IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOM A

JENNIFER ROSSER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**Case No. CIV-2012-1024-C**
	)	
JOHN HENRY ROSSER III, and	)	
HONORABLE CARLA D. HADDOX,	)	
JUDGE OF THE ABSENTEE SHAWNEE	)	
TRIBAL COURT,	)	
	)	
Defendants.	)	

BRIEF IN SUPPORT OF JENNIFER ROSSER'S OBJECTION TO THE MOTION TO DISMISS OF DEFENDANT, CARLA HADDOX

COMES NOW the plaintiff, Jennifer Rosser, and presents the following brief to this Honorable Court in support of her action for a Writ of Habeas Corpus and Declaratory Relief and in objection to the Defendant, Carla Haddox's Motion to Dismiss (Doc. #15).

Jennifer Rosser, moves this Court to overrule the Motion to Dismiss of the Defendant, Carla Haddox, as many cases are brought in the name of the official in their official capacity. All writs in state court are required to be made against the sitting judge. Carla Haddox is a proper defendant in these proceedings.

Jennifer Rosser further moves this honorable Court to issue a Writ of Habeas Corpus in the instant case and return her daughter who is being illegally detained to her custody; and issue a Declaratory Judgment determining that the Absentee Shawnee Tribal Court lacks jurisdiction over a nonmember of its tribe in a new divorce action filed by Jennifer Rosser in the District Court of McClain County, State of Oklahoma; and determine that state court cannot transfer a divorce case to tribal court. This honorable Court has jurisdiction pursuant to U.S.C.A. Const. Art III, cl.1; 28 U.S.C. § 1651; U.S.C.A. § 9, Clause 2; 25 U.S.C. §1303; 18 U.S.C. §§ 1153,

1154. Further, Rosser seeks a declaratory judgment determining that a new divorce action which is filed in state court and based upon Oklahoma law should control over the defunct orders of the Absentee Shawnee Tribal Court.

STATEMENT OF THE CASE

John Rosser, III, and Jennifer Rosser were first married from 2005 to August 4, 2010. In July, 2010, Jennifer Rosser was taking more pain medication than the amount prescribed by her physicians and she decided to check herself into a treatment center.

On July 7, 2010, Jennifer Rosser agreed to a limited temporary guardianship of her oldest child to John Rosser for a period of 10 days and 10 days only. The order specifically stated that the temporary order lapsed on July 17, 2010. John Rosser, III, is not the father of K.T. He has not adopted her, and he is a legal stranger to K.T. (See Exhibit 2, a copy of the temporary guardianship).

On August 4, 2010, at a time when Jennifer Rosser was in treatment she signed a decree of divorce in the Absentee Shawnee Tribal Court, presented to her by John Rosser, III. The decree of divorce gave custody of her younger two children to John Rosser. He was the father of the younger two children. (See Exhibit 3, a copy of the tribal decree of divorce). She was in treatment and had few options.

As soon as she was released from treatment in October 2010, Jennifer Rosser re-established her marriage by moving directly back into the home with John Rosser and her children. They established all the elements of a common-law marriage in the State of Oklahoma

in October, 2010.[1] During the marriage John Rosser frequently slapped, shoved, pushed around, cursed, and threatened Jennifer Rosser.

On May 27, 2012, Jennifer Rosser checked herself into a shelter for battered women along with her three children due to physical and emotional abuse by John Rosser.

On June 7, 2012, Indian officers from the Absentee Shawnee Tribe called Jennifer at the shelter and demanded that she immediately take the children to the police station. When she arrived Indian officers served her with a Writ of Habeas Corpus issued by the Absentee Shawnee Tribal Court. They took her children and gave them to John Rosser. The Writ of Habeas Corpus did not have a date for a hearing, nor was there opportunity to be heard before the children were seized. The Indian officers demanded that Jennifer Rosser bring the children to the police station or else they stated they would arrest her and incarcerate her in jail. It was after business hours, and without hearing, and she was forced to deliver the children to the officers under threat of criminal prosecution and incarceration. (See Exhibit 4, a copy of the Writ Habeas Corpus issued by the Absentee Shawnee Tribal Court).[2]

Jennifer Rosser verily believes that she could not get a fair trial in tribal Court. She wanted to divorce her common-law husband and sought custody of her children, child support,

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[1] The federal income tax return of John Rosser, III and Jennifer Rosser is attached as Exhibit 7 hereto. It clearly reflects that the parties held themselves out as husband and wife on the joint return and is signed under penalty of perjury.

[2] The Writ of Habeas Corpus issued by the tribal court does not have any date and time for a hearing either before or after the children were seized and delivered to John Rosser, III. It was late in the evening, after business hours, when Jennifer Rosser was forced to deliver the children to the police station at tribal court. It was discovered later that the attorney general for the tribe was in attendance with John Rosser's counsel when the children were delivered. Jennifer Rosser believes it is impossible for her to get a fair trial in tribal court in view of the connections of John Rosser's attorney in tribal court.

and other divorce-related determinations so she filed for divorce in state court. (See Exhibit 1, a copy of her divorce Petition in the District Court of McClain County).

On August 4, 2012, Jennifer Rosser filed a new divorce action in the District Court of McClain County.

John Rosser had his attorney from the tribal court enter a special appearance in state court and file a Motion to Dismiss. He relied upon 11 U.S.C. § 1911 in the Motion to Dismiss. (A copy of the Special Appearance and Motion to Dismiss is attached as Exhibit 5). Jennifer Rosser objected to removal. (See Jennifer's response, Exhibit 6).

The District Court of McClain County overruled John Rosser's motion to dismiss. Another hearing has been held, and the District Court of McClain County has assumed jurisdiction of the divorce action, but has declined jurisdiction of the guardianship action. (See Exhibit 8). The McClain County District Court has also stated that it would make the matter immediately appealable if the parties so desired.

Jennifer Rosser states that since the divorce action was filed in McClain County she has been denied any and all visitation with any of her children. She did attempt to reconcile with her husband for a brief time. During this time he demanded that she dismiss the instant case and drop any and all objections to Jurisdiction of the Absentee Shawnee Tribe. He also demanded that the divorce action in McClain County be dismissed. When she refused, he struck her, shoved her, and blacked her eye, making it impossible for her to live in the home. If she refuses to live with him and give him sexual favors, he will not allow her to visit her own children.

The instant case involves constitutional issues of a parent to the right of custody to their own child. It further involves constitutional and statutory issues as to whether or not a tribal

court can exercise jurisdiction in a new divorce matter filed in state court in which none of the parties are members of the Absentee Shawnee Tribe; where Jennifer Rosser has not consented to the new divorce being heard by tribal court; and where Jennifer Rosser has never lived on a reservation or on tribal land.

Counsel has lost contact with Jennifer Rosser. She has not called his office or cell phone in approximately 2 weeks, and all calls made to her telephone number are either not returned, or she is not getting them.

STATEMENT OF FACTS

1. Jennifer Rosser was common-law married to John Henry Rosser, III, from October, 2010 to May 27, 2012. She has three children, namely K.T., R.R., and J.R.. The oldest child was of a former marriage and is not the child of John Rosser, III. Jennifer Rosser and John Rosser, III, are the parents of the two younger children.

2. In July, 2010, Jennifer Rosser believed she needed to go to treatment for excessive use of prescription drugs. She has physical disabilities requiring that she take strong pain medication, but she was taking more than the amount prescribed. The drug treatment plan was expected to take approximately two months inpatient treatment.

3. John Henry Rosser, III, intended to take advantage of the situation. He requested a Temporary Guardianship from the Absentee Shawnee Tribal Court over K.T. in the event that her daughter needed medical attention. An order was issued by agreement of Jennifer Rosser which granted the defendant a **temporary guardianship for only 10 days and 10 days only**. The temporary guardianship order lapsed by its own terms on July 17, 2010. (See Exhibit 2, attached hereto, the temporary order of the Absentee Shawnee Tribal Court).

4. On August 4, 2010, at a time when Jennifer Rosser was in treatment, John Rosser obtained a decree of divorce from the Absentee Shawnee Tribal Court. There was no trial in that matter, and Jennifer Rosser merely signed off on the divorce decree. (See Exhibit 3).

5. The divorce decree granted the defendant custody of their two children.

6. Upon her release from treatment in October, 2010, Jennifer Rosser returned to her home with John Rosser. She was in a common law marriage from October, 2010, to May 27, 2012, and always had been the primary caretaker of the children, except for two months when she was in treatment, she took care of her children and husband, cleaned the home, cooked, and performed the duties of a housewife. (See Ex. 1). They lived together as husband and wife, held themselves out as husband and wife, had an exclusive relationship, filed income tax returns together as husband and wife, cohabitated, and established all of the elements necessary to establish a common-law marriage in the State of Oklahoma. (See Ex. 7, the 2011 Federal Income Tax Return of the parties).

7. John Rosser is not an Indian; he is not a member of any Indian tribe; and he is not eligible for tribal membership in any tribe as he is a non-Indian.

8. Jennifer Rosser is 1/256th degree Choctaw Indian. She is a member of the Choctaw Nation, and her children are members of the Choctaw nation. She has zero Absentee Shawnee blood.

9. None of the parties before the court are of Absentee Shawnee blood; they are not members of the Absentee Shawnee Tribe; and they are not eligible for membership in the Absentee Shawnee Tribe. Jennifer Rosser has never lived on an Indian reservation at any time. She does not live on tribal land and certainly not Absentee Shawnee tribal land.

10. On August 6, 2012, Jennifer Rosser filed a Petition for Dissolution of Marriage in the District Court of McClain County, State of Oklahoma. (See Exhibit 1).

11. John Rosser filed a Motion to Dismiss the state case based upon 11 U.S.C. § 1911, and claimed that the state court lacked jurisdiction in the instant case. (See Ex. 5). Jennifer Rosser filed a response objecting to the motion to dismiss. (See Ex. 6). The Honorable Judge Charles Gray heard the Motion to Dismiss on August 17, 2012 and denied the Motion to Dismiss at the present time, but he required that the case be submitted to the Absentee Shawnee Tribal Court for its determination as to jurisdiction.

12. The issues are:

1.. Does 11 U.S.C. § 1911 apply to new divorce actions?

2. Can state court decline jurisdiction of non-tribal children over the objections of the natural parent?

3. Is a Writ of Habeas Corpus in federal court an appropriate remedy where a tribe is illegally detaining non-tribal children?

4. Is there any need to exhaust tribal remedies where the children are non-tribal?

5. Does the tribe lack subject matter jurisdiction?

13. Jennifer Rosser verily believes that the attorney for John Rosser is well-connected with the Absentee Shawnee Tribal Court and that she cannot and will not get a fair trial in that court.

ARGUMENT AND AUTHORITY

Jennifer Rosser has not waived or conferred jurisdiction by consent upon the Absentee Shawnee Tribal Court in her divorce action pending in the District Court of McClain County. Even if she had consented to a divorce and guardianship in 2010, the law provides that a party

cannot waive or confer jurisdiction by consent when there is no basis for jurisdiction in law. In the Matter of the Estate of Big Spring, 255 P.3d 1212 (MT 2011). Where Oklahoma Law recognizes common law marriage, the tribal court should not be allowed to ignore that substantive law affords citizens of Oklahoma rights based on common law marriage. The United States Supreme Court has held that tribal status and the location of property may be the dispositive factor. Indian tribes are unique aggregations possessing attributes of sovereignty over their members and their territory. Brendale v. Confederated Tribes & Bands of Yakima Indian Nation, 492 U.S. 408, 457, 95 S.Ct. 710, 717, 42 L.Ed2d 706 (1989). None of the parties are tribal members. In the instant case, the rights of a parent to her child are at issue and are more important than property rights. Further, the tribe has no legitimate interest in nonmembers of its tribe.

The sole purpose of the stepfather bringing the case in tribal Court was so that John Rosser could gain an advantage because his attorney is well-connected to the tribe. John Rosser has continually relied on 25 U.S.C. § 1911. Reliance upon Section 1911 is clearly misplaced as that section does not apply to divorce actions. It only applies to cases involving the termination of parental rights. Federal courts have determined that the Indian Child Welfare Act (ICWA) does not apply to child custody proceedings pursuant to a divorce proceeding. Comanche Indian Tribe of Oklahoma v. Hovis, 53 F.3d 298 (10th Cir. 1995). In that case, the Indian tribe filed suit seeking a declaratory judgment that the tribal court had exclusive jurisdiction over custody of an Indian child proceeding (divorce action). The court recognized the importance of divorce proceedings in state court and issued a declaration that the Indian Child Welfare Act (Section 1911) did not apply to divorce proceedings. In that case, RhondaWahnee, a non-Indian, filed for

divorce from Stuart Wahnee, an unenrolled member of the Comanche Tribe. On July 9, 1987, the tribal court filed a formal motion to transfer jurisdiction pursuant to Section 1911 of ICWA. The mother objected to removal of the case to tribal court, and the tribe filed for a declaratory judgment. The state District Court denied removal, and the tribe filed an action for declaratory judgment requesting a declaratory judgment which found that the tribe had jurisdiction. Honorable Judge Wayne Alley issued the opinion in trial court. The 10th circuit affirmed the trial court. The court reasoned that Section 1911 of the Indian Child Welfare Act did not apply to divorce proceedings. In that case there was considerable argument over whether the children lived on tribal land and whether or not section 1911 applied. The court concluded that "clearly, the ICWA does not apply to child custody proceedings pursuant to a divorce." In doing so it relied upon 25 U.S.C. § 1903(1) and DeMent v. Oglala Sioux Tribal Court, 824 F.2d 510, 514 (8th Cir. 198). ."Therefore, the state court **could not** transfer its jurisdiction to the tribal court to make custodial determinations pursuant to the divorce proceeding." Id. At [1]. The court concluded that a declaratory judgment was appropriate in that case. Applying the court's rationale to the instant case, the District Court of McClain County can not transfer its jurisdiction to tribal court.

Even if there could be jurisdiction by consent of the parties, which Jennifer Rosser denies, the terms of 25 U.S.C. § 1911(b) require that the parties consent to a removal to tribal court. Jennifer Rosser makes it clear that she is not consenting to removal to tribal court.

Where the non-tribal mother objects to the transfer of proceedings to tribal court, such transfer can not be made over her objection. Matter of Adoption of Baby Boy L., 643 P.2d 168 (Kan. 1982). In Matter of Adoption of Baby Boy L., the Kansas Supreme Court construed the

Indian Child Welfare Act in a case similar to the case at bar. In that case a non-Indian mother gave birth to a child of a Kiowa Indian father. The non-Indian mother gave consent to the adoption of the child to the litigants who were non-Indians. The Kiowa tribe at Anadarko, Oklahoma, sought to intervene and have the proceeding transferred to tribal court. Id. at 173. The Kansas Supreme Court reasoned that (1) the child had never resided or was domiciled on a reservation; (2) the child was only 5/16 Kiowa Indian; and (3) the mother objected to transfer of the case to tribal court. The decision of the trial court to refuse transfer of the case to tribal court was upheld by the Kansas Supreme Court. In doing so the Kansas Supreme Court reasoned:

> "...the court, in the absence of good cause to the contrary, shall transfer such proceeding to the jurisdiction of the tribe, **absent objection by either parent,...**
>
> In the instant case, it is clear that the mother of Baby Boy L. objected to the transfer of the adoption proceeding to the Court of Indian Offenses and **as specifically provided by the statute such a transfer could not be made over her objections**...
>
> Assuming the mother had not objected to a transfer of jurisdiction, the court would have been justified in refusing transfer on the basis of 'good cause to the contrary.'" [Emphasis Added].

The consent of both parents to jurisdiction of the tribe is a condition precedent to tribal jurisdiction. If either parent objects to transfer of the case to tribal court, such transfer would not be "pursuant to law." Brown on Behalf of Brown v. Rice, 760 F. Supp. 1459 (D. Kan. 1991). Federal Courts have also upheld the right of a non-Indian to prevent removal of a case to tribal court. In Brown on Behalf of Brown, the Pottawatomi tribe sought to have the jurisdiction of an emergency custody case transferred to tribal court despite the objections of the parents. The Federal Court, in construing the jurisdictional limits of Indian rights under the Indian Child

Welfare Act reasoned that:

> "tribal court has exceeded the lawful limits of its jurisdiction in this matter."
>
> "This matter has not risen from the reservation. The children in question are not within the territorial or personal jurisdiction of the tribal court. Moreover, this matter has not been transferred to tribal court "pursuant to law"..."But, if the transfer was intended, the transfer was not 'pursuant to law.' Under the Indian Child Welfare Act, 25 U.S.C. 1911(b), a case involving children not domiciled on the reservation cannot be transferred from state court without the consent of the parent." Id. at 1463.

The Brown on Behalf of Brown court continued to reason that "Of course they [the parents] did object after the transfer. So, the law was not followed." The Federal court went so far as to allow a lawsuit against the tribe for its actions in the illegal intervention. In the instant case any intervention by the tribe when the mother objects, as Jennifer Rosser is doing, may subject the tribe to civil liability for its actions if the tribe were to continue in its attempt to intervene in the instant case. The Brown on Behalf of Brown court reasoned, "We...conclude that tribal sovereign immunity does not bar suit for prospective relief against tribal officers allegedly acting in violation of federal law." Brown on Behalf of Brown, at 1464. Citing with approval California v. Harvier, 700 F.2d 1217, 1221, 1224 (9th Cir. 1983). "...the court believes that the tribal court's assertion of jurisdiction over Melanie and Crystal Brown, contrary to the wishes of Allen and Leslie Brown, exceeds the jurisdictional power of the tribal court and, therefore, is contrary to federal common law." Id. at 1465. See also Application of DeFender, 435 N.W.2d 717 (S.D. 1989); B.R.T. v. Executive Director of Social Service Bd. North Dakota, 391 N.W.2d 594 (N.D. 1986); Matter of W.L., 859 P.2d 1019 (Mont. 1993).

Jennifer Rosser, a non-tribal member, shows that she has concerns that she may not get a fair trial in tribal court. Somehow, John Rosser contends that the Absentee Shawnee tribe may desire to intervene in the instant case. However, the desire of the Indian tribe to intervene in the

instant case is irrelevant and in fact removal of the instant case to tribal court is impossible in view of the objection of Jennifer Rosser to any such removal. Jennifer Rosser shows that she is a proper and fit person to have custody of her children. Jennifer hereby vigorously objects to the removal of the instant case to tribal court.

This court has jurisdiction to determine whether a child is a member of the Absentee Shawnee Tribe. Clearly, none of the parties before the court have any legal connection to the Absentee Shawnee Tribe. A district court has jurisdiction to determine whether a child was a member of the Cherokee nation, so as to trigger application of the Indian Child Welfare Act proceeding. In re Larch, 872 F.2d 66 (4th Cir. 1989). The Indian Child Welfare Act does not deprive state courts of their jurisdiction over children of Indian descent living off the reservation. Fletcher v. State of Florida, 858 F.Supp. 169 (M.D. Fla. 1994). An important factor is whether or not a child is a member of the tribe or eligible for membership in the tribe. In the instant case, none of the parties, the parents or the children are members of the Absentee Shawnee Tribe. In re Adoption of S.S., 622 N.E.2d 832, cert den. 166 S.Ct. 1320, 517 U.S. 1104, 134 L.ED.2d 472 (1993).

Jennifer Rosser has an absolute right to bring the instant action in federal court to test the legality of the detention of her children by The Absentee Shawnee Tribe. This right is guaranteed by 25 U.S.C. § 1303.

25 U.S.C. §1303, **Habeas Corpus** provides:

> "the privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of the Indian Tribe."

Jennifer Rosser is before the court to test the legality of an order of the Absentee Shawnee Tribal Court. She asserts that her minor child is being illegally detained by an order of

The Absentee Shawnee Tribal Court. Jennifer Rosser asserts that she need not exhaust remedies in tribal Court before presenting the instant Application for a Writ of Habeas Corpus. Even though section 1302 of this title imposes a form of due process limitation upon Indian tribes, the sole federal remedy for alleged violation of 1302 or 1303 is application for federal habeas corpus relief under section 1303 making a writ of habeas corpus available to test the legality of the termination's by order of the Indian tribe. Trans-Canada Enterprises, LTD v. Holt Muckleshoot Indian Tribe, 634 F.2d 474 (9th Cir. 1980). The only remedy available to vindicate rights under this chapter is that of habeas corpus. Mousseaux v. U.S. Com'r of Indian Affairs, 28 F.3d 786 (D.C.D. 1992). A defendant was not required to exhaust remedies in tribal court before he can seek habeas corpus where the defendant was not a member of such tribe. Means v. Northern Cheyenne Tribal Court, 154 F.3d 486 (8th Cir. 1998). Exhaustion of remedies was not required prior to petitioning for habeas corpus to challenge jurisdiction of tribal court. Graywater v. Joshua, 846 F.2d 486 (8th Cir. 1988). A criminal defendant, contesting legality of his detention by order of an Indian tribe, is not required to first exhaust his challenges in tribal court before seeking habeas corpus in federal court. In re Garvis, 402 F.Supp. 1219 (E.D. Cal. 2004). Existence of habeas corpus provision in this section does not limit federal jurisdiction to those proceedings. Loncassion v. Leekity, 334 F.Supp. 370 (D.C.N.M. 1971).

John Rosser, III, is not the father of K.T. As a non-parent, he has no legal rights to the child of Jennifer Rosser. As Justice Hodges wrote in York v. Halley, 534 P.2d 363 (Okla. 1975), No. 48,329:

> "The Court has frequently emphasized the importance of the family. The rights to conceive and to raise one's [own] children have been deemed essential. Meyer v. Nebraska, 262 U.S. 390, 399, 43 S.Ct. 625, 626; 67 L.Ed. 1042 [1045, 29 A.L.R. 1446](1923), basic rights of man, Skinner v. Oklahoma, 316 U.S. 535, 541; 62

> S.Ct. 1110, 1113; 86 L.Ed. 1655 [1160](1942), and [r]ights far more precious...than property rights, May v. Anderson, 345 U.S. 528, 533; 73 S.Ct. 840; 843, 97 L.Ed. 1221 [1226](1953).
>
> It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder. Prince v. Massachusetts, 321 U.S. 158, 166; 64 S.Ct. 438, 442; 88 L.Ed. 645 [652](1944). The integrity of the family unit has found protection in the Due Process Clause of the Fourteenth (14) Amendment, Meyer v. Nebraska, supra, 262 U.S. at 399; 43 S.Ct [625] at 626; [67L.Ed at 1045], the Equal Protection Clause of the Fourteenth (14) Amendment, Skinner v. Oklahoma, supra, 316 U.S., at 541; 62 S.Ct. [1110], at 1113; [86 L.Ed. at 16601], and at the Ninth (9) Amendment, Griswold v. Connecticut, 381 U.S. 479, 496; 85 S.Ct. 1678; 14 L.Ed.2d 510 [522](1965)(Goldberg,J. concurring)."

Jennifer Rosser asserts that John Rosser, III, is attempting to steal her child by a former marriage. He has denied her visitation with her children, and he is attempting to force her to live with him. She states that it is not possible for her to live with him anymore because he is abusive to her and shoves her, slaps her in the face, threatens her, curses her in front of the children, and is very abusive to her. She states that John Rosser is an alcoholic and that he is a mean drunk when he is drinking. She tolerated the abuse for a long time, but she reached a point where she could tolerate the abuse no more. She moved into a battered women's shelter with her children. And it would have remained so if John Rosser had not used a defunct guardianship order that lapsed on July 17, 2010, and a divorce decree that was set aside by common law marriage to remove her children under threat of criminal prosecution and incarceration in jail.

WHEREFORE, Jennifer Rosser moves this court to overrule the Motion to Dismiss of the Defendant Carla Haddox; issue a Writ of Habeas Corpus which finds that all her children are being illegally restrained by order of the Absentee Shawnee Tribal Court; order that her children be returned to her instanter; to further enter a declaratory judgment finding that 11 U.S.C § 1911

and the Indian Child Welfare Act do not apply to divorce proceedings; to further enter an order that the District Court of McClain County cannot transfer the divorce case to tribal court; that **the** Absentee Shawnee Tribe has no interest in nor jurisdiction over the parties in the instant case as none of the parties are of that tribe, neither do they live or reside on a reservation or tribal land, for costs and attorneys fees from John Rosser, III; and for such other and further relief as the court may deem equitable in the circumstances

RESPECTFULLY SUBMITTED,

s/ Jack Tracy

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CERTIFICATE OF SERVICE

I hereby certify that, on this 25th day of January, 2013, I electronically transmitted the above document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/ Jack Tracy
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