

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

David W. R. Brown,

Plaintiff,

v.

Case Number: _____

**United States Patent and Trademark Office,
Jon Dudas, United States Patent and Trademark Office,
Michael Briskin, United States Patent and Trademark Office,
Lisa Belasco, United States Patent and Trademark Office,**

Defendants.

Plaintiff demands oral arguments.

**Plaintiff demands a court reporter at all
proceedings, including in-chambers.**

**Plaintiff demands that the Court make
findings of fact and conclusions of law.**

Plaintiff demands Track Two designation.

/

COMPLAINT

1. The Plaintiff is:

David W. R. Brown

1805 Burlington Circle

Sun City Center, FL 33573-5219

Phone: (813) 634-6048

2. The Defendants are:

United States Patent and Trademark Office

PO Box 15667

Arlington VA 22215-0667

The following individuals are being sued in their official capacities as agents, servants or employees of the United States Patent and Trademark Office:

Jon Dudas, Director

United States Patent and Trademark Office

PO Box 15667

Arlington VA 22215-0667

Michael Briskin, FOIA Officer

United States Patent and Trademark Office

PO Box 15667

Arlington VA 22215-0667

Lisa Belasco, Acting Deputy General Counsel for General Law

United States Patent and Trademark Office

PO Box 15667

Arlington VA 22215-0667

JURISDICTION AND VENUE

3. This action is based primarily on the Freedom of Information Act - 5 USC 552. Jurisdiction and venue of the Tampa Division is based on 5 USC 552(a)(4)(B): "On complaint, the district court of the United States in the district in which the complainant resides ... has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant."

FACTS AND ALLEGATIONS

Count 1 of 1 - Statutory Violation Of The Freedom Of Information Act.

4. The following Freedom of Information Act ("FOIA") exchange of documents ("exchange") took place between the plaintiff and USPTO:
 - July 11, 2005, plaintiff's FOIA request for documents and a fee waiver;
 - July 12, 2005, docketed by USPTO as "FOIA Request No. 05-229";
 - July 28, 2005, USPTO responds with nine pages purported to be the requested documents;
 - August 2, 2005, plaintiff emails that USPTO failed to provide the requested documents and quotes the exact language from his July 11, 2005 FOIA request;
 - August 3, 2005, USPTO docketed email as a new "FOIA Request No. 05-261";
 - August 31, 2005, USPTO denies plaintiff's request for a fee waiver and demands an up-front payment of \$969;
 - September 22, 2005, plaintiff appeals the denial of the fee waiver;
 - October 26, 2005, USPTO denies the appeal.
5. Plaintiff alleges that he has exhausted his administrative remedies.
6. Plaintiff alleges that USPTO violated the Freedom of Information Act: 5 USC 552.
7. Plaintiff alleges that USPTO records were improperly withheld from him.
8. Plaintiff alleges that USPTO acted arbitrarily and capriciously with respect to the withholding.
9. Plaintiff alleges that USPTO acted negligently with respect to the withholding.
10. Congress has directed that judicial review is appropriate when agency records are

"improperly withheld" from a requestor. See 5 USC 552(a)(4)(B).

11. Congress has directed that judicial review is appropriate when agency personnel acted arbitrarily or capriciously with respect to the withholding." See 5 USC 552(a)(4)(F).

12. In the October 26, 2005 Denial, USPTO recognized the plaintiff's right to bring this action by stating, "You have the right to seek judicial review of this denial as provided in 5 USC 552(a)(4)(B)."

Fee Waiver Test.

13. Congress has directed that the "FOIA's fee waiver requirement be liberally construed." See Judicial Watch, Inc. v. Rossotti, No. 02-5154, 2003 WL 2003805 (D.C. Cir. May 2, 2003).

14. The Freedom of Information Act provides for three levels of fees that may be assessed in response to FOIA requests according to categories of FOIA requesters and these levels are (1) commercial user, (2) representative of the news media, and (3) all others. See 5 USC 552(a)(4)(A)(ii).

15. The courts have clarified that "a representative of the news media is, in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." The courts have further clarified that an internet website is an acceptable means for that distribution. See National Security Archive v. Dept. of Defense, 880 F.2d at 1387 (D.C. Cir. 1989), Judicial Watch, Inc. v. Department of Justice, No. 00-1396 (D.D.C. Nov. 16, 2000) and Elec. Privacy Info. Ctr. v. DOD, No. 02-1233 (D.D.C. Jan. 16, 2003).

16. Plaintiff alleges that he meets the criteria of a "representative of the news media."

17. Plaintiff alleges that he is "a person or entity that gathers information of potential interest to a segment of the public."

18. Plaintiff alleges that he "uses his editorial skills to turn the raw materials into a distinct work."

19. Plaintiff alleges that he "distributes that work to an audience" by way of his internet website, www.PatentOfficeLawsuit.info ("website").

20. Plaintiff alleges that he "distributes that work to an audience" by supplying background material to others for publication.

21. Congress has directed that the allowance for a "representative of the news media" fee waiver hinges on a two-part test: (1) that the disclosure of the information is in the public interest; and (2) that the disclosure of the information is not primarily in the commercial interest of the requester. See 5 USC 552(a)(4)(A)(iii).

22. Plaintiff alleges that he meets the criteria for Part 1 of the fee waiver test, i.e., that the disclosure of the information on the website and by others "is in the public interest."

23. Plaintiff alleges that he meets the criteria for Part 2 of the fee waiver test, i.e., that the disclosure of the information on the website and by others "is not in the commercial interest of the requester."

Part 1 Of The Fee Waiver Test - Public Interest.

24. With respect to determining "that the disclosure of the information is in the public interest" part of the two-part test, the courts have recognized a simple four-factor analysis that can be applied:

(1) the subject of the requested records must concern the operations or

activities of the government;

(2) the requested documents must be likely to contribute to an understanding of government operations or activities;

(3) disclosure must contribute to a greater understanding of the part of the public at large, as opposed to a narrow segment of interested persons, and

(4) disclosure must contribute significantly to public understanding of government operations or activities. See Judicial Watch v. Dep't of Justice, 122 F. Supp. 2d 5, 8-11 (D.D.C. 2000); 37 C.F.R. 102.11(k)(2).

25. Plaintiff alleges that he meets the criteria for Factor 1 of the courts' analysis, i.e., that the subject of the requested records does "concern the operations or activities of the government."

26. Plaintiff alleges that he meets the criteria for Factor 2 of the courts' analysis, i.e., that the requested documents do "contribute to an understanding of government operations or activities."

27. Plaintiff alleges that he meets the criteria for Factor 3 of the courts' analysis, i.e., that the disclosure does "contribute to a greater understanding of the part of the public at large."

28. Plaintiff alleges that he meets the criteria for Factor 4 of the courts' analysis, i.e., that the disclosure does "contribute significantly to public understanding of government operations or activities."

Factors 1, 2 And 4 Of The Courts' Analysis.

29. Plaintiff maintains an internet website, www.PatentOfficeLawsuit.info which includes reporting on material in lawsuits brought by the plaintiff and others against USPTO.

30. Plaintiff alleges that even the name of the website, "Patent Office Lawsuit," characterizes the general nature of the site.

31. Plaintiff alleges that the FOIA material he requested concerned USPTO's "operations and activities" as may be manifested in additional lawsuits brought against USPTO by others.

32. Plaintiff alleges that the website currently includes editorial comment and material about the litigious nature of the "operations and activities" of USPTO.

33. Plaintiff alleges that the FOIA material he requested would have been used for research and to editorially enhance the website with additional lawsuit information.

Website Examples Of USPTO's Litigious Operations And Activities

34. Plaintiff alleges that lines 35 through 70 reflect USPTO "operations and activities" ("O&A") that have already been gleaned in connection with lawsuits against USPTO.

35. USPTO is prohibited from releasing federal income tax returns to the public.
See 26 USC 6103 (a)(1).

36. Plaintiff alleges that USPTO, as part of their "operations and activities," has released federal income tax returns of inventors and others to the public.

37. USPTO is prohibited from releasing Social Security numbers to the public.
See 5 USC 552a Sections 7(a)(1) & 7(b) [not codified].

38. Plaintiff alleges that USPTO, as part of their "operations and activities," has released Social Security numbers of inventors and others to the public.

39. Plaintiff alleges that USPTO, as part of their "operations and activities," released very private financial and medical information of inventors and others to the public.

40. All federal forms that collect information from individuals are required to have a

Privacy Act statement on or attached to them. See 5 USC 552a (e)(3).

41. An individual may not be penalized for failing to file a form that fails to comply with the law, i.e., that lacks the required Privacy Act statement. See 44 USC 3512.

42. USPTO processes Form PTO/SB/65 ("65") - "Petition To Accept Unavoidably Delayed Payment Of Maintenance Fee In An Expired Patent."

43. USPTO, as part of their "operations and activities," most often (over 90% of the time) issues a denial ("65 denial") after the filing of a '65.

44. Plaintiff alleges that '65s and '65 denials did not have the required Privacy Act Statement on or attached to them prior to November 2005.

45. Plaintiff alleges that USPTO, as part of their '65 "operations and activities," has penalized individuals for failing to file a '65 and/or a '65 denial response, even though the requesting documents lacked the required Privacy Act statement.

46. Plaintiff alleges that USPTO's penalty for this, as part of their "operations and activities," is that an inventor loses the property rights to his/her patent.

47. One way Congress insured that the Paperwork Reduction Act would reduce paperwork was to require that any form used for the collection of information was to have "practical utility." See 44 USC 3506(c)(3)(A).

48. "Practical utility means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion." See 44 USC 3502(11).

49. Plaintiff alleges that '65s and particularly the '65 denials, as part of USPTO's "operations and activities," most often (over 90% of the time) require substantial amounts of additional information from inventors.

50. USPTO documents show that a typical '65 denial request for additional information is "A verified statement from patentee's doctors or treatment providers is required. Such statement must provide the dates, nature and degree of patentee's incapacitation. ... Any such statement or declaration should discuss the physical and mental issues ... including treatment for alcohol dependence, hypertension and marital difficulties" See U.S. Patent 4,993,764.

51. USPTO documents show that a typical '65 denial request for additional information is "a complete showing is required of patentee's financial condition from March 28, 1997 [through May 23, 2000], including all income (not just taxable), expenses, assets, credit, and obligations.... A monthly breakdown is preferred." See U.S. Patent 4,815,438.

52. USPTO documents show that a typical '65 denial request for additional information is "Specifically, petitioner should supply a full and complete copy of all information (including tax returns for 1996, 1997, 1998, 1999) supplied to the Internal Revenue Service pertaining to this time period. Petitioner ... must fully and completely discuss every dollar the business spent during 1997, 1998, and 1999...." See U.S. Patent 4,770,655.

53. [To preserve the brevity of this Complaint, the parties and the court are directed to the plaintiff's website www.PatentOfficeLawsuit.info for a number of other '65 denial request requirements for substantial amounts of information from inventors.]

54. USPTO documents show that prior to 1999, '65s and '65 denials and responses were processed by a GS-15 grade USPTO employee in about two hours.

55. USPTO documents show that since 1999, '65s and '65 denials and responses have been processed by a GS-7 grade USPTO employee in about 30 minutes.

56. Plaintiff alleges that the GS-7 does not have "the capability to process such

information in a timely and useful fashion." See 44 USC 3502(11).

57. Plaintiff alleges that the reduction in the grade of the processor and the processing time was a cheap accounting trick to fool Congress into thinking that USPTO had reduced the burden to process '65s and '65 denials and responses.

58. One way Congress insured that the Paperwork Reduction Act would reduce paperwork was to require that specific forms which collect information must have on them an accurate time burden to "gather, prepare and submit" the form. 44 USC 3506(c)(1)(B)(iii).

59. USPTO documents show that prior to 2003, it was estimated that about 1 hour was required to "gather, prepare and submit" a PTO/SB/65 and that since 2003 the estimate has been about 8 hours to "gather, prepare and submit" a PTO/SB/65.

60. Plaintiff alleges that Paperwork Reduction Act and USPTO procedures were not used to arrive at either of these estimates of the time to "gather, prepare and submit" a '65.

61. Plaintiff alleges that '65 is flawed because Federal Register Comments about its deficiencies were not considered.

62. Plaintiff alleges that '65 has always lacked a valid "showing statement."

63. Plaintiff alleges that the '65 denials were never approved by the Office of Management and Budget for the collection of information.

64. Plaintiff alleges that the additional information requirements stated in '65 denials were never approved by the Office of Management and Budget for the collection of information.

65. Plaintiff alleges that USPTO's FOIA Officer forged the date on earlier FOIA Request No. 01-105 response. [See "Does the Patent Office forge documents?" on the website.]

66. Plaintiff alleges a potential conflict of interest at USPTO in that Nancy Slutter is a lawyer in the USPTO's Office of the Solicitor and her husband, Regis Slutter, is a partner in the intellectual property law firm of Burns Doane Swecker & Mathis LLP. [See "Conflict of Interest at the Patent Office?" on the website.]

67. Plaintiff alleges that between July 11 and October 28, 2003, he made over 100 phone calls to USPTO's FOIA Officer Michael Briskin and that not a single call was ever returned. [See "Alexander Graham Bell - Where are you when we need you?" on the website.]

68. Plaintiff alleges that USPTO's Financial Accounting Division is so incompetent that they can make a photo-copy of a check and then lose the check. [See "Murphy's Law is alive and well at the Patent Office!" on the website.]

69. Plaintiff alleges improper public behavior by USPTO examiners. [See "Be sure to stand upwind from Downwind!" on the website.]

70. Plaintiff alleges that USPTO ignored Congress' directive that the "FOIA's fee waiver requirement be liberally construed." See Judicial Watch, Inc. v. Rossotti, *op cit*.

71. Thus endeth the recital of some of USPTO "operations and activities" that have been gleaned in connection with lawsuits against USPTO. There are more on the website.

72. Plaintiff alleges that the FOIA material he requested would have been used for research and to editorially enhance the website with additional lawsuit information related to USPTO's "operations and activities".

73. Plaintiff alleges that the FOIA material he requested meets the criteria of Factors 1, 2 and 4 which are elements of Part 1 of the fee waiver test, i.e., that the disclosure of the information on the website and by others "is in the public interest."

Factor 3 - Interest In USPTO's Litigious Operations And Activities By The General Public:

Dallas/Ft. Worth Star-Telegram newspaper and website.

74. On July 24, 2005, the *Dallas/Ft. Worth Star-Telegram* newspaper (and their internet website) carried a "Watchdog" column titled "A good idea could lead to identity theft."

75. Plaintiff alleges that USPTO is aware of this column.

76. The *Dallas/Ft. Worth Star-Telegram* newspaper's printed circulation is over 315,000.

77. Plaintiff alleges that the "Watchdog" column is read by a broad spectrum of readers.

78. Plaintiff alleges that the column was about the release of private documents by USPTO and how that could lead to identity theft.

79. Plaintiff alleges that the plaintiff's name and his findings of USPTO purported wrongdoing are mentioned several times in the column.

80. Plaintiff alleges that the author relied on the extensive documentation which is available on the plaintiff's website.

81. For background, the author interviewed Brigid Quinn (USPTO Press Secretary), Joe Rolla (USPTO Deputy Commissioner For Patent Examination Policy) and Richard Maulsby (USPTO Director Of Public Affairs).

82. The column contains quotes and observations by these three USPTO employees.

83. According to these quotes and observations, USPTO is now going to alter their operations and activities concerning the release of very private financial and medical information to the public.

84. Plaintiff alleges that the material on the website was a contributing factor to getting the USPTO to change its "operations and activities."

Factor 3 - Interest In USPTO's Litigious Operations And Activities By The General Public:

Tax Notes journal and website.

85. On September 5, 2005, the *Tax Notes* journal (and their internet website) carried an article in the "News and Analysis" section titled "Patent Office Rules Allow Simple Access to Tax, Financial Data."
86. Plaintiff alleges that USPTO is aware of the article.
87. The printed version of *Tax Notes* has a circulation of over 1,800.
88. Plaintiff alleges that the article, which appeared in the "News and Analysis" section of the periodical, is directed to a broad spectrum of readers.
89. Plaintiff alleges that the article was about the illegality of the release of private documents by USPTO and how that could lead to identity theft.
90. The plaintiff's name and his findings of USPTO purported wrongdoing are mentioned several times in the article.
91. Plaintiff alleges that the author relied on the extensive documentation which is available on the plaintiff's website.
92. Plaintiff alleges that the author relied on instructions on the plaintiff's website to actually go to the USPTO's offices in Arlington, Virginia and copy a number of very personal financial (including federal income tax returns and Social Security numbers) and medical documents to prove that they are easily available to the public.
93. The article includes images of these very personal documents.
94. The website includes images of many of these very same personal documents.
95. For background, the author interviewed Richard Maulsby (Dir. Of Public Affairs).

96. According to Maulsby, USPTO is now going to alter their operations and activities concerning the release of very private financial and medical information to the public.

97. Plaintiff alleges that the material on his website was a contributing factor in getting the USPTO to change its "operations and activities."

98. Plaintiff alleges that the fact that USPTO did change its "operations and activities" based on material from the plaintiff's website is compelling evidence that the current lawsuit-related information on the website is indeed "in the public interest."

99. Plaintiff alleges that the FOIA material he requested would have been used for research and to editorially enhance the website with even more lawsuit related information that would also be "in the public interest."

Ability Of The Plaintiff's Internet Website To Reach A Wide Audience.

100. In his September 22, 2005 Appeal, plaintiff recited a sample of his website's statistics.

101. Plaintiff stated: "... my website has an amazing amount of traffic. For example, for each of the last five full months, it has averaged 3,184 hits which resulted in 286 visits from 148 sites who looked at 397,288 KBytes of information consisting of 803 pages and 2,586 files. And this is just for an average month! ... those are pretty spectacular statistics for a private .info-type site devoted to wrongdoing by the USPTO."

102. All three branches of the federal government, like Congress, USPTO and the Middle District of Florida, maintain internet websites because they can reach a wide audience.

Part 2 Of The Fee Waiver Test: Non-commercial Interest.

103. Part 2 of the Fee Waiver Test is "that the disclosure of the information is not primarily in the commercial interest of the requester." See 5 USC 552(a)(4)(A)(iii).

104. Plaintiff alleges that he had no commercial interest for making the FOIA request(s).
105. Plaintiff stated this to USPTO in his September 22, 2005 FOIA Appeal.
106. The website's internet address, www.PatentOfficeLawsuit.info, ends with .info.
107. Plaintiff alleges that ".info" indicates that his website is an informational website, not a commercial site, which would have ended with ".com."
108. On the home page of his website, plaintiff states that: "This is **not** a commercial site. I'm not selling anything."

Arbitrary And Capricious Actions By USPTO Employees.

109. Congress has directed that judicial review is appropriate "when agency personnel acted arbitrarily or capriciously with respect to the withholding." See 5 USC 552(a)(4)(F).
110. Plaintiff alleges that USPTO personnel acted arbitrarily and capriciously with respect to the withholding of documents from him.
111. Plaintiff alleges that USPTO personnel acted negligently with respect to the withholding of documents from him.
112. Plaintiff alleges that an example of USPTO's arbitrary, capricious and negligently acts is that in their August 31, 2005 Denial, USPTO cited Larson v. CIA, 843 F.2d 1481, 1483 (D.C. Cir. 1988) ("Larson") in connection with the plaintiff's "ability to disseminate the requested information to the general public."
113. Plaintiff alleges that Larson is an ancient citation that has been overridden by rulings from a number of courts.
114. Plaintiff alleges that USPTO was aware via previous correspondence with the plaintiff that Larson has been overridden by rulings from a number of courts.

115. Plaintiff's September 22, 2005 Appeal included citations to at least six different, and more recent, rulings in support of his request for a fee waiver.

116. Plaintiff alleges that USPTO did not properly consider these six recent rulings in its FOIA Responses and Denials.

117. Plaintiff alleges that USPTO failed to respect the principle of *stare decisis*.

118. Plaintiff alleges that USPTO's arbitrary, capricious and negligent behavior effectively denied plaintiff access to documents which would have been used for research and to editorially enhance the plaintiff's internet website with additional examples of litigious wrongdoing by USPTO in its operations and activities.

119. Congress directed that "disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding" that was arbitrary or capricious. See 5 USC 552(a)(4)(F).

120. Plaintiff alleges that those USPTO officers or employees responsible for the withholding of documents from the plaintiff are Michael Briskin (FOIA Officer) and Lisa Belasco (Acting Deputy General Counsel for General Law) who authored the FOIA responses and denials.

121. Congress has directed that the "FOIA's fee waiver requirement be liberally construed." See Judicial Watch, Inc. v. Rossotti, , *op cit*.

122. Plaintiff alleges that if the court were to bring the full weight of the law to bear on Briskin and Belasco that in the future USPTO might be a bit more respectful of Congress, of the courts and of previous court rulings favoring fee waivers for internet websites.

Stare decisis.

123. Here, verbatim, are six of the citations that were presented to USPTO:
124. In National Security Archive v. Dept. of Defense, 880 F.2d at 1387 (D.C. Cir. 1989), the Court refused to read news media as including organizations which only serve as conduits in making information available to the public; to qualify the organization must act as a publisher in print or other media. "A representative of the news media is, in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The court did not therefore require that an organization publish "news" within the everyday meaning of that word.
125. In Judicial Watch, Inc. v. Department of Justice, No. 00-1396 (D.D.C. Nov. 16, 2000), the Court found that while calling the plaintiff a "self-anointed" representative of the news media and while finding that the amended FOIA had not "anticipated the evolution of the Internet or the morphing of the 'news media' into its present indistinct form," finds that plaintiff is a representative of the news media and that, as such, it should be granted a "waiver" of search fees.
126. In Judicial Watch, Inc. v. GSA, No. 98-2223 (D.D.C. Sept. 25, 2000), the Court found that plaintiff's allegations of possible government improprieties are sufficiently specific to show that disclosure is in the public interest. Even though plaintiff did not specify which newspaper it would utilize or which of its customary methods of dissemination it would use, its "track record" proves that the

"organization is equipped to disseminate, and will disseminate FOIA-disclosed information to the public". Plaintiff's Web site may "serve as an electronic clearinghouse of information which citizens would otherwise have to cull from a variety of disparate sources". While most of this information may already be in the public domain, "more widespread dissemination" will allow the public to make "a more informed assessment of the fiscal prudence, legality and ethical propriety" of certain actions. The Court granted a fee waiver to plaintiff.

127. In Judicial Watch, Inc. v. United States Dep't of Justice, Nos. 1:01-0639, 1:01-0720 (D.D.C. Mar. 22, 2002), the Court found that the plaintiff is entitled to a fee waiver in this FOIA case where it sought records concerning pardon applications considered by President Clinton, because this information bears directly on the operations of the government.
128. In Judicial Watch, Inc. v. Rossotti, No. 02-5154, 2003 WL 2003805 (D.C. Cir. May 2, 2003), the Court, based upon what it described as "Congress's directive that FOIA's fee waiver requirement be liberally construed," found that the requester, a nonprofit organization who argued that it qualifies for a fee waiver because the disclosure of documents concerning a conflict-of-interest waiver received by a former Commissioner of Internal Revenue would serve the public interest. The Court also found that disclosure of conflict-of-interest waiver is "likely to contribute significantly to public understanding of the [government's] operations"; requester has demonstrated that disclosure will show how the IRS acted on matters "touching on legal and ethical questions," and that requester has the ability to publicize the

disclosed information, and that this information is not already available to the public.

129. In Elec. Privacy Info. Ctr. v. DOD, No. 02-1233 (D.D.C. Jan. 16, 2003), the Court found that the plaintiff, a nonprofit, tax-exempt, educational organization, is a "representative of the news media" for purposes of the FOIA. The determinative question is the organization's "activities," not its corporate structure. A "representative of the news media is, in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience".

RELIEF

- A. WHEREFORE, Plaintiff prays that the Court finds that the fees for FOIA Request No. 05-261 should have been waived.
- B. WHEREFORE, Plaintiff prays that the Court orders the production of the requested records.
- C. WHEREFORE, Plaintiff prays that the Court (in order to minimize future litigation of a similar nature) orders that henceforth all FOIA related fees are to be waived by all agencies of the executive branch for the plaintiff for matters related in any way to internet websites that he may maintain.
- D. WHEREFORE, Plaintiff prays that the Court orders the defendants to reimburse the plaintiff for his filing fees and costs of service, printing and copying, postage, travel, depositions and mediation.
- E. WHEREFORE, Plaintiff prays that the Court finds that Michael Briskin and Lisa Belasco acted arbitrarily, capriciously and negligently by ignoring previous court rulings.

F. WHEREFORE, Plaintiff prays that the Court finds that Michael Briskin and Lisa Belasco acted arbitrarily, capriciously and negligently by ignoring Congress' directive that "FOIA's fee waiver requirement be liberally construed."

G. WHEREFORE, Plaintiff prays that the Court creates and applies "disciplinary action" to Michael Briskin and Lisa Belasco for their arbitrary, capricious and negligent acts of ignoring the precedence of previous court rulings and Congressional directives.

H. WHEREFORE, Plaintiff prays that the Court orders the defendants, because of their pervasive and collective wrongdoing, to provide a punitive award to the plaintiff in the amount of \$200,000 or whatever the court may decide.

I. WHEREFORE, Plaintiff prays that the Court will grant such other relief as the Court shall deem just and proper.

Dated: Sun City Center, FL
November 28, 2005

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