No. 20-5947

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

LAURA CANADAY, INDIVIDUALLY AND ON BEHALF OF ALL THOSE SIMILARLY SITUATED,

Plaintiffs-Appellants,

v.

THE ANTHEM COMPANIES, INC.,

Defendants-Appellees.

On Appeal from the United States District Court
for the Western District of Tennessee
No. 1:19-cv-01084
Hon. S. Thomas Anderson, U.S.D.J.

BRIEF OF AMICI CURIAE PUBLIC CITIZEN AND THE NATIONAL EMPLOYMENT LAWYERS ASSOCIATION IN SUPPORT OF APPELLANTS AND REVERSAL

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November 24, 2020

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Disclosure of Corporate Affiliations and Financial Interest

Sixth Circuit Case Number: 20-5947 Case Name: Canaday v. The Anthem Companies

Name of counsel: Scott L.Nelson

Pursuant to 6th Cir. R. 26.1, Public Citizen, Inc.
Name of Party

makes the following disclosure:

1. Is said party a subsidiary or affiliate of a publicly owned corporation? If Yes, list below the identity of the parent corporation or affiliate and the relationship between it and the named party:

No

2. Is there a publicly owned corporation, not a party to the appeal, that has a financial interest in the outcome? If yes, list the identity of such corporation and the nature of the financial interest:

No

CERTIFICATE OF SERVICE

I certify that on November 24, 2020 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by placing a true and correct copy in the United States mail, postage prepaid, to their address of record.

s/ Scott L. Nelson

This statement is filed twice: when the appeal is initially opened and later, in the principal briefs, immediately preceding the table of contents. See 6th Cir. R. 26.1 on page 2 of this form.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Disclosure of Corporate Affiliations and Financial Interest

Sixth Circuit Case Number: 20-5947 Case Name: Canaday v. The Anthem Companies

Name of counsel: Scott L.Nelson

Pursuant to 6th Cir. R. 26.1, The National Employment Lawyers Association
Name of Party

makes the following disclosure:

1. Is said party a subsidiary or affiliate of a publicly owned corporation? If Yes, list below the identity of the parent corporation or affiliate and the relationship between it and the named party:

No

2. Is there a publicly owned corporation, not a party to the appeal, that has a financial interest in the outcome? If yes, list the identity of such corporation and the nature of the financial interest:

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s/ Scott L. Nelson

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INTEREST OF AMICI CURIAE[1]

Public Citizen and the National Employment Lawyers Association (NELA) respectfully submit this brief in the hope that it may assist the Court in considering the proper bounds of the jurisdictional principles at issue in this appeal.

Public Citizen, a nonprofit consumer advocacy organization with members in every state, appears before Congress, administrative agencies, and courts on a wide range of issues. Public Citizen has a longstanding interest in issues of court procedure that affect the availability of judicial fora in which injured consumers, workers, and members of the public may seek redress, as well as the courts' ability to provide such redress efficiently and effectively.

In particular, Public Citizen is concerned that restrictive views of the scope of the courts' personal jurisdiction may unduly limit injured plaintiffs' access to justice. That concern is heightened when personal

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[1] All parties have consented to the filing of this brief. The brief was not authored in whole or part by counsel for a party; no party or counsel for a party contributed money that was intended to fund this brief's preparation or submission; and no person other than the amici curiae, its members, or its counsel contributed money intended to fund the brief's preparation or submission.

jurisdiction doctrine is employed to impair the utility of collective actions under the Fair Labor Standards Act (FLSA). An employer's wrongful conduct frequently harms many employees, resulting in injuries that are large in the aggregate, but not cost-effective to redress individually. In such circumstances, Congress has determined that collective actions under the FLSA offer the best means for individual redress and deterrence, while also serving the defendant's interest in achieving a binding resolution of claims on a broad basis, consistent with due process. Restricting the availability of collective actions in federal court based on inapplicable concerns about the limits of the authority of state courts would impair those aims without meaningfully advancing the interests served by Fourteenth Amendment limits on state-court authority.

NELA is the largest professional membership organization in the country focused on empowering workers' rights plaintiffs' attorneys. NELA and its 69 circuit, state, and local affiliates have a combined membership of over 4,000 attorneys committed to protecting the rights of workers in employment, wage and hour, labor, and civil rights disputes. NELA members routinely represent workers in collective actions under the FLSA and have an interest in ensuring that individual workers have

access to justice. NELA is concerned that adopting a more restrictive view of the scope of personal jurisdiction will prevent individual workers from asserting their rights under the FLSA in collective actions in federal court, which is often the only way in which they can obtain justice in large scale wage and hour cases.

SUMMARY OF ARGUMENT

In *Bristol-Myers Squibb Co. v. Superior Court of California*, 137 S. Ct. 1773 (2017), the Supreme Court held that the Fourteenth Amendment precludes a state court from exercising personal jurisdiction over a defendant in a tort action brought by a nonresident of the forum state who was injured elsewhere, where the contacts between the defendant and the forum are unrelated to that individual plaintiff's claim. The Court's holding was limited in at least three respects that distinguish it from this case: It applied to state courts, not federal courts; it applied to state-law claims, not federal claims; and it applied to individual actions, not collective or class actions.

In this case, defendant-appellee The Anthem Companies, Inc. seeks to extend the holding in *Bristol-Myers* to a collective action alleging FLSA violations in a federal court. The rationale supporting the holding in

Bristol-Myers, however, is inapplicable here. The Supreme Court expressly stated that its opinion in *Bristol-Myers* did not address "restrictions on the exercise of personal jurisdiction by a federal court." *Id.* at 1784. The Court limited *Bristol-Myers*'s holding for good reason: It rests on constitutional limitations on the sovereign authority of *state courts* that, the Supreme Court has explained, inhere in our federalist system. The authority of federal courts is not similarly limited by state borders. The only constitutional limitation on a federal court's personal jurisdiction over a defendant is that "the defendant has 'sufficient minimum contacts with the *United States*,'" not the specific forum state. *Carrier Corp. v. Outokumpu Oyj*, 673 F.3d 430, 449 (6th Cir. 2012) (internal quotation marks and citation omitted). Accordingly, the Constitution permits a federal court to assert authority over litigants without regard to the extent of their contacts with the particular state in which the court sits.

Federal Rule of Civil Procedure 4 does not subject a federal court's exercise of personal jurisdiction over opt-in members of an FLSA collective action to the Fourteenth Amendment limits that would apply to a state court. Rule 4 often (but not always) requires a federal court to

obtain personal jurisdiction over a defendant using the forms of service that would be available in an action in the relevant state court. As a result, in an individual suit in federal court brought against a non-resident defendant, the court's personal jurisdiction over the defendant will often depend on whether state law (constrained by Fourteenth Amendment due process limits) authorizes service of the plaintiff's complaint on the defendant.

In the context of a collective action, however, Rule 4's requirements apply only when the named plaintiff seeks to secure personal jurisdiction over the defendant when she initiates the suit. Once the summons and complaint have been served in compliance with Rule 4, whether the case may proceed as a collective action depends only on whether the requirements of the FLSA are satisfied. The Rules impose no additional requirements for the assertion of personal jurisdiction over the defendant with respect to the claims in the collective action.

ARGUMENT

I. A federal court's exercise of personal jurisdiction over out-of-state members of an FLSA collective action comports with the Constitution.

A. *Bristol-Myers* rests on constitutional principles that limit state-court authority but are inapplicable in federal court.

The Supreme Court's holding in *Bristol-Myers* was grounded in the constitutional constraints on individual states exercising sovereign authority outside of their territorial borders. The Court construed the limits on personal jurisdiction imposed by the Due Process Clause of the Fourteenth Amendment, *see* 137 S. Ct. at 1779, which "sets the outer boundaries of a *state* tribunal's authority to proceed against a defendant," *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 923 (2011) (emphasis added). The Supreme Court has emphasized that the Fourteenth Amendment's constraints on state-court personal jurisdiction reflect limits on "the power of a sovereign to resolve disputes through judicial process." *J. McIntyre Mach., Ltd. v. Nicastro*, 564 U.S. 873, 879 (2011) (plurality opinion of Kennedy, J.). In that respect, "jurisdiction is in the first instance a question of authority rather than fairness," *id.* at 883, and Fourteenth Amendment limits on personal jurisdiction reflect the Court's view that a state court possesses adjudicative authority only

over those who are properly subject to the state's sovereign power as a result of presence within the state or purposeful direction of conduct toward persons within the state. *See id.* at 880–81. This conception of limited state authority, rather than "[f]reeform notions of fundamental fairness," *id.* at 880, undergirds the Supreme Court's cases limiting state-court personal jurisdiction.

Bristol-Myers's holding that a state court cannot assert personal jurisdiction over a defendant in an individual personal-injury action when the defendant neither is "at home" in the state, 137 S. Ct. at 1780, nor has engaged in any forum-related activity that is connected to the nonresident individual plaintiff's "specific claims" arising outside the forum state, *id.* at 1781, reflects these same concerns about "territorial limitations on the power of the respective states," *id.* at 1780 (quoting *Hanson v. Denckla*, 357 U.S. 235, 251 (1958)). Such limitations, the Court stressed, are related not to fairness concerns, but to the "federalism interest," *id.* at 1780, in confining institutions of each state—including courts—within the limits of their sovereign authority to avoid infringements "on the sovereignty of [their] sister States," *id.* (quoting *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 293 (1980)).

The decision in *Bristol-Myers* therefore concerns solely the extent of "the State['s] ... power to render a valid judgment" over out-of-state defendants. *Id.* at 1781 (quoting *World-Wide Volkswagen*, 444 U.S. at 294). The opinion repeatedly emphasizes that the decision is grounded in the Fourteenth Amendment's limits on the powers of state courts. *Id.* at 1779. Because the decision is grounded in "the due process limits on the exercise of specific jurisdiction by a State," the Court explicitly stated that it did not address whether and to what extent "the Fifth Amendment" restricts "the exercise of personal jurisdiction by a federal court." *Id.* at 1783–84 (citing *Omni Capital International, Ltd. v. Rudolf Wolff & Co.*, 484 U.S. 97, 102 n.5 (1987)).

B. The Fourteenth Amendment does not by its own force limit the personal jurisdiction of federal courts.

Bristol-Myers's disclaimer of any application in federal courts reflects a wealth of precedent differentiating potential due process limits on federal-court personal jurisdiction from the constraints the Fourteenth Amendment imposes on state courts. As *Bristol-Myers* noted, any due process limits on the federal courts find their source in the Fifth rather than the Fourteenth Amendment. *See id.* That distinction carries

consequences: The Fourteenth Amendment's incorporation of the limits on the sovereign power of states vis-à-vis other states and their citizens that are inherent in a federal system does not extend to the Fifth Amendment's limits on the federal government and its institutions. Unlike state authority, federal power is not, as a constitutional matter, limited by state lines. The federal government has "its own direct relationship, its own privity, its own set of mutual rights and obligations to the people who sustain it and are governed by it," without regard to their relationship with any particular state. *Nicastro*, 564 U.S. at 884 (plurality opinion) (citation omitted).

Thus, "personal jurisdiction requires a ... sovereign-by-sovereign analysis," *id.*, under which the power of a state court to render judgment against a defendant does not, as a constitutional matter, control that of a federal court, wherever located, to exercise its adjudicative authority over the same defendant. "Because the United States is a distinct sovereign, a defendant may in principle be subject to the jurisdiction of the courts of the United States," without regard to whether it may be haled into the courts "of any particular State." *Id.* Indeed, "[f]or jurisdiction, a litigant may have the requisite relationship with the

United States Government but not with the government of any individual State." *Id.* (emphasis added).

For these reasons, as the Supreme Court long ago recognized, nothing in the Constitution prevents "the process of every District Court" from "run[ning] into every part of the United States." *Robertson v. R.R. Labor Bd.*, 268 U.S. 619, 622 (1925). Under the Fifth Amendment Due Process Clause's limits on the adjudicative power of the federal courts, a federal court may constitutionally exercise personal jurisdiction over any person that has minimum contacts with the United States, as opposed to any particular state or states within it. *See Repub. of Argentina v. Weltover, Inc.*, 504 U.S. 607, 619–20 (1992) (determining federal-court personal jurisdiction over a foreign entity by considering whether the entity had minimum contacts with the United States sufficient to find that it purposefully availed itself of the privilege of conducting activities within the country); *Carrier Corp. v. Outokumpu Oyj*, 673 F.3d 430, 449 (6th Cir. 2012) (under the Fifth Amendment, "personal jurisdiction exists whenever the defendant has 'sufficient minimum contacts with the *United States*'") (emphasis added; quoting *Med. Mut. of Ohio v. Soto*, 245 F.3d 561, 566–67 (6th Cir. 2001)).

Accordingly, the district court's personal jurisdiction over Anthem with respect to the claims of out-of-state members of the FLSA collective action was not limited by the Due Process Clause of the Fourteenth Amendment. Anthem unquestionably has the requisite contacts with the United States in relation to those claims, which allege that it engaged in unlawful employment practices towards employees that live and work in the United States. The Constitution requires no more, and thus the district court erred in dismissing those claims for lack of personal jurisdiction.

II. Federal Rule of Civil Procedure 4 does not limit a federal court's exercise of personal jurisdiction over a defendant with respect to the claims of out-of-state opt-in members of an FLSA collective action.

A. The text and structure of Rule 4 foreclose Anthem's interpretation.

By its own terms, Federal Rule of Civil Procedure 4, which governs the service of a summons and complaint on a defendant, does not limit a federal court's authority with respect to out-of-state members of an FLSA collective action. Rule 4 establishes a tightly choreographed framework for initiating a defendant's involvement in civil litigation. It provides that "[o]n or after the filing of the complaint … [a] summons—or a copy of a

summons that is addressed to multiple defendants—must be issued for each defendant to be served" by the clerk of the court. Fed. R. Civ. P. 4(b). The Rule then imposes an obligation on the plaintiff: The "summons must be served with a copy of the complaint." *Id.* 4(c). And it sets a strict time limit on the plaintiff's obligation to effect service, directing that a court "must dismiss the action" if a defendant "is not served within 90 days after the complaint is filed." *Id.* 4(m).

In addition to establishing the framework for serving a summons and the complaint on defendants, Rule 4 functions as a gatekeeper over the federal courts' exercise of personal jurisdiction. It provides that, in general, "[s]erving a summons or filing a waiver of service establishes personal jurisdiction over a defendant … who is subject to the jurisdiction of a court of general jurisdiction in the state where the district court is located." Fed. R. Civ. P. 4(k)(1)(A). Accordingly, in the absence of a federal statute authorizing nationwide service or other service beyond the bounds of the district, "a federal court normally looks ... to the long-arm statute of the State in which it sits to determine whether a defendant is amenable to service, a prerequisite to its exercise of personal

jurisdiction." *Omni*, 484 U.S. at 410.[2] Because state long-arm jurisdiction is in turn limited by (and often, expressly or by state judicial construction of governing statutes, defined by) the Fourteenth Amendment's requirements, those Fourteenth Amendment limits are often relevant to whether a federal court can obtain personal jurisdiction under Rule 4. *See, e.g.*, *Walden v. Fiore*, 571 U.S. 277, 283 (2014); *Daimler AG v. Bauman*, 571 U.S. 117, 125 (2014).

Domestic persons and entities, by definition, have the requisite minimum contacts with the United States. The scope of a federal court's personal jurisdiction over such defendants, and the manner in which it exercises that jurisdiction, is therefore principally limited by statutes or rules promulgated pursuant to statutory authority, rather than by the Constitution. *See Omni Capital*, 484 U.S. at 108–09. As explained above, however, Fourteenth Amendment limits do not apply of their own force to the federal courts. There is thus no constitutional basis for limiting federal courts' powers to those that state courts possess. Rather, federal

[2] Even where Rule 4 incorporates state standards generally, it expands them by providing for service on certain defendants within 100 miles of the place of issuance of the summons, regardless of whether state lines intervene. *See* Fed. R. Civ. P. 4(k)(1)(B).

courts look to Fourteenth Amendment standards only because, under Rule 4, "a federal district court's authority to assert personal jurisdiction in most cases is linked to service of process on a defendant 'who is subject to the jurisdiction of a court of general jurisdiction in the state where the district court is located.'" *Walden*, 571 U.S. at 283 (quoting Fed. R. Civ. P. 4(k)(1)(A)).

As the Supreme Court has explained:

> Before a federal court may exercise personal jurisdiction over a defendant, the procedural requirement of service of summons must be satisfied. "[S]ervice of summons is the procedure by which a court having venue and jurisdiction of the subject matter of the suit asserts jurisdiction over the person of the party served." *Mississippi Publishing Corp. v. Murphree*, 326 U.S. 438, 444–445 (1946). Thus, before a court may exercise personal jurisdiction over a defendant, there must be more than notice to the defendant and a constitutionally sufficient relationship between the defendant and the forum. There also must be a basis for the defendant's amenability to service of summons. Absent consent, this means there must be authorization for service of summons on the defendant.

Omni Capital, 484 U.S. at 409.

Rule 4 thus sets out a carefully defined framework for how a federal district court hales a defendant before it at the outset of an action and exercises personal jurisdiction over that defendant. Absent any separate statutory authorization, the Rule for the most part restricts the

geographical scope of effective service of process to the territorial limits of a corresponding state court's personal jurisdiction. *Id.* 4(k) (1)(A). Once that procedural prerequisite is satisfied at the outset of the litigation, the court obtains and retains personal jurisdiction over the defendant for the remainder of the proceedings.

This framework for service of process and personal jurisdiction applies straightforwardly in the context of collective actions under the FLSA. First, the named plaintiffs file the complaint. After the filing of the complaint, they must serve the summons and the complaint on the defendants pursuant to Rule 4(b). To be effective, the process must be served on a defendant within the geographic limits of the personal jurisdiction of the relevant state court with respect to the named plaintiffs. That service must take place within 90 days of the filing of the complaint, pursuant to Rule 4(m). And once the named plaintiffs effectuate that service, by its terms the Rule imposes no additional requirements—related to service of process or to personal jurisdiction—on the members of the collective action who subsequently opt in.

Anthem's contention that Rule 4 limits a federal court's jurisdiction over opt-in members of an FLSA collective action is inconsistent with the

text and structure of the Rule. Neither the Supreme Court nor this Court has ever held that every opt-in plaintiff in a FLSA collective action must separately serve the defendant. But Anthem's novel theory of personal jurisdiction entails precisely that absurd result. On Anthem's view, Rule 4(k)(1)(A) requires every opt-in member of an FLSA collective action to establish separately the court's personal jurisdiction over a defendant through the service of process mechanism found elsewhere in Rule 4.

Nothing in the Rule says or even suggests that opt-in members must satisfy its service requirements. Rule 4(b) ties the issuance of summons to a "plaintiff" who has filed a complaint. The natural reading of Rule 4(b) is that only the "plaintiff" who files the complaint must serve process on the defendant. Opt-in members must provide only "consent in writing" to join the "action." 29 U.S.C. § 216(b); *see Hoffmann-La Roche v. Sperling*, 493 U.S. 165, 170–71 (1989). There is no basis in the Rules, the FLSA, the thousands of FLSA cases over the decades since its enactment, or logic to infer an atextual requirement that opt-in members of the FLSA file separate complaints. "The plain language of § 216(b) supports that those who opt in become party plaintiffs upon the filing of a consent and that nothing further … is required." *Mickles v. Country*

Club Inc., 887 F.3d 1270, 1278 (11th Cir. 2013); *see also Comer v. Wal-Mart Stores, Inc.*, 454 F.3d. 544, 546 (6th Cir. 2006) (stating that the FLSA requires only that opt-in plaintiffs be similarly situated and that they "signal in writing their affirmative consent to participate in the action").

As the Supreme Court has recognized, "[s]ection 216(b)'s affirmative permission for employees to proceed on behalf of those similarly situated must grant the court the requisite procedural authority to manage the process of joining multiple parties in a manner that is orderly [and] sensible." *Hoffman-La Roche*, 493 U.S. at 170. That procedural authority would be unnecessary and the benefits of collective actions would be illusory if Rule 4 somehow imposed a separate requirement that every opt-in member had to separately file a complaint, so that the FLSA representative action functioned only as a proceeding in which separately initiated individual actions were consolidated.

Because opt-in members of an FLSA collective are not required to file a separate complaint, Rule 4 forecloses Anthem's interpretation. Rule 4(m) requires that a plaintiff serve the complaint and summons within 90 days of the filing of the complaint. If that requirement applied to opt-

in members of an FLSA collective action who never themselves file a complaint, it would apparently require opt-in members to serve a complaint filed by someone else: the named plaintiffs. Even more oddly, Anthem's interpretation would require opt-in members to effect that service within 90 days of the filing of the complaint by the named plaintiffs, although opt-in members typically would not even be notified that the lawsuit exists until much later after the collective action has been "conditionally certified." *Hoffman-La Roche*, 493 U.S. at 169. Neither Congress nor the drafters of the Rules could have intended such a nonsensical result.

In sum, the text and structure of Rule 4 demonstrate that only named plaintiffs in an FLSA collective action are subject to its requirements. Once a federal court has properly acquired personal jurisdiction over a defendant through valid service under Rule 4, due process limits on state-court authority drop out of the picture. The scope of the action, the court's authority to render a judgment binding particular persons, and other procedural matters are governed by the FLSA and the Federal Rules of Civil Procedure, not by state law.

Accordingly, Rule 4(k)(A)(1) does not limit a federal court's exercise of personal jurisdiction over opt-in members of the collective action.

B. Anthem's interpretation of Rule 4 would undermine the comprehensive remedial framework of the FLSA.

By balkanizing FLSA collective actions into inefficient state-by-state litigation, Anthem's interpretation of Rule 4 would undermine Congress's creation of a unified remedial statute that authorizes an employee to sue an employer on behalf of all those "similarly situated." 29 U.S.C. 216(b). For decades, "Congress [has] left intact the 'similarly situated' language providing for collective actions, such as this one. The broad remedial goal of the statute should be enforced to the full extent of its terms." *Hoffman-La Roche*, 493 U.S. at 173. Particularly relevant here, Congress expected that collective actions under the FLSA would remedy the misconduct of multi-state employers through the efficient procedural mechanism of aggregate litigation. *See* 29 U.S.C. §§ 203(b), 206, 207. For that reason, as the Supreme Court has recognized, section 216(b) enables the "efficient resolution in one proceeding" of the claims by all "similarly situated" employees subject to an employer's unlawful policies or practices. *Hoffman-La Roche*, 493 U.S. at 170.

Importantly, the Supreme Court has held that defining the scope of federal courts' personal jurisdiction is a matter of procedure and a proper subject for rulemaking because the assertion of personal jurisdiction by a federal court that has subject matter jurisdiction and venue does not "extend or limit the jurisdiction of the district courts" in violation of Federal Rule of Civil Procedure 82, nor "abridge, enlarge, []or modify the substantive rights of any litigant" in violation of the Rules Enabling Act, 28 U.S.C. § 2072(b). *Miss. Pub. Corp. v. Murphree*, 326 U.S. 438, 444–46 (1946). Anthem's atextual interpretation of Rule 4, however, threatens to do precisely that. Congress, in enacting the FLSA, plainly intended for nationwide collective actions to be available to "similarly situated" employees. That intention presupposes that the federal district courts would have personal jurisdiction over both the claims of named plaintiffs and the claims of opt-in members of the collective action. Anthem hypothesizes that Rule 4, in conflict with Congress's intent in the FLSA, restricts the federal courts' personal jurisdiction over opt-in members. Because the rulemaking authority undergirding Rule 4 (and the Federal Rules of Civil Procedure more generally) does not extend to altering the

court's jurisdiction as established by Congress, Anthem's interpretation of Rule 4 is impermissible.

CONCLUSION

For the foregoing reasons, as well as those set forth in the briefs of the plaintiff-appellant, this Court should affirm the order of the district court.

Respectfully submitted,

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November 24, 2020

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the type-face and volume limitations set forth in Federal Rules of Appellate Procedure 32(a)(7)(B) and 29 as follows: The type face is fourteen-point Century Schoolbook font, and the word count, as determined by the word-count function of Microsoft Word 2016, is 4,102, excluding parts of the brief exempted by Federal Rule of Appellate Procedure 32(f) and the rules of this Court.

/s/ Scott L. Nelson
Scott L. Nelson

CERTIFICATE OF SERVICE

I certify that on November 24, 2020, I caused the foregoing to be filed with the Clerk of the Court through the Court's ECF system, which will serve notice of the filing on all filers registered in the case, including all parties required to be served.

/s/ Scott L. Nelson
Scott L. Nelson