

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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BEAN LLC d/b/a FUSION GPS )  
 1700 Connecticut Ave., NW, )  
 Suite 400 )  
 Washington, DC 20009, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DEFENDANT BANK, )  
 )  
 Defendant. )

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Civil Action No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Acting *ultra vires*, Congressman Devin Nunes (“Mr. Nunes”) has signed and issued an exceedingly broad subpoena demanding that a bank to produce two years’ worth of its customer Plaintiff Bean LLC d/b/a Fusion GPS’s (“Fusion’s”) irrelevant but private financial records, without even notifying Fusion of the subpoena, in violation of the Right to Financial Privacy Act. The broad, *ultra vires* subpoena also demands documents that would reveal the identities of Fusion’s clients, on whose behalf Fusion conducted confidential political research; thus, disclosure of the bank records would violate the First Amendment rights of Fusion and its clients to engage in free political speech and free association.

2. Mr. Nunes served on Mr. Trump’s presidential campaign and recused himself from the U.S. House of Representatives Permanent Select Committee on Intelligence’s (“HPSCI” or “Committee”) “investigation” of Russian influence on that campaign. But he has since emerged – in violation of his recusal and acting *ultra vires* – to sign and issue a subpoena

to a bank, Defendant Bank,<sup>1</sup> for Fusion's financial records in violation of statutory and First Amendment rights. The *ultra vires* issuance of this subpoena is not a legitimate legislative activity. Although the bank submitted objections, Mr. Nunes – through staff – rejected them. In light of that communication, the bank then informed its customer that the bank was going to timely comply with the *ultra vires* subpoena on October 23, 2017, even though compliance will violate the statutory and First Amendment rights of both its customer (Fusion) and Fusion's clients.

3. Fusion brings this action to prevent its bank, Defendant Bank, from imposing irreparable harm by disclosing Plaintiff's records in violation of the First Amendment, the Right to Financial Privacy Act, 12 U.S.C. § 3401 *et seq.*, and the Gramm-Leach-Bliley Act, 15 U.S.C. § 6801 *et seq.*, in response to the Mr. Nunes' *ultra vires* subpoena. Plaintiff seeks a declaratory judgment and injunction preventing Defendant Bank from taking any further action to comply with Mr. Nunes' *ultra vires* subpoena served on Defendant Bank, for Plaintiff's records and documents related thereto.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction under 12 U.S.C. § 3416 (Right to Financial Privacy Act) and 28 U.S.C. § 1331 (federal question). Plaintiff seeks remedies under 28 U.S.C. §§ 2201 and 2202 (Declaratory Judgment Act) and 12 U.S.C. § 3418 (Right to Financial Privacy Act).

5. Venue is proper under 28 U.S.C. § 1391(b).

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<sup>1</sup> Contemporaneously with the filing of this Complaint, Plaintiff has filed a Motion for Defendant to Proceed Under a Pseudonym, which sets forth the basis upon which Plaintiff seeks to protect the identity of Defendant Bank.

## PARTIES

6. Plaintiff Bean LLC d/b/a Fusion GPS is incorporated in Delaware, and its principal place of business is in Washington, DC.

7. Plaintiff is a partnership of five or fewer individuals and thus a “person” under the Right to Financial Privacy Act (RFPA), 12 U.S.C. § 3401(4). Plaintiff is a “customer” of Defendant Bank under the RFPA. 12 U.S.C. § 3401(5).

8. Plaintiff is a “consumer” for purposes of the Gramm-Leach-Bliley Act, 15 U.S.C. § 6801 *et seq.*

9. Defendant Bank is a national bank headquartered outside of the District of Columbia, but within the United States of America. Defendant Bank is a “financial institution” for purposes of the Right to Financial Privacy Act, 35 U.S.C. § 3401(1). It has multiple branch offices in the District of Columbia.

## FACTUAL ALLEGATIONS

10. Plaintiff Bean LLC d/b/a Fusion GPS has been an accountholder and customer of Defendant Bank from January 11, 2016 to the present. Plaintiff opened the account at one of Defendant Bank’s branch offices in the District of Columbia.

11. Plaintiff is a research firm that provides strategic intelligence and due diligence services to corporations, law firms, and investors worldwide. From time to time, it engages in political activity by performing opposition research on political candidates.

12. During the 2016 presidential election campaign, various clients hired Plaintiff to conduct political opposition research on then-candidate Donald J. Trump.

13. As part of their association with Plaintiff, those clients entered into contracts with Plaintiff to conduct political opposition research on the qualifications of Candidate Trump and paid Plaintiff for that work.

14. On information and belief, those payments from clients who associated with Plaintiff for purposes of engaging in political activity are recorded in Plaintiff's financial records held by Defendant Bank.

15. In the course of its political opposition research, Plaintiff contracted with a former British intelligence official to research Donald J. Trump's ties to Russia. This research led to a series of memos, referred to in the news media as the "Trump Dossier."

16. In reaction to the "Trump Dossier," President Trump and certain Republican chairs of congressional committees have launched a campaign to demonize Plaintiff and to chill Plaintiff and anyone else from conducting any future confidential opposition research on President Trump and his political confederates. Just yesterday, President Trump tweeted: "Workers of firm involved with the discredited and Fake Dossier take the 5<sup>th</sup>. Who paid for it, Russia, the FBI or the Dems (or all)?" *See* Donald J. Trump, @realDonaldTrump, Oct. 19, 2017, 6:56 am., *available at* <https://twitter.com/realDonaldTrump/status/920981920787386368>.

17. One of these presidential allies is Mr. Nunes, who served on President Trump's campaign, vetted many of his putative nominees during the presidential transition, and chairs HPSCI.

18. Despite it not having passed a public, formal, unambiguous resolution authorizing any investigation into Russian interference with the 2016 election, HPSCI has conducted an unauthorized "Russia investigation."

19. This investigation has been troubled from the start. In early April 2017, the House Ethics Committee began investigating Mr. Nunes for alleged misconduct—making unauthorized disclosures of classified information—arising out of the “Russia investigation.” On April 6, 2017, Mr. Nunes announced his recusal from “the Russia investigation.” Press Release, “Statement of the Chairwoman and Ranking Member of the Committee on Ethics Regarding Representative Devin Nunes,” Apr. 6, 2017, *available at* <https://ethics.house.gov/press-release/statement-chairwoman-and-ranking-member-committee-ethics-regarding-representative-0>.

20. With the House Ethics Committee investigation pending, in May 2017, Mr. Nunes emerged to issue subpoenas in “the Russia investigation.” In response, HPSCI’s Ranking Member Rep. Adam Schiff stated that the authority to issue subpoenas in the investigation “should have been delegated to [Rep.] Mike Conaway in consultation with myself. That hasn’t happened yet, ... [a]nd I think that’s a violation of the recusal by the Chairman.” Russell Berman, “The Un-Recusal of Devin Nunes,” *The Atlantic*, Jun. 1, 2017, *available at* <https://www.theatlantic.com/politics/archive/2017/06/the-un-recusal-of-devin-nunes/528882/>. Mr. Nunes’ signature on those subpoenas was another sign of his rogue inquiry being run in parallel to HPSCI’s “Russia investigation.”

#### **Mr. Nunes’ Subpoena on Defendant Bank**

21. Acting *ultra vires*, Mr. Nunes, on October 4, 2017, served Defendant Bank with a subpoena demanding all of Plaintiff’s financial records from August 2015 through the present (hereinafter “the bank subpoena”), without the written authorization of Mr. Conaway, the Ranking Member or a vote of the full committee (*i.e.*, HPSCI).

22. Mr. Nunes did not notify Plaintiff of the *ultra vires* bank subpoena for Plaintiff's records and documents related thereto.

23. On October 13, 2017, Defendant Bank's counsel confirmed to Plaintiff's counsel that Mr. Nunes had served the *ultra vires* subpoena on Defendant Bank for all of Plaintiff's bank records from August 2015 through the present. Levy Decl. ¶ 2. Defendant Bank's counsel also informed Plaintiff's counsel that it had received an extension to respond to the subpoena, until October 23, 2017, at 9:00 am.

24. On October 18, 2017, Defendant Bank's counsel provided Plaintiff's counsel with a copy of the bank subpoena. Levy Decl. ¶ 3 & Ex. A.

25. The bank subpoena bears only the signature of Mr. Nunes. He thus unilaterally issued the subpoena in violation of his recusal from the committee's Russia investigation.

26. Nothing included within, or attached to, the *ultra vires* bank subpoena indicates that Rep. Michael Conaway, to whom Mr. Nunes abdicated leadership of the investigation, authorized Mr. Nunes to sign the *ultra vires* bank subpoena.

27. The *ultra vires* bank subpoena does not indicate that Mr. Nunes had any prior consultation with Rep. Michael Conaway or the Committee's Ranking Member Rep. Adam Schiff.

28. HPSCI Committee Rule 10(e) provides that "[e]ach subpoena shall have attached thereto a copy of these rules."<sup>2</sup> But the bank subpoena issued did not include a copy of the Committee's rules.

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<sup>2</sup> *Rules of Procedure for the Permanent Select Committee on Intelligence, U.S. House of Representatives*, § 10(e), available at [https://intelligence.house.gov/uploadedfiles/hpsci\\_rules\\_of\\_procedure\\_-\\_115th\\_congress.pdf](https://intelligence.house.gov/uploadedfiles/hpsci_rules_of_procedure_-_115th_congress.pdf).

29. The *ultra vires* bank subpoena does not attach a formal, unambiguous resolution, but only an excerpt of what appears to be a press release discussing the “parameters” of the investigation.

30. The records demanded through the *ultra vires* bank subpoena would reveal the identities of all of Plaintiff’s clients, contractors and vendors, most of whom have zero relevance or pertinency to HSPCI’s “Russia investigation.” Some of those clients, contractors and vendors engaged with Plaintiff in furtherance of confidential political activity.

31. The records sought would disclose financial transactions in furtherance of political speech and activity.

32. The records sought would also disclose confidential attorney work product.

33. The subpoena is a blatant attempt to chill both speech with which Mr. Nunes disagrees and the free association of Americans working on a campaign against Donald Trump. It is a fishing expedition for the names of *all* of Plaintiff’s clients and vendors in order to unearth the non-pertinent fact of the names of the clients that paid Plaintiff to engage in political activity – namely, opposition research on Mr. Trump, during the 2016 election.

34. Disclosure of the records would immediately deter Plaintiff and its clients from participating in political speech and activity and prevent them from associating anonymously for purposes of engaging in political activity, such as research on candidates running for office. The very threat of this disclosure has already caused a change in the way in which Plaintiff has conducted business and communicated internally and externally.

35. When Plaintiff’s counsel became suspicious that a subpoena may have been served on Defendant Bank for Plaintiff’s records, Plaintiff’s counsel contacted Defendant Bank in order to object to its release of Plaintiff’s financial records to any third party.

36. Plaintiff has not authorized disclosure of its financial records from Defendant Bank.

37. Plaintiff's counsel informed Defendant Bank's counsel that Plaintiff objects to Defendant Bank's compliance with the subpoena, supported by points and authorities.

38. On information and belief, later on October 18, 2017, Defendant Bank's counsel sent Mr. Nunes, Rep. Conaway and Ranking Member Schiff a letter setting forth Defendant Bank's objections to the subpoena.

39. On October 19, 2017, Mr. Nunes' staff informed Defendant Bank's counsel that the bank's "objections, claims of privilege, and any other mechanisms to invalidate the Subpoena" were declined. Levy Decl. ¶ 4.

40. After receiving the October 19, 2017, communication from Mr. Nunes' staff, Defendant Bank's counsel informed Plaintiff's counsel that "[Defendant Bank] intends to comply with the Subpoena." Levy Decl. ¶ 4.

41. Defendant Bank has never provided Plaintiff with notice and the opportunity to direct that Defendant Bank not disclose Plaintiff's bank records and documents related thereto, in response to Mr. Nunes' *ultra vires*, unauthorized subpoena, as required by federal privacy laws.

42. On October 19, 2017, Plaintiff's counsel reached out to the staff of Mr. Nunes and the Committee in order to request a 48-hour extension of the subpoena's compliance date, so that Plaintiff and staff could resolve the matter without having to resort to judicial review. Staff, however, rejected the request. *See* Levy Decl., Exh. C.

43. Plaintiff had no choice but to file this lawsuit to prevent the imminent disclosure of its financial records.



44. By intending to comply with Mr. Nunes' *ultra vires* subpoena, Defendant Bank infringes on Plaintiff's statutory and constitutional rights and certainly will violate them upon compliance with the *ultra vires* subpoena.

**FIRST CAUSE OF ACTION  
(Subpoena Is Not Part of Legitimate Legislative Activity)**

45. Mr. Nunes has acted *ultra vires* in issuing the subpoena. He is recused from leading the "Russia investigation" and has no authority to sign the subpoena. No documentation of any such authority was attached to the subpoena

46. The subpoena does not comply with HPSCI rules because, *inter alia*, Mr. Nunes lacked the authority to sign and issue the subpoena, and the subpoena did not include a copy of the HPSCI rules.

47. No public, formal, unambiguous HPSCI resolution authorizes this investigation. No such resolution was attached to the subpoena.

48. Therefore, the subpoena is invalid, is not part of legitimate legislative activity, and thus is unlawful.

**SECOND CAUSE OF ACTION  
(Violation of Right to Financial Privacy Act)**

49. The RFPA prohibits Defendant Bank from releasing any records in response to the October 4, 2017, bank subpoena for Plaintiff's records and documents related thereto because Plaintiff has not authorized such disclosure and Mr. Nunes, acting as a Government authority, and purportedly on behalf of HPSCI, has not complied with the provisions of the RFPA for seeking access to such records. 12 U.S.C. §§ 3402-3403, 3405-3408.

50. Defendant Bank's release of records would violate the RFPA because Mr. Nunes did not give Plaintiff, a "customer" under the RFPA, the required notice of the October 4, 2017,

bank subpoena, including notice of the right to challenge the subpoena in court. 12 U.S.C. §§ 3405(2) (administrative subpoena), 3407(2) (judicial subpoena); 3408(4) (formal written request).

51. Defendant Bank would violate the RFPA by releasing Plaintiff's records and documents related thereto because the subpoena was not issued pursuant to a "legitimate law enforcement inquiry," 12 U.S.C. §§ 3407, 3408, nor was it authorized by law. Id. § 3405.

52. Defendant Bank would violate the RFPA by releasing Plaintiff's records because Mr. Nunes cannot certify to Defendant Bank that he has complied with the applicable provisions of the RFPA; thus, Defendant Bank is prohibited from releasing Bean LLC's financial records to the Committee. 12 U.S.C. § 3503.

53. Defendant Bank has informed Plaintiff that Defendant Bank intends to comply with the subpoena by 9:00 am, Monday, October 23, 2017, after Mr. Nunes – through staff – informed Defendant Bank counsel that all "objections, claims of privilege, and any other mechanisms to invalidate the Subpoena" were declined.

54. Plaintiff is immediately in danger of having its records disclosed in violation of its rights under the RFPA.

55. If Defendant Bank releases the records in response to the subpoena, Plaintiff's rights under the RFPA will be violated and irretrievably lost and Plaintiff will suffer irreparable harm.

56. Plaintiff seeks a preliminary and permanent injunction forbidding Bank from releasing its financial records in response to this subpoena.

57. There is no adequate remedy at law.

**THIRD CAUSE OF ACTION  
(Violation of Gramm-Leach-Bliley Act)**

58. Under the Gramm-Leach-Bliley Act, 15 U.S.C. § 6801 *et seq.*, “[i]t is the policy of the Congress that each financial institution has an affirmative and continuing obligation to respect the privacy of its customers and to protect the security and confidentiality of those customers’ nonpublic personal information.” *Id.* § 6801(a).

59. The Gramm-Leach-Bliley Act provides that “a financial institution may not, directly or through any affiliate, disclose to a nonaffiliated third party any nonpublic personal information, unless such financial institution provides or has provided to the consumer a notice that complies” with the provisions of the Act, and the opportunity to opt out of disclosure of its records to a nonaffiliated third party. 15 U.S.C. § 6801.

60. Plaintiff is a “consumer” under the Gramm-Leach-Bliley Act.

61. Defendant Bank’s compliance with the invalid subpoena would violate the Gramm-Leach-Bliley Act because Defendant Bank has not given notice of its intended disclosure to Plaintiff and the opportunity for Plaintiff to opt out of this disclosure.

62. Plaintiff seeks a declaratory judgment that Defendant Bank’s disclosure would violate the Gramm-Leach-Bliley Act and an order enjoining Defendant Bank, from violating the Act.

63. There is no adequate remedy at law.

**FOURTH CAUSE OF ACTION  
(Violation of First Amendment)**

64. The First Amendment of the U.S. Constitution protects Plaintiff’s and its clients’ free political speech, such as discussion and investigation of the character and qualifications of a

candidate for president. The First Amendment also protects Plaintiff's and its clients' rights to associate freely and anonymously with others to engage in political activity.

65. Defendant Bank's compliance with the subpoena, caused by Mr. Nunes' threat of holding Defendant Bank in contempt should it not comply, will deny Plaintiff and its clients their rights to free speech and expressive association as guaranteed by the First Amendment to the Constitution of the United States.

66. Mr. Nunes' issuance of the October 4, 2017, bank subpoena constitutes a broad and impermissible inquiry into Plaintiff's and its clients' constitutionally protected free speech and free association activities protected under the First Amendment.

67. It demands the production of records reflecting those who hired and worked with Plaintiff on confidential opposition research conducted on a presidential candidate. The subpoena was issued in bad faith for purposes of harassing Plaintiff and its clients, exposing for the sake of exposure and making inquiries into matters not pertinent to the questions under inquiry.

68. Compliance with this subpoena would infringe the right of Plaintiff and its clients to associate freely and anonymously with others and to engage in free speech and political activity.

69. Furthermore, compliance with the subpoena would chill Plaintiff's and its clients' rights to oppose political candidates, express their political views on candidates for office, and to persuade others of their points of view about political candidates.

70. In complying with the subpoena, Defendant Bank would be acting in concert with Mr. Nunes to cause violations of the First Amendment rights of Plaintiff and its clients.

71. Defendant Bank's actions in complying with the subpoena are in reaction to Mr. Nunes' *ultra vires* use of compulsory process.

72. Using this *ultra vires* compulsory process, Mr. Nunes is inducing and coercing Defendant Bank to violate Plaintiff's and its clients First Amendment rights.

73. The materials demanded through this *ultra vires* subpoena are not relevant and are not pertinent to the questions under inquiry, even as defined by the "parameters" of the HPSCI investigation.

74. There is no adequate remedy at law.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

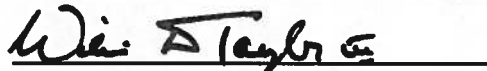
- (1) Declare that the subpoena is unauthorized, invalid, and not a legitimate legislative activity.
- (2) Declare that Defendant Bank's compliance with the subpoena would violate the Right to Financial Privacy Act, 12 U.S.C. § 3401 *et seq.*, and Plaintiff's rights within it.
- (3) Declare that Defendant Bank's compliance with the subpoena would violate the Gramm-Leach-Bliley Act, 15 U.S.C. § 6801 *et seq.*, and Plaintiff's rights within it.
- (4) Declare that Defendant Bank's compliance with the subpoena would deprive Plaintiff and its clients of their First Amendment rights to free speech and free association, in violation of the U.S. Constitution.
- (5) Preliminarily and permanently enjoin Defendant Bank from releasing Plaintiff's records to Mr. Nunes or HPSCI.
- (6) Award Plaintiff its costs and reasonable attorney's fees in this action, 12 U.S.C. § 3418.
- (5) Grant such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby demands a trial by jury in the above-captioned action of all issues triable by jury

Dated: October 20, 2017

Respectfully Submitted,



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Steven M. Salky (D.C. Bar No. 360175)  
Rachel F. Cotton (D.C. Bar No. 997132)  
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**CIVIL COVER SHEET**

JS-44 (Rev. 6/17 DC)

<p><b>I. (a) PLAINTIFFS</b> Bean LLC d/b/a Fusion GPS</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) (See Attached)</p>	<p><b>DEFENDANTS</b> Defendant Bank</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____</p> <p style="text-align: center;"><b>Case: 1:17-cv-02187 Jury Demand Assigned To : Chutkan, Tanya S. Assign. Date : 10/20/2017 Description: TRO/PI (D Deck)</b></p> <p style="text-align: right;">36</p>																								
<p><b>II. BASIS OF JURISDICTION</b> (PLACE AN X IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff</p> <p><input type="radio"/> 2 U.S. Government Defendant</p> <p><input checked="" type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <u>FOR DIVERSITY CASES ONLY!</u></p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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**IV. CASE ASSIGNMENT AND NATURE OF SUIT**

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> <b>A. Antitrust</b></p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> <b>B. Personal Injury/Malpractice</b></p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel &amp; Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> <b>C. Administrative Agency Review</b></p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395f)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input checked="" type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b></p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p><i>*(If Antitrust, then A governs)*</i></p>
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<p><input type="radio"/> <b>E. General Civil (Other)</b></p> <p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease &amp; Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p style="text-align: center;">OR</p> <p><input type="radio"/> <b>F. Pro Se General Civil</b></p> <p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus &amp; Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent – Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p>	<p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks &amp; Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p>	<p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p> <p><input type="checkbox"/> 470 Racketeer Influenced &amp; Corrupt Organization</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>
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<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> <b>H. Employment Discrimination</b>  <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)  *(If pro se, select this deck)*	<input type="radio"/> <b>I. FOIA/Privacy Act</b>  <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act)  *(If pro se, select this deck)*	<input type="radio"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> <b>L. Other Civil Rights (non-employment)</b>  <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> <b>M. Contract</b>  <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> <b>N. Three-Judge Court</b>  <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

**V. ORIGIN**  
 1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from another district (specify)  
  6 Multi-district Litigation  
  7 Appeal to District Judge from Mag. Judge  
  8 Multi-district Litigation – Direct File

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**  
 12 U.S.C sec. 3401, et seq.; 15 U.S.C. sec. 6801, et seq.: Challenge to subpoena seeking discl. of private financial records

<b>VII. REQUESTED IN COMPLAINT</b>	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	If yes, please complete related case form

DATE: <u>October 20, 2017</u>	SIGNATURE OF ATTORNEY OF RECORD <u>William W. Taylor, III</u> William W. Taylor, III
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**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.



**Attachment to Civil Cover Sheet  
Names of Counsel for Plaintiff Bean LLC d/b/a Fusion GPS**

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