UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**4:19-CR-375-CDP**
	)	
SHEILA SWEENEY,	)	
	)	
Defendant.	)	

SENTENCING MEMORANDUM AND MOTION FOR DOWNWARD VARIANCE

Defendant Sheila Sweeney ("Sweeney"), by and through her counsel, respectfully submits this memorandum to assist this Court in fashioning a sentence that is "sufficient, but not greater than necessary." 18 U.S.C. § 3553(a). Sweeney requests a sentence of probation.

Sweeney stands before this Court for the only criminal conviction of her life: misprision of a felony. She has fully accepted responsibility for her conduct, is profoundly remorseful, and has worked tirelessly to do everything within her ability to make this right. But as this Court crafts the appropriate sentence in this case, it is Sweeney's lifetime of selfless acts of charity and benevolence, the genuine respect she has earned from those who truly know her, and the demonstrable good she has done for others that far outweigh the conduct that brings her before this Court. As set out in greater detail below, well before the acts that give rise to this case, Sweeney:

- Served during 2014 in what the executive director of the Center for Women in Transition (a local reentry program) described as "the most intensive volunteer capacity we offer," personally mentoring a young mother who credits her sobriety and success to Sweeney's hands-on mentorship and friendship;

- Worked hard, literally on her hands and knees, pulling weeds, planting flowers, and washing woodwork for a local non-profit organization preparing housing for low and moderate-income homebuyers—without any public recognition;

- Drove her father, who was suffering from cancer, every Wednesday night to his bowling league, cared for her uncle, who was also suffering from cancer, every week, and sat bedside with her friend's mother at the hospital while the mother was undergoing chemotherapy;

- Volunteered actively and consistently with United Way of Greater St. Louis from 1988 through 2005;

- Volunteered since her teenage years, and as a board member since 2007, for the Society for the Blind & Visually Impaired;

- Provided constant support for her immediate and extended family, repeatedly giving her time and financial resources to help those in need; and

- Earned the respect of those she worked with for decades in various capacities to serve and improve the greater St. Louis area.

These constitute but a few of the attributes which demonstrate who Sweeney really is.[1]

As Congress and the Supreme Court acknowledge, this Court is charged with the responsibility of evaluating Sweeney as an individual in crafting an appropriate sentence that is particularly tailored to her. *See Koon v. United States*, 518 U.S. 81, 113 (1996) ("It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue"); *see also* 18 U.S.C. § 3553(a)(1) ("The court…shall consider…the history and characteristics of the defendant").

When faced with the possibility of incarceration, it is easy to lose sight of the fact that a sentence of probation is, by no means, lenient. Indeed, as recently as 2007, the U.S. Supreme Court rejected the idea that a sentence of probation is nothing but an overly-lenient slap on the wrist. *See Gall v. United States*, 552 U.S. 38, 44 and n.4 (2007) ("Offenders on probation are nonetheless

[1] Contemporaneously with this sentencing memorandum, Sweeney is filing letters under seal for this Court's consideration.

subject to several standard conditions that substantially restrict their liberty...[p]robation is not granted out of a spirit of leniency...probation is not merely 'letting an offender off easily.'").

I. Procedural Background

On May 10, 2019, Sweeney pled guilty to a one-count Information charging misprision of a felony. Since then, she has remained on bond without incident.

On July 3, 2019, the United States Probation Office prepared a preliminary Presentence Investigation Report ("PSR"). Neither the Government nor Sweeney filed any objections. On August 9, 2019, the United States Probation Office filed its final PSR.

Sentencing is scheduled for August 16, 2019.

II. Legal Standard

As this Court is aware, Congress has mandated that the sentence imposed in this case be "sufficient, but not greater than necessary" to achieve the objectives of punishment. 18 U.S.C. § 3553(a). The United States Sentencing Guidelines, while advisory, "are no longer mandatory." *United States v. Ture*, 450 F.3d 352, 356 (8th Cir. 2006); *see also United States v. Booker*, 543 U.S. 220, 224 (2005).

As the United States Court of Appeals for the Eighth Circuit has established, the methodology this Court should follow post-*Booker* is the following:

> In sentencing a defendant, a district court must first determine the advisory sentencing range as recommended by the Guidelines . . .. Next, the district court should decide if any applicable Guidelines provisions permit a traditional "departure" from the recommended sentencing range . . .. The term "departure" is "a term of art under the Guidelines and refers only to non-Guidelines sentences imposed under the framework set out in the Guidelines" . . .. The calculation of the initial advisory Guidelines range, along with any applicable departures, results in a "final advisory Guidelines sentencing range" . . .. Finally, in determining the actual sentence that should be imposed, a district court must consider whether the factors in 18 U.S.C. § 3553(a) justify a "variance" outside the final advisory Guidelines sentencing range . . .. As opposed to a "departure," a "variance" refers to a "non-Guidelines sentence" based on the factors enumerated in Section 3553(a).

United States v. Lozoya, 623 F.3d 624, 625-26 (8th Cir. 2010) (citations omitted).

III. Advisory Sentencing Guidelines

The PSR correctly computes the total offense level as 9 and Sweeney's criminal history category as I. Because the applicable Guideline range is in Zone B of the Sentencing Table and Sweeney is a nonviolent first-time offender, the PSR correctly indicates that the Court should consider imposing a sentence other than imprisonment pursuant to Section 5C1.1, Application Note 4 of the United States Sentencing Guidelines ("U.S.S.G."). (Doc. 24 at ¶ 117).

The PSR also appropriately suggests that a below-Guidelines sentence may be warranted in this case based on Sweeney's role as the primary caretaker of her 79-year old husband of 27 years who is in poor health. (*Id*. at ¶ 136).

IV. A Downward Variance is Warranted

As a matter of law, this Court must not presume the Guideline range reasonable, but must make an individual assessment of the 18 U.S.C. § 3553(a) factors based on all the facts presented. *Gall v. United States*, 552 U.S. 38, 50 (2007). Based upon a consideration of the statutory sentencing factors set out in 18 U.S.C. § 3553(a), a downward variance is warranted in this case.

Section 3553(a) sets forth a general directive to "impose a sentence sufficient, but not greater than necessary, to comply with the purposes" of sentencing. Section 3553(a) then lists numerous factors that a sentencing court must consider. Especially relevant to this case, and supportive of this motion for a downward variance, are the following factors:

A. <u>The History and Characteristics of the Defendant – 18 U.S.C. § 3553(a)(1)</u>

Sweeney is a 62-year old woman facing sentencing for the only crime she has ever committed. She has one adult son from a previous marriage, and she remarried in 1992 to Robert Mueller, who is 79 years old. Sweeney's husband is in very poor health with heart disease, a

compressed spinal cord in his neck causing limited use of his left arm, kidney disease, and sarcoidosis. On a daily basis, Sweeney helps him get dressed, monitors the administration of his medication, assists him during meal time, accompanies him to his numerous medical appointments, and helps him to remain as independent and mobile as possible. In his words, "I depend on her for the normal daily living activities. She never complains about it, she lovingly helps."

Federal courts have historically recognized extraordinary family circumstances as an appropriate basis for a downward departure pursuant to U.S.S.G. §5H1.6 or a downward variance, which Sweeney seeks in this case. In the context of a departure, Section 5H1.6 provides that "family ties and responsibilities are not *ordinarily* relevant in determining whether a departure may be warranted." (emphasis added). However, the Sentencing Commission and federal courts interpreting this Guideline consistently recognize that "a downward departure may be appropriate where *extraordinary* family circumstances exist." *United States v. Blackwell*, 897 F. Supp. 586, 588 (D.D.C. 1995) (emphasis in original); *see also United States v. Big Crow*, 898 F.2d 1326, 1331–32 (8th Cir. 1990) (affirming district court's below-Guidelines range sentence pursuant to USSG §5H1.6); *United States v. Johnson*, 964 F.2d 124, 129 (2d Cir. 1992) ("Extraordinary family circumstances are widely accepted as a valid reason for departure"); *United States v. Alba,* 933 F.2d 1117, 1122 (2d Cir.1991) (defendant and his wife cared for their four- and eleven-year-old daughters and the defendant's disabled father and paternal grandmother. Noting the special situation of this "close-knit family whose stability depends on [the defendant's] continued presence," the Court let stand the sentencing court's finding that "incarceration in accordance with the Guidelines might well result in the destruction of an otherwise strong family unit" and its conclusion "that these circumstances were sufficiently extraordinary in this case to support a

downward departure"); *United States v. Pena*, 930 F.2d 1486, 1494 (10th Cir. 1991) (Court affirmed district court's decision to depart downward from Guideline range of 27 to 33 months to a term of probation on grounds that "Defendant is a single parent of a two-month old child and is the sole support for herself and her infant child. In addition, she has been steadily employed for a long time and is providing for the financial support of her 16–year old daughter who, herself, is a single parent of a two-month old child. Therefore, should the Defendant be incarcerated for an extended period of time, two infants would be placed at a potential risk. Defendant has no prior record of drug abuse, nor other felony criminal convictions and has held long-term employment. She poses no threat to the public and would be justly punished, sufficiently deterred and adequately rehabilitated by a sentence of probation with community confinement as a special condition. Accordingly, a downward departure to a term of probation is appropriate as the Defendant does not now need to be incarcerated to protect the public from other crimes"). These cases governing downward departures are instructive in the context of variances because many were handed down prior to *Booker* when the Guidelines were mandatory, not advisory.

In *United States v. Spero*, 382 F.3d 803, 804 (8th Cir. 2004), the Eighth Circuit affirmed the district court's conclusion that "Spero's family circumstances qualify as exceptional and therefore warrant granting him a downward departure." The court noted, "Spero is married and has four children, ranging in age from ten to two. One of his children, Ari, suffers from a variety of developmental disorders." *Id.* The Court continued, "The type of care Ari requires is intense and hands-on. Spero's wife stays at home with Ari and cares for him while Spero is at work. Mrs. Spero identified Spero's involvement with Ari as a 'very important part of [Ari's] home life.' Specifically, Spero's nighttime routine with his son is a key component of Ari's care. Mrs. Spero indicates that 'the slightest change in [Ari's] daily routine can cause him to become extremely

upset and violent.'" *Id.* at 804-05 (internal citations omitted). The Court concluded, "We are convinced that a long-term departure of Spero from his son's life would cause an extreme setback for Ari and the rest of the family. When one parent is critical to a child's well-being, as in this case, that qualifies as an exceptional circumstance justifying a downward departure." *Id.* at 805. This logic applies with full force in the context of a downward variance. Given her husband's ailments and the essential hands-on daily care she provides, Sweeney requests that this Court take this extraordinary family circumstance into consideration when fashioning an appropriate sentence.

Sweeney, a lifelong resident of the St. Louis area, has an MBA degree from Lindenwood University and has been a licensed Missouri real estate broker since 1984. She has maintained regular and consistent employment throughout her adult life.

What stands out about Sweeney is the extent to which she has selflessly, for decades, served others—not only financially but in a hands-on capacity.

The President of the Society for the Blind & Visually Impaired describes Sweeney's initial volunteerism as a teenager and her service, since 2007, as a member of the organization's Board of Directors. The president notes that Sweeney personally undertook significant responsibilities for the organization, chairing the organization's "signature annual fundraiser" year after year from 2011 through 2018.

Missouri State Representative Bob Burns described the breadth of Sweeney's community service he has witnessed firsthand—from "helping Lemay Child and Family Center, South County Senior Center and Meals on Wheels, to Food Drives for Feed My People," and he describes his collaboration with her on "the building of Forty New Homes through Lemay Housing Partnership."

The former Senior Vice President for United Way of Greater St. Louis shared that, from

1988 to 2005, Sweeney "was a key United Way volunteer"—serving on various committees and allocation panels. Those who served with her behind the scenes viewed her "as an effective leader who cared deeply about people in need."

The executive director of the Center for Women in Transition, a local reentry program for women recently released from prison, shared that she met Sweeney in 2014 at a trivia night. But unlike the many people who supported the organization financially by attending the fundraiser, Sweeney approached the executive director and "quickly became involved in the most intensive volunteer capacity we offer, as a mentor." Sweeney's mentee explained that Sweeney "always made time to answer my calls and texts no matter how busy she had been in life," that Sweeney gave her a laptop computer so that she could continue with online GED classes, and that Sweeney "is one of a few role models that I have ever had."

Sweeney's sister, the director of a non-profit organization tasked with preparing housing for low and moderate-income homebuyers, describes Sweeney's hands-on commitment to helping others: "She has been on her knees pulling weeds, planting flowers and washing woodwork. She gets no glory or public acknowledgement for her work. Only a thank you from me. She is there because she wants to help those less fortunate. That is how we were raised."

And that commitment to those around her very much includes her family. Her sister shared, "When my daughter found herself in an abusive situation and needed financial support that I was unable to provide, Sheila stepped in, no questions asked. She helped my daughter not only financially, but gave her much needed emotional support."

Sandra Parker, who has worked with Sweeney on community service projects since the 1990s, describes Sweeney's work to improve St. Louis county and the region well before she was appointed to the position giving rise to this case. Parker shared that Sweeney "worked tirelessly,

almost daily with the Executive Director Denny Coleman answering to at least 17 other board members of the St. Louis County Economic Council and the St. Louis County Port Authority." Joyce Steiger, who has worked with Sweeney on economic development issues for the last 25 years and who served most recently as the CFO of the St. Louis Economic Development Partnership, shared the many ways Sweeney worked extremely hard—often in an entirely volunteer capacity—to benefit St. Louis. While unsuccessful, Sweeney's efforts to bring Amazon to the region is credited by those involved "to be the first collaboration of St. Louis City, St. Louis County, St. Charles County—along with Illinois counties to cooperate on a proposal." Another individual who worked closely with Sweeney at the St. Louis Economic Development Partnership (who asked to remain confidential but whose letter is submitted under seal for the Court's consideration), credited Sweeney's work on the Amazon proposal as "visionary." Indeed, the Founder and CEO of ClayCo described Sweeney's leadership on the Amazon proposal as resulting in "a first of its kind cooperation for the area that included a well-attended weekly meeting of all the executives. I'm sure that in my 35-year career in the area, this governmental collaboration was a first of its kind." Charles Wiegers, who served with Sweeney on several boards, describes her as "a very charitable person and an easy touch for any worthwhile cause," and as "a giver, not a taker." Mark Brady, an attorney who worked with Sweeney on economic development issues for more than a decade, shared: "I personally witnessed Sheila participate in a multitude of community gatherings, stakeholder meetings, and discussions with individual residents (day and night) to fully understand the needs of the community and craft workable solutions that benefited the Lemay community and its residents. Sheila is constantly sacrificing her free time to help those who are less fortunate."

These stories—and the many others contained within the letters submitted for this Court's

consideration—reflect a lifetime of charitable acts and good citizenship. Federal courts routinely recognize a defendant's record of charity and benevolence as warranting a reduced sentence. Perhaps most notably, the United States Court of Appeals for the Seventh Circuit recently affirmed the probation sentence Ty Warner, the billionaire creator of Beanie Babies, received for evading $5.6 million in federal taxes by hiding assets in a Swiss bank account. *See United States v. Warner*, 792 F.3d 847, 850 (7th Cir. 2015). The sentencing court acknowledged Warner's "private acts of kindness, generosity and benevolence" and emphasized that "many of them took place long before Warner knew he was under investigation." *Id*. at 854. Sweeney's lifetime—long before this investigation and the conduct for which she is being sentenced—is one of genuine and sincere kindness, generosity and benevolence.

B. The Nature and Circumstances of the Offense and The Need to Protect the Public from Further Crimes of the Defendant – 18 U.S.C. §§ 3553(a)(1) and (a)(2)(C)

Sweeney accepts full responsibility for her crime and accepts that it is serious. But it is important for this Court to correctly place into context where Sweeney fits into this troubling puzzle in relation to the other individuals who have been held criminally responsible.

Steven Stenger is, without question, the most culpable. Elected to office, Stenger directed others, including Sweeney, to use their positions for his personal benefit: political donations in exchange for favorable official action. And to understand the extent to which Stenger was a powerful and intimidating force, one need look no further than the Government's sentencing memorandum in the Stenger case:

> When a St. Louis County employee, a company seeking to do business with St. Louis County, or someone in the political world took an action which Stenger viewed as adverse to his own political ambitions or as undercutting his authority and position of power as County Executive, he advocated strong retribution against that individual or company, including the threat of termination when it was a County employee. Just as [Stenger] favored his political donors in his criminal pay

> to play scheme, [Stenger] looked to punish those who crossed him politically or who refused to carry out his directives.

United States v. Stenger, Case No. 4:19-CR-312-CDP (Doc. 43).

To be clear, Sweeney should have refused to follow Stenger's orders in certain situations and she offers no excuse for acting as she did—but Stenger's threats and retribution provides a bit of an explanation for why Sweeney acted the way she did. Stenger lined his pockets with campaign contributions, and donors like John Rallo lined their pockets with favorable official consideration to which they were not entitled. Sweeney should have said "no" to Stenger's orders, even when faced with the likelihood of significant retribution. But the bottom line remains: Sweeney did not conjure up a scheme to benefit herself or her friends; Stenger did. Again, this is no excuse, but it is an explanation—and one this Court should take into consideration when fashioning a just sentence in this case.

As demonstrated by her complete lack of criminal history and unblemished performance on bond, Sweeney will never commit another crime. The shame and humiliation this criminal case has brought her has been difficult for her to bear. She is a good person, and she will not recidivate.

Furthermore, sentencing courts often consider a defendant's age when considering this Section 3553(a) factor. Indeed, there is an abundance of legal authority where courts have given notably less weight to the Sentencing Guidelines in recognition of the fact that older individuals, some even as young as 40, are far less likely to commit additional crimes. *See* United States Sentencing Commission, *Recidivism: Criminal History Computation of the Federal Sentencing Guidelines* (2004) (showing that those in the age group of 41 to 50 who fall in criminal history category I have an especially low recidivism rate of 6.9%, as compared to those, for example, in the 36 to 40 years of age bracket who recidivate at a rate of 12.1% and those under age 21 who recidivate at a rate of 29.5%); *see also United States v. Carmona-Rodriguez*, 2005 WL 840464, *4

(S.D.N.Y. 2005) (observing that those defendants "over the age of forty...exhibit markedly lower rates of recidivism in comparison to younger defendants"). The Sentencing Commission releases such empirical studies precisely so that, in cases such as this, the Court can include these facts in its consideration of a fair sentence.

At age 62, Sweeney will not recidivate if she receives a sentence of probation. And as Sweeney is no longer employed at the St. Louis Economic Development Partnership and is nearing retirement age, she poses no threat of future similar criminal conduct.

C. The Kinds of Sentences Available – 18 U.S.C. § 3553(a)(3)

In *Gall*, the U.S. Supreme Court observed that probation, "'rather than an act of leniency,' is a 'substantial restriction of freedom.'" 552 U.S. at 44; *see also Warner*, 792 F.3d at 860 (affirming term of probation as "a sufficiently serious sentence"); *United States v. Coughlin*, No. 06-20005, 2008 WL 313099, at *5 (W.D. Ark. Feb. 1, 2008) (recognizing that "probation can be severe punishment[], hugely restrictive of liberty, highly effective in the determent of crime and amply retributive," and that "[n]ot all defendants must be sentenced to imprisonment to be duly punished"); *United States v. Brady*, No. 02-CR-1043 (JG), 2004 WL 86414, at *8 (E.D.N.Y. Jan. 20, 2004) (noting that probation is "a punitive measure"). Congress and the Sentencing Commission have similarly recognized that probation, "a sentence in and of itself," may constitute an appropriate alternative to incarceration that meets fully the statutory purposes of sentencing. *See* U.S.S.G., Ch. 5, pt. B, Intro. Cmt. (citing 18 U.S.C. § 3561). Probationers remain subject to "several standard conditions that substantially restrict their liberty," including restraints on their ability to associate freely or to leave the judicial district. *Gall*, 552 U.S. at 48. The Court can also impose a variety of "discretionary conditions" to probation, 18 U.S.C. § 3563(b), and the violation of any condition can be grounds for revocation and the imposition of a term of incarceration.

Nor was probation intended by Congress to be an exceptional kind of punishment. To the contrary, Congress directed, more than three decades ago, that the Guidelines should reflect the "general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense." 28 U.S.C. § 994(j). This is precisely the position in which Sweeney finds herself. She is a first-time offender who has not been convicted of a crime of violence.

Sweeney submits that a sentence of probation is sufficient punishment in this case. The felony conviction has hit Sweeney hard and the collateral consequences are real. Sweeney has learned her lesson and has fully accepted responsibility for her conduct.

D. Any Pertinent Policy Statement of the Sentencing Commission – 18 U.S.C. § 3553(a)(5)

The Probation Office correctly notes that this Court should consider imposing a sentence other than imprisonment pursuant to Section 5C1.1, Application Note 4 of the Guidelines: "If the defendant is a nonviolent first offender and the applicable guideline range is in Zone A or B of the Sentencing Table, the court should consider imposing a sentence other than a sentence of imprisonment." Significantly, this note references Congress's mandate that "the guidelines reflect the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense." 28 U.S.C. § 994(j); *see also United States v. Anderson*, 686 F.3d 585, 590 (8th Cir. 2012) ("Congress directed that the Commission use policy statements to govern the sentence reduction process and that those policy statements should further the purposes set forth in 18 U.S.C. § 3553(a)(2)") (internal brackets and quotations omitted).

E. The Need to Avoid Unwarranted Sentence Disparities – 18 U.S.C. § 3553(a)(6)

A sentence of probation in this case would satisfy Congress' mandate that sentencing courts should aspire to "avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." 18 U.S.C. § 3553(a)(7).

As reflected by her plea of guilty to misprision of a felony, Sweeney certainly should not have succumbed to Stenger's pressure to conceal Stenger's and Rallo's scheme—and for that, she finds herself before this Court.

There is precedent for defendants who plead guilty to one count of misprision of a felony to receive a sentence of probation. For example, in the Eastern District of Louisiana, a political official diverted money to his ex-wife in the form of her salary for more than 6 years for a job she was in no way qualified to perform and a job she did not actually perform. She pled guilty to one count of misprision of a felony and the municipality's attorney (who repeatedly approved pay raises for this bogus employment) pled guilty to one count of conspiracy to commit misprision of a felony—and both received a sentence of probation with an order to pay restitution. *See United States v. Parker* and *United States v. Wilkinson*, Case No. 2:11-CR-299-HH-FHS (E.D. La. 2013) (Docs. 238 and 239). The main defendant in the case—the elected official who carried out a series of public corruption schemes—was sentenced to 46 months for his involvement in a conspiracy to commit bribery, wire fraud, and theft concerning programs receiving federal funds. Similarly, in a pay-to-play scheme prosecuted in federal court in Pennsylvania, the mayors of Allentown and Reading received substantial prison time for widespread schemes they orchestrated to line their pockets and their campaign funds. Of the 15 publicly identifiable people allegedly involved in some capacity in their schemes, the 14 people who pled guilty or were convicted at trial were all sentenced for convictions far more serious than misprision of a felony. Seven of the defendants

received sentences with no prison time and one received a sentence of 1 day of imprisonment (presumably the time already served on the date of arrest) followed by a term of supervised release. A sentence of probation for Sweeney, who pled guilty to misprision of a felony, would avoid unwarranted sentencing disparities among similarly situated defendants.

V. Conclusion

As the age-old adage goes, "justice must be tempered with mercy." Sweeney accepts that she is before this Court for sentencing for a serious crime and that this Court must impose a penalty. That is justice. But Sweeney also appeals to this Court's discretion to temper that justice with mercy.

One of the toughest realities to accept at any age is that, as humans, we cannot go back in time to make better decisions. We have to accept the decisions we make and the consequences of those decisions. But if ever there were a defendant standing before this Court who is as remorseful as she is committed to never finding herself anywhere close to this situation again, it is Sweeney.

For all the reasons set forth in the PSR, in this memorandum, and in the numerous letters submitted for this Court's consideration, Sweeney respectfully submits that a sentence of probation is "sufficient, but not greater than necessary," and that is what the law requires. 18 U.S.C. § 3553(a).

Respectfully submitted,

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Certificate of Service

I hereby certify that the foregoing was filed electronically with the Clerk of the Court, and that all parties will receive notice of this filing through this Court's electronic filing system.

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