Case No. 15-55479

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LAMYA BREWSTER, individually and as class representative,

Plaintiff and Appellant,

vs.

CHARLIE BECK, Chief, individual and official capacity; CITY OF LOS ANGELES, a municipal corporation; CITY OF POLICE DEPARTMENT, a public entity,

Defendants and Appellees.

AMICUS CURIAE BRIEF OF THE CALIFORNIA STATE ASSOCIATION OF COUNTIES AND THE LEAGUE OF CALIFORNIA CITIES IN SUPPORT OF PETITION FOR REHEARING EN BANC

On Appeal from the United States District Court
for the Central District of California
(U.S. District Court No. 5:14-cv-02257-JGB-SP)
The Honorable Jesus G. Bernal, District Judge, Presiding

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I. CORPORATE DISCLOSURE STATEMENT [F.R.A.P. Rule 29(b), 29(a)(4)(A), 26.1]

Amici Curiae California State Association of Counties and League of California Cities are both non-profit corporations. Neither CSAC nor the League has a parent corporation and any publicly held corporation that owns 10% or more of its stock.

II. AMICUS IDENTITY STATEMENT AND INTEREST IN THE CASE [F.R.A.P. Rule 29(b), 29(a)(4)(D)]

The California State Association of Counties ("CSAC") is a non-profit corporation. The membership consists of the 58 California counties. CSAC sponsors a Litigation Coordination Program, which is administered by the County Counsels' Association of California and is overseen by the Association's Litigation Overview Committee, comprised of county counsels throughout the state. The Litigation Overview Committee monitors litigation of concern to counties statewide and has determined that this case is a matter affecting all counties.

The League of California Cities ("League") is an association of 475 California cities dedicated to protecting and restoring local control to provide for the public health, safety, and welfare of their residents, and to enhance the quality of life for all Californians. The League is advised by its Legal Advocacy Committee, which is comprised of 24 city attorneys from

all regions of the State. The Committee monitors litigation of concern to municipalities, and identifies those cases that have statewide or nationwide significance. The Committee has identified this case as having such significance.

Amici's member cities and counties have significant interest in gaining clarity as to how and when they can be found liable for Fourth Amendment violations. The petition for rehearing en banc filed in this case raises issues of concern to cities and counties that amici would like to further address with this Court.

III. STATEMENT OF AUTHORSHIP AND FINANCIAL SUPPORT [F.R.A.P. Rule 29(b), 29(a)(4)(E)]

No party's counsel authored this amicus brief in whole or in part. No party or party's counsel contributed money intended to fund preparation or submission of this amicus brief. No one other than amici and their counsel contributed money intended to fund preparation or submission of this amicus brief.

IV. STATEMENT CONCERNING CONSENT TO FILE [Circuit Rule 29-2(a)]

All parties have consented to the filing of this brief.

V. STATEMENT OF RELATED CASES [Circuit Rule 28-2.6]

Amici certify that the following case involves the same or similar legal issues as the instant case: *Sandoval, et al. v. County of Sonoma, et al*., Ninth Circuit Court of Appeals Nos. 16-16122, 16-16131, and 16-16132 (pending).

VI. INTRODUCTION

This case presents an issue of significance to California's cities and counties: When a municipal law enforcement officer completes a full seizure of personal property based on probable cause in full compliance with all applicable Fourth Amendment requirements, does the municipality's continued passive possession of that property constitute a Fourth Amendment violation when the agency refuses the owner's subsequent request, days later, to return the property? The present opinion effectively answers to this question in the affirmative, and in doing so, is contrary to well-established Fourth Amendment precedent, which deems the Fourth Amendment is satisfied upon an initial finding of probable cause. Moreover, the panel's opinion creates far-reaching liability and implications for municipalities whose law enforcement officers are charged with enforcing California laws, including the 30-day vehicle impound statute of California Vehicle Code § 14602.6. Accordingly, the panel opinion should be reheard

en banc to consider this significant issue of Fourth Amendment jurisprudence based on several factors.

First, the panel opinion is an outlier, as it stands for the unprecedented proposition that a completed seizure that was lawfully based on probable cause, and that complied with all applicable Fourth Amendment requirements, can later become an unreasonable Fourth Amendment seizure based on nothing more than the mere passive possession of the property after the owner asked for its return. As set out more fully below, all of the cases the panel cites to support its conclusion involve either seizures that were initially unreasonable, seizures that were initially reasonable but justified by reasonable suspicion short of probable cause, or seizures followed by searches of the property or other affirmative conduct that went beyond mere passive possession.

Second, even if a Fourth Amendment seizure analysis had been appropriately applied to an agency's mere continued passive possession of property in the wake of a seizure justified by probable cause, then the panel should have applied a categorical analysis and balanced the State's interests in the enforcement of its 30-day impound statute with the individual's contrary interests to determine whether a Fourth Amendment violation occurred. The panel opinion does not explain whether a case-by-case or a

categorical analysis was used in this case, nor does it provide any rationale for finding that the individual rights at issue here outweighed the legitimate State interests advanced by the 30-day impoundment statute.

Third, the panel opinion does not discuss how it arrives at municipal liability for implementing a State law that is presumed to be constitutional. Since the officer had probable cause to seize, tow, and place the vehicle in impound, and the City's continued passive possession of the vehicle for 30 days was pursuant to State law, liability under 42 U.S.C. § 1983 for a Fourth Amendment violation should not be possible because the agency's possession implemented State law rather than municipal policy. The panel opinion includes no discussion on this point.

Finally, the holding in this case has broad ramifications not only for other states with similar statutes, but also for other types of forfeiture statutes intended to serve as administrative penalties for unlawful conduct. Given the implications of the case, rehearing should be granted to fully consider all of the issues raised in the petition as well as this amicus brief.

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VII. ARGUMENT

A. The Panel's Opinion Stands Alone in Holding That a Seizure Justified by Probable Cause and Followed by Passive Possession Can Later be Transformed into an Unreasonable Seizure Under the Fourth Amendment.

Amici are unaware of any published appellate opinion – other than the panel opinion in the present case – that stands for the proposition that a seizure fully justified by probable cause (as opposed to reasonable suspicion) and complying with all applicable Fourth Amendment requirements, which completely divests the owner of possession, and which is followed by mere passive possession, is somehow transformed into an unreasonable seizure under the Fourth Amendment merely because the owner later asks the agency for its return and is refused. While the panel opinion indicates that this is a case of "delay" in returning property, the sole cause of the "delay" was the municipality's compliance with the 30-day impound provisions of Vehicle Code § 14602.6. If the municipality's compliance with that statute at the outset of the seizure, towing, and storage of the vehicle fully complied with the Fourth Amendment (*Brewster v. Beck*, No. 15-55479, 2017 U.S. App. LEXIS 10971, at *4-5 (9th Cir. June 21, 2017)), then how could its mere passive possession of the vehicle make the full-blown and reasonable seizure unreasonable?

The decisions cited in the opinion to support the faulty proposition that continued retention of property can implicate Fourth Amendment rights are distinguishable because they involve facts not found in the present case, among which are: (1) an initial unreasonable seizure; (2) an initial seizure justified only by reasonable suspicion short of probable cause (*Terry v. Ohio*, 392 U.S. 1 (1968)); and/or (3) a post-seizure affirmative governmental action with the property that went beyond mere passive possession.

This case involves none of these scenarios. First, it is undisputed that the initial seizure of the vehicle was reasonable under the Fourth Amendment and its legality is not at issue in the case. *Brewster*, at *4-5. Second, the vehicle seizure was not merely based on *Terry*-type reasonable suspicion justifying only a brief interrogative detention, but rather was based on unrebutted probable cause; the municipality cannot be faulted for any delay in taking additional investigative action to render the seizure justified under probable cause, because there was nothing more for it to do to satisfy the 30-day impound statute. Finally, the agency that retained possession of the vehicle did no more than passively retain possession; continued possession was not a pretext for anything further, such as a drug search, to take a sample of it, or to intentionally change or damage it.

Compare the facts in the present case with the cases cited in the opinion in support of its holding:

1. ***United States v. Place*, 462 U.S. 696 (1983)**

The panel opinion discusses the Seventh Circuit's citation of *Place* in *Lee v. City of Chicago*, 330 F.3d 456 (7th Cir. 2003). *Brewster*, *7. *Place* involved a *Terry*-type reasonable suspicion detention, coupled with a further investigation that went beyond mere passive possession. The *Place* court explained: "In this case, the Government asks us to recognize the reasonableness under the Fourth Amendment of warrantless seizures of personal luggage from the custody of the owner on the basis of less than probable cause, for the purpose of pursuing a limited course of investigation, short of opening the luggage, that would quickly confirm or dispel the authorities' suspicion." *Place*, 462 U.S. at 702 (emphasis added). Such a scenario is not implicated in the instant case, because the vehicle was not seized on less than probable cause for the purpose of conducting a criminal investigation.

2. ***United States v. Jacobsen*, 466 U.S. 109 (1984)**

The panel also cites *Jacobsen* for the proposition that a seizure lawful at its inception can later become unlawful under the Fourth Amendment. *Brewster*, at *6. But like *Place*, *Jacobsen* is distinguishable because it did

not involve a case where property was merely passively possessed. In *Jacobsen*, the federal officers not only seized the suspected contraband, but also went on to test its contents without a warrant. The officers' additional affirmative conduct, which went beyond passive possession, was central to the Supreme Court's analysis in the case:

> Even when government agents may lawfully seize such a package to prevent loss or destruction of suspected contraband, the Fourth Amendment requires that they obtain a warrant before examining the contents of such a package. Such a warrantless search could not be characterized as reasonable simply because, after the official invasion of privacy occurred, contraband is discovered. Conversely, in this case the fact that agents of the private carrier independently opened the package and made an examination that might have been impermissible for a government agent cannot render otherwise reasonable official conduct unreasonable. The reasonableness of an official invasion of the citizen's privacy must be appraised on the basis of the facts as they existed at the time that invasion occurred.

Jacobsen, 466 U.S. at 114-115 (emphasis added). *Jacobsen* does not address the situation in the present case where the property is lawfully seized and then merely passively possessed.

3. ***United States v. Dass*, 849 F.2d 414 (9th Cir. 1998)**

The panel opinion similarly cites *Dass* for the proposition that the length of a seizure, rather than the seizure itself, can form the basis of a Fourth Amendment violation. *Brewster*, at *4. *Dass*, however, is a case in which the initial seizure was justified by less than probable cause, and was

followed by possession that was more than merely passive. Specifically, federal agents would detain packages which appeared suspicious (less than probable cause), subject them to dog sniffs, and then seize them if the dogs indicated a possibility of drugs (still less than probable cause), at which time the agents would delay seeking a warrant for as much as three weeks even though they intended to do so at the time of seizure. It was the agents' unjustifiable delay in seeking warrants that ran afoul of the Fourth Amendment, rather than simply the length of time they held the packages. This scenario is distinguishable from this present case, where there is no dispute that there was probable cause to seize the vehicle at the outset and the municipality was not required to obtain a warrant to comply with the 30-day impound statute.

4. *Manuel v. City of Joliet*, 137 S.Ct. 911 (2017)

Though not cited in the panel opinion, *Manuel* is illustrative of the first type of situation where the initial seizure was unreasonable. "Consider again the facts alleged in this case. Police officers initially arrested Manuel without probable cause, based solely on possession of pills that had field tested negative for an illegal substance. So (putting timeliness issues aside) Manuel could bring a claim for wrongful arrest under the Fourth Amendment. And the same is true (again, without regard to timeliness) as to

a claim for wrongful detention – because Manual's subsequent weeks in custody were also unsupported by probable cause, and so also constitutionally unreasonable." *Manuel*,137 S.Ct at 919 (emphasis added).

Unlike the present case, the initial seizure in *Manuel* was unlawful, so he could continue to contest it throughout his detention. The same does not hold true, however, if his initial arrest had been justified by probable cause. Indeed, allowing every pre-trial arrestee to repeatedly assert civil liability for a continuing detention based on the Fourth Amendment, despite an initial lawful arrest, would cripple the criminal justice system.

5. The Panel Opinion Erroneously Categorizes this Case as One Without Probable Cause or Without Passive Possession; The Analysis in *Lee v. City of Chicago* Should Have Been Adopted.

Unfortunately, the panel opinion declines to follow the only case that raises the same scenario as the present case—an initial seizure supported by probable cause, followed by mere passive possession.[1] In *Lee v. City of Chicago*, 330 F.3d 456 (7th Cir. 2003), plaintiff conceded that his vehicle was seized with probable cause and properly searched. The alleged Fourth Amendment violation was the length of time the vehicle was held after the valid search and seizure pending plaintiff's payment of fees. *Lee*

[1] In *Lee*, the court remanded to the lower court to address damage to the vehicle while in the city's possession, but noted it was unlikely that plaintiff would be able to assert a Fourth Amendment claim regarding such damage, or that he could allege that State law remedies were inadequate.

distinguished *United States v. Place*, 462 U.S. 696 (1983), noting correctly that *Place* involved a *Terry*-type seizure rather than one based on probable cause. *Lee*, 330 F.3d at p. 464.

The panel opinion here, however, disagreed with the conclusion in *Lee* that there is a distinction for purposes of a Fourth Amendment claim between a seizure based on probable cause and one that is not. "We are unpersuaded by the Seventh Circuit's conclusion that *Place* 'deal[t] only with the transformation of a momentary, investigative detention into a seizure' and 'has no application after probable cause to seize has been established." *Brewster*, at *7. That disagreement, which puts the Ninth Circuit alone in finding a Fourth Amendment violation under these facts, warrants en banc review.

B. The Panel Opinion's Focus on Exigency is Misplaced.

The panel opinion states: "The exigency that justified the seizure vanished once the vehicle arrived in impound and Brewster showed up with proof of ownership and a valid driver's license." *Brewster*, at *5. By focusing on exigency, the court frames the question as whether the Fourth Amendment requires a warrant or some other authority to hold a vehicle for thirty days. But this focus is misplaced. Exigency excuses the need to get a warrant in an urgent situation. It does not follow that a warrant is later

needed, or that continued possession of seized property becomes unreasonable, once the exigency vanishes.

In *Fisher v. City of San Jose*, 558 F.3d 1069 (9th Cir. 2009)(en banc), this Court rejected a similar exigency argument, finding instead that once officers were excused from the Fourth Amendment warrant requirement based on exigency, they were not required to subsequently seek and obtain a warrant before taking the suspect into full custody. *Fisher*, 558 F.3d at 1078. In that en banc opinion, the *Fisher* dissent failed to convince a majority of the Court that the Fourth Amendment had to be continually re-analyzed during the detention of the individual. The panel opinion in the present case – which imposes an obligation on the seizing agency to continually re-assess whether the exception to the warrant requirement continues to exist throughout the detention – directly contradicts the majority opinion in *Fisher*.

A hypothetical outside of the vehicle seizure context illustrates the point. Suppose an officer arrests an armed robber caught in the act of the crime. Continued impoundment of the robber's gun does not become an unreasonable seizure because the robber later possesses paperwork showing that he is the legal owner of the gun and has a permit to carry the gun. Whether (or when) the robber gets his gun back would be a proper subject

for a post-seizure hearing (like the one Brewster received here), but if the hearing officer declines to order the gun returned, the robber's remedies would be governed by due process principles, not the Fourth Amendment. The fact that the gun was seized under exigent circumstances, and the exigency later lapses, does not create a Fourth Amendment claim.

C. The Panel Opinion Has Broad Ramifications for Other State Impoundment and Forfeiture Statutes.

The State's justification for impounding vehicles for 30 days is highway public safety; if such impoundment violates the Fourth Amendment here (where there was unquestionably probable cause at the time of the seizure and no allegations of a failure to provide due process), then enforcement of all similar statutes in other states would also result in Fourth Amendment violations. Such an untenable result can be avoided by applying a Fourth Amendment categorical analysis to vehicles impounded for administrative penalty purposes.

1. The Panel Opinion Impliedly Finds That All Similar State Statutes Violate the Fourth Amendment.

The 30-day impoundment period in Vehicle Code § 14602.2 is an administrative penalty for driving a vehicle without a license, and it serves as a deterrent for unlawful conduct. The statute accordingly "provides unquestionably clear notice that a person who drives without a license may

be arrested, that the car driven by an unlicensed driver may be seized by a law enforcement officer, and that a seized vehicle will be impounded for no longer than 30 days." *Samples v. Brown,* 146 Cal. App. 4th 787, 801 (2007). The provision is part of a legislative scheme for vehicle impounds and forfeitures the California Legislature designed to combat significant problems caused by persons diving unlicensed or with suspended or revoked licenses. *See, e.g.*, Cal. Vehicle Code, § 14607.4(f).

The California Legislature is not the only one to enact such a deterrent. In Arizona, "a vehicle that is removed and either immobilized or impounded" for driving without a license "shall be immobilized or impounded for thirty days." Ariz. Rev. Statutes § 28-3511. Similarly, the State of Washington provides if a vehicle is impounded because the operator is driving with an invalidated license, the vehicle can be held for up to thirty days, or even sixty or ninety days for multiple infractions. Wash. Rev. Code § 46.55.120. Finally, in Virginia, when a person is found driving on a license that is suspended or revoked, "The impoundment or immobilization . . . shall be for a period of 30 days." Va. Code Ann. § 46.2-301.1.

The panel opinion here implies that enforcement of all of these state laws, passed with public safety in mind, would result in Fourth Amendment violations regardless of whether the seizing officer had fully complied with

all applicable Fourth Amendment requirements in the first place. In a similar fashion, enforcement of other forfeiture laws intended to serve as administrative penalties (such as drug asset forfeitures) could result in Fourth Amendment liability. Rehearing is therefore warranted to clarify the scope of the ruling given the breadth of statutes potentially impacted.

2. Vehicle Code section 14602.2 Can be Constitutionally Enforced Based on its Purpose in Preventing Traffic Accidents and Highway Deaths.

The panel opinion discusses exigency as if a warrant should have been obtained after the exigency dissipated, but the panel should have considered Fourth Amendment jurisprudence finding that prolonged detentions of vehicles intended to deter unlawful driving should be subject to a categorical exemption of the Fourth Amendment's warrant requirement. Indeed, in some circumstances, a case-by-case Fourth Amendment analysis is required (i.e., analyzing the specific facts of each case), while in other scenarios, courts should employ a categorical inquiry (i.e., balancing the needs of the government against the intrusion on the individual). *See Hudson v. Palmer*, 468 U.S. 517, 537 (1984) (O'Conner, J. concurring); *see also Bull v. City & County of San Francisco*, 595 F.3d 964, 977 (2010).

The 30-day impoundment requirement of Section 14602.6 should be subject to a categorical analysis given the legislative intent of the statute.

When such analysis is applied, the balancing weighs in favor of the State's interest in deterring unlawful driving through the use of administrative penalties. This concern is based on a significant and legitimate public safety interest in preventing vehicle accidents which cause property damage, injury, and death. A vehicle owner's private interest (temporarily being deprived of a less expensive or more convenient means of transportation) appears minor by comparison. "The private interests here are financial and personal convenience: the availability of personal transportation, and the cost of fees, towing and storage required to redeem one's vehicle after the impound." *Alviso v. Sonoma County Sheriff's Dept.*, 186 Cal.App.4th 198, 212 (2010).

In considering the impact on private interests, it is worth noting that where an agency's continued passive possession is wrongful, the property owner has well-established due process remedies under 42 U.S.C. § 1983 that potentially provide full compensation, not to mention additional state law remedies. [2] *See Payton v. New York*, 445 U.S. 573, 585 (1980); *Rivera v. County of Los Angeles*, 745 F.3d 384 (9th Cir. 2014); *Tatum v. Moody*, 768 F.3d 806 (9th Cir. 2014); *Gant v. County of Los Angeles*, 772 F.3d 608 (9th

[2] The State of California provides a process through which persons aggrieved by agency decisions may challenge them in Court, via a Petition for Writ of Administrative Mandamus. *See* Cal. Code Civ. Proc. § 1094.5.

Cir. 2014). There is no practical need for an additional remedy on Fourth Amendment grounds for mere post-seizure continued passive possession of a lawfully-seized item of personal property.

The panel opinion did not consider even the possibility that a categorical Fourth Amendment analysis should apply to the scenario presented by this case, despite the strong public safety factors underlying Section 14602.6. Hence, rehearing should be granted to consider such an analysis, and to provide guidance to future courts and litigants.

D. En Banc Review is Warranted Because the Opinion Fails to Provide a Basis for the City's Liability Given that the City was Implementing State Law and Not City Policy.

The panel opinion reversed the district court order granting appellees' motion to dismiss, but it did so without addressing the lack of a potentially-culpable defendant. A Fourth Amendment violation is not directly or independently actionable. A civil claim arising from an alleged Fourth Amendment violation must be brought via an enabling statute, in this case, 42 U.S.C. § 1983. *Molina v. Richardson*, 578 F.2d 846 (9th Cir. 1978).

In the present case, there is no causal link between the officer who initially seized the vehicle (and did not violate the Fourth Amendment since the seizure was based on probable cause and complied with all Fourth Amendment requirements), and any unnamed agency officials who passively

retained the post-seizure possession. In other words, Section 1983 liability is not possible here because the seizing officer did nothing wrong, and the continued possession was not based on municipal policy, but rather on implementation of the State Vehicle Code. *See Monell v. Dept. of Social Services*, 436 U.S. 658 (1978).

The Supreme Court disapproves of municipal entity liability under Section 1983 except where constitutional deprivations were caused by deliberate choices made by the municipality's policymakers. Municipalities (and their officials sued in official capacity) can rightly be liable under Section 1983 only for constitutional deprivations caused by implementation of their own policies or customs. *Monell*, 436 U.S. at 690. As such, municipal liability under Section 1983 is limited to instances where "the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officer." *Id.* The official policy or custom must be the "moving force" of the violation—there must be a "direct causal link" to "closely related" conduct, and the official policy or custom must have "actually caused" the violation. *City of Canton v. Harris*, 489 U.S. 378, 385-91 (1989).

There is no dispute in this case that the municipality was applying State law, not a City policy, when seizing and retaining the vehicle. Vehicle Code section 14602.6(a)(1) states that an impounded vehicle "shall be impounded for 30 days." "Shall" is a mandatory term, allowing no choice. Cal. Vehicle Code, § 15 [shall is mandatory; may is permissive]; *See California Highway Patrol v. Superior Court*, 162 Cal. App. 4th 1144, 1151 (2002); *See also* 95 Ops.Cal.Atty.Gen 1, at p. 3 (May 3, 2012)("[I]f an officer chooses to impound a vehicle under the authority of section 14602.6, then the presumptive period of impoundment for the 'vehicle so impounded' is 30 days."). Though the panel opinion notes that LAPD policy mirrors California Vehicle Code section 14602.6 (which requires the 30-day hold at issue in this case), it concludes by noting that the Fourth Amendment problem in this case is caused by Section 14602.6, making no reference to any local policy or custom that actually caused the alleged violation. *Brewster*, at *8.

Rehearing in this case is therefore warranted because the panel's decision infers that Section 14602.6 is facially unconstitutional, and that municipalities will be liable for relying on and enforcing that statute. Whether a Section 1983 *Monell* claim can lie against municipalities in this

context was not considered by the panel, but must necessarily be decided to determine whether the claim can be pursued.

VIII. CONCLUSION

There is ample reason to grant the petition for rehearing en banc in this case. Because the opinion diverges from precedent to conclude that a Fourth Amendment violation can result solely from an agency's continued mere passive possession of property that was seized with probable cause and in full conformity with applicable Fourth Amendment requirements, rehearing is warranted. Beyond that, rehearing should be granted to address issues related to whether municipal liability could be found for any such Fourth Amendment violation under 42 U.S.C. § 1983, to consider a categorical analysis of the respective interests at stake, and to address the breadth of the impact of the decision. Amici therefore respectfully request that the petition for rehearing en banc be granted.

Dated: July 24, 2017

Respectfully Submitted,

/s/ Jennifer B. Henning

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATION, TYPEFACE REQUIREMENTS, AND TYPE STYLE REQUIREMENTS

I certify as follows:

1. The foregoing amicus brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) and Circuit Rule 29-2(c)(2) because it contains 4,039 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii); and

2. The foregoing amicus brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2010, in font size 14, and font style Times New Roman.

Dated: July 24, 2017 /s/ Jennifer B. Henning

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