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CLERK U.S. DISTRICT COURT
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LOS ANGELES

BY: _____

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8
9 UNITED STATES DISTRICT COURT

10 CENTRAL DISTRICT OF CALIFORNIA

11 MOLDEX METRIC, INC.,

12 Plaintiff,

13 vs.

14 3M COMPANY and 3M INNOVATIVE
15 PROPERTIES COMPANY,

16 Defendants.

CASE NO. CV14-02921-PA(JEMx)

**FIRST AMENDED COMPLAINT FOR
MONOPOLIZATION AND ATTEMPTED
MONOPOLIZATION (SHERMAN ACT
SECTION 2), UNFAIR COMPETITION
(CALIFORNIA BUSINESS AND
PROFESSIONS CODE SECTION 17200),
AND MALICIOUS PROSECUTION**

JURY TRIAL DEMANDED

17 Trial Date: None Set
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1 anticompetitive, and creates a false expectation in wearers that in open position they can hear
2 critical sounds such as commands, approaching vehicles or combatants without any impairment.
3 Moldex brings this lawsuit, therefore, in order to seek recompense for the harm it has suffered as a
4 result of 3M's anticompetitive and monopolistic practices, and for injunctive relief to protect it
5 against 3M's on-going predatory conduct.

6 In addition, by pursuing these patent infringement claims, despite knowing that they were
7 both objectively and subjectively baseless, 3M committed malicious prosecution. Moldex
8 therefore seeks compensatory and punitive damages, to compensate it for the harm it suffered as a
9 result, and to punish 3M for its wrongful conduct and thereby deter a recurrence of such malicious
10 and wanton conduct.

11 THE PARTIES

12 1. Plaintiff Moldex Metric, Inc. ("Moldex") is a California corporation with its
13 principal place of business in Culver City, California. It is in the business of designing,
14 manufacturing and selling worker safety products, including hearing protection products and
15 respirators.

16 2. Defendant 3M Company ("3M Company") is a corporation organized and existing
17 under the laws of the state of Delaware with its principal place of business in St. Paul, Minnesota.
18 It is in the business, among others, of designing, making and selling worker safety products,
19 including hearing protectors and respirators. 3M has a dominant market share in virtually every
20 safety product market relevant to this litigation.

21 3. Defendant 3M Innovative Properties Company ("3M Innovative") is a corporation
22 organized and existing under the laws of the state of Delaware with its principal place of business
23 in St. Paul, Minnesota. It is an affiliate of 3M Company, and it is the entity that 3M uses to hold its
24 intellectual property assets. 3M Company and 3M Innovative are sometimes referred to
25 collectively herein as "3M" or as "the 3M Defendants."

26 JURISDICTION AND VENUE

27 4. This action arises under the antitrust laws of the United States, 15 U.S.C. §1 et seq.,
28 and under state law.

1 5. This Court has subject matter jurisdiction over Moldex's federal antitrust claims
2 pursuant to 15 U.S.C. §§ 4, 15, 16, and 26, and under 28 U.S.C. § 1337. In addition, this Court has
3 subject matter over this action, including the state law claims, by virtue of 28 U.S.C. §1332, in that
4 this is an action between citizens of different States. This Court also has supplemental jurisdiction
5 over Moldex's state law claims pursuant to 28 U.S.C. § 1367.

6 6. This Court has personal jurisdiction over the 3M Defendants because, on
7 information and belief, these Defendants have continuous and systematic contacts with California,
8 including maintaining offices and doing business in California, and they are subject to the personal
9 jurisdiction of this Court under the United States Constitution, the laws of the state of California,
10 and the Federal Rules of Civil Procedure. Further, Defendants are registered to do business in
11 California, and they have appointed agents for service of process in this judicial district. Finally,
12 the 3M Defendants are subject to the personal jurisdiction of this Court because they committed
13 tortious acts directed to Moldex, an entity based in this State.

14 7. Venue is proper in this judicial district under 15 U.S.C. § 22 and 28 U.S.C. § 1391.

15 **NATURE OF TRADE AND COMMERCE**

16 8. This action involves, among other things, "non-linear," or "selective attenuation"
17 earplugs used by the U.S. Military to protect soldiers' hearing from the harmful effects of
18 battlefield explosions. Non-linear earplugs block or attenuate sounds of different amplitude and
19 frequency to differing degrees, by using a sound channel that has various constrictions and
20 openings for the passage of sound from the exterior to the wearer's ear canal. As a result, they can
21 be worn by soldiers in the field so that the soldiers are protected from the intense impulse sounds
22 of battlefield explosions, while still being able to communicate by speech with their colleagues.
23 These earplugs can have an additional plug or other mechanism that can be used to block this
24 selective attenuation sound channel, so as to provide a more fulsome hearing protection effect with
25 a completely closed earplug, just like a traditional earplug.

26 9. The United States military is the largest purchaser of these products in the United
27 States. It purchases the vast majority of such products sold every year in this country. It can only
28 purchase these products if they meet the testing standards required by the U.S. Army Public

1 Health Command, Army Hearing Program or equivalent standards that may be promulgated by
2 other military services.

3 10. This action also involves a type of hearing protector called an earmuff. An earmuff
4 is a product that protects the wearer from the harmful effects of excessive sound energy by
5 covering the wearer's ear with a muff-like object that covers the entire exterior of the wearer's ear.
6 These products often have layers of material on the inside, to mute even further the sound energy
7 that is transmitted into the wearer's ear canal.

8 11. Hearing protectors, including earplugs and earmuffs, are sold with a listed Noise
9 Reduction Rating. A Noise Reduction Rating is a measurement called for by certain measurement
10 standards, and by certain federal regulations which have adopted those measurement standards.
11 This rating represents the amount of sound attenuation perceived by a test group, when tested
12 under certain required conditions, and adjusted pursuant to the test methodology. These tests can
13 be unfairly biased either willfully or unwittingly, by tester error, subject anomaly, and/or tester
14 bias. As a result, many companies have an independent outside lab conduct their NRR testing.
15 Moldex does this. 3M does not. Instead, it has its own personnel conduct these tests, in a lab
16 approved for such testing, but run entirely by 3M personnel.

17 **RELEVANT MARKET(S)**

18 12. 3M's activities in this case relate to one or more relevant markets. These markets
19 include the following product markets, in the conjunctive or in the alternative: (a) a product
20 market for non-linear earplugs that are approved for purchase by the United States military; (b) the
21 product market for non-linear earplugs; (c) the product market for non-linear earplugs that have
22 dual modes of setting, with one mode including a non-linear sound channel and one mode
23 including a fully blocked earplug; and/or (d) the product market for passive (non-electronic)
24 industrial earmuffs (the "Relevant Product Market(s)").

25 13. The relevant geographic market for each of the product markets described above is
26 the United States ("the Relevant Geographic Market").
27
28

3M's ANTICOMPETITIVE, UNLAWFUL AND UNFAIR CONDUCT

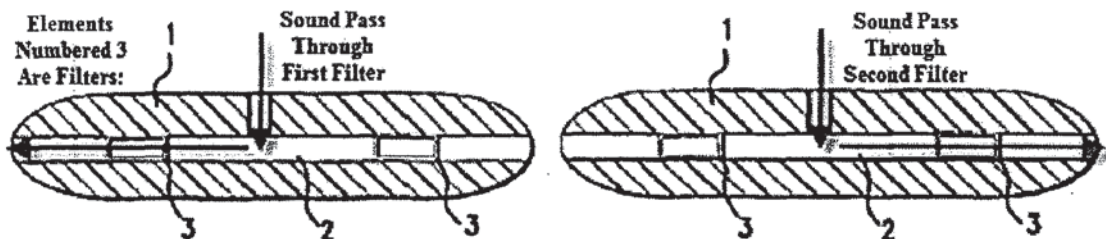
14. For several years, 3M has manufactured and sold a non-linear earplug called Combat Arms. There have been four different versions of this product, but each version has used a sound channel with constrictions and openings to produce its non-linear sound attenuation effect. Such selective attenuation sound channels are well known in the art, and they have been used for decades. These Combat Arms earplugs also have allowed the user to set the earplug for a second mode of operation, where the non-linear sound channel is blocked, by inserting a plug into the channel or otherwise, so that it will then function like a traditional fully blocked earplug. This dual-mode feature is also well known in the art, and this feature was not invented by 3M, nor is it the invention claimed in any of the patents at issue in this case.

15. In 2011, Moldex introduced its own non-linear dual-mode earplug, called BattlePlug. Moldex's BattlePlug provided the first actual competition to 3M's Combat Arms earplug in the market for non-linear earplugs approved for purchase by the military. Moldex provided BattlePlug samples and pricing to the U.S. military in February of 2011, and the U.S. military gave its first order for BattlePlugs in or about May of 2011.

16. 3M wanted to block Moldex from entering this market, and it decided to take whatever actions it could to block the entry. Among other things, 3M decided to, and did, file suit against Moldex, in March of 2011, in United States District Court for the District of Minnesota. 3M's lawsuit accused BattlePlug of infringing U.S. Patent No. 6,070,693 ("the '693 patent"), a patent that had been assigned to 3M some time before. However, the '693 patent claims that 3M asserted against Moldex were objectively baseless and this must have been apparent to 3M.

17. As indicated above, non-linear earplugs that have a second mode of attenuation with the sound channel fully blocked were well known in the industry and are not the invention claimed in the '693 patent. Instead, the '693 patent identified a possible issue with the known dual-mode selective attenuation earplugs where the blocked mode was attained by inserting a plug in the sound channel or otherwise blocking it, namely, that there may be difficulty in actually using the plug or other mechanism to block the sound channel. The '693 patent claimed an alternative way to achieve two different levels of sound attenuation in a single earplug, namely,

1 having a dual-ended earplug, where each end was insertable into the user's ear, and each end
 2 provided a different level of attenuation. As disclosed in the patent, such an earplug would have a
 3 non-linear sound channel running from one end to a hole at the mid-point of the plug, so that
 4 exterior sound would enter through the center hole, be filtered by the sound channel, and then
 5 reach the wearer's ear in attenuated form. And the other end of the earplug could be a fully
 6 blocked earplug, or be an earplug with a channel running from the center hole to the other end of
 7 the earplug with a different sound channel structure so as to provide a different level of non-linear
 8 sound attenuation. An annotated version of Figure 2 from the '693 patent, showing this dual ended
 9 structure, is set out immediately below:



14 18. There is no question that the '693 patent was limited to such dual-ended earplugs.
 15 Indeed, the specification of the '693 patent makes this abundantly clear at numerous points,
 16 including the following:

17 **"The present invention has two ends, that may or may not be identical, either of**
 18 **which can be inserted into the auditory canal, thus making it possible to choose**
 19 **between two operating modes of attenuation that may or may not be identical."**

20
 21 19. 3M did make a dual-ended version of this product for some time, but it has since
 22 offered a more traditional structure, where the second mode is attained by blocking the non-linear
 23 sound channel with a plug or block operated by a toggle valve.

24 20. Moldex's BattlePlug earplug does not infringe the '693 patent, and this was
 25 obvious from the outset. Among other reasons, it is not a dual-ended earplug, the only type of
 26 earplug claimed in the '693 patent. Instead, it has only one end that can be inserted into the users'
 27 ear. Indeed, BattlePlug has the same structure as the prior art products that are described on the
 28 face of the '693 patent as prior art. The '693 patent expressly distinguishes its invention over these

1 single-ended prior art earplugs by virtue of its dual-ended structure. For this and other reasons, the
2 '693 patent could not possibly read on the BattlePlug earplug, and 3M and its counsel must have
3 realized this fact before they sued Moldex on the patent.

4 21. Further, when 3M sued Moldex on the '693 patent in March of 2011, Moldex
5 immediately informed 3M that there was no conceivable way that its product could infringe the
6 '693 patent. Nonetheless, 3M continued to pursue the claims against Moldex under the '693
7 patent, seeking, among other things, injunctive relief to force Moldex from the market, and
8 damages.

9 22. At the same time that 3M sued Moldex over its BattlePlug earplug, it also asserted
10 a separate patent claim against a different Moldex product, namely, its M-series earmuff.
11 Specifically, as part of the Minnesota lawsuit, 3M alleged that Moldex's M-series earmuffs
12 infringed United States Patent No. 7,036,157 (the '157 patent) owned by 3M. This patent covered
13 an earmuff that had two separate materials on its outer surface, to limit somewhat sound
14 transmission across the exterior muff surface. However, Moldex had first introduced its accused
15 M-series earmuffs in 2001, almost five years before the '157 patent issued. And, because of the
16 length of time it takes to develop such a product, 3M knew, or should have known, that Moldex
17 had in fact invented its accused M-series earmuffs well before the priority date of the '157 patent.
18 (Moldex is informed and believes, and alleges thereon, that 3M and its predecessor did not inform
19 the patent office of the existence of Moldex's prior art M-series products during prosecution of the
20 '157 patent, and that this might have been done to defraud the patent office. Moldex will seek
21 leave to amend this complaint, to add a claim under *Walker Process* on this basis, should
22 discovery confirm that 3M's agents committed such fraud on the PTO, something they have
23 recently been found guilty of in a jury verdict in New Jersey involving a different 3M safety
24 product patent.)

25 23. When 3M sued Moldex on the '157 patent in March of 2011, Moldex immediately
26 informed 3M of Moldex's prior invention of its accused M-series earmuffs, but 3M nonetheless
27 pursued the claims aggressively.
28

1 24. On or about January 18, 2013, Moldex filed a motion in the Minnesota lawsuit for
2 summary judgment of non-infringement of the '693 patent. The hearing on that motion was set for
3 March 21, 2013. One week before that hearing, however, and after the motion was fully briefed by
4 both sides, 3M, seeking to avoid its claim from being adjudicated as baseless, sent Moldex a
5 covenant not to sue, as to the '693 patent and the BattlePlug earplug. Based on this covenant, 3M
6 took the position that the Minnesota Court no longer had jurisdiction to hear the claims relating to
7 the '693 patent, including Moldex's dispositive motion of non-infringement, and it indicated its
8 intent to obtain dismissal of its infringement claims against Moldex with respect to the '693
9 patent. Ultimately, 3M filed a motion to dismiss its claims with respect to the '693 patent with
10 prejudice, and Moldex's counterclaims of non-infringement and invalidity of the '693 patent
11 without prejudice. On June 19, 2013, the Minnesota Court dismissed 3M's claims against Moldex,
12 under the '693 patent, with prejudice, and it dismissed without prejudice Moldex's claim for a
13 declaration that it did not infringe the '693 patent.

14 25. However, even after it sent its covenant not to sue Moldex on the '693 patent, 3M
15 continued to pursue its claims against Moldex's M-series earmuffs under the '157 patent, even
16 though it was clear that Moldex had invented its accused products prior to the invention of the
17 '157 patent. 3M imposed great expense on Moldex in connection with 3M's pursuit of these
18 claims, including demanding expensive, burdensome, disruptive and irrelevant document searches,
19 as well as depositions of 8 Moldex employees and former employees, namely, Jeff Birkner, Jim
20 Hornstein, Bernard Mishkin, Terry Grimsley, Norman Smith, Michael Scholey, Dan Dix and
21 Steve Young. Moldex is informed and believes and alleges thereon that 3M undertook this
22 campaign of intense discovery in order to impose huge costs on Moldex, so as to force it to settle
23 the case, and not pursue its rights, including those asserted here, all as part of its efforts to
24 unlawfully obtain and/or maintain monopoly power.

25 26. Then, in or about May of 2013, after the close of fact discovery, and as Moldex was
26 in the process of preparing a motion for summary judgment that the '157 patent was invalid as a
27 result of Moldex's prior invention, 3M sent Moldex another covenant not to sue, this time with
28 respect to the '157 patent and the M-series earmuffs. Once again, 3M stated, the Court now lacked

1 jurisdiction to determine the validity of the '157 patent, because of 3M's covenant not to sue. The
2 parties then informed the Court of this development, and, on June 19, 2013, the Minnesota District
3 Court granted 3M's request to dismiss with prejudice its infringement claims based on the '157
4 patent, and it dismissed without prejudice Moldex's claim for a declaration that the '157 patent
5 was invalid, as that issue was mooted by the dismissal of the infringement claim.

6 27. In connection with its dismissals of its infringement claims described above, 3M
7 sent letters to Moldex claiming that 3M was dismissing its claims against Moldex not because they
8 were without merit, even though that was clearly the case, but instead, because continuing the
9 claims did not make economic sense given the size of Moldex's sales of its accused products.
10 However, this was clearly a mere pretext, designed to try to construct a defense to the claims being
11 asserted here. Indeed, since Moldex is continuing to sell its BattlePlug products to the U.S.
12 military, and since 3M continues to try to interfere with those sales, it is clear that 3M did not
13 dismiss these claims for economic reasons. Instead, it did so because it knew they were baseless
14 and that it was going to lose the claims on the merits.

15 28. Although 3M has now abandoned both of its baseless patent infringement claims,
16 its pursuit of those claims, in bad faith, has imposed significant costs and damages on Moldex, in
17 the form of legal fees, costs, and lost employee time, in an amount well in excess of \$1 million.

18 29. Furthermore, 3M has used, and continues to use, predatory conduct in its efforts to
19 sell into the Relevant Product Market(s). In this regard, 3M has attempted to use a federal program
20 designed to further the use of disabled workers, called JWOD, to exclude Moldex from said
21 Markets, by engaging in misleading assertions concerning BattlePlug and a comparison of it to
22 Combat Arms. In addition, 3M continues to use misleading NRR ratings for its hearing protection
23 products, based on self-testing it does in its own labs. Specifically, 3M continues to sell its dual-
24 ended version of Combat Arms with an NRR rating of zero in the open or unblocked position, thus
25 suggesting that the open earplug will not in any way impair the sounds one hears from fellow
26 soldiers or combatants in the field. This zero rating is based upon an improper testing effort, not in
27 compliance with proper procedures. Indeed, in the reported underlying test, 3M basically
28 concluded that the Combat Arms earplug would enhance the sound level of the wearer as

1 compared to wearing no earplug at all. Although 3M claims that the zero NRR is not a violation of
 2 the Noise Control Act, 42 U.S.C. § 4901, because, 3M claims, an understatement of sound
 3 attenuation is not prohibited by that Act, it is nonetheless the case that this advertised rating is
 4 intended to inform the military that Combat Arms does not diminish the ability to hear commands,
 5 or approaching combatants or vehicles. As a result, the zero rating is highly misleading, misleads
 6 users of the plug, and anticompetitive. Moldex elected over 15 years ago to test all of its hearing
 7 protection products in an independent, industry-recognized audiology laboratory to assure that its
 8 advertised NRR ratings are accurate.

9 **First Claim For Relief**

10 **(Sham Litigation: Monopolization and Attempted**
 11 **Monopolization under 15 U.S.C. §§ 2)**

12 30. Moldex restates and incorporates herein by reference paragraphs 1-29 of this
 13 Complaint, as though fully set forth herein.

14 31. The Minnesota Lawsuit, and in particular, the claims asserted under the '693 patent
 15 therein, were objectively and subjectively baseless. These meritless claims were brought by 3M as
 16 an anticompetitive weapon to force Moldex from the Relevant Product Market. Further, 3M
 17 pursued its claims under the '157 patent with full knowledge that those claims were invalid, for
 18 improper and anticompetitive reasons, including to put financial pressure on Moldex and thereby
 19 to force it to accede to 3M's demands, and to cease selling its BattlePlug products, and to prevent
 20 it from asserting the claims asserted herein.

21 32. By virtue of the foregoing, 3M has sought to maintain its monopoly power in the
 22 Relevant Market(s), and/or it has attempted to monopolize such Market(s) and there is a dangerous
 23 probability that, but for the acts of Moldex in fighting the baseless litigation, 3M would have
 24 succeeded in its scheme.

25 33. Moldex has been damaged in its business and property by virtue of these acts by
 26 3M, in an amount to be proven at trial, but believed to be in excess of \$1 million. Under 15 U.S.C.
 27 §15, Moldex is entitled to treble the amount of its antitrust damages. In addition, by virtue of this
 28

1 same section, Moldex is entitled to its fees and costs incurred in bringing and pursuing this
2 antitrust action.

3 **Second Claim For Relief**

4 **(Malicious Prosecution)**

5 34. Moldex restates and incorporates herein by reference paragraphs 1-33 of this
6 Complaint, as though fully set forth herein.

7 35. By suing Moldex on the '693 patent, and by suing Moldex on the '157 patent or by
8 continuing with that suit even after it had been fully informed of Moldex's prior invention, 3M
9 brought and/or pursued litigation claims that were objectively baseless and that it knew were
10 baseless.

11 36. Moldex is informed and believes, and alleges thereon, that, in undertaking these
12 actions, 3M has caused damage to Moldex, including Moldex's defense costs in defending against
13 both the '693 and the '157 patent claims in the Minnesota Lawsuit, and the disruption to its
14 business as a result that predatory litigation. Further, Moldex is informed and believes and alleges
15 thereon that 3M's acts were willful, wanton, malicious and oppressive, in that 3M was motivated
16 by ill will and an improper desire to exclude Moldex from a market in which 3M profited
17 mightily, and that therefore, an award of punitive damages is justified against 3M, in an amount to
18 be proven at trial, taking into consideration the net worth and annual earnings of 3M, with annual
19 sales estimated to be in excess of \$40 billion per year.

20 **Third Claim for Relief**

21 **Unfair Competition**

22 **(Cal. Bus. and Prof. Code § 17200)**

23 37. Moldex restates and incorporates herein by reference paragraphs 1-36 of this
24 Complaint, as though fully set forth herein.

25 38. The acts of 3M, as herein alleged, constitute unlawful, unfair and deceptive
26 business practices in violation of California Business and Professions Code §17200 et seq. Such
27 acts include, without limitation, 3M's initiation and prosecution of groundless litigation, 3M's
28 unlawful distribution and sale of Combat Arms earplugs with an advertised NRR of zero or

1 advertisements suggesting that a user's hearing or situational awareness are unaffected in violation
 2 of federal and state law, 3M's unfair competition and false advertising in connection with the
 3 marketing and sale of Combat Arms earplugs in violation of California Business and Professions
 4 Code § 17500 *et seq.* and 3M's deceptive statements regarding the open end of the Combat Arms
 5 earplugs as alleged above.

6 39. As a result of 3M's conduct, Moldex has suffered and will continue to suffer
 7 damage to its business, reputation and goodwill.

8 40. 3M's conduct has caused, and unless enjoined by this Court, will continue to cause,
 9 immediate and irreparable harm to Moldex for which there is no adequate remedy at law, and for
 10 which Moldex is entitled to injunctive relief.

11 Prayer For Relief

12 WHEREFORE, for its prayer for relief, Moldex prays for judgment as follows:

13 1. On its First claim for relief, for treble its damages, according to proof at trial, and
 14 for its attorneys' fees and costs incurred in pursuing said claim, in accordance with the antitrust
 15 laws of the United States;

16 2. On its First claim for relief, a permanent injunction enjoining Defendants and their
 17 officers, agents, servants, employees, and attorneys, and those persons in active concert or
 18 participation with them, from conducting future predatory acts of monopolization, including the
 19 use of misleading NRR numbers and the use of improper testing procedures;

20 3. On its Second claim for relief, for actual damages according to proof at trial, and
 21 for punitive damages according to proof at trial;

22 4. On its Third claim for relief, that 3M and all of its respective officers, agents,
 23 servants, representatives, employees, attorneys, and all other persons acting in concert with them
 24 be permanently enjoined from:

25 a. directly or indirectly engaging in false advertising, marketing and/or
 26 promotions of any kind relating to the ostensibly non-sound attenuating yellow "open" end of the
 27 Combat Arms earplug;
 28

1 b. making or inducing others to make any false, misleading or deceptive
2 statement of fact, or misrepresentation of fact in connection with the marketing, promotion, sale,
3 offering for sale, manufacture, production, or distribution of Combat Arms earplugs;

4 5. On its Third claim for relief, for a determination that 3M be adjudged to have
5 violated California Business and Professions Code § 17200 et seq. by unlawfully and unfairly
6 competing against Moldex and be enjoined from further such violations;

7 6. On all claims, for prejudgment interest;

8 7. On all claims, for attorneys' fees and costs; and

9 8. For such other relief as the Court deems just and proper.

10
11 DATED: April 17, 2014

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

13
14 By Harold A. Barza
15 Joe Paunovich
16 Matthew Hosen

17 Attorneys for Plaintiff Moldex Metric, Inc.
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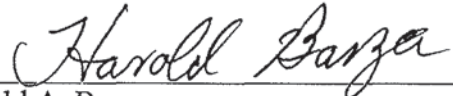
JURY TRIAL DEMANDED

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs hereby demand a trial by jury on all issues triable by jury.

DATED: April 17, 2014

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By


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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

MOLDEX METRIC, INC.,

CASE NUMBER

CV14-02921-PA (JEMx)

PLAINTIFF(S)

v.

3M COMPANY and 3M INNOVATIVE PROPERTIES
 COMPANY,

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☐ complaint ☒ FIRST amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Harold A. Barza, whose address is Quinn Emanuel Urquhart & Sullivan LLP, 865 South Figueroa St., 10th Fl, Los Angeles, CA 90017. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 4-17-14

By: Rhonda Marshall

Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].