

**THE INSTITUTE FOR JUSTICE**

Robert Frommer\*  
rfrommer@ij.org  
901 N. Glebe Rd. Suite 900  
Arlington, VA 22203  
Tel. (703) 682-9320

Robert E. Johnson\*  
rjohnson@ij.org  
16781 Chagrin Blvd. Suite 256  
Shaker Heights, OH 44120  
Tel. (703) 682-9320

\* *Pro hac vice pending.*

**THE VORA LAW FIRM, P.C.**

Nilay U. Vora (SBN 268339)  
nvora@voralaw.com  
Jeffrey Atteberry (SBN 266728)  
jatteberry@voralaw.com  
201 Santa Monica Blvd., Ste. 300  
Santa Monica, California 90401  
Tel. (424) 258-5190

*Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

**PAUL SNITKO, JENNIFER  
SNITKO, JOSEPH RUIZ, and  
TYLER GOTHIER,**

Plaintiffs,

v.

**UNITED STATES OF AMERICA,  
TRACY L. WILKISON, in her  
official capacity as Acting United  
States Attorney for the Central  
District of California, and KRISTI  
KOONS JOHNSON, in her official  
capacity as an Assistant Director of  
the Federal Bureau of Investigation,**

Defendants.

Case No. 2:21-cv-04405

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

**CLASS ACTION**

## INTRODUCTION

1  
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. On  
8 March 22, 2021, the FBI raided USPV and seized the contents of hundreds of  
9 deposit boxes from USPV's customers, like Plaintiffs Paul and Jennifer Snitko,  
10 Joseph Ruiz, and Tyler Gothier. Although the government has indicted USPV, the  
11 government has not accused USPV's customers—like the Snitkos, Ruiz, and  
12 Gothier—of violating any law. And while a warrant authorized the government to  
13 seize *USPV's* property, the warrant did not authorize the government to conduct a  
14 criminal search or seizure of *USPV's customers'* property. But the government did  
15 just that and, two months later, the government is still holding many of those  
16 customers' property even though the warrant explicitly contemplated that  
17 customers' property would be returned.

18 The government's behavior is shocking, unconscionable, and  
19 unconstitutional. First, the government's initial search and seizure of Plaintiffs'  
20 property violates the Fourth Amendment: the government exceeded both the  
21 justification for the inventory search doctrine and the limited scope of its warrant by  
22 opening owners' safe deposit boxes, running any currency found in front of drug-  
23 sniffing dogs, and failing to do any proper inventory of those boxes' contents.  
24 Indeed, the simplest way to have secured peoples' possessions for their return  
25 would have been to leave the nest of safe deposit boxes intact. Second, the  
26 government's continued retention of Plaintiffs' property violates the Fourth and  
27 Fifth Amendments: the government must provide owners with a basis for the  
28 continued retention of property and a prompt and meaningful way to secure its

1 return. And third, the government’s use of owners’ property as leverage to extract  
2 information from those owners also violates the Fifth Amendment.

3 To correct these constitutional violations, this Complaint raises both class  
4 and individual claims. On behalf of a class of individuals who came forward to  
5 identify themselves to the FBI after losing their property in the March 22, 2021  
6 raid—and who have not been notified that their property is the subject of a pending  
7 administrative or judicial civil forfeiture proceeding—the Complaint seeks  
8 declaratory and injunctive relief barring the government from improperly retaining  
9 and/or using records created through its unconstitutional inventory search. On  
10 behalf of a further subclass of individuals whose property is still being retained by  
11 the government, the Complaint seeks declaratory and injunctive relief that would  
12 compel the government to either provide notice of the legal basis of the continued  
13 detention of the property or else give the property back. And, finally, the Complaint  
14 brings individual claims on behalf of Plaintiffs Paul and Jennifer Snitko, Joseph  
15 Ruiz, and Tyler Gothier seeking the return of their property.

## 16 JURISDICTION AND VENUE

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

22 2. Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier  
23 bring their individual claims for return of seized property under Federal Rule of  
24 Criminal Procedure 41(g). They are entitled to the immediate return of their  
25 property as they are not targets of any criminal investigation and the government’s  
26 continued detention of their property both violates the Fourth Amendment and  
27 works a hardship on Plaintiffs.  
28



1 the government continues to retain his property without giving him any justification  
2 for doing so.

3 8. Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier  
4 represent a putative class of USPV customers who identified themselves to the FBI  
5 after the government seized their property from their safe deposit boxes on or  
6 around March 22, 2021.

### 7 Defendants

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

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

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

19 12. The Complaint uses the phrase "the government" to refer to the  
20 officers, employees, and agents of the United States of America, including officers,  
21 employees, and agents acting under the direction and control of Defendants  
22 Wilkinson and Johnson.

### 23 **FACTUAL ALLEGATIONS**

#### 24 **Plaintiffs Deposited Their Personal Property With USPV**

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

27 14. USPV's Beverly Hills facility houses over 800 safe deposit boxes.  
28

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

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

8 17. In addition, USPV provided customers with better hours of operation  
9 than most banks, including weekend hours, and offered clients insurance for the  
10 contents of their boxes.

11 18. Given USPV's differences from other safe-deposit-box facilities,  
12 USPV's services were appealing to customers concerned with their financial  
13 security and privacy, including Plaintiffs.

14 19. When Plaintiffs rented safe deposit boxes from USPV, they had every  
15 impression USPV was a legitimate, law-abiding business.

16 20. USPV was a longstanding business in the Beverly Hills area, having  
17 opened its doors in 2011.

18 21. Along with its Twitter and Yelp profiles, USPV operated a business  
19 website at [usprivatevaults.com](http://usprivatevaults.com).

20 22. USPV was also a member of the Beverly Hills Chamber of Commerce.

21 23. Given these features, Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz,  
22 and Tyler Gothier trusted USPV with their personal property.

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

25 25. In their USPV safe deposit box, Paul and Jennifer Snitko left items of  
26 sentimental and practical value, including Paul's flight log from his aeronautics  
27 career, wristwatches that Paul and his father had obtained from their employers for  
28 their years of service, Paul's class ring, as well as some collectible coins from

1 Jennifer's grandfather. Paul and Jennifer also stored backup copies of their home  
2 computers' hard drives, gold jewelry, and important legal documents in the box.

3 26. Plaintiff Joseph Ruiz also rented a safe deposit box from USPV's  
4 Beverly Hills facility.

5 27. In his USPV safe deposit box, Joseph deposited approximately  
6 \$57,000 in cash that he relies on for his daily living and medical expenses.

7 28. Plaintiff Tyler Gothier also rented a safe deposit box from USPV's  
8 Beverly Hills facility.

9 29. Tyler put silver and other personal property in his USPV safe deposit  
10 box.

11 30. Plaintiffs have keys for their USPV safe deposit boxes.

12 31. Each Plaintiff would be able to produce their USPV safe-deposit-box  
13 key upon request.

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

15 32. On March 9, 2021, the U.S. Attorney's Office for the Central District  
16 of California indicted the company U.S. Private Vaults.

17 33. The March 9, 2021 indictment alleges various wrongdoing by USPV  
18 officials, but it does not indict those officials.

19 34. The March 9, 2021 indictment does not specifically allege any  
20 wrongdoing by USPV's customers.

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

24 36. Although the warrant authorized the government to seize USPV's  
25 "business equipment," including the "nests of safety deposit boxes and keys, the  
26 warrant specifically stated that the "warrant does not authorize a criminal search or  
27 seizure of the contents of the safety deposit boxes."  
28



1           37. Despite that limited scope, the warrant envisioned that the government  
2 may need to conduct a limited “inventory” search of the contents of the safe deposit  
3 boxes.

4           38. Normally, an inventory search’s purpose is to prevent claims of theft  
5 and loss by creating a record of seized property.

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

12           40. Consistent with the government’s warrant application, the March 17,  
13 2021 warrant contemplated that, “in accordance with their written policies, agents  
14 shall inspect the contents of the boxes in an effort to identify their owners in order  
15 to notify them so that they can claim their property.”

16           41. The government executed the warrant in a March 22, 2021 raid on  
17 USPV’s Beverly Hills location.

18           42. In executing the warrant, however, the government overstepped the  
19 March 17, 2021 warrant’s limited scope.

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

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

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

27           46. On March 22, 2021, the government seized all the personal property in  
28 the safe deposit boxes rented by Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz,



1 and Tyler Gothier, as well as all the property held in every other USPV customer’s  
2 safe deposit box.

3 47. The government has not accused—let alone charged—Plaintiffs Paul  
4 and Jennifer Snitko, Joseph Ruiz, or Tyler Gothier with any crime.

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

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

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

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

19 52. 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 53. 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 54. 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           55. On information and belief, the FBI generally made copies of  
2 documents found in owners' security boxes despite the seizure warrant's  
3 admonition that it did not authorize a criminal search.

4           56. The FBI also had drug dogs sniff any currency it discovered during  
5 this purported "inventory" search.

6           57. The inventory sheets created by the FBI in the course of its inventory  
7 search fail to provide the requisite level of detail of what was in owners' boxes,  
8 instead describing property in vague terms such as "misc. coins."

9           58. As these actions show, the government's inventory-search rationale  
10 was just a pretext for conducting criminal searches and seizures of USPV  
11 customers' safe deposit boxes, even though the government's seizure warrant did  
12 not authorize these searches and seizures and the government had not demonstrated  
13 individualized probable cause to believe that any USPV customer had done  
14 anything wrong.

15           **The Government Has Not Returned the Property It Seized from Plaintiffs**

16           59. The government's warrant application stated that the purpose of its  
17 purported inventory search was to identify safe-deposit-box owners so as to reunite  
18 them with their property.

19           60. The March 17, 2021 warrant did not authorize the government to  
20 retain USPV customers' property.

21           61. In fact, the March 17, 2021 warrant expressly contemplated that safe-  
22 deposit-box holders would be able to "claim their property."

23           62. After seizing the contents of the USPV boxes, the government placed a  
24 notice on the USPV storefront stating that box holders should file a claim to their  
25 property through a FBI website.

26           63. Each of the named Plaintiffs and putative class representatives has  
27 filed a claim for their seized property through the FBI's website.  
28

1           64. Paul and Jennifer filed their claims shortly after the government's  
2 March 22, 2021 seizure of their property.

3           65. Joseph Ruiz, too, filed his claim shortly after the government's March  
4 22, 2021 seizure of his property.

5           66. Tyler Gothier has also recently filed a claim with the FBI.

6           67. On information and belief, many other USPV customers submitted  
7 claim forms to the FBI seeking the return of their property.

8           68. Nonetheless, two months after raiding USPV's facility and seizing  
9 Plaintiffs' property, the government continues to retain it.

10          69. The government now refuses to return any seized items until USPV  
11 customers come forward and identify themselves to the FBI.

12          70. At that point, the FBI says that it will conduct an "investigation" to  
13 determine if the customer came by their property legally.

14          71. In response to Paul and Jennifer's claim submission, the FBI sent them  
15 an email stating that the agency would contact them in 30–60 days, as well as a  
16 phone call asking them to provide the number of their safe deposit box.

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

19          73. No one from the FBI has contacted Tyler about his claim.

20          74. The government has not provided named Plaintiffs and similarly  
21 situated owners with further instructions for how to obtain return of their property.  
22 On information and belief, this failure to act is common across the proposed class.

23          75. The government has also not provided named Plaintiffs and similarly  
24 situated owners with any estimate of when their property might be returned. On  
25 information and belief, this failure to act is common across the proposed class.

26          76. The government has simply cautioned named Plaintiffs and similarly  
27 situated owners to be patient and to continue waiting. On information and belief,  
28 this failure to act is common across the proposed class.

1           77. To date, the government has not offered named Plaintiffs and similarly  
2 situated owners any justification or basis for the government's continued retention  
3 of Plaintiffs' property. On information and belief, this failure to act is common  
4 across the proposed class.

5           78. The government also continues to retain other USPV customers'  
6 property.

7           79. The government has sent forfeiture notices to some property owners,  
8 informing them that the government has commenced an administrative forfeiture  
9 action with respect to their property. However, the government has not sent  
10 forfeiture notices to any of the Plaintiffs or to any other members of the putative  
11 class.

12           80. Joseph's attorneys have received second-hand information suggesting  
13 that the government may have informed attorneys for USPV, the business, that the  
14 government intends to seek civil forfeiture of the contents of Joseph's box.  
15 However, at this time the government has not published any public notice of any  
16 such proceeding and has not provided Joseph with any personalized notice of any  
17 forfeiture proceeding.

18           81. On information and belief, some other members of the putative class  
19 are in the same situation as Joseph: The government has informed USPV's  
20 attorneys that they are going to seek to forfeit those individuals' property, but the  
21 government has not provided those individuals with any kind of notice of the  
22 purported forfeiture proceeding.

23           82. Because Joseph has not received any notice of a forfeiture proceeding,  
24 he is unable to confirm whether the government is, in fact, holding his property for  
25 civil forfeiture. In addition, without individualized notice, he cannot contest any  
26 such forfeiture proceeding under the procedures provided in the forfeiture laws.

27           83. The government undoubtedly has Joseph's contact information, in  
28 order to provide him with individualized notice of any such possible forfeiture

1 proceeding, as Joseph provided that information when he submitted a claim through  
2 the FBI's website.

3 84. At the same time, the information received by Plaintiffs' attorneys  
4 indicates that the government has not informed USPV's attorneys that it intends to  
5 forfeit the boxes owned by Tyler Gothier and the Snitkos.

6 85. On information and belief, some other members of the putative class  
7 are in the same situation as Tyler Gothier and the Snitkos: The government has *not*  
8 informed USPV's attorneys that it intends to seek to forfeit their boxes, and the  
9 government also has not articulated any other legal basis to continue to retain their  
10 property.

11 86. Regardless of whether the government has told USPV's attorneys that  
12 it intends to forfeit their property, all members of the putative class are ultimately in  
13 the same situation: The government has not informed *them* (as opposed to USPV's  
14 attorneys) whether it intends to seek to forfeit their property and has not notified  
15 *them* (as opposed to USPV's attorneys) of any asserted basis for the ongoing  
16 detention of their property.

### 17 INJURY TO PLAINTIFFS

18 87. Defendants' March 22, 2021 criminal search of named Plaintiffs'  
19 personal property and their continued seizure of that property constitutes an  
20 ongoing injury to not just to named Plaintiffs and putative class representatives, but  
21 to all USPV customers.

22 88. Had Defendants simply secured the USPV facility and left the safe  
23 deposit boxes intact, Plaintiffs and other USPV customers would have easily been  
24 able to go in and reclaim that property. But due to Defendants' unreasonable  
25 criminal search, the government opened up those boxes and subjected them to an  
26 unconstitutional search.

27 89. On information and belief, the government currently retains records of  
28 the contents of *all* of the boxes at the USPV facility, regardless of whether the

1 contents of those boxes have been returned to their owners or not. The  
2 government's continued possession of those records provides it with a window into  
3 the contents of an ostensibly private space and constitutes an ongoing Fourth  
4 Amendment injury.

5 90. In addition, the government today still retains much of that property—  
6 including the property of Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, and Tyler  
7 Gothier. The government's retention of that property constitutes an additional  
8 Fourth Amendment injury.

9 91. Because Defendants exceeded the scope of their warrant in their March  
10 22, 2021 criminal search and seizure of USPS customers' safe deposit boxes,  
11 Plaintiffs Paul and Jennifer Snitko have been subjected to an unreasonable search  
12 and seizure that has deprived them of their jewelry, back-up hard drives, legal  
13 documents, Paul's pilot flight log, and other personal effects they had stored in their  
14 USPS safe deposit box.

15 92. Because Defendants exceeded the scope of their warrant in their  
16 March 22, 2021 criminal search and seizure of USPS customers' safe deposit  
17 boxes, it now unreasonably possesses copies of personal documents and other  
18 records owned by Plaintiffs Paul and Jennifer Snitko. This deprivation constitutes  
19 an ongoing injury to Plaintiffs Paul and Jennifer Snitko.

20 93. Because Defendants continue to retain personal property that USPS  
21 customers had secured in their safe deposit boxes absent any justification, Plaintiffs  
22 Paul and Jennifer Snitko continue to be deprived of their jewelry, back-up hard  
23 drives, legal documents, Paul's pilot flight log, and other personal effects they had  
24 stored in their USPS safe deposit box. This deprivation constitutes an ongoing  
25 injury to Plaintiffs Paul and Jennifer Snitko.

26 94. Because Defendants exceeded the scope of their warrant in their March  
27 22, 2021 criminal search and seizure of USPS customers' safe deposit boxes,  
28 Plaintiff Joseph Ruiz has been subjected to an unreasonable search and seizure that

1 has deprived him of the over \$50,000 of cash he deposited in his USPV safe deposit  
2 box.

3 95. Because Defendants continue to retain personal property that USPV  
4 customers had secured in their safe deposit boxes absent any justification, Plaintiff  
5 Joseph Ruiz continues to be deprived of the approximately \$57,000 of cash he  
6 placed in his USPV safe deposit box. This deprivation constitutes an ongoing injury  
7 to Plaintiff Joseph Ruiz.

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

12 97. Because Defendants exceeded the scope of their warrant in their March  
13 22, 2021 criminal search and seizure of USPV customers' safe deposit boxes,  
14 Plaintiff Tyler Gothier has been subjected to an unreasonable search and seizure  
15 that has deprived him of the silver and other personal property he deposited in his  
16 USPV safe deposit box.

17 98. Because Defendants exceeded the scope of their warrant in their March  
18 22, 2021 criminal search and seizure of USPV customers' safe deposit boxes, it  
19 now unreasonably possesses copies of personal documents and other records owned  
20 by Plaintiff Tyler Gothier. This deprivation constitutes an ongoing injury to  
21 Plaintiff Tyler Gothier.

22 99. Because Defendants continue to retain personal property that USPV  
23 customers had secured in their safe deposit boxes absent any justification, Plaintiff  
24 Tyler Gothier continues to be deprived of the silver and other personal property he  
25 deposited in his USPV safe deposit box. This deprivation constitutes an ongoing  
26 injury to Plaintiff Tyler Gothier.

27 100. Plaintiffs do not want to give Defendants any additional information as  
28 a condition of retrieving their property.





1 seizure; (c) have not been notified that their safe deposit boxes are the subject of a  
2 currently ongoing administrative or judicial forfeiture proceeding; and (d) whose  
3 property is still in the possession of the federal government.”

4 106. This action meets all the Rule 23(a) prerequisites for maintaining a  
5 class action.

6 107. **Numerosity under Rule 23(a)(1)**: The putative class is so numerous  
7 that joinder of all members is impracticable.

8 a. At least 800 people rented safe deposit boxes from USPV, and the  
9 government seized all the personal property from those boxes in  
10 March 2021.

11 b. On information and belief, while it appears the government has  
12 informed attorneys for USPV that it is seeking to forfeit over 400  
13 boxes, that leaves hundreds of boxes that the government  
14 apparently is not seeking to forfeit.

15 c. On information and belief, a significant portion of those box  
16 holders have filed claims for their property, such that the total  
17 number of putative class members would be impracticable to join  
18 within a single action.

19 d. Further, on information and belief, a significant portion of those  
20 box holders still have not recovered their property, such that the  
21 total number of members of the proposed subclass would likewise  
22 be impracticable to join within a single action.

23 108. **Commonality under Rule 23(a)(2)**: This action presents questions of  
24 law and fact common to the putative class and subclass, resolution of which will  
25 not require individualized determinations of the circumstances of any particular  
26 plaintiff. Common questions include but are not limited to:

27 a. For the class as a whole, did the government’s seizure of all USPV  
28 customers’ personal property and subsequent criminal search of

1 that property exceed the scope of the warrant and violate the Fourth  
2 Amendment?

3 b. For the class as a whole, does the government's retention and/or  
4 use of copies of documents found in USPV customers' safety-  
5 deposit boxes violate the Fourth Amendment?

6 c. For the proposed subclass, does the government's continued  
7 retention of USPV customers' personal property absent any valid  
8 legally independent justification for that retention violate the Fourth  
9 and Fifth Amendments?

10 d. For the proposed subclass, does the government's continued  
11 retention of USPV customers' personal property without providing  
12 customers with any process by which they may promptly secure the  
13 return of that property violate the Fifth Amendment?

14 e. For the proposed subclass, does the government's requirement that  
15 property owners demonstrate the legality of their property and their  
16 ownership of it to secure its return violate the Fifth Amendment?

17 109. ***Typicality under Rule 23(a)(3)***: Plaintiffs' claims are typical of the  
18 claims of the putative class.

19 a. Plaintiffs' claims and the putative class members' claims arise out  
20 of the same course of conduct by Defendants, are based on the  
21 same legal theories, and involve the same harms.

22 b. Plaintiffs seek the same class-wide declaratory and injunctive relief  
23 for both themselves and other members of the putative class and  
24 subclass.

25 110. ***Adequacy of representation under Rule 23(a)(4)***: The interests of the  
26 putative class and subclass are fairly and adequately protected by Plaintiffs and  
27 their attorneys.

28 a. Plaintiffs adequately represents the putative class and subclass

1 because their interests are aligned and there are no conflicts of  
2 interest between the Plaintiffs and members of the putative class  
3 and subclass.

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

25 111. This action also meets the requirements of, and is brought in  
26 accordance with, Rule 23(b)(2) of the Federal Rules of Civil Procedure. Defendants  
27 have acted, or refused to act, on grounds generally applicable to the putative class.  
28

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

3 112. Finally, insofar as a Rule 23(b)(2) class must be ascertainable, this  
4 action satisfies that requirement. The membership of the putative class is  
5 ascertainable because the FBI maintains records of the identity of USPV customers  
6 who have filed a claim for their property, as well as records of whether those  
7 individuals have been notified of a civil forfeiture proceeding with respect to their  
8 property. Similarly, while notice is not required for class actions brought under  
9 Rule 23(b)(2), the FBI's records should contain contact information for all  
10 members of the proposed class and subclass, and notice could easily be provided to  
11 the extent the Court determines it is appropriate.

## 12 CLASS CLAIMS

### 13 COUNT I: On Behalf Of The Proposed Class

#### 14 Defendants' Criminal Search of USPV Customers' Personal Property

#### 15 Violates the Fourth Amendment

16 113. Plaintiffs re-allege and incorporate by reference each and every  
17 allegation set forth in ¶¶ 1 through 112 above.

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

23 115. The Fourth Amendment protects USPV customers' personal property  
24 from unreasonable searches and seizures.

25 116. The Fourth Amendment protects USPV customers' safe deposit boxes  
26 from unreasonable searches and seizures.

27  
28

1           117. The seizure warrant issued authorized the government to seize USPV's  
2 *business* property, but did not authorize any criminal search or seizure of USPV  
3 customers' *personal* property.

4           118. During Defendants' March 22, 2021 raid on USPV, the government  
5 seized USPV customers' personal property—the contents of their safe deposit  
6 boxes—without their permission.

7           119. On or around March 22, 2021, the government seized USPV  
8 customers' personal property—the contents of their safe deposit boxes—without  
9 individualized suspicion.

10           120. Defendants had no warrant, or other judicial authorization, authorizing  
11 a criminal search or seizure of USPV customers' personal property on or around  
12 March 22, 2021.

13           121. Although the warrant authorized an inventory search of the contents of  
14 the USPV safe deposit boxes, that aspect of the warrant violated the Fourth  
15 Amendment insofar as it allowed a search of the boxes without individualized  
16 probable cause.

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

23           123. In addition, the government far exceeded the scope of the search  
24 authorized by the warrant. The warrant authorized only a limited inventory search  
25 of the contents of the USPV safe deposit boxes, in order to reunite customers with  
26 their property, but the government searched USPV customers' personal property  
27 even after finding box holders' identifying information.  
28

1           124. The government further exceeded the bounds of any permissible  
2 inventory search by engaging in conduct that was clearly motivated by an  
3 investigative purpose. Among other things, it deployed drug dogs on USPS  
4 customers' currency and opened USPS customers' envelopes.

5           125. The government conducted this investigative search even though the  
6 warrant specifically instructed the government not to conduct a criminal search of  
7 customers' property.

8           126. The government's March 22, 2021 criminal search and seizure of the  
9 personal property customers deposited in USPS safe deposit boxes was therefore  
10 unreasonable and in violation of the Fourth Amendment.

11           127. Any evidence or records that Defendants obtained through the  
12 unauthorized criminal search of the contents of USPS customers' safe deposit  
13 boxes were obtained in violation of the Fourth Amendment as the "fruit of the  
14 poisonous tree."

15           128. Accordingly, named Plaintiffs and putative class representatives ask  
16 the Court to declare that Defendants' actions in seizing all USPS customers'  
17 property and subjecting that property to a criminal search violated the Fourth  
18 Amendment.

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

25           130. To that end, named Plaintiffs and putative class representatives request  
26 that this Court order that all records Defendants created during their criminal search  
27 of USPS customers' security deposit boxes, other than those records necessary for  
28



1 reuniting property owners with their property, be destroyed and/or returned to their  
2 owners.

3 131. As a direct and proximate result of Defendants' March 22, 2021  
4 unreasonable search and seizure of USPV customers' personal property, named  
5 Plaintiffs and other members of the putative class have suffered irreparable injury  
6 to their constitutional rights, including but not limited to the unjust deprivation of  
7 their property. Declaratory and injunctive relief is necessary to remedy this injury.

8 **COUNT II: On Behalf of the Proposed Subclass**

9 **Defendants' Ongoing Retention of Property Without Stating a Valid Legal**  
10 **Basis for Its Continued Seizure Violates the Fourth Amendment**

11 132. Plaintiffs re-allege and incorporate by reference each and every  
12 allegation set forth in ¶¶ 1 through 112 above.

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

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

20 135. Named Plaintiffs and putative subclass representatives Paul and  
21 Jennifer Snitko, Joseph Ruiz, and Tyler Gothier are all seeking return of their  
22 property and have filed claims with the FBI to request its return.

23 136. But in response to seeking their property's return, the government has  
24 not provided Plaintiffs with any justification for the ongoing retention of their  
25 seized property.

26 137. The government must either state a (valid) basis for retaining USPV  
27 customers' property or else return the property to its owners.  
28

1 138. 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.

4 139. Accordingly, named Plaintiffs and putative subclass representatives  
5 ask the Court to enter judgment declaring that Defendants’ ongoing retention of  
6 property seized from USPV customers’ safe deposit boxes—without stating a valid  
7 legal basis for the continued seizure of that property—violates the Fourth  
8 Amendment.

9 140. As a direct and proximate result of ongoing seizure of USPV  
10 customers’ personal property, named Plaintiffs and putative subclass members,  
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 III: On Behalf of the Proposed Subclass**  
16 **Defendants’ Ongoing Retention of Property Without Providing Notice and an**  
17 **Opportunity to be Heard Violates the Fifth Amendment**

18 141. Plaintiffs re-allege and incorporate by reference each and every  
19 allegation set forth in ¶¶ 1 through 112 above.

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

25 143. The federal government has failed to tell Plaintiffs why it is continuing  
26 to retain their seized property, and, on information and belief, that failure to act is  
27 common to the putative subclass.

28

1 144. Indeed, the government has failed to tell Plaintiffs how, if at all, they  
2 can retrieve their property seized by the government. On information and belief,  
3 that failure to act is also common to the putative subclass.

4 145. The government has also failed to tell Plaintiffs when, if ever, the  
5 government will return customers' seized property to them. Once again, on  
6 information and belief, that failure to act is common to the putative subclass.

7 146. The government's failure to provide Plaintiffs and other members of  
8 the putative class with notice of the basis for the ongoing detention of their property  
9 violates their due process right to notice of the basis for the deprivation of their  
10 property rights.

11 147. The government's failure to articulate to Plaintiffs and other members  
12 of the putative subclass any meaningful and prompt means by which they can  
13 secure the return of their property violates their due process right to a prompt  
14 opportunity to be heard with respect to the deprivation of their property rights.

15 148. Accordingly, named Plaintiffs and putative subclass representatives  
16 ask the Court to enter judgment declaring that Defendants' ongoing retention of  
17 property seized from their safe deposit boxes without notice or a prompt post-  
18 seizure opportunity to be heard violates the Due Process guarantees of the Fifth  
19 Amendment.

20 149. 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 secure their property's  
23 return, named Plaintiffs and putative subclass representatives, as well as all  
24 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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COUNT IV: On Behalf of the Proposed Subclass**  
**Defendants’ Coercive Use of Unlawfully Seized Property to Force USPV**  
**Customers to Submit to Investigation Violates the Fifth Amendment**

150. Plaintiffs re-allege and incorporate by reference each and every allegation set forth in ¶¶ 1 through 112 above.

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

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

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

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

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

156. By seizing USPV customers’ property until they submit sensitive and potentially incriminating personal financial information to secure its return, the government’s procedure forces USPV customers to choose between acquiescing to

1 a seizure of their property in violation of the Fourth Amendment or surrendering  
2 their Fifth Amendment right against self-incrimination.

3 157. Named Plaintiffs and putative subclass representatives ask the Court to  
4 enter judgment declaring that Defendants' use of seized property as leverage to  
5 obtain testimony from USPV customers, or to compel them to give or furnish  
6 evidence, violates the Fifth Amendment.

7 158. As a direct and proximate result of Defendants' coercive use of seized  
8 property, named Plaintiffs and putative subclass representatives, along with all  
9 other 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 **INDIVIDUAL CLAIM**

#### 14 **COUNT V: Claim for Return of Property Currently Held in Violation of the** 15 **Fourth and Fifth Amendments**

16 159. Plaintiffs re-allege and incorporate by reference each and every  
17 allegation set forth in ¶¶ 1 through 101 above.

18 160. Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier  
19 bring this claim for return of seized property against Defendants under Federal Rule  
20 of Criminal Procedure 41(g).

21 161. Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier are  
22 entitled to the immediate return of their property seized from their USPV safe  
23 deposit boxes, without any conditions, delay, or investigation.

24 162. The property of Paul and Jennifer Snitko, Joseph Ruiz, and Tyler  
25 Gothier must be returned because Defendants' criminal search of their property  
26 violated the Fourth Amendment.

27 163. Separately, the property of Paul and Jennifer Snitko, Joseph Ruiz, and  
28 Tyler Gothier must be returned because there are no active criminal proceedings or

1 investigations against these Plaintiffs, and Defendants’ ongoing and unjustified  
2 retention of their property violates the Fourth Amendment.

3 164. Although it appears the government may have notified attorneys for  
4 USPV that it intends to forfeit Joseph Ruiz’s property, the government has not  
5 provided Joseph with any notice of any such potential forfeiture proceeding.  
6 Because the government has not instituted forfeiture proceedings against Joseph,  
7 the Court retains jurisdiction to entertain Joseph’s Rule 41(g) motion for return of  
8 seized property.

9 165. The government also has not initiated forfeiture proceedings against  
10 Paul and Jennifer Snitko or Tyler Gothier.

11 **REQUEST FOR RELIEF**

12 Wherefore, Plaintiffs respectfully request that this Court:

13 A. Certify this case as a class action under Federal Rule of Civil  
14 Procedure 23(b)(2) on behalf of all renters of U.S. Private Vaults safe deposit boxes  
15 who (a) had property within their safe-deposit box seized by the federal government  
16 on or around March 22, 2021; (b) have identified themselves to the FBI since the  
17 seizure; and (c) have not been notified that their safe deposit boxes are the subject  
18 of a currently ongoing administrative or judicial forfeiture proceeding.

19 B. Certify an additional subclass, also under Federal Rule of Civil  
20 Procedure 23(b)(2), consisting of all individuals who meet the criteria for  
21 membership in the proposed class and whose property is still in the possession of  
22 the federal government.

23 C. Designate Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, and Tyler  
24 Gothier as Class Representatives for the proposed class and subclass;

25 D. Designate Plaintiffs’ counsel of record as Class Counsel for the  
26 proposed class and subclass;

27 E. Issue a class-wide declaratory judgment declaring that;  
28

- 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 subclass, Defendants’ ongoing  
9 retention of property seized from USPV customers’ safe deposit  
10 boxes—without stating a valid independent basis for its continued  
11 detention—violates the Fourth Amendment;
- 12           iv. With respect to the proposed subclass, Defendants’ ongoing  
13 retention of property seized from USPV customers’ safe deposit  
14 boxes—without notice or a prompt post-seizure opportunity to be  
15 heard—violates the Fifth Amendment.
- 16           v. With respect to the proposed subclass, Defendants’ use of seized  
17 property as leverage to require USPV customers to justify their  
18 property’s legality violates the Fifth Amendment.

19           F. Issue a class-wide permanent injunction, for the proposed class,  
20 enjoining Defendants from retaining records created through their March 22, 2021  
21 criminal search and seizure of property deposited in USPV customers’ safe deposit  
22 boxes, except for those records reasonably necessary for reuniting box holders with  
23 their property (which should be held in manner that ensures they are not available  
24 to government officials for any other use).

25           G. Issue a class-wide permanent injunction, for the proposed subclass,  
26 enjoining Defendants from:

27  
28



- 1           i.    Retaining property seized from USPV customers’ safe deposit
- 2                   boxes without stating a valid independent basis for its continued
- 3                   detention;
- 4           ii.   Retaining property seized from USPV customers without notice or
- 5                   a prompt post-seizure opportunity to be heard;
- 6           iii.   Compelling USPV customers to provide testimony, or prove the
- 7                   legality of their seized property, in order to secure its return.

8           H.    Issue a class-wide preliminary injunction, for the proposed subclass,

9   enjoining Defendants from retaining property seized from USPV customers’ safe

10   deposit boxes without notifying those customers of a valid independent basis for its

11   continued detention;

12           I.    Order Defendants to immediately return the seized property of

13   Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier—without any

14   conditions, delay, or investigation—under Federal Rule of Criminal Procedure

15   41(g) and the Court’s inherent equitable authority;

16           J.    Enter an award allowing Plaintiffs to recover their attorney’s fees,

17   costs, and expenses under 28 U.S.C. § 2412; and

18           K.    Award any further legal and equitable relief the Court may deem just

19   and proper.

20

21

22

23

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: May 27, 2021

Respectfully Submitted,

/s/Nilay U. Vora

**INSTITUTE FOR JUSTICE**  
Robert Frommer\*  
rfrommer@ij.org  
901 N. Glebe Rd. Suite 900  
Arlington, VA 22203  
Tel. (703) 682-9320

Robert E. Johnson\*  
16781 Chagrin Blvd. Suite 256  
rjohnson@ij.org  
Shaker Heights, OH 44120  
Tel. (703) 682-9320

*\* Pro hac vice pending.*

**THE VORA LAW FIRM, P.C.**  
Nilay U. Vora (SBN 268339)  
nvora@voralaw.com  
Jeffrey Atteberry (SBN 266728)  
jatteberry@voralaw.com  
201 Santa Monica Blvd., Ste. 300  
Santa Monica, California 90401  
Tel. (424) 258-5190

*Attorneys for Plaintiffs*