IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, Plaintiff, vs. THE PENNSYLVANIA STATE UNIVERSITY, THE PENNSYLVANIA STATE UNIVERSITY BOARD OF TRUSTEES, ERIC J. BARRON, individually and as agent for The Pennsylvania State University, PAUL APICELLA, individually and as agent for The Pennsylvania State University, KAREN FELDBAUM, individually and as agent for The Pennsylvania State University, KATHARINA MATIC, individually and as agent for The Pennsylvania State University, Defendants.	: No.: 4:17-cv-01315-MWB : Honorable Matthew W. Brann

DEFENDANTS' BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION FOR CIVIL CONTEMPT AS AGAINST THE PENNSYLVANIA STATE UNIVERSITY, DANNY SHAHA AND KAREN FELDBAUM

Defendants submit this Brief in opposition to Plaintiff's Motion for Civil Contempt against The Pennsylvania State University ("Penn State"), Danny Shaha, and Karen Feldbaum.

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INTRODUCTION

Plaintiff and his counsel have decided that the approach is to cry foul, and now even "contempt!", whenever the University attempts to enforce its own rules and procedures and keep this matter moving along. Plaintiff's approach is meritless and does a great disservice to those at the University who are trying to get this right while being fair to all parties.

There has been and will be no "contempt" of this Court's August 18, 2017 Order. Plaintiff remains fully enrolled at Penn State, and will remain so unless and until the Order is modified or lifted. Plaintiff's motion for "contempt" is an intemperate and unwarranted reaction to an announcement by Penn State that it would convene a new hearing to remedy the primary procedural concerns noted by Your Honor in that Order and the accompanying Memorandum Opinion. All aspects of Your Honor's August 18, 2017 Order have been followed: (1) Penn State did not enforce its June 27, 2017 suspension of Plaintiff; (2) Plaintiff is not excluded from the pre-med program; (3) Plaintiff registered for and began classes on August 21, 2017; and (4) Plaintiff and Ms. Roe have been separated.

Penn State respectfully submits that a new hearing is entirely consistent with Your Honor's Order. Should the Court disagree, Penn State will respect that view and of course continue to comply in every respect with this Court's instructions. Moreover, Penn State will do nothing to change Plaintiff's fully-enrolled status at

the University without appropriate imprimatur of this Court. In other words, ***if*** Plaintiff is found responsible for the alleged conduct after a new hearing, ***and*** a panel suggests sanctions, ***and*** those sanctions are upheld after any internal appeal at the University, ***then*** Penn State will stay imposition of those sanctions until such time as it obtains Court approval to implement those sanctions (or, similarly, obtains confirmation from the Court that no such approval is required).

None of this warrants contempt. What Plaintiff wants, make no mistake about it, is not really an Order of Contempt, but for this Court to preclude the University from taking any action against John Doe ever—even beyond the scope of this litigation—so that he can get through the University, approach graduation, and then seek to compel the University to let him graduate. That is the long play, and it is as transparent as can be. The University cannot effectively function and regulate its student body, and ensure fairness to all parties, if a single party can achieve such a result by filing serial motions in federal court.

PROCEDURAL HISTORY

This matter relates solely to this Court's August 18, 2017 Order (ECF No. 48), particularly the language in the Order that directed Penn State to act or refrain from acting. That Order contained four precise directives:

1. Penn State was enjoined from enforcing its June 27, 2017 suspension and exclusion of Plaintiff from the Pennsylvania State University and the Penn State-Jefferson seven (7) year pre-med program. Order (ECF No. 48) ¶ 2, at 2. ***The University has adhered to this directive.***

The June 27, 2017 suspension and exclusion has been vacated by the University.

2. Penn State was directed to permit Plaintiff to register for classes necessary for participation in the Penn State-Jefferson seven (7) year pre-med program for the Fall 2017 Semester, which began on August 21, 2017. Order (ECF No. 48) ¶ 3, at 2. ***The University adhered to this directive. John Doe is registered and taking classes.***

3. Penn State was directed to assist Plaintiff in registering for classes necessary for participation in the Penn State-Jefferson seven (7) year pre-med program for the Fall 2017 Semester, which began on August 21, 2017. Order (ECF No. 48) ¶ 3, at 2. ***The University provided John Doe with extensive assistance. He is taking a full complement of classes this semester.***

4. Penn State was directed to separate Plaintiff and Ms. Roe. Order (ECF No. 48) ¶ 3, at 2. ***The University has and continues to adhere to this direction.***

Literally every directive of this Court has been followed by Penn State and, as relevant, Ms. Feldbaum and Mr. Shaha. It is impossible for them to simultaneously be in strict compliance and in contempt. They are not in contempt.

COUNTER-STATEMENT OF RELEVANT FACTS

A. Penn State, Mr. Shaha, and Ms. Feldbaum Complied with Each Directive in the August 18, 2017 Order.

As made clear, Penn State, Mr. Shaha, and Ms. Feldbaum have complied with each of the above four directives. Plaintiff is fully enrolled in classes, resides on campus, has remained separated from the complainant (and vice versa) and has been assisted by Penn State as directed. Nor does the Plaintiff argue otherwise.

First, Plaintiff's Motion contains no allegation that Penn State is currently enforcing its June 27, 2017 suspension of Plaintiff because it is not; Plaintiff is not suspended and he is attending classes in the pre-med program. Moreover, Penn State has actually vacated that June 27, 2017 decision, so that it cannot be enforced. Second, Plaintiff does not allege that Penn State failed to permit him to register for classes; obviously, it did permit registration, because Plaintiff is attending classes. Third, Plaintiff does not allege that Penn State failed to assist him in registering for classes; he is enrolled and has been since shortly after the Order. Fourth, Plaintiff does not allege that Penn State failed to separate him and Ms. Roe. Instead, as Plaintiff knows, Penn State kept the no-contact provisions in effect and expanded them ***at Plaintiff's request***, issuing a reciprocal no-contact order. Although the analysis of whether contempt has occurred should stop here, Defendants will address the remaining irrelevant arguments raised by Plaintiff.

B. Penn State Scheduled a New Student Conduct Hearing.

Consistent with this Court's Order (directive #1), Penn State notified Plaintiff that it had withdrawn the finding of responsibility and sanctions assigned as a result of the Title IX Decision Panel hearing. *See* Email from Danny Shana to Plaintiff (Sept. 25, 2017) (attached hereto as Exhibit A). Mindful of the Court's finding that "Doe has demonstrated the necessary showing of likelihood of success on the merits of his due process claim," Memorandum Opinion (ECF No. 47) at

27, Penn State chose to remedy the potential violations highlighted by Your Honor by taking the following actions:

1. Assembling a new Title IX Decision Panel.

2. Replacing the redacted version of Plaintiff's response to the charges with an unredacted version in the investigative packet.

3. Providing the investigative packet to the Panel at least 5 days prior to a new hearing.

4. Asking the new Panel to conduct a new Title IX hearing, during which each party may submit questions to the Panel to be asked of the respondent and complainant, as appropriate, acknowledging that either may decline to answer any question.

5. Allowing both parties (respondent and complainant) the opportunity to participate by video or audio. If they participate by video, they acknowledge that they will be seen by each other.

6. Asking the Panel to reach a decision of responsibility or non-responsibility per the Code of Conduct & Student Conduct Procedures (Nov. 3, 2016 version).

7. Allowing appeals per the Code of Conduct & Student Conduct Procedures (Nov. 3, 2016 version).

Ex. A. Plaintiff's counsel objected to this course of action, and Defendants' counsel explained why the course of action was appropriate. *See* Email string between Plaintiff's counsel and Defendants' counsel (Sept. 25-26, 2017) (attached hereto as Exhibit B).

On October 5, 2017, Ms. Feldbaum advised Plaintiff that a date for a new Title IX hearing had been identified, and the hearing will take place on October 25,

2017 at 10:30 a.m. *See* Email from Karen Feldbaum to Plaintiff (Oct. 5, 2017) (attached hereto as Exhibit C). The hearing date remains in effect. As described above, should that impartial hearing panel find Plaintiff responsible for a conduct violation and recommend a sanction, and should that finding and sanction be upheld on appeal, then Penn State will seek guidance from the Court before implementing any such sanction. Penn State, Ms. Feldbaum, and Mr. Shaha have not taken and will not take any steps that are arguably contrary to this Court's August Order without first seeking the Court's modification or vacation of that Order, or other appropriate relief.

COUNTER-STATEMENT OF QUESTIONS INVOLVED

A. Whether Penn State, Mr. Shaha, or Ms. Feldbaum should be held in civil contempt when none of the four directives identified in the Court's August 18, 2017 Order has been violated?

Suggested Answer: No.

B. Whether Penn State, Mr. Shaha, or Ms. Feldbaum should be held in civil contempt for scheduling a new Title IX hearing and taking steps to correct the exact alleged procedural deficiencies that were the focus of the Court's August 18, 2017 Memorandum Opinion?

Suggested Answer: No.

C. Whether a new hearing is the appropriate remedy for alleged due process violations involving a student conduct proceeding?

Suggested Answer: Yes.

ARGUMENT

In order to establish civil contempt, a petitioner must show: (1) that a valid court order existed, (2) that the defendants had knowledge of the order, and (3) that the defendants disobeyed the order. *Roe v. Operation Rescue*, 919 F.2d 857, 871 (3d Cir. 1990). The petitioner is required to present clear and convincing evidence of a violation of the court's order. *Id.* at 871. The petitioner carries "a heavy burden to show a defendant guilty of civil contempt . . . where there is ground to doubt the wrongfulness of the conduct of the defendant, he should not be adjudged in contempt." *Air-Products & Chems., Inc. v. Inter-Chemical, Ltd.*, No. 03-cv-6140, 2005 WL 196543, at *3 (E.D. Pa. Jan. 27, 2005) (citation omitted) (attached hereto as Exhibit D). Ambiguities are resolved in favor of the party charged with contempt. *Harris v. City of Philadelphia*, 47 F.3d 1342, 1350 (3d Cir. 1995).

Defendants agree that the first two elements of the above test are met. There is a valid court order (the August 18, 2017 Order), and Penn State, Mr. Shaha, and Ms. Feldbaum have knowledge of the Order. However, neither Penn State, Mr. Shaha, nor Ms. Feldbaum disobeyed the Order or any finding contained in the Memorandum Opinion. Finally, commencement of a new hearing that corrects any procedural defect allegedly associated with the prior proceeding is the appropriate, necessary, and lawful remedy here, where the Court has found that Plaintiff

"demonstrated the necessary showing of likelihood of success on the merits of his due process claim."

I. No Violation of the Court's August 18, 2017 Order Occurred.

Neither Penn State, Mr. Shaha, nor Ms. Feldbaum disobeyed any of the four directives of the Court's August 18, 2017 Order. Importantly, Plaintiff has not alleged a violation of any of the four directives contained in the Order. As noted above, Penn State has not enforced Plaintiff's suspension, and has *even taken the additional step of withdrawing the finding of responsibility and sanctions*. Ex. A. Plaintiff was permitted to register for classes and began classes on August 21, 2017. Penn State assisted Plaintiff in registering for those classes, as he could not have registered for them on his own the Friday before school started. Finally, Plaintiff and Ms. Roe remain separated.

Although the analysis should end here, to be thorough, Defendants note that Penn State, Mr. Shaha, and Ms. Feldbaum have taken additional steps to comply with the potential deficiencies noted in the Court's Memorandum Opinion.

II. Penn State, Mr. Shaha, and Ms. Feldbaum Have Taken Affirmative Steps to Ensure That the Potential Deficiencies Noted in the Court's Memorandum Opinion are Remedied.

No one has disobeyed any finding contained in the Court's August 18, 2017 Memorandum Opinion. To the contrary, Defendants have taken steps to ensure

that each of the three potential/likely deficiencies found by the Court are remedied by a second hearing.

It is important to review *precisely* what factual findings the Court made about due process. There were three. First, the Court found that "Penn State's failure to ask the questions submitted by Doe may contribute to a violation of Doe's right to due process as a 'significant and unfair deviation' from its procedures." Memorandum Opinion (ECF No. 47) at 18-19. Second, the Court found "a deviation from Penn State's policy concerning the production of the investigative packet to the hearing panel," *id.* at 22, because the panel was not given the full five days to review the investigative packet, which "limited in the time given to consider Doe's response to the Charge and Sanction Notification," *id.* at 25. Third, the Court "view[ed] with skepticism the role of the Investigator in redacting" Plaintiff's "June 1, 2017 Response to the Charge and Sanction Notification . . . ." *Id.*

The scheduling of a new hearing, with adjustments to remove any procedural defects, is the ***opposite*** of "contempt"—it is an attempt to remedy the deficiencies set forth in the Memorandum Opinion and carry out the wording and spirit of that Opinion.

The first deficiency—failure to permit Plaintiff to pose questions directed to Ms. Roe through the panel—will be remedied because Penn State has asked "the

new Panel to conduct a new Title IX hearing, during which each party may submit questions to the panel to be asked of the respondent and complainant, as appropriate . . . ." Ex. A.

The second deficiency—failure to provide the investigative packet to the panel at least five days prior to the hearing—will be remedied because Penn State will "provide the investigative packet to the Panel at least 5 days prior to a new hearing." Ex. A.

The third deficiency—redaction of the June 1, 2017 Response to the Charge and Sanction Notification by the Investigator—will be remedied because Penn State will "replace the redacted version of the response to charges with an unredacted version in the investigative packet." Ex. A.

Penn State is not proposing just to stop there, however. It has agreed to take an additional step to address an issue that Plaintiff complained about, but which the Court did not address in its Memorandum Opinion. In his Complaint, briefing, and during the injunction hearing before Your Honor, Plaintiff argued that his inability to see Ms. Roe testify during the first hearing was a violation of his right to "confront his accuser." *See* Compl. (ECF No. 1) ¶ 120, at 40 ("While Jane Roe participated in the hearing via web camera and the entire hearing panel could view her, she refused to allow John Doe to see her while she gave her testimony . . . ."); Memorandum of Law in Support of Motion for Preliminary Injunction (ECF No.

12) at 12 ("Shockingly, during the hearing, Defendants permitted Jane Roe to view the Plaintiff, but affirmatively prevented Plaintiff from seeing her."); Preliminary Injunction Hearing Transcript, Volume II (ECF No. 43) at 79:1 – 86:22. The Court, correctly, made no finding on this issue, as this minor inconvenience to Plaintiff was not a violation of any due process right.

Regardless, Penn State has agreed that in the new hearing it will take the additional step of "allow[ing] both parties (respondent and complainant) the opportunity to participate by video or audio. If they participate by video, they acknowledge that they will be seen by the other." Ex. A. This will address Plaintiff's concern on this issue, because if Ms. Roe does elect to participate by video, she knows that she will be seen by Plaintiff. Conversely, Plaintiff knows that if he elects to participate by video, he will be seen by Ms. Roe.

Following the new hearing, the Panel will "reach a decision on responsibility or non-responsibility . . . ." Ex. A. Appeals will be permitted pursuant to the Code of Conduct & Student Conduct Procedures ("Code & Procedures"). *Id*. Importantly, Mr. Shaha's September 25, 2017 email made no representation about what would happen at the conclusion of any appeal. Plaintiff could be found "not responsible." Plaintiff could be found responsible, but no sanctions could be suggested. Plaintiff could be responsible, and sanctions could be suggested, but those sanctions could be different from those previously imposed. In other words,

and importantly, *John Doe could win*. Yet he wishes to hold the responding parties in contempt. This position fails to acknowledge that there has been no violation of the precise directives of the Court's August 18, 2017 Order and generally lacks merit.

III. A New Hearing is the Appropriate Remedy for Any Due Process Violation Related to a Student Conduct Proceeding.

As this Court is aware, Penn State owes a duty not just to John Doe, but to the broader campus community generally and Ms. Roe specifically to adjudicate her complaint to conclusion in a timely manner. While the Court found potential procedural irregularities that lead to the injunction on Plaintiff's suspension, the fact remains that: (a) Ms. Roe has not withdrawn her complaint; (b) Plaintiff did not ask the Court to issue relief prohibiting a new, procedurally-compliant hearing; and (c) the Court did not order Penn State to refrain from administering a new hearing. Therefore, Penn State believes it is appropriate, if not required, that it move forward and attempt to complete its process with a new, procedurally-compliant hearing.

While Plaintiff spends pages of his contempt briefing arguing that Penn State lacks *any authority at all* to conduct a second hearing, Memorandum of Law in Support of Plaintiff's Motion for Civil Contempt (ECF No. 60) at 9-11, there is, in fact, ample authority. First, federal courts from across the country have recognized that a student's remedy for a procedural due process violation related to

a student conduct proceeding is a second proceeding that is devoid of the due process violation. *See, e.g., Doe v. Alger*, No. 5:15-cv-35, 2017 WL 1483577, at *2 (W.D. Va. April 25, 2017) (attached hereto as Exhibit E). Second, Penn State's own documents supply ample authority for a new hearing. Third, regulations under Title IX of the Education Amendments Act of 1972 (and yes, these were in place prior to the 2011 Dear Colleague Letter and do not change given recent developments in that regard) require all institutions to provide "prompt and equitable resolution of student . . . complaints alleging any action" that would be prohibited by Title IX. 34 C.F.R. § 106.8(b). Sexual misconduct is prohibited by Title IX.

A. Penn State Has the Legal Authority to Proceed with a New Hearing.

The issue raised by Plaintiff's contempt motion is remarkably similar to the issue decided by the court in *Alger*. There, the parties were directed by the court to brief the appropriate remedy for the violation of the plaintiff's due process right in the administration of a student conduct proceeding. *Alger*, 2017 WL 1483577, at *1. The plaintiff argued that James Madison University, a state institution in Virginia, should be enjoined from conducting any further proceedings on the female complainant's charge of sexual misconduct. *Id.* at *2. The plaintiff argued that it was not possible for him to receive a fair second hearing. *Id.* at *4. In other words, just like John Doe is angling for here, the plaintiff wanted a "Go directly to

graduation" card that precluded any other action involving him. In response, JMU argued that the "proper remedy for a violation of due process is a new hearing to receive the process due." *Id.* at *2.

The court disagreed with the plaintiff's arguments in *Alger*, noting that a number of federal and state courts have held that "the typical remedy for a violation of due process in the university context is more process." *Id*. at *2. The court found that the school (1) had violated the processing of the plaintiff's appeal, and (2) the appeal board issued a determination that lacked an explanation. *Id.* at *3. The court concluded that the "appropriate remedy for these violations is to allow an appeal to proceed with constitutionally adequate process for Doe." *Id.*

This outcome is consistent with the decisions of other courts that have permitted a second hearing that comports with due process when the first proceeding was deficient. *See Furey v. Temple Univ.*, 884 F. Supp. 2d 223, 261 (E.D. Pa. 2012) (vacating plaintiff's expulsion and ordering reinstatement unless the plaintiff was "given a ***new hearing*** that comports with due process within sixty (60) days." (emphasis added)); *Doe v. Brown Univ.*, 210 F. Supp. 3d 310, 336 (D.R.I. 2016) (after finding breach of contract by manner in which private university conducted disciplinary hearing, the court held "nothing in this Order prevents Brown from ***re-trying Doe on the same charge with a new panel*** consistent with the policies and procedures that apply with the Court's instructions

contained herein." (emphasis added)); *Huntsinger v. Idaho State Univ.*, No. 4:14-cv-237, 2014 WL 5305573, at *1 (D. Idaho Oct. 15, 2014) (attached hereto as Exhibit F) (after parties agreed that plaintiff's due process rights had been violated, court found "that the University's proposed process adequately protects [plaintiff's] due process rights. The process the University proposes gives [plaintiff] the change to present evidence at a formal hearing, to be represented by legal counsel, to receive a clear written decision, to appeal to an impartial board, and to be formally exonerated if such a determination is made. Such a process would afford [plaintiff] the constitutional protections she is entitled to, and more.").

In reaching its holding, the *Alger* court could not conclude that "JMU is incapable of providing constitutionally adequate process for a new appeal hearing. Indeed, JMU has changed a number of its appeal procedures in response to the violations alleged or found in this case." *Id.* at *4. Further, it correctly noted that it is not the court's place to decide whether the plaintiff was responsible for misconduct or not. *Id.* ("[V]indication to Doe, in terms of a final finding of 'not responsible,' is not this court's to give.").

Similar to the situation in *Alger*, Penn State adopted new procedures applicable to Plaintiff's second hearing. There is no reason to believe that Penn State is incapable of providing a constitutionally adequate process with these new

protections in place. The appropriate remedy for the alleged violation of Plaintiff's due process rights is a new hearing with constitutionally adequate process. That is exactly what John Doe wanted—but what he is now fighting against. No matter what, Penn State's attempt to give Mr. Doe more process—process that he indicated he should have had and wanted—cannot possibly support a finding of "contempt."

B. Penn State's Code & Procedures Grant Penn State the Authority to Proceed with a New Hearing.

While Plaintiff's counsel attempts to characterize Defendants' counsel's email addressing the second hearing as "a string of self-serving words," Plaintiff's Memorandum of Law in Support of Plaintiff's Motion for Civil Contempt (ECF No. 60) at 10, the principles explained in counsel's September 26, 2017 email, Ex. B, are much more than merely a "string of words." These principles are embodied in the Code itself, which states:

> The Office of Student Conduct strives to deliver a student discipline process that is equitable, just, educational, effective and expeditious; and to provide a system that promotes student growth through individual responsibility and in which the success of its education endeavors is characterized by increased civility.
>
> The Office of Student Conduct supports the University's educational missions by promoting a safe, orderly and positive University climate through enforcing behavioral standards, enacting and facilitating intervention efforts, managing disciplinary proceedings, mentoring students, developing leadership, delivering informational programming and fostering

> peer education. We hope to create a University culture that is self-disciplined, where civility is embraced, and the norms and foundational beliefs validate the essential values of Penn State University, namely
>
> - personal and academic integrity;
> - respect for the dignity of all persons and a willingness to learn from the differences in people, ideas, and opinions;
> - respect for the rights, property and safety of others; and
> - concern for others and their feelings and their need for conditions that support an environment where they can work, grow and succeed at Penn State.

Code & Procedures § I, at 2 (Nov. 3, 2016 version) (attached hereto as Exhibit G). The Code & Procedures further state that the "Senior Director and his/her designees are specifically authorized by the President of the University to have the responsibility and authority to carry out, interpret and direct the processes of the student conduct system." *Id.* § III(A)(1), at 4.

These provisions of the Code & Procedures reflect the "Penn State Values" which include: Integrity, Respect, Responsibility, Discovery, Excellence, and Community.

Clearly, Penn State has the authority to withdraw the initial finding and sanction and hold a new hearing under its Code & Procedures, consistent with the Penn State Values. Plaintiff might not like this "string of words," but they have great meaning to Penn State and they should to any student who claims to care about being a Penn State student, which Mr. Doe represented under oath he does.

C. It is Appropriate for Penn State to Conduct a New Hearing.

A new hearing is consistent with both Title IX regulations and Penn State's Code & Conduct.

As the *Alger* court noted, "where Roe herself has certain rights in the processing of her sexual misconduct charge and her appeal, and where defendants and JMU have substantial interests in investigating any student accused of committing sexual misconduct and sanctioning any student found responsible for such misconduct, the court does not believe that equity warrants an injunction prohibiting further proceedings." *Alger*, 2017 WL 1483577, at *4. The same reasoning is applicable here. Penn State has an interest in providing a procedurally compliant hearing under *Alger*. It also has an interest under its Code & Procedure to promote a "safe, orderly and positive University climate through enforcing behavioral standards," Ex. G § I, at 2, and consistent with the Penn State Values. A second, procedurally compliant hearing is appropriate.

The alternative is clear, and should be stated clearly. If Penn State cannot conduct a new hearing, Plaintiff will file motion after motion, appeal after appeal, all with the intention of "kicking the can down the road" until either he, or Ms. Roe, or both, are at the point of graduation—at which point he will say: "hey, it's moot now, let's let it go." The University can promise that is where this is

heading, and where future cases will head, if the University cannot administer its own disciplinary procedures.

CONCLUSION

Based on the foregoing, Defendants respectfully request that the Court deny Plaintiff's Motion for Civil Contempt.

Respectfully submitted,

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Date: October 20, 2017

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CERTIFICATE OF WORD COUNT

I, Emily H. Edmunds, hereby certify pursuant to Local Rule 7.8(b)(2) that this Brief contains 4,941 words, calculated using the word count feature of Microsoft Word.

/s/ Emily H. Edmunds
Emily H. Edmunds

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2017, a copy of the foregoing was filed electronically with this Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Emily H. Edmunds
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