No. 21-1683

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

CHRISTA B. FISCHER, ET AL.,

Plaintiffs-Appellants,

v.

FEDERAL EXPRESS CORPORATION, ET AL.,

Defendants-Appellees.

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
No. 5:19-cv-04924-JMG
Hon. John M. Gallagher, U.S.D.J.

BRIEF OF AMICUS CURIAE PUBLIC CITIZEN IN SUPPORT OF APPELLANTS AND REVERSAL

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July 29, 2021

CORPORATE DISCLOSURE STATEMENT

Amicus curiae Public Citizen, Inc., is a nonprofit, non-stock corporation. It has no parent corporation, and no publicly traded corporation has an ownership interest in it of any kind.

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INTEREST OF AMICUS CURIAE[1]

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.

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

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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 amicus curiae, its members, or its counsel contributed money intended to fund the brief's preparation or submission.

circumstances, Congress has determined that collective actions under the FLSA offer the best means for individual redress and deterrence, while also serving a 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.

Public Citizen therefore respectfully submits 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.

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 Federal Express Corporation (FedEx) 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 *Bristol-Myers* does 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 federal 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 whether the defendant has sufficient "national contacts" with the United States *as a whole*. *Pinker v. Roche Holdings Ltd.*, 292 F.3d 361, 370 (3d Cir. 2002) (explaining that "the territorial limitations that apply to the exercise of state court jurisdiction" do not apply to a federal court). 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 a state long-arm 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, 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 a 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 a 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 based on "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 Int'l, 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 Amendment, rather than the Fourteenth. *See id.*; *Pinker*, 292 F.3d at 369. That distinction makes a difference: The Fourteenth Amendment incorporates limits on the sovereign power of states vis-à-vis other states and their citizens that are inherent in a federal system, but those limits are not relevant to the authority of the federal government and its institutions that are subject to the Fifth Amendment's Due Process Clause. *See Pinker*, 292 F.3d at 369 (explaining that "a federal court sits as a unit of the national government and, therefore, the territorial limitations that apply to the exercise of state court jurisdiction … are inapposite"). 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 the

power 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); *In re Auto. Refinishing Paint Antitrust Litig.*, 358 F.3d 288, 298 (3d Cir. 2004) (explaining that the Constitution permits a federal court to assert personal jurisdiction "on the basis of the defendant's *national* contacts") (emphasis added); *Pinker*, 292 F.3d at 369 (same).

Accordingly, the district court's personal jurisdiction over FedEx 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. FedEx 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 who live and work in the United States. The Constitution requires no more, and thus FedEx had a constitutionally sufficient relationship with the forum to confer 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 FedEx'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 opt-in 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." *Id.* 4(k)(1)(A).[2] 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 Capital*, 484 U.S. at 410.[3] Because state long-arm jurisdiction is in turn limited by (and often, expressly or by state judicial construction of

[2] The district court, relying on *Max Daetwyler Corp. v. R. Meyer*, 762 F.2d 290, 294–97 (3d Cir. 1985), stated that, absent a relevant federal statute, Rule 4(e) requires that "service of process be gauged by state amenability standards." *See Fischer v. Federal Express Corp.*, No. 5:19-cv-04924-JMG, 2020 WL 7640881, at *7 (Dec. 23, 2020). Rule 4 has been amended since *Max Daetwyler* was decided in 1985, and the territorial limits of service, including the general incorporation of "state amenability standards," are now set forth in Rule 4(k). Rule 4(e) now addresses only the means of service.

[3] 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).

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 minimum national contacts required by the Due Process Clause of the Fifth Amendment. 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 the powers of federal courts to those of the state courts. Rather, federal 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, Rule 4 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, 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.

FedEx'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 FedEx's novel theory of personal

jurisdiction entails precisely that absurd result: On that theory, 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 in an FLSA action 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 Federal 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, and serve, separate complaints. Rather, as this Court has recognized, "every plaintiff who opts in to a collective action has a party status," without filing a separate complaint. *Reining v. RBS Citizens, N.A.*, 912 F.3d 115, 123 n.1 (3d Cir. 2018) (citation omitted). "The plain language of § 216(b) [of the FLSA] 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. 2018); *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." *Hoffmann-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 action are not required to file a separate complaint, Rule 4 forecloses FedEx'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, FedEx'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." *Hoffmann-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)(1)(A) does not limit a federal court's exercise of personal jurisdiction over opt-in members of the collective action.

These principles apply straightforwardly to this case. Because this suit was filed in federal court, any constitutional limits on the district court's jurisdiction stem from the Fifth Amendment, and the "jurisdiction of a federal court need not be confined by the defendant's contacts with the state in which the federal court sits." *Pinker*, 292 F.3d at 369. FedEx has sufficient minimum "national contacts," *id.*, to meet the Fifth Amendment's requirements. Furthermore, because FedEx employed Fischer in Pennsylvania and wage theft allegedly occurred in Pennsylvania, FedEx was amenable to service of Fischer's complaint. Thus, when Fischer served FedEx with a summons, she met the requirements of Rule 4, and the district court was vested with personal jurisdiction over the defendant. Neither the Constitution nor the Federal Rules of Civil Procedure require more. Because other workers who opt in to the collective action are not independently required to file a complaint, they are not required to satisfy Rule 4 independently.

B. FedEx'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, FedEx'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 of 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. Publ'g Corp*, 326 U.S. at 444–46. FedEx'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. FedEx 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, FedEx'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 reverse the order of the district court.

Respectfully submitted,

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July 29. 2021

CERTIFICATE OF BAR MEMBERSHIP, WORD COUNT, IDENTICAL COMPLIANCE OF BRIEFS, AND VIRUS CHECK

1. I certify that I am a member of the bar of this Court.

2. I certify that this brief complies with the type-face and volume limitations set forth in Federal Rules of Appellate Procedure 32(a) 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 for Office 365, is 4,288, excluding parts of the brief exempted by Federal Rule of Appellate Procedure 32(f) and the rules of this Court.

3. I certify that the text of the electronic brief is identical to the text in the paper copies.

4. I certify that a virus detection program (Windows Defender) has been run on the file and that no virus was detected.

/s/ Scott L. Nelson
Scott L. Nelson

CERTIFICATE OF SERVICE

I certify that on July 29, 2021, 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
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