

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

Cause No.: 8:12-cv-02519-EAK-AEP

HOWSE <i>ex rel. alia</i> v. PLANNED PARENTHOOD, <i>et al.</i> ,)	Class Action Complaint
Plaintiffs and Defendants,)	
)	Injunctive Relief Sought
<i>and</i> ,)	
)	Constitutional Challenge
HOWSE and <i>ex rel. alia</i> v. UNITED STATES,)	
Cross-Plaintiffs and Cross-Defendant.)	Demand for Jury Trial

**Plaintiffs’ Motion to Compel Corporate Disclosures
of Defendant Family Planning Councils of America**

Come now Relator-Plaintiff *ex rel.* the fifty (50) State and Commonwealth Plaintiffs, moving to compel compliance with some of the most basic procedural rules, to-wit:

1. If the Relator-Plaintiff receives, within and by no later than seven (7) calendar days from today’s date of filing, service of copies of proper compliance herein finally fulfilled, then Relator-Plaintiff shall promptly thereafter file a voluntary withdrawal of this motion.

2. Defendant Family Planning Councils of America is but one (1) of ten (10) formally named, nongovernmental defendants sued in this matter; The other nine (9) such similar Defendants were today defaulted for each failing to even so much as file any appearance.

3. On 27 November 2012, Defendant Family Planning Councils of America filed an appearance herein by dual counsel Blake J. Delaney and Sundeep B. Nath, of Buchanan, Ingersoll & Rooney, PC; However, the certificate of service for said appearance clearly admitted failing to serve any other named party, whatsoever, except this Relator-Plaintiff.

4. Said certificate of service clearly self-states that counsel merely (and only...) filed the appearance into the ECF system, and had mailed a copy to this Relator-Plaintiff; The fact that neither any of the other nongovernmental Defendants, nor the United States, had yet filed their own appearances by counsel into this matter did not negate the legal duty of Defendant Family Planning Councils of America, and the same legal duty of its own counsel, to properly provide similar physical services upon each and all of those parties; Surely, licensed counsel Delaney and Nath are capable of determining how to mail to the United States per Rule 4, and service addresses for the other nine (9) nongovernmental Defendants were clearly provided in Relator's original certificate of service for the initial complaint filing package that Defendant Family Planning Councils of America received.

5. However, the issue of service upon those other nine (9) nongovernmental parties of said appearance now has become a moot point, since they have been defaulted; Yet, the legal duty to serve said appearance on the United States, even by mail, is still unfulfilled.

6. Further, Rule 7.1 of the Federal Rules of Civil Procedure clearly and expressly does mandate that any nongovernmental corporate party must file two (2) copies of its proper disclosure statement with the Court (Rule 7.1(a)), and that such party must also do that at the same time as filing its first appearance or any other paper (Rule 7.1(b)); Defendant Family Planning Councils of America is a corporation, hence it is now **well over a full month late** in continuing failure to comply with one of the most *basic* rules of procedure.

7. Moreover, the original complaint package filed on 6 November 2012 included the **required** paper, Relator-Plaintiff's Notice of Corporate and Other Disclosures; and, Formal Request for Defendants' Rule 26 Initial Disclosures, itself and also by the same

Rule 26 legally requiring Defendant Family Planning Councils of America to have timely filed its full and proper response of all such required disclosures by absolutely no later than 9 December 2012, including all four (4) answers under F.R.Cv.P. Rule 26(a)(1)(A), but Defendant has still failed and neglected to obey these most basic rules of procedure.

8. Accordingly, the following items must be completed most urgently by Defendant Family Planning Councils of America: (a) serve copy of its appearance by counsel upon the United States, by postal mail if needed, and properly notify the Court of completion of said legal duty still delayed; (b) file and serve copies of its required Rule 7.1 disclosure statement; and (c), file and serve all four (4) answers under F.R.Cv.P. Rule 26(a)(1)(A).

WHEREFORE, and if the Defendant, Family Planning Councils of America, does not fulfill its basic, expressly-mandated legal duty and compliance with the above, within no later than seven (7) calendar days, then Relator-Plaintiff *ex rel.* the fifty (50) State and Commonwealth Plaintiffs moves this Court for an immediate Order against Defendant for prompt compliance with same, any sanctions as the Court may deem befitting and proper, and further moves for all other relief that is true, lawful, just and proper in the premises.

Respectfully submitted,

/s/ Tom Howse

Tom Howse, Relator-Plaintiff
16150 Aviation Loop Drive
Box 15213
Brooksville, FL 34604
(317) 286-2538 Office
(888) 738-4643 Fax
indianacrc@earthlink.net