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18 **PAUL SNITKO, JENNIFER**
19 **SNITKO, JOSEPH RUIZ, TYLER**
20 **GOTHIER, JENI VERDÓN-**
21 **PEARSONS, MICHAEL STORC,**
22 **and TRAVIS MAY,**
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Plaintiffs,

v.

Defendants.

Case No. 2:21-cv-04405-RGK-MAR

**PLAINTIFFS' FIRST AMENDED
COMPLAINT FOR RETURN OF
PROPERTY AND CLASS-WIDE
DECLARATORY AND
INJUNCTIVE RELIEF**

CLASS ACTION

1 **INTRODUCTION**

2 This civil-rights lawsuit seeks to vindicate the constitutional rights of
3 hundreds of people whose property was illegally seized and subjected to a criminal
4 search by the Federal Bureau of Investigation (FBI). These property owners rented
5 safe deposit boxes from U.S. Private Vaults (USPV) to secure their prized
6 possessions, including family heirlooms, copies of their wills and other important
7 legal documents, and money needed for savings and for everyday expenses.

8 On March 22, 2021, the FBI raided USPV and seized the contents of
9 hundreds of deposit boxes from USPV’s customers, like Plaintiffs Paul and Jennifer
10 Snitko, Joseph Ruiz, Tyler Gothier, Jeni Verdon-Pearsons, Michael Storc, and
11 Travis May. Although the government has indicted USPV, the government has not
12 accused USPV’s customers of violating any law. And while a warrant authorized
13 the government to seize *USPV’s* property, the warrant did not authorize the
14 government to conduct a criminal search or seizure of *USPV’s customers’* property.
15 But the government did just that and, over two months later, the government is still
16 holding many of those customers’ property.

17 Moreover, even though the warrant explicitly contemplated that customers’
18 property would be returned, the government has now filed civil forfeiture notices
19 against hundreds of USPV’s customers. These notices do not identify *any* legal
20 basis for the forfeiture: Although they cite the civil forfeiture laws generally, the
21 notices do not identify the *specific* offense that the government believes justifies the
22 forfeiture. Box holders thus do not know whether the government is accusing them
23 of drug crimes, money laundering, structuring, or some other offense altogether (or,
24 indeed, if the government is even accusing them of any crime at all). Nor do the
25 notices include any factual basis to explain why the government believes the
26 property is subject to civil forfeiture. To all appearances, the government is seeking
27 to civilly forfeit the contents of these boxes simply because they held cash or
28

1 precious metals. But, of course, the fact that a person holds cash (or gold or silver)
2 in a safe deposit box is not an adequate or legal basis for civil forfeiture.

3 The government's behavior is shocking, unconscionable, and
4 unconstitutional. First, the government's initial search and seizure of Plaintiffs'
5 property violates the Fourth Amendment: The government exceeded both the
6 justification for the inventory search doctrine and the limited scope of its warrant by
7 opening owners' safe deposit boxes, running any currency found in front of drug-
8 sniffing dogs, and failing to do any proper inventory of those boxes' contents.
9 Indeed, the simplest way to have secured people's possessions for their return
10 would have been to leave the nest of safe deposit boxes intact. Second, the
11 government's continued retention of Plaintiffs' property violates the Fourth and
12 Fifth Amendments: The government must provide owners with a basis for the
13 continued retention of property and a prompt and meaningful way to secure its
14 return. Third, the government's mass civil forfeiture proceedings violate the Fourth
15 and Fifth Amendments because they do not provide adequate notice of the basis for
16 the forfeiture and have been commenced without any identified factual basis to
17 support a finding of probable cause. And finally, the government's use of owners'
18 property as leverage to extract information from those owners also violates the Fifth
19 Amendment.

20 To correct these constitutional violations, this Complaint raises both class
21 and individual claims. On behalf of a class of individuals who came forward to
22 identify themselves to the FBI after losing their property in the March 22, 2021
23 raid, the Complaint seeks declaratory and injunctive relief barring the government
24 from improperly retaining and/or using records created through its unconstitutional
25 inventory search. On behalf of further subclasses of individuals whose property is
26 still being retained by the government, the Complaint seeks declaratory and
27 injunctive relief that would compel the government to either provide
28 constitutionally adequate notice of the legal and factual basis of the continued

1 detention of the property or else give the property back. And, finally, the Complaint
2 brings individual claims on behalf of the individual Plaintiffs seeking the return of
3 their property.

4 **JURISDICTION AND VENUE**

5 1. Plaintiffs bring their class-action Fourth and Fifth Amendment claims
6 under the Administrative Procedure Act, 5 U.S.C. § 702, and the Declaratory
7 Judgments Act, 28 U.S.C. §§ 2201, 2202, as well as directly under the U.S.
8 Constitution. Plaintiffs seek declaratory and injunctive relief against the
9 government's unconstitutional search, retention, and use of their property.

10 2. Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, Tyler Gothier, Jeni
11 Verdon-Pearsons, Michael Storc, and Travis May bring their individual claims for
12 return of seized property under Federal Rule of Criminal Procedure 41(g) and the
13 Court's inherent equitable power. They are entitled to the immediate return of their
14 property as they are not targets of any criminal investigation and the government's
15 continued detention of their property both violates the Fourth Amendment and
16 works a hardship on Plaintiffs.

17 3. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331, as
18 Plaintiffs' claims arise under federal law.

19 4. While the government has issued notices that purport to commence
20 administrative forfeiture proceedings against at least some of the seized property of
21 Plaintiffs Joseph Ruiz, Jeni Verdon-Pearsons, Michael Storc, and Travis May, those
22 notices do not deprive this Court of subject-matter jurisdiction with respect to the
23 class-wide claims brought by these Plaintiffs because the class-wide claims do not
24 seek an order requiring the return of any particular individual's property and rather
25 seek to vindicate the Fourth and Fifth Amendment rights of the class as a whole.

26 5. Additionally, the government's administrative forfeiture notices do not
27 divest the Court of jurisdiction to entertain any of the individual Plaintiffs' Rule
28 41(g) motions because the notices are procedurally defective and thus incapable of

1 divesting this Court of subject-matter jurisdiction. The government has not
2 provided Joseph Ruiz with any individual notice of the purported forfeiture of his
3 property, and simply sent the notice to attorneys for USPV. Likewise, the
4 government has not provided Travis May any individual notice of the purported
5 forfeiture of his gold, although it did send him individual notice of the purported
6 forfeiture of his cash. And all the forfeiture notices are procedurally defective
7 insofar as they do not state the legal or factual basis for the attempted forfeiture.

8 6. Finally, the forfeiture notices received by Plaintiffs Jeni Verdon-
9 Pearsons and Michael Storc cannot affect this Court's jurisdiction over their class
10 or individual claims because both Jeni and Michael submitted administrative claims
11 in response to their forfeiture notices prior to the filing of Plaintiffs' First Amended
12 Complaint, thereby terminating the purported administrative forfeiture proceeding
13 with respect to their property.

14 7. Venue is proper in the United States District Court for the Central
15 District of California under 28 U.S.C. §§ 1391(b)(2) and 1391(e)(1), as well as
16 Federal Rule of Criminal Procedure 41(g), because the seizure of Plaintiffs'
17 property occurred in Beverly Hills, CA. Beverly Hills is in the Western Division of
18 the Central District of California.

19 **PARTIES**

20 **Plaintiffs**

21 8. Plaintiffs Paul and Jennifer Snitko are a married couple and adult
22 residents of Los Angeles County, California. Paul is an aeronautics engineer, and
23 Jennifer is an entertainment lawyer. At USPV's Beverly Hills facility, they rented a
24 safe deposit box in which they placed jewelry, back-up hard drives, legal
25 documents, Paul's pilot flight log, and other personal effects. After the government
26 seized this property on March 22, 2021, they filed a claim with the FBI to retrieve
27 it. The FBI held their property for over two months without providing any
28 justification for doing so, but then offered to return the property after the filing of

1 this Action. At this time, the FBI continues to hold their property, and, even after
2 the property is returned, the FBI will continue to hold records of the contents of
3 their box generated during its unlawful search.

4 9. Plaintiff Joseph Ruiz is an adult resident of Los Angeles County,
5 California. At USPV's Beverly Hills facility, he rented a safe deposit box in which
6 he placed approximately \$57,000 in cash, money that Joseph relies on to pay his
7 living and medical expenses. After the government seized this property on March
8 22, 2021, he filed a claim with the FBI to retrieve it. However, the government has
9 informed attorneys for USPV that it intends to civilly forfeit Joseph's property. At
10 this time, the government has not provided Joseph with any notice of the purported
11 civil forfeiture proceeding.

12 10. Plaintiff Tyler Gothier is an adult resident of Placer County,
13 California, who maintains an address in Los Angeles County. At USPV's Beverly
14 Hills facility, he rented a safe deposit box in which he placed silver and other
15 personal property. After the government seized his property on March 22, 2021, he
16 filed a claim with the FBI to retrieve it. After the filing of this Action, the
17 government left Tyler a voicemail stating that his property would eventually be
18 returned. But, at this time, the FBI continues to hold Tyler's property without
19 providing any justification for doing so, and, even if the property is eventually
20 returned, the FBI will continue to hold records of the contents of his box generated
21 during its unlawful search.

22 11. Plaintiffs Jeni Verdon-Pearsons and Michael Storc are a married
23 couple and adult residents of Los Angeles County, California. Jeni is the Director
24 of Operations for a nonprofit theater and Michael works in the film industry as a
25 transportation coordinator. At USPV's Beverly Hills facility, they rented a safe
26 deposit box in which they placed silver and about \$2,000 in cash, as well as various
27 personal documents. After the government seized this property on March 22, 2021,
28 they filed a claim with the FBI to retrieve it. However, the government sent them a

1 notice stating that it is seeking to civilly forfeit their silver. The notice does not
2 state the factual or legal basis for the purported civil forfeiture proceeding. In
3 addition, while the government is *not* seeking to forfeit their cash or the documents
4 in their box, the FBI continues to hold that property.

5 12. Plaintiff Travis May is an adult resident of Los Angeles County,
6 California. Travis is the CEO of TollFreeForwarding.com, a company that provides
7 international call forwarding services. He gives a significant portion of his income
8 to charity, and he sits on the board of trustees of a national nonprofit organization.
9 At USPV's Beverly Hills facility, he rented a safe deposit box in which he placed
10 gold and approximately \$63,000 in cash. After the government seized this property
11 on March 22, 2021, he filed a claim with the FBI seeking to retrieve it. The
12 government has notified Travis that it is seeking to forfeit his \$63,000 in cash, but
13 the notice does not state the factual or legal basis for the purported civil forfeiture
14 proceeding. In addition, while the government has informed attorneys for USPV
15 that it intends to forfeit Travis's gold, the government has not provided Travis with
16 individual notice of that purported forfeiture action.

17 13. Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, Tyler Gothier, Jeni
18 Verdon-Pearsons, Michael Storc, and Travis May represent a putative class of
19 USPV customers who identified themselves to the FBI after the government seized
20 their property from their safe deposit boxes on or around March 22, 2021.

21 **Defendants**

22 14. Defendant United States of America is the national federal government
23 established by the U.S. Constitution. As such, it is subject to limitations imposed by
24 the Constitution, including, as relevant here, the Fourth and Fifth Amendments. The
25 constitutional violations at issue involve the actions of federal agencies and
26 employees and are therefore ultimately chargeable to the federal government itself.

1 15. Defendant Tracy L. Wilkison is the Acting U.S. Attorney for the
2 Central District of California. She is the chief federal law enforcement officer
3 within this jurisdiction, and she is sued in her official capacity.

4 16. Defendant Kristi Koons Johnson is an Assistant Director of the FBI.
5 She oversees the FBI's Los Angeles Field Office, and she is sued in her official
6 capacity.

7 17. The Complaint uses the phrase "the government" to refer to the
8 officers, employees, and agents of the United States of America, including officers,
9 employees, and agents acting under the direction and control of Defendants
10 Wilkinson and Johnson.

11 **FACTUAL ALLEGATIONS**

12 **Plaintiffs Deposited Their Personal Property With USPV**

13 18. USPV is a California corporation that operates a safe-deposit-box
14 facility in Beverly Hills.

15 19. USPV's Beverly Hills facility houses over 800 safe deposit boxes.

16 20. USPV safe-deposit-box service provided renters with several
17 advantages over traditional banks. For instance, USPV customers could access the
18 outer vault themselves using biometric data (such as an iris scan or a handprint)
19 rather than having to wait for a USPV employee to assist them.

20 21. Also unlike traditional banks, USPV could not access its customers'
21 safe deposit boxes without their knowledge. That is because all the keys for
22 USPV's safe deposit boxes are left in customers' hands.

23 22. In addition, USPV provided customers with better hours of operation
24 than most banks, including weekend hours, and offered clients insurance for the
25 contents of their boxes.

26 23. Given USPV's differences from other safe-deposit-box facilities,
27 USPV's services were appealing to customers concerned with their financial
28 security and privacy, including Plaintiffs.

1 24. When Plaintiffs rented safe deposit boxes from USPV, they had every
2 impression USPV was a legitimate, law-abiding business.

3 25. USPV was a longstanding business in the Beverly Hills area, having
4 opened its doors in 2011.

5 26. Along with its Twitter and Yelp profiles, USPV operated a business
6 website at usprivatevaults.com.

7 27. USPV was also a member of the Beverly Hills Chamber of Commerce.

8 28. Given these features, Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz,
9 Tyler Gothier, Jeni Verdon-Pearsons, Michael Storc, and Travis May trusted USPV
10 with their personal property.

11 29. In April 2017, Plaintiffs Paul and Jennifer Snitko began renting a safe
12 deposit box from USPV's Beverly Hills facility.

13 30. In their USPV safe deposit box, Paul and Jennifer Snitko left items of
14 sentimental and practical value, including Paul's flight log from his aeronautics
15 career, wristwatches that Paul and his father had obtained from their employers for
16 their years of service, Paul's class ring, as well as some collectible coins from
17 Jennifer's grandfather. Paul and Jennifer also stored backup copies of their home
18 computers' hard drives, gold jewelry, and important legal documents in the box.

19 31. Plaintiff Joseph Ruiz also rented a safe deposit box from USPV's
20 Beverly Hills facility.

21 32. In his USPV safe deposit box, Joseph deposited approximately
22 \$57,000 in cash that he relies on for his daily living and medical expenses.

23 33. Plaintiff Tyler Gothier also rented a safe deposit box from USPV's
24 Beverly Hills facility.

25 34. Tyler put silver and other personal property in his USPV safe deposit
26 box.

27 35. In September 2017, Plaintiffs Jeni Verdon-Pearsons and Michael Storc
28 also began renting a safe deposit box from USPV's Beverly Hills facility.

1 36. In their USPV safe deposit box, Jeni and Michael placed silver that
2 they had purchased as an investment for their retirement savings along with
3 approximately \$2,000 in cash.

4 37. In July 2017, Plaintiff Travis May also rented a safe deposit box from
5 USPV's Beverly Hills facility.

6 38. In his USPV safe deposit box, Travis deposited gold and
7 approximately \$63,000 in cash.

8 39. Plaintiffs have keys for their USPV safe deposit boxes.

9 40. Each Plaintiff would be able to produce their USPV safe-deposit-box
10 key upon request.

11 **The Government Seized Plaintiffs' Personal Property**

12 41. On March 9, 2021, the U.S. Attorney's Office for the Central District
13 of California indicted the company U.S. Private Vaults.

14 42. The March 9, 2021 indictment alleges various wrongdoing by USPV
15 officials, but it does not indict those officials.

16 43. The March 9, 2021 indictment does not specifically allege any
17 wrongdoing by USPV's customers.

18 44. On March 17, 2021, the government obtained a warrant to seize certain
19 business property owned by USPV. Critically, however, the warrant did not
20 authorize the criminal seizure or search of USPV's *customers'* property.

21 45. Although the warrant authorized the government to seize USPV's
22 "business equipment," including the "nests of safety deposit boxes and keys, the
23 warrant specifically stated that the "warrant does not authorize a criminal search or
24 seizure of the contents of the safety deposit boxes."

25 46. Despite that limited scope, the warrant envisioned that the government
26 may need to conduct a limited "inventory" search of the contents of the safe deposit
27 boxes.

28

1 47. Normally, an inventory search’s purpose is to prevent claims of theft
2 and loss by creating a record of seized property.

3 48. In its application for the March 17, 2021 warrant, the government
4 promised that any necessary inventory search would be limited in scope. In the
5 application, the government stated that it would search USPV safe deposit boxes to
6 “look for contact information or something which identifies the owner” and that,
7 under official FBI policies, that search would “extend no further than necessary to
8 determine ownership.”

9 49. Consistent with the government’s warrant application, the March 17,
10 2021 warrant contemplated that, “in accordance with their written policies, agents
11 shall inspect the contents of the boxes in an effort to identify their owners in order
12 to notify them so that they can claim their property.”

13 50. The government executed the warrant in a March 22, 2021 raid on
14 USPV’s Beverly Hills location.

15 51. In executing the warrant, however, the government overstepped the
16 March 17, 2021 warrant’s limited scope.

17 52. On March 22, 2021, the government seized not just USPV’s business
18 property, but *all* the personal property in USPV customers’ safe deposit boxes.

19 53. Every customer’s property at USPV on March 22, 2021, was secure
20 against loss and theft due to its placement in a locked nest of safety-deposit boxes
21 within a biometric vault.

22 54. Yet despite this, the government broke into every safe deposit box at
23 USPV’s Beverly Hills facility and emptied each box of its contents.

24 55. On March 22, 2021, the government seized all the personal property in
25 the safe deposit boxes rented by Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz,
26 Tyler Gothier, Jeni Verdon-Pearsons, Michael Storc, and Travis May, as well as all
27 the property held in every other USPV customer’s safe deposit box.
28

1 56. The government has not accused—let alone charged—Plaintiffs Paul
2 and Jennifer Snitko, Joseph Ruiz, Tyler Gothier, Jeni Verdon-Pearsons, Michael
3 Storc, or Travis May with any crime.

4 57. The government’s March 22, 2021 search of the contents of USPV
5 customers’ safe deposit boxes was not an “inventory” search.

6 58. After all, had the government been conducting an inventory search—to
7 prevent loss and theft—there would have been no reason to forcibly open USPV’s
8 locked safe deposit boxes that were otherwise impervious to loss and theft.

9 59. Moreover, even though the government’s warrant application
10 represented that its safe-deposit-box search would be limited to “look[ing] for
11 contact information or something which identifies the owner,” FBI agents searched
12 boxes even after identifying owners.

13 60. Per USPV procedures, many safe-deposit-box holders—including
14 Plaintiffs Paul and Jennifer Snitko, Jennifer Verdon-Pearsons, Michael Storc, and
15 Travis May—placed a letter containing their contact information, as well as
16 information identifying their beneficiaries, on top of the interior sleeve of their
17 boxes. All contents of the boxes, other than this letter, were contained within those
18 interior sleeves.

19 61. If the government had complied with its representations in its warrant
20 application, it would have stopped its supposed “inventory” search as soon as it
21 found such letters and would not have searched the contents of the interior sleeves.

22 62. But even after finding those letters, government agents continued
23 rifling through the contents of the boxes, including opening sealed envelopes to
24 make copies of documents contained within.

25 63. On information and belief, the government searched the contents of the
26 Snitkos’ box even after finding the letter with their contact information taped to the
27 top of their box’s interior sleeve.

28

1 72. After seizing the contents of the USPV boxes, the government placed a
2 notice on the USPV storefront stating that box holders should file a claim for their
3 property through a FBI website.

4 73. The online form is posted at [https://forms.fbi.gov/u-s-private-vaults-](https://forms.fbi.gov/u-s-private-vaults-claim-form)
5 [claim-form](https://forms.fbi.gov/u-s-private-vaults-claim-form) and is titled “U.S. Private Vaults Claim Form.” It states: “To make a
6 claim for property stored at U.S. Private Vaults in Beverly Hills, California, please
7 provide the following information.”

8 74. Paul and Jennifer Snitko filed a claim through the FBI’s website
9 shortly after the government’s March 22, 2021 seizure of their property.

10 75. In response to Paul and Jennifer’s claim submission, the FBI sent them
11 an email stating that the agency would contact them in 30–60 days, as well as a
12 phone call asking them to provide the number of their safe deposit box. The FBI did
13 not contact Paul and Jennifer to offer to return their property until after the filing of
14 this Action—more than two months after the seizure.

15 76. Joseph Ruiz, too, filed a claim through the FBI’s website shortly after
16 the government’s March 22, 2021 seizure of his property.

17 77. The FBI’s only response to Joseph was an email stating that the
18 agency would contact him in 30–60 days.

19 78. Tyler Gothier has also filed a claim with the FBI through the FBI’s
20 website.

21 79. At the time of the filing of this Action, no one from the FBI had
22 contacted Tyler about his claim. Subsequent to the filing of this Action, the FBI
23 contacted Tyler to say that his property would eventually be returned, but the FBI
24 has not scheduled a time to return Tyler’s property.

25 80. Jeni Verdon-Pearsons and Michael Storc filed their claim through the
26 FBI’s website shortly after the government’s March 22, 2021 seizure of their
27 property.
28

1 81. In response to Jeni Verdon-Pearsons and Michael Storc’s claim
2 submission, the FBI sent them an email stating that the agency would contact them
3 in 30–60 days, and the FBI then telephoned Jeni to confirm the box number. During
4 that call, an FBI agent explained that the FBI was “busy” and that Jeni should wait
5 to receive an email from the FBI about the seized property.

6 82. Travis May has also filed a claim with the FBI through the FBI’s
7 website.

8 83. Nobody from the FBI has contacted Travis about his claim.

9 84. On information and belief, many other USPV customers submitted
10 claim forms to the FBI through the FBI’s website seeking the return of their
11 property.

12 85. Nonetheless, the government retained property seized from USPV box
13 holders who submitted such claims for more than two months after its raid on
14 USPV’s facility without providing those box holders with any justification for the
15 prolonged seizure of their property, and, in many cases, the government still
16 continues to retain that property without any stated justification.

17 86. The government has stated that it intends to conduct an “investigation”
18 to determine if USPV customers came by their property legally, even though the
19 warrant does not authorize or contemplate any such investigation of USPV box
20 holders.

21 **The Government Has Commenced Mass Forfeiture Proceedings Against**
22 **Hundreds Of USPV Box Holders, Without Adequate Notice Of The Alleged**
23 **Basis For The Forfeiture**

24 87. On May 20, 2021, the government sent an administrative forfeiture
25 notice to attorneys for USPV. USPV has posted a copy of that notice to its website,
26 at <https://usprivatevaults.com>. This notice is hereinafter referred to as the “USPV
27 omnibus notice.”
28

1 88. The USPV omnibus notice lists the contents of over 400 USPV safe
2 deposit boxes and states that the government is seeking to forfeit all of the listed
3 property. These boxes contain over \$85 million in cash, as well as poker chips,
4 jewelry, and an unspecified amount of gold, silver, and other precious metals.

5 89. The USPV omnibus notice states that the government is seeking to
6 forfeit the \$57,000 in cash seized from Joseph Ruiz's safe deposit box, the gold and
7 over \$63,000 in cash seized from Travis May's safe deposit box, and the silver
8 seized from Jeni Verdon-Pearsons's and Michael Storc's safe deposit box.

9 90. In addition to sending the USPV omnibus notice, the government has
10 also sent individual forfeiture notices to *some* of the box holders whose property is
11 listed in the USPV omnibus notice. For instance:

- 12 a. The government sent forfeiture notices to Jeni Verdon-Pearsons and
13 Michael Storc informing Jeni and Michael that it is seeking to forfeit
14 the silver contained in the box that they shared (but not the \$2,000 in
15 cash that they stored in the same box).
- 16 b. The government also sent Travis May a forfeiture notice informing
17 Travis that it is seeking to forfeit the over \$63,000 in cash contained in
18 his box.

19 91. However, the government has not sent forfeiture notices to *all* of these
20 property owners. For instance:

- 21 a. Although Joseph Ruiz stepped forward to identify himself to the FBI
22 shortly after the seizure, the government has not notified Joseph that it
23 is seeking to forfeit his \$57,000 in cash.
- 24 b. Although the USPV omnibus notice states that the government is
25 seeking to forfeit the gold contained in Travis May's safe deposit box,
26 the forfeiture notice that the government sent to Travis *only* informs
27 him the government is seeking to forfeit his cash.
- 28

1 92. The forfeiture notices received by Jeni, Michael, and Travis do not
2 articulate any constitutionally adequate legal or factual basis to support the
3 government’s entitlement to forfeit their property. Instead, the notices only cite
4 general statutory provisions governing forfeiture actions, which in turn incorporate
5 a broad range of criminal statutes ranging from bribing bank employees, to illegally
6 skimming equity from farm housing backed by certain loans, to violence against
7 maritime platforms. The notices do not identify the *specific* alleged offense that the
8 government believes justifies the civil forfeiture of the property.

9 93. The forfeiture notices sent to Jeni, Michael, and Travis also are legally
10 deficient insofar as they fail to comply with regulations requiring any notice of
11 administrative forfeiture to state the specific statutory basis for the seizure. 28
12 C.F.R. § 8.9(b)(2). Again, the notices do not identify the *specific* alleged offense
13 that the government believes justifies the civil forfeiture of the property.

14 94. Like the individual forfeiture notices, the USPV omnibus notice does
15 not cite any specific offense that the government believes justifies the forfeiture.
16 The USPV omnibus notice cites the general forfeiture laws, but those laws
17 authorize forfeiture based on numerous criminal offenses and thus do not provide
18 property owners with notice of the *specific* alleged offense that the government
19 believes justifies forfeiture of their property.

20 95. Like the individual forfeiture notices, the USPV omnibus notice also
21 does not identify the factual basis for the forfeiture action. Instead, the government
22 appears to be proceeding based on the presumption that any amount of cash or
23 precious metals in a safe deposit box is subject to forfeiture.

24 96. Both the USPV omnibus notice and the individual forfeiture notices
25 sent to Jeni, Michael, and Travis are confusing and misleading in that they inform
26 property owners that “[a] claim must be filed to contest the forfeiture.” The notice’s
27 reference to a “claim” is naturally confusing given that the government *already*
28 invited property owners to file a “claim” to their property through the FBI’s

1 website. The forfeiture notice letter does not explain the difference (if any) between
2 this “claim” and the “claim” that property owners are required to file to avoid
3 forfeiture. The government has not indicated whether it is treating those previous
4 claims, which it asked property owners to submit, as a nullity, nor has it explained
5 whether or how it will honor those already solicited and received claims.

6 97. Upon information and belief, other members of the putative class are
7 in the same situation as Jeni, Michael, and Travis (with respect to his \$63,000 in
8 cash): The government has sent them notices about purported administrative
9 forfeiture proceedings that fail to provide any specific legal and factual bases for
10 the purported forfeiture, that are legally deficient, and that are confusing and
11 misleading.

12 98. On information and belief, some other members of the putative class
13 are in the same situation as Joseph and Travis (with respect to his gold): The
14 government has listed their property as subject to forfeiture in the USPV omnibus
15 notice, but the government has not provided those individuals with any kind of
16 notice of the purported forfeiture proceeding.

17 99. Because Joseph has not received any notice of a forfeiture proceeding,
18 he is unable to confirm whether the government is, in fact, holding his property for
19 civil forfeiture.

20 100. The government has Joseph’s contact information so as to provide him
21 with individualized notice of any such possible forfeiture proceeding, given that
22 Joseph submitted that information with his claim through the FBI’s website.

23 101. Likewise, without individualized notice, Travis cannot confirm
24 whether the government is in fact seeking to forfeit his gold.

25 102. The government has Travis’s contact information and could easily
26 provide him notice of the forfeiture of his gold, given that it has already provided
27 him with notice of the forfeiture of his cash.

28

1 103. In response to the forfeiture notice, Jeni and Michael submitted
2 administrative claims to their property following the directions provided in the
3 forfeiture notice. And, because the government’s forfeiture claim form directed
4 them to submit documentary evidence in support of the claim, they attached various
5 receipts and documents to support their claim to their property.

6 104. Even if the government ultimately returns Jeni and Michael’s property,
7 the government will retain the receipts and other documents that they submitted in
8 support of their claim.

9 105. The government has adopted a practice of deciding which USPV
10 customer property to target for forfeiture in an arbitrary manner that fails to include
11 any individualized determination of whether there is evidence the property in
12 question is subject to forfeiture. Instead, the primary basis for the government’s
13 decisions seems to come from a presumption that storing property over a certain
14 threshold value in a safe deposit box (which is the point of the box) must make the
15 property subject to forfeiture, even if the government does not know and cannot
16 articulate what the precise basis for forfeiture is.

17 106. But storing valuable property in a safe deposit box is not unusual or
18 suspicious. After all, the purpose of a safe deposit box is to secure valuables from
19 theft, fire, or other loss.

20 **The Government Continues to Hold Significant Amounts Of Property That Is**
21 **Not Subject To Any Purported Forfeiture Proceedings**

22 107. While the USPV omnibus notice indicates that the government seeks
23 to forfeit hundreds of safe deposit boxes, that still leaves hundreds of *other* boxes
24 that the government is not seeking to forfeit.

25 108. For instance, the USPV omnibus notice indicates that the government
26 does not intend to forfeit the boxes owned by Tyler Gothier and the Snitkos, and in
27 fact the FBI has contacted both Tyler and the Snitkos to state that their property
28 will eventually be returned.

1 109. Nonetheless, more than two months after the seizure, the government
2 continues to hold the property seized from Tyler and the Snitkos, and the
3 government has not identified any legal basis to retain their property.

4 110. Moreover, even if the government eventually returns the property
5 seized from Tyler and the Snitkos, the government will continue to retain records of
6 that property that were generated during its unlawful search.

7 111. At the same time, although the government sent a forfeiture notice for
8 the silver contained in the box of Jeni Verdon-Pearsons and Michael Storc, the
9 USPV omnibus notice indicates the government is *not* seeking to forfeit the \$2,000
10 in cash or the personal documents contained in their box.

11 112. Nevertheless, the FBI continues to retain the \$2,000 in cash and the
12 personal documents seized from Jeni and Michael. The FBI has not identified any
13 legal basis to retain that property.

14 113. On information and belief, some other members of the putative class
15 are in the same situation as Tyler Gothier and the Snitkos (and Jeni Verdon-
16 Pearsons and Michael Storc with respect to their cash and personal documents):
17 The government has *not* informed USPV's attorneys that it intends to seek to forfeit
18 their boxes, nor has it articulated any other legal basis to continue to retain their
19 property.

20 114. Regardless of whether the government has sent them notice of a
21 purported administrative forfeiture or told USPV's attorneys that it intends to
22 forfeit their property, all members of the putative class are ultimately in the same
23 situation: The government has not notified them of any specific legal and factual
24 basis justifying the ongoing detention of their property.

25 **INJURY TO PLAINTIFFS**

26 115. Defendants' March 22, 2021 criminal search of named Plaintiffs'
27 personal property and their continued seizure of that property constitutes an
28

1 ongoing injury to not just to named Plaintiffs and putative class representatives, but
2 to all USPV customers.

3 116. Had Defendants simply secured the USPV facility and left the safe
4 deposit boxes intact, Plaintiffs and other USPV customers would have easily been
5 able to go in and reclaim that property. But the government opened up those boxes
6 and subjected them to an unreasonable criminal search.

7 117. Due to the government's unreasonable criminal search, it currently
8 retains records of the contents of *all* of the boxes at the USPV facility, regardless of
9 whether the contents of those boxes have been returned to their owners or not. The
10 government's continued possession of those records provides it with a window into
11 the contents of an ostensibly private space and constitutes an ongoing Fourth
12 Amendment injury.

13 118. In addition, the government today still retains much of that property—
14 including the property of Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, Tyler
15 Gothier, Jeni Verdon-Pearsons, Michael Storc, and Travis May. The government's
16 retention of that property constitutes an additional Fourth Amendment injury.

17 119. Because Defendants exceeded the scope of their warrant in their March
18 22, 2021 criminal search and seizure of USPV customers' safe deposit boxes,
19 Plaintiffs Paul and Jennifer Snitko have been subjected to an unreasonable search
20 and seizure that has deprived them of their jewelry, back-up hard drives, legal
21 documents, Paul's pilot flight log, and other personal effects they had stored in their
22 USPV safe deposit box.

23 120. Because Defendants exceeded the scope of their warrant in their
24 March 22, 2021 criminal search and seizure of USPV customers' safe deposit
25 boxes, it now unreasonably possesses copies of personal documents and other
26 records owned by Plaintiffs Paul and Jennifer Snitko. This deprivation constitutes
27 an ongoing injury to Plaintiffs Paul and Jennifer Snitko.
28

1 121. Because Defendants continue to retain personal property that USP
2 customers had secured in their safe deposit boxes absent any justification, Plaintiffs
3 Paul and Jennifer Snitko continue to be deprived of their jewelry, back-up hard
4 drives, legal documents, Paul’s pilot flight log, and other personal effects they had
5 stored in their USPV safe deposit box. This deprivation constitutes an ongoing
6 injury to Plaintiffs Paul and Jennifer Snitko.

7 122. Because Defendants exceeded the scope of their warrant in their March
8 22, 2021 criminal search and seizure of USPV customers’ safe deposit boxes,
9 Plaintiff Joseph Ruiz has been subjected to an unreasonable search and seizure that
10 has deprived him of the \$57,000 in cash he deposited in his USPV safe deposit box.

11 123. Because Defendants continue to retain personal property that USP
12 customers had secured in their safe deposit boxes absent any justification, Plaintiff
13 Joseph Ruiz continues to be deprived of the \$57,000 in cash he placed in his USPV
14 safe deposit box. This deprivation constitutes an ongoing injury to Plaintiff Joseph
15 Ruiz.

16 124. Joseph relied on his funds in his USPV safe deposit box for living and
17 medical expenses. After the government seized this money, Joseph has been unable
18 to secure needed medical care or basic staples of life. The seizure has forced Joseph
19 to eat the pile of provisions he had stored at the outset of the COVID-19 pandemic.

20 125. Because Defendants exceeded the scope of their warrant in their March
21 22, 2021 criminal search and seizure of USPV customers’ safe deposit boxes,
22 Plaintiff Tyler Gothier has been subjected to an unreasonable search and seizure
23 that has deprived him of the silver and other personal property he deposited in his
24 USPV safe deposit box.

25 126. Because Defendants exceeded the scope of their warrant in their March
26 22, 2021 criminal search and seizure of USPV customers’ safe deposit boxes, it
27 now unreasonably possesses copies of personal documents and other records owned
28

1 by Plaintiff Tyler Gothier. This deprivation constitutes an ongoing injury to
2 Plaintiff Tyler Gothier.

3 127. Because Defendants continue to retain personal property that USPV
4 customers had secured in their safe deposit boxes absent any justification, Plaintiff
5 Tyler Gothier continues to be deprived of the silver and other personal property he
6 deposited in his USPV safe deposit box. This deprivation constitutes an ongoing
7 injury to Plaintiff Tyler Gothier.

8 128. Because Defendants exceeded the scope of their warrant in their March
9 22, 2021 criminal search and seizure of USPV customers' safe deposit boxes,
10 Plaintiffs Jeni Verdon-Pearsons and Michael Storc have been subjected to an
11 unreasonable search and seizure that has deprived them of the silver, the
12 approximately \$2,000 of cash, and the personal documents that they deposited in
13 their USPV safe deposit box.

14 129. Because Defendants continue to retain personal property that USPV
15 customers had secured in their safe deposit boxes absent any justification, Plaintiffs
16 Jeni Verdon-Pearsons and Michael Storc continue to be deprived of the silver and
17 approximately \$2,000 in cash they deposited in their USPV safe deposit box. This
18 deprivation constitutes an ongoing injury to Plaintiffs Jeni Verdon-Pearsons and
19 Michael Storc.

20 130. Because Defendants exceeded the scope of their warrant in their March
21 22, 2021 criminal search and seizure of USPV customers' safe deposit boxes, it
22 now unreasonably possesses copies of personal documents and other records owned
23 by Plaintiffs Jeni Verdon-Pearsons and Michael Storc. This deprivation constitutes
24 an ongoing injury to Plaintiffs Jeni Verdon-Pearsons and Michael Storc.

25 131. Because the government sent Jeni Verdon-Pearsons and Michael Storc
26 an unlawful forfeiture notice, Jeni and Michael submitted a claim to avoid the
27 forfeiture of their property and provided copies of various documents in support of
28 their claim. The government will continue to retain those documents even if their

1 property is ultimately returned. That deprivation constitutes an ongoing injury to
2 Plaintiffs Jeni Verdon-Pearsons and Michael Storc.

3 132. Because Defendants exceeded the scope of their warrant in their March
4 22, 2021 criminal search and seizure of USPV customers' safe deposit boxes,
5 Plaintiff Travis May has been subjected to an unreasonable search and seizure that
6 has deprived him of the gold and approximately \$63,000 in cash he deposited in his
7 USPV safe deposit box.

8 133. Because Defendants continue to retain personal property that USPV
9 customers had secured in their safe deposit boxes absent any justification, Plaintiff
10 Travis May continues to be deprived of the gold and \$63,000 in cash he deposited
11 in his USPV safe deposit box. This deprivation constitutes an ongoing injury to
12 Plaintiff Travis May.

13 134. Because the government sent Travis May an unlawful forfeiture
14 notice, Travis risks the automatic forfeiture of his property if he does not submit a
15 claim to that property. That claim must be submitted under oath, subject to penalty
16 of perjury. This deprivation constitutes an ongoing injury to Plaintiff Travis May.

17 135. Plaintiffs do not want to give Defendants any additional information as
18 a condition of retrieving their property.

19 136. Other members of the putative class are also injured by Defendants'
20 violation of their Fourth and Fifth Amendment rights. Every putative class member
21 has had property taken as a result of Defendants' unconstitutional March 22, 2021
22 search and seizure of USPV customers' safe deposit boxes and is trying to retrieve
23 that property. And because Defendants continue to retain that property, along with
24 copies of records and documents made during Defendants' criminal search, every
25 putative class member is suffering an ongoing injury.

26 **CLASS ACTION ALLEGATIONS**

27 137. Plaintiffs re-allege and incorporate by reference each and every
28 allegation set forth in ¶¶ 1 through 136 above.

1 138. Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, Tyler Gothier, Jeni
2 Verdon-Pearsons, Michael Storc, and Travis May seek to maintain this action on
3 behalf of themselves and all others similarly situated under Rule 23(b)(2) of the
4 Federal Rules of Civil Procedure. A class action is superior to other available
5 methods for the fair and efficient adjudication of this controversy.

6 139. Plaintiffs propose the following class definition: “All renters of U.S.
7 Private Vaults safe deposit boxes who (a) had property within their safe-deposit box
8 seized by the federal government on or around March 22, 2021; and (b) have
9 identified themselves to the FBI since the seizure.”

10 140. Within that broader class, Plaintiffs propose two subclasses. First,
11 Plaintiffs propose a subclass of individuals who meet all the requirements for
12 membership in the proposed class, whose property is still in the possession of the
13 federal government, but who have not received notice that the government has
14 purported to commence an administrative forfeiture action with respect to their
15 property (the “No Notice Subclass”). This subclass would be defined as: “All
16 renters of U.S. Private Vaults safe deposit boxes who (a) had property within their
17 safe-deposit box seized by the federal government on or around March 22, 2021;
18 (b) have identified themselves to the FBI since the seizure; (c) have not been
19 notified that their safe deposit boxes are the subject of a currently ongoing
20 administrative or judicial forfeiture proceeding; and (d) whose property is still in
21 the possession of the federal government.”¹

22 141. The No Notice Subclass includes Paul and Jennifer Snitko, Tyler
23 Gothier, and Joseph Ruiz.

24
25 ¹ Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier filed a Motion for
26 Preliminary Injunction on May 27, 2021 (ECF Nos. 10–17), which they re-filed on June 3, 2021
27 (ECF Nos. 26 to 26-17). That motion also seeks, to the extent the Court deems it necessary to
28 provide the requested injunctive relief, certification of a provisional class. ECF No. 26-1 at 17–
22. That proposed provisional class is identical to the No Notice Subclass proposed here. Because
the class definition has not changed, the pending motion for a preliminary injection is not mooted
by the filing of this Amended Complaint. *JBF Interlude 2009 Ltd - Israel v. Quibi Holdings, LLC*,
No. 20-cv-2299, 2020 WL 3963863, at *6 (C.D. Cal. July 13, 2020).

1 142. Second, Plaintiffs propose a subclass of individuals who meet all the
2 requirements for membership in the proposed class, whose property is still in the
3 possession of the federal government, and whose property the government has
4 purported to commence an administrative forfeiture action against (the “Forfeiture
5 Subclass”). This subclass would be defined as: “All renters of U.S. Private Vaults
6 safe deposit boxes who (a) had property within their safe-deposit box seized by the
7 federal government on or around March 22, 2021; (b) have identified themselves to
8 the FBI since the seizure; (c) whose property is now the subject of a purported
9 administrative forfeiture proceeding; and (d) whose property is still in the
10 possession of the federal government.”

11 143. The Forfeiture Subclass includes Jeni Verdon-Pearsons, Michael Store,
12 Travis May, and Joseph Ruiz.

13 144. Joseph Ruiz is a member of both proposed subclasses because (a) his
14 property is subject to a purported administrative forfeiture proceeding (putting him
15 in the Forfeiture Subclass) and (b) he has not received any notice of that fact (also
16 putting him in the No Notice Subclass).

17 145. This action meets all the Rule 23(a) prerequisites for maintaining a
18 class action.

19 146. ***Numerosity under Rule 23(a)(1)***: The putative class and subclasses
20 are so numerous that joinder of all members is impracticable.

21 a. The Proposed Class:

- 22 i. At least 800 people rented safe deposit boxes from USPV,
23 and the government seized all the personal property from
24 those boxes in March 2021.
- 25 ii. On information and belief, a significant portion of those box
26 holders have filed claims for their property, such that the
27 total number of putative class members would be
28 impracticable to join within a single action.

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b. The No Notice Subclass:

- i. The USPV omnibus notice indicates that the government is seeking to forfeit the contents of over 400 boxes and thus, by implication, indicates the government is *not* seeking to forfeit the contents of hundreds of boxes as well.
- ii. An June 9, 2021 article in the Los Angeles Times entitled “FBI wants to keep cash, gold, jewels from Beverly Hills raid. Is it an abuse of power?” reports that the government has yet to return the property of at least 175 USPV safe-deposit-box renters from whom it is not seeking forfeiture, such that the total number of members of the proposed No Notice Subclass would likewise be impracticable to join within a single action.
- iii. In addition, on information and belief, there are additional individuals who (like Joseph Ruiz) are listed in the USPV omnibus notice and yet have not received notice of a forfeiture action. These individuals are also members of the proposed No Notice Subclass.

c. The Forfeiture Subclass:

- i. The USPV omnibus notice indicates that the government is seeking to forfeit the contents of over 400 boxes, including the contents of Plaintiffs Joseph Ruiz, Jeni Verdon-Pearsons, Michael Storc, and Travis May’s safe deposit boxes.
- ii. On information and belief, a significant portion of those box holders have identified themselves to the FBI either by filing claims for their property through the FBI website (like Travis May, Jeni Verdon-Pearsons, and Michael Storc) or by filing claims in response to the forfeiture notice (like Jeni Verdon-

1 iii. For the proposed No Notice Subclass, does the government’s
2 requirement that property owners submit to an investigation
3 and demonstrate the legality of their property and their
4 ownership of it to secure its return violate the Fifth
5 Amendment?

6 c. The Forfeiture Subclass:

7 i. For the proposed Forfeiture Subclass, does the government’s
8 practice of continuing to retain those USPV customers’
9 property, and targeting that property for forfeiture in an
10 arbitrary manner that fails to make any individualized
11 determination of whether there is probable cause that the
12 property in question is subject to forfeiture, violate the
13 Fourth Amendment?

14 ii. For the proposed Forfeiture Subclass, does the government’s
15 practice of continuing to retain those USPV customers’
16 property, and targeting that property for forfeiture without
17 providing the statutory and factual bases for doing so, violate
18 the Fifth Amendment?

19 iii. For the proposed Forfeiture Subclass, do the government’s
20 defective notices purporting to commence administrative
21 forfeiture proceedings violate the Fifth Amendment?

22 iv. For the proposed Forfeiture Subclass, does the government’s
23 requirement that property owners demonstrate the legality of
24 their property and their ownership of it to secure its return
25 violate the Fifth Amendment?

26 148. ***Typicality under Rule 23(a)(3)***: Plaintiffs’ claims are typical of the
27 claims of the putative class and subclasses.

28 a. The Proposed Class:

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i. Plaintiffs’ claims and the putative class members’ claims arise out of the same course of conduct by Defendants, are based on the same legal theories, and involve the same harms.

ii. Plaintiffs seek the same class-wide declaratory and injunctive relief for both themselves and other members of the putative class.

b. The No Notice Subclass:

i. Plaintiffs Paul Snitko, Jennifer Snitko, Joseph Ruiz, and Tyler Gothier’s claims and the putative No Notice Subclass members’ claims arise out of the same course of conduct by Defendants, are based on the same legal theories, and involve the same harms.

ii. Plaintiffs Paul Snitko, Jennifer Snitko, Joseph Ruiz, and Tyler Gothier seek the same class-wide declaratory and injunctive relief for both themselves and other members of the putative No Notice Subclass.

c. The Forfeiture Subclass:

i. Plaintiffs Joseph Ruiz, Jeni Verdon-Pearsons, Michael Storc, and Travis May’s claims and the putative Forfeiture Subclass members’ claims arise out of the same course of conduct by Defendants, are based on the same legal theories, and involve the same harms.

ii. Plaintiffs Joseph Ruiz, Jeni Verdon-Pearsons, Michael Storc, and Travis May seek the same class-wide declaratory and injunctive relief for both themselves and other members of the putative Forfeiture Subclass.

1 149. *Adequacy of representation under Rule 23(a)(4)*: The interests of the
2 putative class and subclasses are fairly and adequately protected by Plaintiffs and
3 their attorneys.

4 a. The Proposed Class:

5 i. Plaintiffs adequately represent the putative class because
6 their interests are aligned and there are no conflicts of
7 interest between the Plaintiffs and members of the putative
8 class. Like other members of the class, their property was
9 searched and seized in violation of the Fourth Amendment,
10 and the government continues to retain records generated as a
11 result of that search and seizure.

12 b. The No Notice Subclass:

13 i. Plaintiffs Paul Snitko, Jennifer Snitko, Joseph Ruiz, and
14 Tyler Gothier adequately represent the putative No Notice
15 Subclass because their interests are aligned and there are no
16 conflicts of interest between these Plaintiffs and members of
17 the No Notice Subclass. Like other members of the proposed
18 subclass, they have received no notice of the basis for the
19 ongoing seizure of their property.

20 c. The Forfeiture Subclass:

21 i. Plaintiffs Joseph Ruiz, Jeni Verdon-Pearsons, Michael Storc,
22 and Travis May adequately represent the putative Forfeiture
23 subclass because their interests are aligned and there are no
24 conflicts of interest between these Plaintiffs and members of
25 the Forfeiture Subclass. Like other members of the proposed
26 subclass, they have been targeted for civil forfeiture by
27 notices that do not provide notice of the legal or factual basis
28 for the forfeiture action.

1 d. Plaintiffs and the putative class members are ably represented *pro*
2 *bono* by the Institute for Justice (“the Institute”) and local counsel
3 Nilay Vora. The Institute is a nonprofit, public-interest law firm
4 that, since its founding in 1991, has litigated constitutional issues
5 nationwide. The Institute has successfully litigated numerous
6 federal class actions, including against Philadelphia (*Sourovelis v.*
7 *City of Philadelphia*, No. CV 14-4687, 2021 WL 344598, at *1
8 (E.D. Pa. Jan. 28, 2021) (appointing the Institute for Justice as
9 Class Counsel and approving federal consent decree in challenge to
10 civil forfeiture procedures)), New York City (*Cho v. City of New*
11 *York*, No. 1:16-cv-07961, Dkt # 111 (S.D.N.Y. Oct. 2, 2020)
12 (approving settlement of a putative class action, under which New
13 York City agreed not to enforce agreements extracted through
14 coercive property seizures)), and Pagedale, Missouri (*Whitner v.*
15 *City of Pagedale*, No. 4:15-cv-01655, Dkt. #116 (E.D. Mo. May 21,
16 2018) (approving federal consent decree prohibiting abusive
17 ticketing practices)). Furthermore, the Institute for Justice has
18 particular expertise litigating issues involving both property rights
19 and Fourth Amendment violations. Meanwhile, local counsel is a
20 recognized trial and appellate lawyer with experience litigating
21 civil-rights cases.

22 150. This action also meets the requirements of, and is brought in
23 accordance with, Rule 23(b)(2) of the Federal Rules of Civil Procedure.

24 a. The Proposed Class:

25 i. Defendants have acted, or refused to act, on grounds
26 generally applicable to the putative class. Specifically, on
27 March 22, 2021, the government conducted a search and
28 seizure of each class member’s safe deposit box at USPV.

1 ii. Final injunctive and declaratory relief is appropriate with
2 respect to all of the members of the class.

3 b. The No Notice Subclass:

4 i. Defendants also have acted, or refuse to act, on grounds
5 generally applicable to the putative No Notice Subclass.
6 Specifically, the government has failed to explain to any
7 class member why it continues to hold their property and has
8 failed to provide any class member with a prompt,
9 meaningful process to secure the return of the property.

10 ii. Final injunctive and declaratory relief is appropriate with
11 respect to all of the members of the No Notice Subclass.

12 c. The Forfeiture Subclass:

13 i. Defendants also have acted, or refuse to act, on grounds
14 generally applicable to the putative Forfeiture Subclass.
15 Specifically, the government’s practice of issuing forfeiture
16 notices without any individualized determination of whether
17 there is probable cause that the property in question is subject
18 to forfeiture applies to each member of the Forfeiture
19 Subclass. Additionally, both the government’s omnibus
20 notice and the notices sent to subclass members are
21 materially identical in that they purport to commence
22 administrative forfeiture proceedings while failing to identify
23 the legal and factual bases for the forfeiture.

24 ii. Final injunctive and declaratory relief is appropriate with
25 respect to all of the members of the Forfeiture Subclass.

26 151. Finally, insofar as a Rule 23(b)(2) class must be ascertainable, this
27 action satisfies that requirement. The membership of the putative class and
28 subclasses are ascertainable because the FBI maintains records of the identity of

1 USPV customers who have filed a claim for their property, as well as records of
2 whether those individuals have been notified of a civil forfeiture proceeding with
3 respect to their property. Similarly, while notice is not required for class actions
4 brought under Rule 23(b)(2), the FBI’s records contain contact information for all
5 members of the proposed class and subclasses, such that notice could easily be
6 provided should the Court deem it appropriate.

7 **CLASS CLAIMS**

8 **COUNT I: On Behalf Of The Proposed Class**

9 **Defendants’ Criminal Search of USPV Customers’ Personal Property**

10 **Violates the Fourth Amendment**

11 152. Plaintiffs re-allege and incorporate by reference each and every
12 allegation set forth in ¶¶ 1 through 151 above.

13 153. This Count seeks to vindicate the Fourth Amendment right of every
14 member of the Proposed Class to be free from unconstitutional searches and
15 seizures under the Fourth Amendment.

16 154. The U.S. Constitution’s Fourth Amendment protects “[t]he right of the
17 people to be secure in their persons, houses, papers, and effects, against
18 unreasonable searches and seizures.” It further provides that “no Warrants shall
19 issue, but upon probable cause, supported by Oath or affirmation, and particularly
20 describing the place to be searched, and the persons or things to be seized.”

21 155. The Fourth Amendment protects USPV customers’ personal property
22 from unreasonable searches and seizures.

23 156. The Fourth Amendment protects USPV customers’ safe deposit boxes
24 from unreasonable searches and seizures.

25 157. The seizure warrant issued authorized the government to seize USPV’s
26 *business* property, but did not authorize any criminal search or seizure of USPV
27 customers’ *personal* property.
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1 158. During Defendants’ March 22, 2021 raid on USPV, the government
2 seized USPV customers’ personal property—the contents of their safe deposit
3 boxes—without their permission.

4 159. On or around March 22, 2021, the government seized USPV
5 customers’ personal property—the contents of their safe deposit boxes—without
6 individualized suspicion.

7 160. Defendants had no warrant, or other judicial authorization, authorizing
8 a criminal search or seizure of USPV customers’ personal property on or around
9 March 22, 2021.

10 161. Although the warrant authorized an inventory search of the contents of
11 the USPV safe deposit boxes, that aspect of the warrant violated the Fourth
12 Amendment insofar as it allowed a search of the boxes without individualized
13 probable cause.

14 162. The warrant’s authorization to conduct a search of the boxes cannot be
15 justified under the inventory search doctrine, as the best way to prevent theft and
16 loss of the contents of the boxes would have been to leave those contents locked
17 inside the safe deposit boxes. The government did not *protect* those contents by
18 removing them from a locked box, and in fact *exposed* them to a greater risk of
19 theft and loss.

20 163. In addition, the government far exceeded the scope of the search
21 authorized by the warrant. The warrant authorized only a limited inventory search
22 of the contents of the USPV safe deposit boxes in order to reunite customers with
23 their property, but the government searched USPV customers’ personal property
24 even after finding box holders’ identifying information.

25 164. The government further exceeded the bounds of any permissible
26 inventory search by engaging in conduct that was clearly motivated by an
27 investigative purpose. Among other things, it deployed drug dogs on USPV
28 customers’ currency and opened USPV customers’ envelopes.

1 165. The government conducted this investigative search even though the
2 warrant specifically instructed the government not to conduct a criminal search of
3 customers' property.

4 166. The government's March 22, 2021 criminal search and seizure of the
5 personal property customers deposited in USPV safe deposit boxes was therefore
6 unreasonable and in violation of the Fourth Amendment.

7 167. Any evidence or records that Defendants obtained through the
8 unauthorized criminal search of the contents of USPV customers' safe deposit
9 boxes were obtained in violation of the Fourth Amendment as the "fruit of the
10 poisonous tree."

11 168. Accordingly, named Plaintiffs and putative class representatives ask
12 the Court to declare that Defendants' actions in seizing all USPV customers'
13 property and subjecting that property to a criminal search violated the Fourth
14 Amendment.

15 169. Similarly, named Plaintiffs and putative class representatives ask the
16 Court to enter judgment declaring that due to Defendants' Fourth Amendment
17 violation in subjecting Plaintiffs' property to a criminal search, Defendants'
18 retention and/or use of any records or evidence obtained through that search, other
19 than for the limited purpose of reuniting them with their property, violates the
20 Fourth Amendment.

21 170. To that end, named Plaintiffs and putative class representatives request
22 that this Court order that all records Defendants created during their criminal search
23 of USPV customers' security deposit boxes, other than those records necessary for
24 reuniting property owners with their property, be destroyed and/or returned to their
25 owners.

26 171. As a direct and proximate result of Defendants' March 22, 2021
27 unreasonable search and seizure of USPV customers' personal property, named
28 Plaintiffs and other members of the putative class have suffered irreparable injury

1 to their constitutional rights, including but not limited to the unjust deprivation of
2 their property. Declaratory and injunctive relief is necessary to remedy this injury.

3 **COUNT II: On Behalf of the Proposed No Notice Subclass**
4 **Defendants' Ongoing Retention of Property Without Stating a Valid Legal**
5 **Basis for Its Continued Seizure Violates the Fourth Amendment**

6 172. Plaintiffs re-allege and incorporate by reference each and every
7 allegation set forth in ¶¶ 1 through 151 above.

8 173. This count seeks to vindicate the Fourth Amendment right of members
9 of the proposed No Notice subclass to have their property returned to the extent that
10 the government is unable to articulate a valid constitutional basis to continue the
11 seizure of that property.

12 174. Just as the government's initial seizure of property must withstand
13 Fourth Amendment scrutiny, so does the government's ongoing retention of seized
14 property. *See, e.g., Brewster v. Beck*, 859 F.3d 1194, 1197 (9th Cir. 2017).

15 175. Even if the government's actions in seizing Plaintiffs' property and
16 subjecting it to a criminal search passed Fourth Amendment scrutiny, Defendants
17 must separately justify any ongoing retention of seized property once its owner has
18 requested its return.

19 176. Named Plaintiffs and putative No Notice Subclass representatives Paul
20 and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier are all seeking return of their
21 property and in response to the FBI's solicitation of claims following the March 22,
22 2021 seizure have filed claims with the FBI to request its return.

23 177. But in response to seeking their property's return, the government has
24 not provided Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier
25 with any justification for the ongoing retention of their seized property.

26 178. The government must either state a (valid) basis for retaining USPV
27 customers' property or else return the property to its owners.
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1 179. The government’s ongoing retention of property that it seized from
2 USPV customers’ safe deposit boxes, absent any valid basis justifying that ongoing
3 retention, is an unreasonable seizure that violates the Fourth Amendment.

4 180. Accordingly, named Plaintiffs and putative No Notice Subclass
5 representatives Paul and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier ask the
6 Court to enter judgment declaring that Defendants’ ongoing retention of property
7 seized from USPV customers’ safe deposit boxes—without stating a valid legal
8 basis for the continued seizure of that property—violates the Fourth Amendment.

9 181. As a direct and proximate result of ongoing seizure of USPV
10 customers’ personal property, named Plaintiffs and putative No Notice Subclass
11 members Paul and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier, along with all
12 members of the putative subclass, have suffered irreparable injury to their
13 constitutional rights, including but not limited to the unjust deprivation of their
14 property. Declaratory and injunctive relief is necessary to remedy this injury.
15 Without appropriate declaratory and injunctive relief, this injury will continue.

16 **COUNT III: On Behalf of the Proposed Forfeiture Subclass**
17 **Defendants’ Ongoing Retention of Property Without Determining Whether**
18 **There Is Individualized Probable Cause that the Property Is Subject to**
19 **Forfeiture Violates the Fourth Amendment**

20 182. Plaintiffs re-allege and incorporate by reference each and every
21 allegation set forth in ¶¶ 1 through 151 above.

22 183. This count seeks to vindicate the Fourth Amendment right of the
23 proposed Forfeiture Subclass to have the government make an individualized
24 probable cause determination before subjecting them to civil forfeiture proceedings.

25 184. To seize property for the purpose of forfeiture, the Fourth Amendment
26 and forfeiture statutes require either that the government has a warrant supported by
27 probable cause or that there is an exception to the warrant requirement combined
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1 with individualized probable cause to believe the property is subject to forfeiture.
2 *See, e.g., Gete v. INS*, 121 F.3d 1285, 1295 (9th Cir. 1997); 18 U.S.C. § 981(b)(2).

3 185. Just as the government’s initial seizure of property must withstand
4 Fourth Amendment scrutiny, so must the government’s ongoing retention of seized
5 property. *See, e.g., Brewster v. Beck*, 859 F.3d 1194, 1197 (9th Cir. 2017).

6 186. The government’s ongoing retention of seized property for the purpose
7 of commencing forfeiture proceedings must at a minimum be supported by
8 probable cause to believe that the property is subject to forfeiture under a specific
9 forfeiture statute.

10 187. Named Plaintiffs and putative Forfeiture Subclass representatives
11 Joseph Ruiz, Jeni Verdon-Pearsons, Michael Storc, and Travis May are all seeking
12 the return of their property and, in response to the FBI’s solicitation of claims
13 following the March 22, 2021 seizure, have filed claims with the FBI through the
14 FBI’s website to request its return.

15 188. But in response to seeking their property’s return, the government has
16 not provided Plaintiffs Joseph, Jeni, Michael, and Travis with any justification for
17 the ongoing retention of their seized property.

18 189. Instead, the government sent deficient forfeiture notices to Jeni,
19 Michael, and Travis that purported to commence administrative forfeiture
20 proceedings against the silver (but not the cash) that Jeni and Michael stored in
21 their box and the cash (but not the gold) that Travis stored in his box.

22 190. The forfeiture notices that the government sent to Jeni, Michael, and
23 Travis, however, do not state any legal or factual bases for seeking to forfeit their
24 property, and thus do not disclose any basis, valid or otherwise, for continuing to
25 retain their property.

26 191. As to Plaintiff Joseph Ruiz, the government has failed to provide him
27 with any individualized notice despite the fact that his property is listed on the
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1 government's omnibus forfeiture notice and Joseph previously provided his contact
2 information to the FBI.

3 192. As a result, the government has not identified for Jeni, Michael,
4 Travis, or Joseph the specific legal or factual basis to support a determination that
5 the government would have probable cause to forfeit their property. On information
6 and belief, that failure to act is common to the putative Forfeiture Subclass.

7 193. On information and belief, the government has failed to conduct any
8 individualized determination of whether there is probable cause that Plaintiffs
9 Joseph Ruiz, Jeni Verdon-Pearsons, Michael Storc, and Travis May's property is
10 subject to forfeiture under any specific forfeiture statute. On information and belief,
11 this failure to act is common to the putative Forfeiture Subclass.

12 194. On information and belief, the government has presumed that storing
13 property over a certain threshold value in a safe deposit box means that the property
14 must have been involved in illegal activity.

15 195. The presumption that property over a certain threshold value in a safe
16 deposit box must have been involved in illegal activity is not a valid basis for
17 retaining USPV customers' property. A valid basis requires, at a minimum,
18 invocation of a specific forfeiture statute and evidence that the property is involved
19 in activity implicating that statute.

20 196. The arbitrary and standardless manner in which the government has
21 determined which property to continue to detain and to seek to forfeit fails to apply
22 constitutionally mandated standards for determining whether probable cause in fact
23 exists.

24 197. The government's ongoing retention of property that it seized from
25 USPV customers' safe deposit boxes, absent individualized probable cause that the
26 property is subject to forfeiture, is an unreasonable seizure that violates the Fourth
27 Amendment.

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1 198. Accordingly, named Plaintiffs and putative Forfeiture Subclass
2 representatives Joseph Ruiz, Jeni Verdon-Pearsons, Michael Storc, and Travis May
3 ask the Court to enter judgment declaring that Defendants’ ongoing retention of
4 property seized from USPV customers’ safe deposit boxes—without individualized
5 determinations that there is probable cause that each property is subject to forfeiture
6 and without stating valid, individualized legal and factual bases for the continued
7 seizure of that property—violates the Fourth Amendment.

8 199. As a direct and proximate result of ongoing seizure of USPV
9 customers’ personal property, named Plaintiffs and putative Forfeiture Subclass
10 members Joseph Ruiz, Jeni Verdon-Pearsons, Michael Storc, and Travis May,
11 along with all members of the putative subclass, have suffered irreparable injury to
12 their constitutional rights, including but not limited to the unjust deprivation of their
13 property. Declaratory and injunctive relief is necessary to remedy this injury.
14 Without appropriate declaratory and injunctive relief, this injury will continue.

15 **COUNT IV: On Behalf of the Proposed No Notice Subclass**
16 **Defendants’ Ongoing Retention of Property Without Providing Notice and an**
17 **Opportunity to be Heard Violates the Fifth Amendment**

18 200. Plaintiffs re-allege and incorporate by reference each and every
19 allegation set forth in ¶¶ 1 through 151 above.

20 201. This count seeks to vindicate the Fifth Amendment right of the No
21 Notice subclass to notice and an opportunity to be heard with respect to the basis
22 for the ongoing seizure of their property.

23 202. Under the Due Process Clause of the U.S. Constitution’s Fifth
24 Amendment, the federal government must provide owners of property it has seized
25 with notice of the government’s basis for seizing that property, as well as a prompt
26 and meaningful opportunity to challenge both the government’s initial seizure and
27 its ongoing detention of that property.

28

1 203. The federal government has failed to tell Plaintiffs Paul and Jennifer
2 Snitko, Joseph Ruiz, and Tyler Gothier why it is continuing to retain their seized
3 property. On information and belief, that failure to act is common to the putative
4 No Notice Subclass.

5 204. The government's failure to provide the Snitkos, Tyler Gothier, Joseph
6 Ruiz, and other members of the putative No Notice Subclass with notice of the
7 basis for the ongoing detention of their property violates their due process right to
8 notice of the basis for the deprivation of their property rights.

9 205. The government's failure to articulate to the Snitkos, Tyler Gothier,
10 Joseph Ruiz, and other members of the putative No Notice Subclass any
11 meaningful and prompt means by which they can obtain a hearing to secure the
12 return of their property violates their due process right to a prompt opportunity to
13 be heard with respect to the deprivation of their property rights.

14 206. Accordingly, named Plaintiffs and putative No Notice Subclass
15 representatives Paul and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier ask the
16 Court to enter judgment declaring that Defendants' ongoing retention of property
17 seized from their safe deposit boxes without notice or a prompt post-seizure
18 opportunity to be heard violates the Due Process guarantees of the Fifth
19 Amendment.

20 207. As a direct and proximate result of Defendants' failure to provide
21 USPV customers notice as to the government's basis for seizing customers'
22 property and a prompt means by which customers may obtain a hearing to secure
23 their property's return, named Plaintiffs and putative No Notice Subclass
24 representatives Paul and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier, as well as
25 all members of the putative subclass, have suffered irreparable injury to their
26 constitutional rights, including but not limited to the unjust deprivation of their
27 property. Declaratory and injunctive relief is necessary to remedy this injury.
28 Without appropriate declaratory and injunctive relief, this injury will continue.

1 **COUNT V: On Behalf of the Proposed Forfeiture Subclass**
2 **Defendants’ Ongoing Retention of Property Without Providing Notice and an**
3 **Opportunity to be Heard Violates the Fifth Amendment**

4 208. Plaintiffs re-allege and incorporate by reference each and every
5 allegation set forth in ¶¶ 1 through 151 above.

6 209. This count seeks to vindicate the Fifth Amendment right of the
7 Forfeiture Subclass to a forfeiture notice that informs them of the factual and legal
8 basis for the seizure of their property and that provides them with a prompt
9 opportunity to challenge the basis for the seizure.

10 210. Under the Due Process Clause of the U.S. Constitution’s Fifth
11 Amendment, the federal government must provide owners of property it has seized
12 with notice of the government’s basis for seizing that property, as well as a prompt
13 and meaningful opportunity to challenge both the government’s initial seizure and
14 its ongoing retention of that property.

15 211. The government has failed to tell Plaintiffs Joseph Ruiz, Jeni Verdon-
16 Pearsons, Michael Storc, and Travis May why it is seeking to forfeit their seized
17 property, and, on information and belief, that failure to act is common to the
18 putative Forfeiture Subclass.

19 212. The government sent Jeni, Michael, and Travis notices that purported
20 to commence administrative forfeiture proceedings against the silver that Jeni and
21 Michael stored in their safe deposit box and the cash that Travis stored in his safe
22 deposit box. The forfeiture notices, however, failed to disclose any legal or factual
23 bases for the continued seizure and forfeiture of their property, and were
24 administratively and constitutionally deficient. On information and belief, these acts
25 and failures to act are common to the putative Forfeiture Subclass.

26 213. Assuming they were validly commenced, the government’s civil
27 forfeiture proceedings do not provide Plaintiffs Jeni, Michael, and Travis a
28 meaningful and fair opportunity to be heard. In the absence of notice of the legal

1 and factual bases for the seizure and forfeiture, they cannot effectively respond to
2 the forfeiture proceeding. Moreover, the administrative proceeding presumes the
3 property is forfeitable, prohibits consideration of whether the evidence is sufficient
4 to support forfeiture, places the burden on the petitioner not only to prove their
5 ownership interest in the property but also to establish the source of funds used to
6 purchase those assets, fails to provide meaningful criteria establishing whether the
7 decisionmaker should grant or deny the petition, and fails to provide effective
8 avenues for review of erroneous decisions.

9 214. The government's failure to provide Plaintiffs Jeni Verdon-Pearsons,
10 Michael Storc, and Travis May, and other members of the putative Forfeiture
11 Subclass with notice of the legal and factual bases for the ongoing detention of their
12 property and the basis for seeking forfeiture of their property violates their due
13 process right to notice of the basis for the deprivation of their property rights.

14 215. The government's failure to provide Plaintiff Joseph Ruiz with any
15 individualized notice regarding the legal and factual bases for the ongoing detention
16 of his property and the basis for seeking forfeiture of his property violates his due
17 process right to notice of the basis for the deprivation of his property rights.

18 216. The government's failure to provide Plaintiff Travis May with any
19 individualized notice regarding the legal and factual bases for the ongoing detention
20 and attempted forfeiture of his gold violates his due process right to notice of the
21 basis for the deprivation of his property rights.

22 217. The government's failure to provide Plaintiffs Joseph, Jeni, Michael,
23 and Travis and other members of the putative Forfeiture Subclass any meaningful,
24 prompt, and fair means by which they can secure the return of their property
25 violates their due process right to a prompt opportunity to be heard with respect to
26 the deprivation of their property rights.

27 218. Accordingly, Plaintiffs and putative Forfeiture Subclass
28 representatives Joseph, Jeni, Michael, and Travis ask the Court to enter judgment

1 declaring that Defendants’ ongoing retention of property seized from their safe
2 deposit boxes without constitutionally adequate notice or a prompt, meaningful, and
3 fair post-seizure opportunity to be heard violates the Due Process guarantees of the
4 Fifth Amendment.

5 219. As a direct and proximate result of Defendants’ failure to provide
6 USPV customers notice as to the government’s basis for seizing customers’
7 property and a prompt means by which customers may secure their property’s
8 return, named Plaintiffs and putative subclass representatives, as well as all
9 members of the putative subclass, have suffered irreparable injury to their
10 constitutional rights, including but not limited to the unjust deprivation of their
11 property. Declaratory and injunctive relief is necessary to remedy this injury.
12 Without appropriate declaratory and injunctive relief, this injury will continue.

13 **COUNT VI: On Behalf of the Proposed No Notice and Forfeiture Subclasses**
14 **Defendants’ Coercive Use of Unlawfully Seized Property to Force USPV**
15 **Customers to Submit to Investigation Violates the Fifth Amendment**

16 220. Plaintiffs re-allege and incorporate by reference each and every
17 allegation set forth in ¶¶ 1 through 151 above.

18 221. This count seeks to vindicate the Fifth Amendment right of both the
19 No Notice and the Forfeiture subclasses to recover their property without having to
20 provide information to prove their own innocence.

21 222. During the time that USPV customers’ property has been in
22 Defendants’ custody and control, the government has refused to return any seized
23 items until USPV customers come forward and identify themselves to the FBI.

24 223. But according to the FBI, once a USPV customer identifies himself or
25 herself to the FBI, the FBI will not immediately release that customer’s property.
26 Instead, it has indicated that it will conduct an “investigation” to determine if the
27 customer came by their seized property legally.
28

1 224. In other words, to secure the return of their property, USPV customers
2 must submit to an investigation and prove their own innocence to Defendants’
3 satisfaction.

4 225. Under the Fifth Amendment’s Due Process Clause, the government
5 may not require that Plaintiffs prove their own innocence in order to retrieve their
6 own property from the government. *See Nelson v. Colorado*, 137 S. Ct. 1249
7 (2017).

8 226. By effectively holding seized property hostage and forcing USPV
9 customers to submit sensitive and potentially incriminating personal financial
10 information to secure its return, the government’s procedure violates the Fifth
11 Amendment right against self-incrimination. *See, e.g., Boyd v. United States*, 116
12 U.S. 616, 630 (1886).

13 227. By seizing USPV customers’ property until they submit sensitive and
14 potentially incriminating personal financial information to secure its return, the
15 government’s procedure forces USPV customers to choose between acquiescing to
16 a seizure of their property in violation of the Fourth Amendment or surrendering
17 their Fifth Amendment right against self-incrimination.

18 228. Named Plaintiffs and putative subclass representatives ask the Court to
19 enter judgment declaring that Defendants’ use of seized property as leverage to
20 obtain testimony from USPV customers, or to compel them to give or furnish
21 evidence, violates the Fifth Amendment.

22 229. As a direct and proximate result of Defendants’ coercive use of seized
23 property, named Plaintiffs and putative subclass representatives, along with all
24 other members of the putative subclass, have suffered irreparable injury to their
25 constitutional rights, including but not limited to the unjust deprivation of their
26 property. Declaratory and injunctive relief is necessary to remedy this injury.
27 Without appropriate declaratory and injunctive relief, this injury will continue.
28

1 236. The government has not initiated forfeiture proceedings against Paul
2 and Jennifer Snitko or Tyler Gothier.

3 237. The government listed Joseph Ruiz’s property in the USPV omnibus
4 notice, but the government has not provided Joseph with any notice of any such
5 potential forfeiture proceeding. Because the government has not sent any
6 individualized notice to institute forfeiture proceedings against Joseph, the Court
7 retains jurisdiction to entertain Joseph’s Rule 41(g) motion for return of seized
8 property.

9 238. The government also has not initiated forfeiture proceedings against
10 Jeni Verdon-Pearsons and Michael Storc with respect to the \$2,000 in cash they
11 stored in the box, and the government also did not list that \$2,000 in cash in the
12 USPV omnibus notice.

13 239. The government did purport to initiate forfeiture proceedings against
14 Jeni Verdon-Pearsons and Michael Storc with respect to the silver they stored in the
15 box, but the notice of those proceedings was procedurally defective. Out of an
16 abundance of caution, Jeni and Michael submitted claims that terminated the
17 administrative forfeiture proceeding, and thus the Court retains jurisdiction to
18 entertain Jeni and Michael’s Rule 41(g) motion for return of seized property with
19 respect to the silver.

20 240. The government listed Travis May’ gold in the USPV omnibus notice,
21 but the government has not provided Travis with any notice of any such potential
22 forfeiture proceeding. Because the government has not sent any individualized
23 notice to institute forfeiture proceedings against Travis’ gold, the Court retains
24 jurisdiction to entertain Joseph’s Rule 41(g) motion for return of seized property.

25 241. The government purported to initiate administrative proceedings with
26 respect to the cash that Travis May stored in his box, but the notice of those
27 proceedings was procedurally defective.

28

REQUEST FOR RELIEF

Wherefore, Plaintiffs respectfully request that this Court:

A. Certify this case as a class action under Federal Rule of Civil Procedure 23(b)(2) on behalf of all renters of U.S. Private Vaults safe deposit boxes who (a) had property within their safe-deposit box seized by the federal government on or around March 22, 2021; and (b) have identified themselves to the FBI since the seizure.

B. Certify the No Notice Subclass, also under Federal Rule of Civil Procedure 23(b)(2), consisting of all individuals who meet the criteria for membership in the proposed class, whose property is still in the possession of the federal government, and who have not received notices purporting to commence administrative proceedings against their property.

C. Certify the Forfeiture Subclass, also under Federal Rule of Civil Procedure 23(b)(2), consisting of all individuals who meet the criteria for membership in the proposed class, whose property is still in the possession of the federal government, and whose property is now the subject of a purported administrative forfeiture proceeding.

D. Designate Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, Tyler Gothier, Jeni Verdon-Pearsons, Michael Storc, and Travis May as Class Representatives for the proposed class;

E. Designate Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier as Class Representatives for the proposed No Notice Subclass;

F. Designate Plaintiffs Joseph Ruiz, Jeni Verdon-Pearsons, Michael Storc, and Travis May as Class Representatives for the proposed Forfeiture Subclass;

G. Designate Plaintiffs' counsel of record as Class Counsel for the proposed class and subclasses;

H. Issue a class-wide declaratory judgment declaring that;

- 1 i. With respect to the proposed class, Defendants’ March 22, 2021
2 criminal search of USPV customers’ property deposited in safe
3 deposit boxes violated the Fourth Amendment;
- 4 ii. With respect to the proposed class, Defendants’ retention and/or
5 use of any records or evidence obtained through its unreasonable
6 criminal search, except for the limited purpose of reuniting property
7 with its owners, violates the Fourth Amendment;
- 8 iii. With respect to the proposed No Notice Subclass, Defendants’
9 ongoing retention of property seized from USPV customers’ safe
10 deposit boxes—without stating a valid independent basis for its
11 continued detention—violates the Fourth Amendment;
- 12 iv. With respect to the proposed Forfeiture Subclass, Defendants’
13 commencement of civil forfeiture proceedings without an
14 individualized probable cause determination violates the Fourth
15 Amendment;
- 16 v. With respect to the proposed No Notice Subclass, Defendants’
17 ongoing retention of property seized from USPV customers’ safe
18 deposit boxes—without notice or a prompt post-seizure opportunity
19 to be heard—violates the Fifth Amendment.
- 20 vi. With respect to the proposed Forfeiture Subclass, Defendants’
21 ongoing retention of property seized from USPV customers’ safe
22 deposit boxes—and the issuance of administrative forfeiture notices
23 that fail to provide any legal or factual bases for the seizure or to
24 provide a prompt, meaningful, and fair opportunity to be heard—
25 violates the Fifth Amendment.
- 26 vii. With respect to both proposed subclasses, Defendants’ use of
27 seized property as leverage to require USPV customers to justify
28 their property’s legality violates the Fifth Amendment.

1 I. Issue a class-wide permanent injunction enjoining Defendants from
2 retaining records created through their March 22, 2021 criminal search and seizure
3 of property deposited in USPV customers' safe deposit boxes, except for those
4 records necessary for reuniting box holders with their property (which should be
5 held in a manner that ensures they are not available to government officials for any
6 other use).

7 J. Issue a class-wide permanent injunction, for the proposed No Notice
8 Subclass, enjoining Defendants from:

- 9 i. Retaining property seized from USPV customers' safe deposit
10 boxes without stating a valid independent basis for its continued
11 detention;
- 12 ii. Retaining property seized from USPV customers without notice or
13 a prompt post-seizure opportunity to be heard;
- 14 iii. Compelling USPV customers to provide testimony, or prove the
15 legality of their seized property, in order to secure its return.

16 K. Issue a class-wide preliminary injunction, for the proposed Forfeiture
17 Subclass, enjoining Defendants from:

- 18 i. Proceeding with its purported civil forfeiture of USPV customers'
19 safe deposit boxes without providing notice of the factual or legal
20 basis for the forfeiture;
- 21 ii. Proceeding with its purported civil forfeiture of USPV customers'
22 safe deposit boxes without articulating an adequate basis to
23 conclude that the government has probable cause to believe the
24 individual's property is subject to forfeiture;
- 25 iii. Compelling USPV customers to provide testimony, or prove the
26 legality of their seized property, in order to secure its return;
- 27
28

