

**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LARRY KLAYMAN,
2020 Pennsylvania Ave. NW
Suite 800
Washington, DC 20006

Plaintiff,

v.

BARACK HUSSEIN OBAMA II,
1600 Pennsylvania Ave. NW
Washington, DC 20500

and

ERIC HIMPTON HOLDER, JR.,
555 Fourth St. NW
Washington, DC 20530

and

KEITH B. ALEXANDER
Director of the National Security Agency,
9800 Savage Rd.
Fort Meade, MD 20755

and

LOWELL C. McADAM,
Chief Executive Officer of Verizon Communications
140 West Street
New York, NY 10007

and

ROGER VINSON,
Judge, U.S. Foreign Intelligence Surveillance Court
950 Pennsylvania Ave. NW
Washington, DC 20530

Civil Action No.

and

VERIZON COMMUNICATIONS,
140 West Street
New York, NY 10007

and

NATIONAL SECURITY AGENCY,
Director of the National Security Agency,
9800 Savage Rd.
Fort Meade, MD 20755

and

THE U.S. DEPARTMENT OF JUSTICE,
950 Pennsylvania Ave. NW
Washington, DC 20530

Defendants.

COMPLAINT

Plaintiff, Larry Klayman, a former U.S. Justice Department prosecutor, hereby sues Barack Hussein Obama, Eric Holder, Keith B. Alexander, Lowell McAdam, Roger Vinson, Verizon Communications, and the National Security Agency, in their personal and official capacities, for violating Plaintiff's constitutional rights, for violating Plaintiff's reasonable expectation of privacy, free speech, right to be free of unreasonable searches and seizures, and due process rights, as well as certain common law claims, for directly and proximately causing Plaintiff mental and physical pain and suffering and harm as a result of the below pled illegal and criminal acts. Plaintiff alleges as follows:

INTRODUCTION

1. This is an action for violations of the First, Fourth, and Fifth Amendments to the U.S. Constitution.

2. This is also an action for violations of privacy, including intrusion upon seclusion.

THE PARTIES

3. Plaintiff Larry Klayman is an individual and an attorney who is a user of Verizon Wireless at all material times.
4. Defendant Barack Hussein Obama ("Obama") is the President of the United States.
5. Defendant Eric Holder ("Holder") is the Attorney General of the United States.
6. Defendant Keith B. Alexander ("Alexander") is the Director of the National Security Agency.
7. Defendant Lowell C. McAdam ("McAdam") is the Chief Executive Officer of Verizon Communications.
8. Defendant Roger Vinson ("Vinson") is the Judge to the U.S. Foreign Intelligence Surveillance Court.
9. Defendant Verizon Communications ("Verizon") is an American broadband and telecommunications company.
10. The National Security Agency ("NSA") is an intelligence agency of the U.S. Department of Defense.
11. The U.S. Department of Justice ("DOJ") is a U.S. federal executive department responsible for the enforcement of the law and administration of justice.
12. All of these Defendants acted in concert to violate the constitutional and privacy rights of Plaintiff Klayman and all other American citizens.

JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §1331 (Federal Question Jurisdiction).
14. Jurisdiction and venue are proper pursuant to 28 U.S.C. §1331, which states in pertinent part, “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” At issue here is the unconstitutional violation of Plaintiffs' rights under the First, Fourth, and Fifth Amendments to the U.S. Constitution.
15. Supplemental jurisdiction is also proper under 28 U.S.C. §1367, which states in pertinent part, " . . .in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the U.S. Constitution.

STANDING

16. Plaintiff brings this action because he has been directly affected and victimized by the unlawful conduct complained herein. Their injuries are proximately related to the egregious, illegal and criminal acts of Defendants Obama, Holder, Alexander, McAdam, Vinson, Verizon, the U.S. Department of Justice, and the NSA, each and every one of them, jointly and severely.

STATEMENT OF FACTS

17. On April 25, 2013, Defendant Judge Roger Vinson, acting in his official capacity and under the authority of Defendant Obama and his Attorney General and Justice Department, ordered that the Custodian of Records shall produce the production of tangible things from Verizon Business Network Services, Inc. on behalf of MCI Communication Services Inc, individually and collectively, to the NSA and continue production on an ongoing daily basis thereafter.
18. Defendant Vinson continued, ordering an electronic copy of the following tangible things: all call detail records or "telephony metadata" created by Verizon for communications (i) between the United States and abroad; or (ii) wholly within the United States, including local telephone calls. Telephony metadata includes comprehensive communications routing information, including but not limited to session identifying information (e.g. originating and terminating telephone number, International Mobile Subscriber Identity (IMSI) number, International Mobile station Equipment Identity (IMEI) number, etc.) trunk identifier, telephone calling card numbers, and time and duration of call.
19. Defendant Vinson, in an attempt to keep his illegal acts and those of other Defendants as secret, further ordered that no person shall disclose to any other person that the FBI or NSA has sought or obtained tangible things under his order.
20. Defendant Vinson's order shows for the first time that under Defendant Obama's administration, the communication records of millions of U.S. citizens are being collected indiscriminately and in bulk - regardless of whether they are suspected of any wrongdoing.
21. On June 5, 2013, The Guardian published an article entitled, "NSA collecting phone records of millions of Verizon customers daily. Exclusive: Top secret court order requiring Verizon to hand over all call data shows scale of domestic surveillance under Obama."

22. Since June 5, 2013, Defendants Obama, Holder, Alexander, McAdan, Vinson, Verizon, the DOJ, and the NSA have been widely condemned among the American citizenry regarding this blatant lack of concern to uphold the U.S. Constitution and intentionally violate Plaintiff and millions of other Americans' fundamental rights.
23. As just one example, Senator Rand Paul called the surveillance of Verizon phone records "an astounding assault on the constitution."
24. Defendants have not issued substantive explanations to the American people describing what has occurred herein, as criminal charges are likely as they obviously do not want to incriminate themselves in the criminal conduct.

FIRST CLAIM FOR RELIEF

(Fifth Amendment Violation – Defendants Obama, Holder, Alexander, and Vinson)

(Bivens v. VI Unknown Named Agents of Federal Bureau of Narcotics)

25. Plaintiff repeats and reallege all of the previous allegations in paragraphs 1 through 24 of this Complaint with the same force and affect, as if fully set forth herein again at length.
26. Plaintiff enjoys a liberty interest in his personal security and in being free from the government's use of unnecessary and excessive force or intrusion against his person.
27. Plaintiff enjoys a liberty of not being deprived of life without due process of law, as guaranteed by the Fifth Amendment to the U.S. Constitution.
28. Defendants Obama, Holder, and Alexander violated Plaintiffs' constitutional rights when they caused Defendant Vinson's order to be illegally granted, thereby giving the government unlimited authority to obtain telephone data for a specified amount of time.

29. By reason of the wrongful conduct of the Defendant, Plaintiff suffered and continues to suffer from severe emotional distress and physical harm, pecuniary and economic damage, loss of services, and loss of society accordingly.

30. These violations are compensable under *Bivens v. VI Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). As a direct and proximate result of the intentional and willful actions of Defendants Obama, Holder, and Alexander, and Vinson, Plaintiff demands judgment be entered against Defendants Obama, Holder, and Alexander, and Vinson, each and every one of them, jointly and severally, including an award of compensatory and actual damages, punitive damages, equitable relief, reasonable attorneys fees, pre-judgment interest, post-interest and costs, in an amount in excess of \$8,000,000 and such other relief as the Court deems just and proper.

SECOND CLAIM FOR RELIEF

(First Amendment Violation - Defendants Obama, Holder, Alexander, and Vinson)

(*Bivens v. VI Unknown Named Agents of Federal Bureau of Narcotics*)

31. Plaintiff repeats and realleges all of the previous allegations in paragraphs 1 through 30 of this Complaint with the same force and affect, as if fully set forth herein again at length.

32. Defendants Obama, Holder, Alexander, and Vinson, acting in their official capacity, abridged and violated Plaintiff's First Amendment right of freedom of speech and association by significantly minimizing and chilling Plaintiff's freedom of expression and association.

33. Defendants Obama, Holder, Alexander, and Vinson's acts chill speech by instilling in Plaintiff and millions of other Americans the fear that their personal and business conversations with U.S. citizens and foreigners are in effect tapped and illegally surveilled.

34. In addition, Defendants Obama, Holder, Alexander, and Vinson violated Plaintiff's right of freedom of association by making him and others weary and fearful of contacting other persons and entities via cell phone out of fear of the misuse of government power and retaliation against these persons and entities who challenge the misuse of government power.
35. By reason of the wrongful conduct of the Defendants, Plaintiff suffered and continues to suffer from severe emotional distress and physical harm, pecuniary and economic damage, loss of services, and loss of society accordingly.
36. These violations are compensable under *Bivens v. VI Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). As a direct and proximate result of the intentional and willful actions of Defendants Obama, Holder, and Alexander, and Vinson, Plaintiff demands judgment be entered against Defendants Obama, Holder, and Alexander, and Vinson, each and every one of them, jointly and severally, including an award of compensatory and actual damages, punitive damages, equitable relief, reasonable attorneys fees, pre-judgment interest, post-interest and costs, in an amount in excess of \$8,000,000 and such other relief as the Court deems just and proper.

THIRD CLAIM FOR RELIEF

(Fourth Amendment Violation - Defendants Obama, Holder, Alexander, and Vinson)

(Bivens v. VI Unknown Named Agents of Federal Bureau of Narcotics)

37. Plaintiff repeats and realleges all of the previous allegations in paragraphs 1 through 36 of this Complaint with the same force and affect, as if fully set forth herein again at length.
38. The Fourth Amendment states in pertinent part that people have a right to be secure in their persons against unreasonable searches, that warrants shall not be issued but upon probable cause, and that the place of search must be described with particularity.

39. Defendants Obama, Holder, Alexander, and Vinson, acting in their official capacities, violated the Fourth Amendment to the U.S. Constitution when they unreasonably searched and continue to search Plaintiff's phone records and millions of innocent U.S. citizens' phone records without probable cause.
40. Defendants Obama, Holder, and Alexander, and Vinson, acting in their official capacity, violated the Fourth Amendment to the U.S. Constitution by not describing with particularity the place to be searched or the person or things to be seized.
41. In fact, the blanket and vastly overbroad order issued by Defendant Vinson, acting on behalf of the federal government and therefore Defendant Obama as he is the chief executive of the federal government, does not state with any particularity who and what may be searched.
42. The collection and production of the phone records allows the NSA to build easily and indiscriminately a comprehensive picture and profile of any individual contacted, how and when, and possibly from where, retrospectively.
43. By reason of the wrongful conduct of Defendants Obama, Holder, Alexander, and Vinson, Plaintiff suffered and continues to suffer from severe emotional distress and physical harm, pecuniary and economic damage, loss of services, and loss of society accordingly.
44. These violations are compensable under *Bivens v. VI Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). As a direct and proximate result of the intentional and willful actions of Defendants Obama, Holder, and Alexander, and Vinson, Plaintiff demands judgment be entered against Defendants Obama, Holder, and Alexander, and Vinson, each and every one of them, jointly and severally, including an award of compensatory and actual damages, punitive damages, equitable relief, reasonable attorneys

fees, pre-judgment interest, post-interest and costs, in an amount in excess of \$8,000,000 and such other relief as the Court deems just and proper.

FOURTH CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress - Each and Every Defendant)

45. Plaintiff repeats and realleges all of the previous allegations in paragraphs 1 through 44 of this Complaint with the same force and affect, as if fully set forth herein again at length.
46. Defendants Obama, Holder, Alexander, McAdam, Vinson, Verizon, the DOJ, and the NSA's willful acts constitute outrageous conduct insofar as they violated Plaintiffs basic democratic rights, constitutional rights, and exposed him to a beyond "Orwellian regime of totalitarianism." Plaintiff's rights are being surrendered in secret to the demands of unaccountable intelligence and other government agencies.
47. Defendants Obama, Holder, Alexander, McAdam, Vinson, Verizon, the DOJ, and the NSA intended to cause Plaintiffs emotional distress and physical harm and acted in reckless disregard causing Plaintiff emotional distress in committing these acts. The only purpose of this outrageous and illegal procedure is to intimidate citizens and keep them from challenging a tyrannical administration and government, a government which seeks to control virtually every aspect of Plaintiff's and other American's lives, to further its own "agenda."
48. Defendants Obama, Holder, Alexander, and Vinson were agents of the United States when they committed these acts.
49. As a direct and proximate result of Defendants Obama, Holder, Alexander, McAdam, Vinson, Verizon, the DOJ, and the NSA's acts, Plaintiff suffered and Plaintiffs continue to suffer mental anguish, and severe emotional distress and physical harm.

50. By reason of the wrongful conduct of Defendants Obama, Holder, Alexander, Vinson, McAdam, Verizon, the DOJ, and the NSA, Plaintiff suffered and continues to suffer from severe emotional distress and physical harm, pecuniary and economic damage, loss of services, and loss of society accordingly.
51. Plaintiffs demand judgment be entered against Defendants Obama, Holder, Alexander, McAdam, Vinson, Verizon, the DOJ, and the NSA, each and every one of them, jointly and severally, including an award of compensatory and actual damages, punitive damages, equitable relief, reasonable attorneys fees, pre-judgment interest, post-interest, and costs in an amount in excess of \$8,000,000 and such other relief as the Court deems just and proper.

FIFTH CLAIM FOR RELIEF

(Intrusion Upon Seclusion - Each and Every Defendant)

52. Plaintiff repeats and realleges all of the previous allegations in paragraphs 1 through 51 of this Complaint with the same force and effect, as if fully set forth herein again at length.
53. Defendants Obama, Holder, Alexander, McAdam, Vinson, Verizon, the DOJ, and the NSA intentionally intruded upon the solitude and seclusion of Plaintiff in his private affairs and concerns in a highly offensive way, and are subject to liability for the invasion of Plaintiff's privacy.
54. Defendants Obama, Holder, Alexander, McAdam, Vinson, Verizon, the DOJ, and the NSA intruded upon the seclusion of Plaintiff when they unreasonably and without probable cause obtained access to Plaintiff's phone records including but not limited to his location data, call duration, unique identifiers, and the time and duration of his calls.

55. Defendants, Holder, Alexander, McAdam, Vinson, Verizon, the DOJ, and the NSA's acts are highly offensive to a reasonable person and therefore Defendants are liable for their intrusion.
56. By reason of the wrongful conduct of Defendants Obama, Holder, Alexander, Vinson, McAdam, Verizon, the DOJ, and the NSA, Plaintiff suffered and continues to suffer from severe emotional distress and physical harm, pecuniary and economic damage, loss of services, and loss of society accordingly.
57. Plaintiffs demand judgment be entered against Defendants Obama, Holder, Alexander, McAdam, Vinson, Verizon, the DOJ, and the NSA, each and every one of them, jointly and severally, for violating his constitutional rights, subjecting him to unreasonable search and seizure, including an award of compensatory and actual damages, punitive damages, equitable relief, reasonable attorneys fees, pre-judgment interest, post-interest, costs in an amount in excess of \$8,000,000 and such other relief as the Court deems just and proper.

PRAYER FOR RELIEF

58. Plaintiff demand that judgment be entered against Defendants Obama, Holder, Alexander, McAdam, Vinson, Verizon, the DOJ, and the NSA, each and every one of them, jointly and severally, for compensatory and actual damages because of Defendants Obama's, Holder's, Alexander's, McAdam's, Vinson's, Verizon's, the DOJ's, and the NSA's actions causing this demonstrable injury to Plaintiff, punitive damages because of Defendant Obama's, Holder's, Alexander's, McAdam's, Vinson's, Verizon's, the DOJ's, and the NSA's callous, reckless indifference and malicious acts, and attorneys fees and costs in an amount in excess of \$8,000,000 and such other relief the Court deems just and proper.

59. Plaintiff demands equitable and injunctive relief for his injuries in the following ways: (1) a cease and desist order to prohibit this type of illegal and criminal activity against Plaintiff and other U.S. citizens from occurring now and in the future; (2) that all Plaintiff's phone records and information be returned to Verizon and expunged from federal government records; (3) a full disclosure and a complete accounting of what each Defendant and government agencies as a whole have done and allowed the DOJ and NSA to do; (4) that the egregious misconduct of Judge Roger Vinson be forwarded to judicial and other law enforcement authorities for appropriate disciplinary and other legal proceedings.

CLASS ACTION

Plaintiff reserves the right to move this Court to convert this Complaint into a class-action lawsuit.

JURY DEMAND

Plaintiff respectfully demands a jury trial on all issues so triable.

Dated: June 6, 2013

Respectfully submitted,

/s/ Larry Klayman

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