY HARLAN	`7519 STAMEN DRIVE, HOUSTON, TX 77041
233	TX	Jennifer Trybom	121 Willow Path, Cibolo, TX 78108
234	TX	Jo Ann Porterfield	210 S Post Oak St, Winnsboro, Texas, 75494
235	TX	Natalie Klesnik	1020 Brand Ln. #1211, TX 77477
236	TX	Pingyu Zhang	6415 Jordan Falls dr, Houston TX 77085
237	TX	Qing Zeng	1709 W Schunior St. Apt811 Edinburg TX 78541
238	TX	Richard L Fielder	3305 BOBWHITE DR, Bedford, Tx, 76021
239	UT	Kevin Kristian Paulson	3090 Appian Cove Taylorsville UT 84129
240	VA	Allan E. Tissari	2818 Queensland Dr. Henrico, VA. 23294
241	VA	Catherine B Williams	8005 Seaton St, Alexandria, VA 22306
242	VA	Kenneth H Ashcom	1215 Tulip St. Hampton, VA 23663
243	VA	Kermit Charles Osborne	2761 Big Moccasin Road, Nickelsville, VA 24271

244	VA	YuFa Song	1118 Sugar Maple Ln, VA 20170
245	WA	Brent Thornton	2325 Griffin Ave, Enumclaw WA, 98022
246	WA	Bruce W Bailey	2580 10th Ave W, Seattle WA 98119
247	WA	Bruce Wade	1204 S. 18 St., Mount Vernon, WA, 98274
248	WA	Gregory J. Wingard	25243 180th Ave SE, Covington, WA 98042
249	WA	Jaymi Garvett	4618 88th Ave SE, Mercer Island WA 98040
250	WA	Laurene Ludtke Bruckbauer	22306 114th St E, Buckley, WA, 98321
251	WA	Leslie Pettit McClure	8537 Anderson Ct. NE, Lacey, WA 98516
252	WA	Linda L. Richmond	3211 SE Kamilche Pt. Rd, Shelton, WA 98584
253	WA	Richard Leighton Martin	12401 NE 9th Ct, Vancouver, WA 98685
254	WA	Rodney Peckman	31203 Ne 114th st, Carnation, WA 98014
255	WA	Steven Johnson	4419 Harbor Ridge Road NE, Tacoma, WA 98422
256	WA	Susan E Rider Hall	1835 NE 20th St Renton, WA
257	WI	Donnette Weiterman	202 S 1st St, Randolph WI 53956
258	WI	Janice Fletcher	7085 N 44th St, Milwaukee, WI 53223
259	WI	Jenna Metzger	107 South Oak Street Rockland WI 54653
260	WI	Richard S Hildreth, Jr	146 Taylor St Cottage Grove WI 53527-9414
261	WV	Sarah Renae Miles	1755 Snowbird Rd, West Union, WV 26456