UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

CIVIL ACTION NO.: 19-cv-62204 – BLOOM/Valle

JENNIFER M. JANIVER,

Plaintiff,

vs.

SEMINOLE HARD ROCK HOTEL CASINO,

Defendant.
_____/

DEFENDANT, SEMINOLE HARD ROCK HOTEL CASINO'S, MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION, OR IN THE ALTERNATIVE, FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED (DISPOSITIVE MOTION)

Defendant, SEMINOLE HARD ROCK HOTEL CASINO[1] ("Seminole Tribe of Florida"), by and through the undersigned counsel, hereby moves, pursuant to Rule 12(b)(1) & 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing the claims set forth in Plaintiff, JENNIFER M. JANIVER's, Complaint [D.E. 1-2] with prejudice for lack of subject matter jurisdiction, or in the alternative, failure to state a claim upon which relief can be granted. As grounds for this motion, the Seminole Tribe of Florida states as follows:

I. PROCEDURAL AND FACTUAL BACKGROUND

Plaintiff initiated this action on June 11, 2019, in the in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, styled Jennifer M. Janiver vs.

[1] The correct legal entity of Defendant in this action is "Seminole Tribe of Florida." Plaintiff improperly named the Defendant as "Seminole Hard Rock Hotel Casino," which is not a separate legal entity, nor is it the proper fictitious name.

Seminole Hard Rock Hotel Casino, and designated as Case No.: CACE-19-12074[2]. [D.E. 1-2]. Thereafter, on or about August 5, 2019, Plaintiff served her Complaint on the Seminole Tribe of Florida, which is a federally recognized Indian tribe, based on the Complaint that named as the Defendant "Seminole Hard Rock Hotel Casino," which is not a separate legal entity, nor a proper fictitious name of the Seminole Tribe of Florida.

On September 4, 2019, the Seminole Tribe of Florida timely filed its Notice of Removal, as Plaintiff's Complaint purports to state a cause of action for employment discrimination based on race and national origin for an alleged incident that occurred when she applied for an employment position with the Seminole Tribe of Florida on or about January 1, 2019. [D.E. 1].

Specifically, in Plaintiff's Complaint, she alleges that she "applied for a position with [the Seminole Tribe of Florida] as a Customer Service Representative" and when she spoke to a woman in the "Human Resources Department," the woman spoke to her "in a loud, rude voice and said to me that I can only work in the back to do dishes", in violation of Title VII[3]. [D.E. 1-2,.¶¶ 4-5]. Thus, Plaintiff contends she was discriminated against based on her "race (Black) and national origin (Haiti)." [D.E. 1, ¶¶ 4].

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[2] That same day, Plaintiff also filed a Complaint in a related case Jennifer M. Janiver vs. Seminole Hard Rock, and designated as Case No.: CACE-19-12077 also for an alleged Title VII (sexual harassment) violation. The docket number for this related case in the Southern District of Florida is 19-cv-62207. Simultaneously, the Seminole Tribe of Florida is also filing a Motion to Dismiss for Lack of Subject Matter Jurisdiction, or in the alternative, Failure to State a Claim Upon Which Relief Can Be Granted in the related matter.

[3] Based on the face of the Complaint, it appears that Plaintiff brings her cause of action under "Title VII" however, in the handwritten complaint she seems to have made reference to "Title VI," in another part of the Complaint. Since Plaintiff's allegations relate to a claim for employment (applicant) discrimination based on race and national origin, under Title VII claim, and makes no assertions related to a federal funding claim under Title VI, Defendant's analysis herein is based on Title VII. It appears that the reference to Title VII is a typographical error.

Based upon the matters set forth herein, any action arising against the Seminole Tribe of Florida must be dismissed for lack of subject matter jurisdiction, as it is a federally recognized Indian tribe exempt from Title VII and there has been no waiver of the Seminole Tribe of Florida's tribal sovereign immunity for the instant action. Alternatively, Plaintiff's Complaint should be dismissed for failure to state a claim upon which relief can be granted as she failed to assert that she properly exhausted her administrative remedies with the United States Equal Employment Opportunity Commission (the "EEOC") prior to filing this lawsuit, failed to assert that her lawsuit was timely filed within 90-days from her receipt of the EEOC Dismissal and Notice of Right to Sue, and failed to state a claim for employment discrimination based on race and national origin. Accordingly, Plaintiff's Complaint fails as a matter of law and is subject to dismissal with prejudice.

II. MEMORANDUM OF LAW

A. STANDARD OF REVIEW

i. Lack of Subject Matter Jurisdiction

A motion to dismiss based on lack of subject matter jurisdiction can be raised at any time. See Cochran v. U.S. Health Care Financing Administration, 291 F.3d 775, 778 n. 3 (11th Cir. 2002). In fact, "[w]henever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action." Fed. R. Civ. P. 12(h)(3).

The challenge under a Rule 12(b)(1) motion is to the actual existence of subject matter jurisdiction, rather than to the mere sufficiency of the allegations in the Compliant. Melbourne v. Augmar Montilla Int'l, Inc., No. 03-Civ-62200, 2004 WL 1767740, at *1 (S.D. Fla.) (citing Trentacosta v. Frontier Pac. Aircraft Indus., Inc., 813 F.2d 1553, 1558 (9th Cir. 1987). The

pleading's allegations are then merely evidence on the issue and not controlling. Id. The plaintiff must prove the actual existence of subject matter jurisdiction regardless of the allegations. Id. The Eleventh Circuit has explained:

> [W]hen a defendant properly challenges subject matter jurisdiction under Rule 12(b)(1) the district court is free to independently weigh facts, and 'may proceed as it never could under Rule 12(b)(6) or Fed. R. Civ. P. 56. Because at issue in a factual 12(b)(1) motion is the trial court's jurisdiction-its very power to hear the case-there is substantial authority that the trial court is free to weigh the evidence and satisfy itself as to the existence of its power to hear the case. In short, no presumptive truthfulness attaches to plaintiff's allegations, and the existence of disputed material facts will not preclude the trial court from evaluating for itself the merits of the jurisdictional issue.'

Morrison v. Amway Corp., 323 F.3d 920, 925 (11th Cir. 2003) (citing Lawrence v. Dunbar, 919 F.2d 1525, 1529 (11th Cir. 1990)). Because subject-matter jurisdiction focuses on the court's power to hear the claim, the court must give the plaintiff's factual allegations closer scrutiny when resolving a Rule 12(b)(1) motion than would be required for a Rule 12(b)(6) motion for failure to state a claim. Macharia v. United States, 334 F.3d 61, 64, 69 (D.C. Cir. 2003).

ii. Failure to State a Claim Upon Which Relief Can be Granted.

Alternatively, Plaintiff's Complaint fails to state a claim upon which relief can be granted and should be dismissed. See Fed. R. Civ. P. 12(b)(6). While a plaintiff "does not need detailed factual allegations . . . a plaintiff's obligation to provide the 'grounds' of his 'entitle[ment] to relief' requires more than labels and conclusions, and a formulaic recitation of a cause of action's elements will not do." Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007). Further, the allegation in the complaint must be based on fact and "raise a right to relief above the speculative level." Id. Thus, "where the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged—but it has not 'show[n]'—'that the pleader is entitled to relief.'" Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009). It is necessary that

plaintiff shows that she is entitled to relief and "[f]actual allegations must be enough to raise a right to relief above the speculative level" so that the claim is 'plausible on its face." Twombly, 550 U.S. at 555, 570. See also Iqbal, 556 U.S. at 678.

B. ARGUMENTS

i. Seminole Tribe of Florida is Not an "Employer" Under Title VII.

The Seminole Tribe of Florida is not an "employer" as defined by Title VII. An "Indian tribe is only subject to suit only where Congress has authorized the suit or the tribe has waived its immunity." Kiowa Tribe of Oklahoma v. Mfg. Techs., Inc., 523 U.S. 751, 754 (1998). The law is clear that Congress has not authorized suits under Title VII against Indian tribes, as the federal statute expressly states that "[t]he term 'employer' … does not include … an Indian tribe …" 42. U.S.C. § 2000(e)(b); See also Taylor v. Alabama Intertribal Council Title IV J.T.P.A., 261 F.3d 1032, 1035 (11th Cir. 2001) (acknowledging that "Congress expressly exempts Indian tribes from the definition of employer under Title VII"); Mastro v. Seminole Tribe of Florida, 578 Fed. Appx. 801, 802 (11th Cir. 2014) (Title VII does not apply to the Seminole Tribe of Florida); Longo v. Seminole Indian Casino-Immokalee, 813 F.3d 1348, 1350 (11th Cir. 2016) (Title VII is not applicable to the Seminole Tribe of Florida d/b/a Seminole Indian Casino-Immokalee) .

The Eleventh Circuit has specifically addressed the applicability of Title VII to the Seminole Tribe of Florida in both Mastro and Longo. In Mastro, the Eleventh Circuit held that since "Congress did not authorize suits against the Tribe under the Act [Title VII]," the court lacked subject matter jurisdiction over the Seminole Tribe of Florida. Mastro, 578 Fed. Appx. at 802. And likewise, in Longo, the Eleventh Circuit held that a claim for a Title VII violation cannot be brought against the Seminole Tribe of Florida. Longo, 813 F.3d at 1350. Accordingly,

it is well settled that the Seminole Tribe of Florida, an Indian tribe, may not be sued under Title VII. Therefore, this Court lacks subject matter jurisdiction over Plaintiff's claim and dismissal with prejudice is proper.

It makes no difference that Plaintiff named "Seminole Hard Rock Hotel Casino" as the defendant, instead of naming the Seminole Tribe of Florida. The Plaintiff refers to the allegations as occurring at a tribal owned and operated entity. In Mastro, the Eleventh Circuit found that when a plaintiff brought a claim against the "Seminole Tribe of Florida, d/b/a Seminole Indian Casino-Immokalee" for an alleged Title VII violation, the case was actually being brought against the Tribe as the casino was not a separate legal entity. Mastro, 578 Fed. Appx. at 802-803. As such, the Eleventh Circuit found that "the only legal entity properly named as a defendant in this case is the Tribe, which, as discussed above, is not subject to suit under Title VII" and affirmed the lower court's finding that there was no subject matter jurisdiction. Id. at 803.

In the instant action, Plaintiff brings her lawsuit against the Seminole Tribe of Florida. Plaintiff improperly named the Defendant as "SEMINOLE HARD ROCK HOTEL CASINO," which is not a separate legal entity, nor is it the proper fictitious name. Thus, this suit is brought directly against the Seminole Tribe of Florida, which is a federally recognized Indian tribe, just as in Mastro. Since the Seminole Tribe of Florida is a federally recognized Indian tribe, which is expressly exempt from the definition of "employer" under Title VII, this Court lacks subject matter jurisdiction over the instant action and Plaintiff's Complaint should be dismissed with prejudice.

ii. Seminole Tribe of Florida Has Not Waived Its Tribal Sovereign Immunity.

In the event the Court interprets Plaintiff's Complaint as being brought under Title VI instead, then this Court still lacks subject matter jurisdiction over Plaintiff's claim against the Seminole Tribe of Florida based upon tribal sovereign immunity. As a sovereign Indian tribe, the Seminole Tribe of Florida, as well as any of its subordinate governmental units, its police officers or any other employees or agents are entitled to sovereign immunity. Section 16 of the *Indian Reorganization Act of 1934*, as amended, 25 U.S.C. § 5123, establishes the right of an Indian tribe to organize for the common welfare of its members by adopting a constitution and bylaws in accordance with the provisions of the Act. By adoption of its constitution, the Seminole Tribe of Florida became a fully recognized Indian tribe under the laws of the United States. A true and correct copy of the Amended Constitution and Bylaws of the Seminole Tribe of Florida is attached hereto and incorporated herein as **Exhibit "A."**[4] As such, this recognition vested in the tribal government certain powers in addition to its pre-existing sovereign powers. One of the long standing sovereign powers that the Seminole Tribe of Florida has always had and retained is its right as a sovereign tribal government to sovereign immunity for itself, its subordinate governmental units, such as Seminole Police Department, and its employees and agents.

The United States Supreme Court has recognized that Indian tribes "retain their original natural rights" that were vested in them, as sovereign governmental entities, existing long before the genesis of the United States. Fla. Paraplegic Assoc. v. Miccosukee Tribe of Indians of Fla., 166 F.3d 1126, 1130 (11th Cir. 1999). The principle of tribal sovereign immunity from

[4] While the Court is limited in its review to the well-pled allegations in the Complaint on facial attacks to subject matter jurisdiction, when, as in the present matter, there is also a factual attack, the Court may consider matters and documents outside the pleadings. Lawrence v. Dunbar, 919 F.2d 1525, 1529 (11th Cir. 1990); Mastro v. Seminole Tribe of Fla., 2013 WL 3350567, *2 (M.D. Fla. 2013).

suit is a well-established doctrine. U.S. v. U.S. Fidelity Guar. Co., 309 U.S. 506, 512 (1940); Santa Clara Pueblo v. Martinez, 436 U.S. 49, 56 (1978); Okla. Tax Comm'n v. Citizen Band Potowatomi Indian Tribe of Okla., 498 U.S. 505, 509-10 (1991); Kiowa Tribe of Okla., 523 U.S. at 754-55; Houghtaling v. Seminole Tribe of Fla., 611 So. 2d 1235, 1239 (Fla. 1993). The doctrine of tribal sovereign immunity is essential to guard against the unwarranted exercise of state and federal jurisdiction over tribal affairs, which would impinge on tribal self-government.

Further, unlike other types of governmental entities, Indian tribes would find the loss of assets more difficult to replace because Indian tribes have a limited revenue base over which to spread losses. See Atkinson v. Haldane, 569 P. 2d. 151, 169 (Alaska 1977). Tribal sovereign immunity is essential to protect tribal assets which are held for the benefit of all tribal members and must be available at all times to be applied to meet tribal needs. If tribal assets are permitted to be dissipated through litigation, long standing Congressional efforts to provide Indian tribes with economic and political autonomy would be frustrated. Cogo v. Cent. Council of the Tlingit & Haida Indians, 465 F. Supp. 1286, 1288 (D. Alaska 1979).

Tribal sovereign immunity does not derive from an act of Congress, but rather is one of the inherent powers of limited sovereignty which has never been extinguished. Id. at 1498. In United States Fidelity Guaranty Company, 309 U.S. at 512, the United States Supreme Court held that "Indian nations are exempt from suit without Congressional authorization." As noted in Kiowa, *supra*, and its numerous predecessors, including, Bank of Okla. v. Muscogee Creek Nation, 972 F.2d 1166, 1169 (10th Cir. 1992), "the basic law of sovereign immunity for Indian Tribes is clear: suits against Indian Tribes by third parties are barred by sovereign immunity absent a clear waiver by the Tribe or congressional abrogation." See also State of Fla. v.

Seminole Tribe of Fla., 181 F.3d 1237, 1241 (11th Cir. 1999). Moreover, since an Indian tribe's sovereign immunity is coextensive with that of the United States, a party may not maintain a claim against an Indian tribe or any of its authorized agents or subordinate governmental units absent a firm showing of an effective waiver which is unequivocally and unmistakably expressed. Ramey Constr. Co., Inc., v. Apache Tribe of Mescalero Reservation, 673 F.2d 315, 319-320 (10th Cir. 1982).

As previously noted, a waiver of tribal sovereign immunity "cannot be implied but must be unequivocally expressed." Santa Clara Pueblo v. Martinez, 436 U.S. at 58; see also Am. Indian Agric. Credit Consortium, Inc. v. Standing Rock Sioux Tribe, 780 F.2d 1374, 1378 (8th Cir. 1985) (expressing an Indian tribe's unquestionable right to sovereign immunity absent an express waiver thereof). It is equally well settled that tribal sovereign immunity extends to tribal agencies and tribal organizations. Weeks Constr., Inc. v. Oglala Sioux Housing Authority, 797 F.2d 668, 670-671 (8th Cir. 1986).

The Amended Tribal Constitution of the Seminole Tribe of Florida expressly prohibits the Tribal Council from delegating any of its constitutional authority in the absence of a tribal ordinance or resolution duly enacted by the Tribal Council in legal session. In fact, Article V, Section 9(a) of the Amended Tribal Constitution forbids delegation of any of the authorities contained in the Amended Constitution to tribal officials or others *except* by Tribal ordinance or resolution. Thus, in order for any contract or waiver of tribal rights to be valid, effective and binding upon the Seminole Tribe of Florida as a sovereign government, the Tribal Council's approval of the waiver would need to be embodied in an ordinance or resolution duly enacted by the Tribal Council in legal session. A true and correct copy of the Seminole Tribal Sovereign Immunity Ordinance C-01-95 is attached hereto and incorporated herein as **Exhibit "B."**

Here, Plaintiff's Complaint is facially devoid of any allegation that the either Congress or the Seminole Tribe of Florida unequivocally expressed a waiver of tribal sovereign immunity. Additionally, there is no factual support for a waiver of tribal sovereign immunity by the Tribal Council of the Seminole Tribe of Florida for any of Plaintiff's claims alleged in her Complaint, nor is there any applicable federal statute enacted pursuant to the plenary power of Congress over Indian tribes, which abrogates tribal sovereign immunity as to the type of claim asserted by Plaintiff. Consequently, there has been no waiver of the Seminole Tribe of Florida's sovereign immunity for Title VII claims and Plaintiff's Complaint should be dismissed with prejudice, as this Court lacks subject matter jurisdiction over the Seminole Tribe of Florida for the instant matter.

iii. Plaintiff Failed to Assert that She Exhausted Her Administrative Remedies.

In the event this Court finds that it has jurisdiction over the Seminole Tribe of Florida, Plaintiff's Complaint should still be dismissed for failure to state a claim upon which relief can be granted[5], as Plaintiff failed to assert that she properly and timely exhausted her administrative remedies prior to filing this lawsuit, as required under Title VII. As a preliminary matter, to the extent that Plaintiff is relying on Title VII, before she may pursue a Title VII discrimination claim, she must first exhaust her administrative remedies. Price v. M & H Valve Co., 177 Fed. Appx. 1, 9 (11th Cir. 2006). Specifically, a plaintiff must file a timely charge of discrimination with the EEOC before suing under Title VII. Id.; H&R Block E. Enterprises, Inc. v. Morris, 606 F.3d 1285, 1295 (11th Cir. 2010). Prior to filing a Title VII action, the plaintiff must "timely charge of discrimination with the EEOC within 180 days of the last discriminatory act." H&R

[5] The United States Supreme Court recently held that "Title VII's charge-filing instruction is not jurisdictional," as a "rule may be mandatory without being jurisdictional." Fort Bend County, Texas v. Davis, 139 S. Ct. 1843, 1846 & 1852 (2019).

Block E. Enterprises, Inc., 606 F.3d at 1295; See 42 U.S.C. § 2000e-5. Further, "a plaintiff must generally allege in his complaint that 'all conditions precedent to the institution of the lawsuit have been fulfilled.'" Jackson v. Seaboard Coast Line R. Co., 678 F.2d 992, 1010 (11th Cir. 1982) (citing Fed. R. Civ. P. 9(c)).

Here, Plaintiff purports to bring an action against the Seminole Tribe of Florida under Title VII, yet she fails to substantiate her allegations with any evidence that she met the conditions precedent prior to filing her lawsuit. Based on the face of the Complaint, Plaintiff has not alleged that she met the conditions precedent by exhausting her administrative remedies, nor has she attached any such Dismissal and Notice of Rights from the EEOC to show this action was timely filed. Consequently, Plaintiff's Complaint fails to state a claim upon which can be granted and her Complaint should be dismissed with prejudice.

iv. Plaintiff Fails To State A Claim for Employment Discrimination Based on Race and National Origin.

Plaintiff's Complaint should also be dismissed for failure to state a claim upon which relief can be granted, as her Complaint fails to state a claim for employment discrimination based on race and national origin under Title VII. See 42 U.S.C. § 2000e-2(a). The Eleventh Circuit recently observed that

> An employer may run afoul of Title VII when it "has 'treated [a] particular person less favorably than others because of' a protected trait." Ricci v. DeStefano, 557 U.S. 557, 577, 129 S.Ct. 2658, 174 L.Ed.2d 490 (2009) (quoting Watson v. Fort Worth Bank & Trust, 487 U.S. 977, 985–86, 108 S.Ct. 2777, 101 L.Ed.2d 827 (1988)). "Although a Title VII complaint need not allege facts sufficient to make out a classic McDonnell Douglas prima facie case, it must provide 'enough factual matter (taken as true) to suggest' intentional race discrimination." Davis v. Coca-Cola Bottling Co. Consol., 516 F.3d 955, 974 (11th Cir. 2008) (quoting Twombly, 550 U.S. at 556, 127 S.Ct. 1955).

Nurse v. City of Alpharetta, 18-10597, 2019 WL 2323836, at *2 (11th Cir. May 31, 2019). In order to establish a prima facie case of discrimination, the plaintiff must prove that: "(i) that

[s]he belongs to a racial minority; (ii) that [s]he applied and was qualified for a job for which the employer was seeking applicants; (iii) that, despite [her] qualifications, [s]he was rejected; and (iv) that, after [her] rejection, the position remained open and the employer continued to seek applicants from persons of complainant's qualifications." McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802 (1973), holding modified by Hazen Paper Co. v. Biggins, 507 U.S. 604 (1993).

Here, Plaintiff's Complaint alleges that when she applied for a job with the Seminole Tribe of Florida, a Human Resources representative spoke to her "in a loud, rude voice and said to me that I can only work in the back to do dishes" and, therefore, she was "discriminated against due to my Race (Black) and National Origin (Haiti)," in violation of Title VII. Plaintiff's Complaint fails to provide any facts which indicate she was treated less favorably than others of a protected trait. In fact, Plaintiff does not allege any of her qualifications for the job in which she was applying, or that she was treated differently than any other applicants. That is to say, Plaintiff has not alleged any facts to suggest that there was any intentional discrimination based on her race and/or national origin and instead only provides speculative and conclusory statements. Consequently, Plaintiff's Complaint should be dismissed for failure to state a claim upon which relief can be granted.

III. CONCLUSION

Based upon the aforementioned reasons, the Seminole Tribe of Florida, which is a federally recognized Indian Tribe, is immune from a Title VII lawsuit, as the Seminole Tribe of Florida is not an "employer" under Title VII. Further, the Seminole Tribe of Florida is immune from Plaintiff's lawsuit based upon the doctrine of tribal sovereign immunity, and it has not waived its immunity to allow this claim. In the event this Court does not dismiss Plaintiff's

lawsuit with prejudice based on this court's lack of subject matter jurisdiction or the Seminole Tribe of Florida's immunity, Plaintiff's Complaint should be dismissed for failure to state a claim upon which relief can be granted, as Plaintiff failed to assert she is protected by Title VII has failed to assert she exhausted her administrative remedies prior to filing this lawsuit, has failed to assert her Complaint was timely filed, and has not stated a claim for employment discrimination based on race and national origin, as she did not allege sufficient facts to state such a claim. Accordingly, Plaintiff's Complaint should be dismissed. The Seminole Tribe of Florida further seeks recovery of all attorney's fees, expenses and costs incurred in defending this action pursuant to Seminole Tribal Sovereign Immunity Ordinance C-01-95.

IV. CERTIFICATE OF CONFERRAL

Pursuant to Local Rule 7.1(a)(3), undersigned counsel made reasonable efforts to confer with Plaintiff by telephone on September 11, 2019 at approximately 2:00 p.m., and by email on September 11, 2019 at 2:35 p.m., but has been unable to do so.

Dated: September 11th 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above was filed with the Clerk of the Court using CM/ECF. I further certify that I mailed the foregoing documents and the Notice of Electronic Filing by e-mail, U.S. Mail, and Certified Mail on Plaintiff (*Pro Se*), Jennifer M. Janiver, P.O. Box 292042, Fort Lauderdale, FL 33329 (gler.79v6@gmail.com) this 11th day of September, 2019.

Respectfully submitted,

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