

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the  
 District of Colorado  
 Civil Rights Division

**FILED**  
 UNITED STATES DISTRICT COURT  
 DENVER, COLORADO  
**FEB 14 2018**  
**JEFFREY P. COLWELL**  
 CLERK

Frank K. Dickman Jr. )

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

\_\_\_\_\_  
 Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one)  Yes  No

-v-

\_\_\_\_\_  
 Defendant(s)  
 Microsoft Corporation, Satya Nadella (CEO Microsoft Corporation)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**COMPLAINT FOR A CIVIL CASE**

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Frank K. Dickman Jr.
Street Address	12901 Central Ave NE #224
City and County	Albuquerque, Bernalillo
State and Zip Code	New Mexico, 87123
Telephone Number	505 450-3388
E-mail Address	fkdjr12@gmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name	Microsoft Corporation
Job or Title <i>(if known)</i>	
Street Address	1 Microsoft Way
City and County	Redmond, King
State and Zip Code	Washington, 98052
Telephone Number	425-882-8080
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Satya Nadella
Job or Title <i>(if known)</i>	Chief Executive Officer, Microsoft Corporation
Street Address	1 Microsoft Way
City and County	Redmond, King
State and Zip Code	Washington, 98052
Telephone Number	425-882-8080
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

N/A

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question  Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

14th Amendment Civil Rights - Right to property, Right to Life - ease of obtaining replacement licensed software and Right to the security of that software.

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

## 1. The Plaintiff(s)

## a. If the plaintiff is an individual

The plaintiff, *(name)* Frank K. Dickman Jr, is a citizen of the State of *(name)* New Mexico.

## b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

## 2. The Defendant(s)

## a. If the defendant is an individual

The defendant, *(name)* Satya Nadella, is a citizen of the State of *(name)* Washington. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) Microsoft Corporation, is incorporated under the laws of the State of (name) Washington, and has its principal place of business in the State of (name) Washington.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

I own a ASUS 54L laptop computer which has an OEM license for Window Version 7. Microsoft Corporation refuses to replace their licensed Operating system for this laptop and requires that the computer vendor replace it. The computer was upgraded to Windows Version 10 and became non-functional immediately. The upgrade deleted the cached, or backup, version of Windows 7. Thus the original supplier is untrustworthy. The only way I can be certain of a quality Windows 7 Operating System is to obtain it from the original vendor - Microsoft Corporation.

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**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The only sensible remedy is for Microsoft Corporation to supply the OEM version of its operating system by download from its website and confirmed by the key code which came with the computer.

Failure of Microsoft Corporation and its CEO (Satya Nadella) to provide this function within thirty days of the provided Summons should yield a payment from the two defendants to the plaintiff of a remedy demanded on the Federal Civil cover of \$6,000,000,000.00 (six hundred million dollars) within 30 days by an appropriate method.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2/12/18

Signature of Plaintiff [Handwritten Signature]

Printed Name of Plaintiff FRANK DICKMAN JR

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney [Handwritten Signature] N/A

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Street Address \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_