UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

FILED BY D.C.
JUL 28 2023
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

RICHARD ARJUN KAUL, MD;
JANE DOE, JOHN DOE

v.

CHRISTOPHER J. CHRISTIE; KENNETH MURPHY
JANE DOE; JOHN DOE (1-11)

CIVIL ACTION: NO.: 23-CV-22582-BB

FIRST AMENDED COMPLAINT

Contents

Preliminary Statement

1. This case, K11-15 of **The Kaul Cases**, details the ever-expanding and continually unsuccessful conspiracy to eliminate Plaintiff Kaul (jail-suicide/murder), in order to cause him to cease his prosecution of **The Kaul Cases** Defendants, a prosecution that will further expose their crimes and those of their co-conspirators.

2. Continuing to be a central cog in the conspiracy is Defendant Christie, whose profound concerns about the decimating effect that Plaintiff Kaul has had, and continues to have on his political path to the White House, have destabilized his mental fitness/political judgment, such that his schemes to eliminate Plaintiff Kaul have devolved into the conversion of unwitting rookie/other police officers into nothing but 'Nazi-esque' thugs.

3. K11-15 details a scheme of ongoing human/constitutional/civil rights violations, that constitute further conclusive evidence of **The Kaul Cases** claims, and specifically those of K11-14, claims that Plaintiff Kaul has been consistently asserting in the United States District Court since February 22, 2016.

4. The relief sought in K11-15 is of the same nature and form as that sought in K1, and involves not only relief specific to Plaintiff Kaul, but, and arguably as important, if not more, changes to the political and healthcare regulatory systems, including a **"Reformation of American Medical Boards" ("RAMBO").**

5. Plaintiff Kaul, a citizen of India, respectfully advises this Court that the Indian Government and specifically the Office of PM Modi, have been made aware of the within pled facts/surrounding issues, and a copy of this Complaint has been transmitted to the relevant persons/consulates.

Jurisdiction + Venue

6. General:

28 U.S.C. § 1331 – Plaintiff's allegations arise pursuant to Section 1983 claims of violations of Kaul's Constitutional rights and U.S.C. § 1964(a)(b)(c)(d) and 1962.

28 U.S.C. § 1332(a) – The aggregate amount in controversy exceeds seventy-five thousand dollars ($75,000).

7. Personal:

The Court has personal jurisdiction over all K11-15 Defendants, as there remains pending a case (K11-14) in this Court, in which there exists commonality of litigants, subject matter, evidence, facts, argument and law, that substantiate in the interest of judicial efficiency and consistency, that K11-14/K11-15 be tried concurrently and under a consistent set of rules, in order to avoid inconsistent decisions and an inefficient utilization of the Court's resources.

Personal jurisdiction exists consequent to the transaction of business, maintenance of substantial contacts, and/or the commission of acts in furtherance of the illegal scheme and conspiracy throughout the United States, including in this district. The scheme and conspiracy have been directed at and have had the intended effect of causing injury to persons residing in, located in, or doing business throughout the United States including this District.

On July 11, 2023, under the authority of the United States District Court for the Southern District of Florida, personal jurisdiction was established on the Defendants, with the filing of a Complaint, pending the submission of a filing fee and Case Information Statement.

8. Venue:

28 U.S.C. § 1391(a)(2) – the proper venue for a civil action shall be determined without regard to whether the action is local or transitory in nature.

Parties

9. Plaintiff

RICHARD ARJUN KAUL, MD – 24 Washington Valley Road, Morristown, NJ 07960: 973 876 2877: DRRICHARDKAUL@GMAIL.COM **("PLAINTIFF KAUL")**

10. Defendants

CHRISTOPHER J. CHRISTIE – 46 COREY LANE, MENDHAM, NJ 07945 (**"DEFENDANT CHRISTIE").**

OFFICER KENNETH MURPHY – MORRISTOWN POLICE DEPARTMENT, 200 SOUTH STREET MORRISTOWN, NJ 07963-4152 (**"DEFENDANT MURPHY")**

Facts

11. From 2002 to 2012, Plaintiff Kaul revolutionized the field of minimally invasive spine surgery by inventing and successfully performing the first percutaneous outpatient spinal fusion in February 2005 at the Market Street Surgical Center in Saddlebrook, New Jersey.

12. As a consequence of the invention/successful performance of this industry changing procedure, Plaintiff Kaul's professional and commercial success escalated exponentially, and his businesses generated immense wealth based on the superiority of his technique over those performed by his surgeon competitors, who did not possess the surgical skills to perform Plaintiff Kaul's percutaneous procedure.

13. Plaintiff Kaul's competitors, unable to compete with Plaintiff Kaul in the minimally invasive spine surgery market, and feeling threatened by his rapidly increasing professional/commercial/reputational success, commenced conspiring against him.

14. From 2005 to 2008, the conspiracy consisted of, amongst other things: **(i)** slandering Plaintiff Kaul's name with patients; **(ii)** instructing/coercing physicians in the community to not refer patients to Plaintiff Kaul; **(iii)** instructing/coercing hospitals to not grant Plaintiff Kaul admitting privileges; **(iv)** coercing medical device representatives to not provide Plaintiff Kaul the devices/material he required to conduct the percutaneous spinal fusions, by threatening to have members of their surgical societies refuse to use their products; **(v)** colluding with insurance companies in the generation of medical 'opinions' denying payment to Plaintiff Kaul for his rendering of clinical services.

15. In approximately 2008, Plaintiff Kaul's competitors, recognizing the failure of their prior tactics, did engage with **The Kaul Cases** Defendant, and about to then be the 2009 New Jersey Governor, Christie, in a quid pro quo scheme, in which bribes were funneled into his personal/business/political 'coffers' and other financial vehicles.

16. In exchange for the bribes, Defendant Christie abused state executive power and ordered his AG/OAL Judge/Medical Board to commence 'sham' legal proceedings to illegally suspend (2012) and then revoke (2014) Plaintiff Kaul's license.

17. The licensing proceedings in the New Jersey Office of Administrative Law (April 9 to June 28, 2013) were conducted illegally and involved corruption of the administrative law judge and **The Kaul Cases** Defendant, Jay Howard Solomon and at least **two hundred and seventy-eight (278) separate instances of evidential tampering/witness tampering/perjury/evidential omission** in the final report issued by **The Kaul Cases** Defendant, Jay Howard Solomon, on December 13, 2013.

18. In a period from approximately 2010 to late 2015, Defendant Christie abused the executive power of state and his influence from his tenure (2000-2008) as the US Attorney for the District of New Jersey, to have violated Plaintiff Kaul's human/constitutional rights in administrative/state/state-appellate/bankruptcy/district courts within the geographic boundaries of the State of New Jersey, the purpose being to eliminate or otherwise effectively terminate Plaintiff Kaul's existence.

19. The purpose of eliminating/otherwise terminating Plaintiff Kaul was to attempt to prevent him from exposing, through litigation, the crimes of **The Kaul Cases** Defendants.

20. On February 22, 2016, Plaintiff Kaul filed suit against Defendant Christie and others in the United States District Court (Kaul v Christie: 16-CV-02364) (K1), on charges of knowing/willful violations of RICO/Antitrust and violations of Plaintiff Kaul's human/constitutional rights.

21. In or around May 2016, Defendant Christie, in collusion and conspiracy with certain persons in the New Jersey Office of the Attorney General and the Mercer County Prosecutor's Office, willfully abused the power of state to file a knowingly false criminal indictment against Plaintiff Kaul, in retaliation for the filing of K1.

22. Defendant Christie and his co-conspirators concocted and schemed to use the US wires and apparatus of state to perpetrate a knowingly illegal fraud against Plaintiff Kaul in an attempt to intimidate/harass him into not prosecuting K1, in an effort to conceal the crimes/human rights violations committed against Plaintiff Kaul by himself and **The Kaul Cases** Defendants.

23. The knowingly false indictment claimed that Plaintiff Kaul had allegedly deprived the state of tax revenue.

24. Defendant Christie and his co-conspirators knew that their allegations were false, and that the perpetration of the fraud through the apparatus of state constituted the commission of the felonies of wire fraud/public corruption/perjury.

25. Defendant Christie and his co-conspirators knew that in their commission of the felonies of wire fraud/public corruption/perjury, they willfully and with malice deprived Plaintiff Kaul of his human/civil/constitutional rights.

26. Defendant Christie and his conspirators, despite cognizance of the illegality of their misconduct, did act with impunity, as they filed the indictment with Peter Warshaw, a state court judge appointed by Defendant Christie to the Trenton bench. Plaintiff Kaul sent Warshaw a letter, dated October 11, 2016, informing him of, amongst other things, the conflict of interest (**Exhibit 2**). Plaintiff Kaul received no response.

27. Under orders from Defendant Christie, a paper copy of the fraudulent tax indictment was transmitted via the US mail to Plaintiff Kaul's ex-residence in Bernardsville in or around May/June 2016.

28. In 2016, Plaintiff Kaul's ex-residence was occupied by his ex-wife and two (2) young children, who had lived in the house since 2003 with Plaintiff Kaul until he relocated into Manhattan in 2005, that being the last year of his residence.

29. Plaintiff Kaul's ex-wife never forwarded him the papers of Defendant Christie's fraudulent tax indictment.

30. At approximately 1:30 am on September 16, 2016, Plaintiff Kaul was arrested at his residence by eight armed officers from the Somerset County Sheriff's Office on a warrant for unpaid child support, pursuant to a case filed by Plaintiff Kaul's ex-wife with the child support probation department of the State of New Jersey.

31. Subsequent to the arrest, Plaintiff Kaul was taken to the Somerset County Jail where he was told by a child probation officer that unless he paid thirty thousand dollars ($30,000), he would not be released.

32. Plaintiff Kaul informed this individual that consequent to the illegal suspension (2012)/revocation (2014) and their legal sequelae, he had entered a state of poverty, and thus could not make any payments.

33. Plaintiff Kaul was then medically evaluated and found to have an excessively high blood pressure, but was nonetheless placed in a holding cell at approximately 3 am and at 7am he was transferred to a jail cell without having received any antihypertensive medications.

34. At approximately 9 am, Plaintiff Kaul's blood pressure was again measured and had increased, and so he was transferred to the medical unit within the jail, where he was placed on EKG, oxygen, and blood pressure monitoring, and had conducted a twelve (12) lead EKG.

35. Plaintiff Kaul remained handcuffed to the medical unit bed.

36. After several hours of intravenous therapy, nitroglycerin therapy and intravenous antihypertensives, Plaintiff Kaul's condition had not improved, and so he was transferred via to

Robert Wood Johnson University Hospital in Somerset, New Jersey, via an ambulance, in which he remained handcuffed to the stretcher.

37. Plaintiff Kaul was rapidly transferred to the emergency room and then onto the cardiac unit, where he was placed on intensive cardiac monitoring, but continued to be handcuffed to the bed and guarded by several prison officers.

38. In the early morning of September 17, 2016, Plaintiff Kaul's then partner, a nurse, paid two thousand dollars ($2,000) to the State of New Jersey towards the alleged child support, without which Plaintiff Kaul would not have been released and would have been returned to jail.

39. Subsequent to the Somerset County Sheriff's Department receiving confirmation of the $2,000 payment, the officers commenced the process to release Plaintiff Kaul, which involved checking as to any outstanding warrants.

40. In the process it was discovered that there was an alleged outstanding warrant from Mercer County, and upon informing Plaintiff Kaul of this alleged warrant and that instead of being released, he would be transferred into the custody of the Mercer County Sheriffs and transported to the Mercer County Correctional Center in Trenton, NJ, for further processing and appearance before a judge.

41. Plaintiff Kaul's physician, who had been markedly disturbed by the events he observed in witnessing a colleague with resistant hypertension chained to a hospital bed, informed the prison guards that the stresses associated with transferring Plaintiff Kaul to Trenton would likely cause him to sustain a lethal myocardial infarction.

42. The Somerset County Sheriffs Office informed the Mercer County Sheriff's Office, who informed the judge, Peter Warshaw, who adjourned the hearing and stated that the court would mail Plaintiff Kaul a notice of the new date.

43. At approximately 4:30 pm Plaintiff Kaul departed the hospital with his partner, who had been prevented by the prison guards from seeing Plaintiff Kaul upon either his admission to the emergency room on September 16, 2016, or while chained to the bed in the cardiac unit.

44. Plaintiff Kaul returned to his residence, and continued his prosecution of Kaul v Christie: 16-CV-02364 (K1), undeterred and in fact fortified by the events of the prior days. Plaintiff Kaul submitted a request to the K1 Magistrate Judge, in which he sought a Temporary Restraining Order and Preliminary Injunction against the State of New Jersey (**Exhibit 1**). The petition was ignored.

45. Approximately two (2) weeks later, Plaintiff Kaul received a letter from the Trenton court, in which the hearing date regarding the alleged tax indictment, had been scheduled for mid-October.

46. Upon receiving the letter, Plaintiff Kaul telephoned the prosecutor's office and during a conversation with a Rachel Cook, the assistant prosecutor assigned to the case, Plaintiff Kaul requested he be sent a copy of the entire file pertaining to the alleged indictment, in order that he could review and prepare for the October hearing.

47. The file was never sent and despite several unanswered and unreturned telephone calls/messages, no information was ever sent to Plaintiff Kaul.

48. Without any understanding or knowledge of the basis of the allegations, Plaintiff Kaul sent a letter to the judge, Peter Warshaw, informing him that he would not attend the hearing until he received the requested information, in accordance with his constitutional rights.

49. Plaintiff Kaul received no response from the court or the prosecutor's office, and as of the filing of this Complaint, has not received a copy of the alleged indictment or the materials on which the purportred indictment was based/procured, the reason being that the 'indictment'

was and is a 'Fraud on the Court', a fact that the law required be known or ought to be known by all state/federal law enforcements agencies/persons within the State of New Jersey and the District of New Jersey.

50. From September 2017 to February 2021, Plaintiff Kaul submitted applications to the states of Pennsylvania/New Jersey/New York for medical licenses, and was, as part of the process, subjected to criminal background checks by state/federal authorities, that involved fingerprinting and the checking for any outstanding arrest warrants (**Exhibits 4 + 5**).

51. No outstanding warrants were found, and Plaintiff Kaul passed all criminal background checks.

52. On February 24, 2021, Plaintiff Kaul filed a lawsuit in the United States District Court for the District of Massachusetts (Kaul v Boston Partners: 21-CV-10326) (K11-2), in which Defendant Christie was charged with, amongst other things, racketeering and violating Plaintiff Kaul's human/civil/constitutional rights.

53. On May 26, 2021, Defendant Christie was served with a copy of the Summons/Complaint at his law office in Morristown, New Jersey.

54. On May 27, 2021, in retaliation for having been sued/served, Defendant Christie, in collusion/conspiracy with persons employed by county and state police agencies, did illegally and without warrants, enter Plaintiff Kaul's place of residence/work and seize his person.

55. The events of the 'Kaul Kidnapping Scheme' are memorialized in a letter filed on May 28, 2021, by Plaintiff Kaul in K11-2 (Exhibit ---) and of note is the fact that no warrant from Mercer County was ever produced, because the indictment was fraudulent, which explains why the Morristown police officers deposited my person at the hospital and left the building.

56. Despite Defendant Christie's illegal scheme to attempt to harass/intimidate Plaintiff Kaul into ceasing his prosecution of **The Kaul Cases**, which included having local New Jersey police forces harass process servers delivering legal papers to **The Kaul Cases** Defendants and having a New Jersey deputy attorney general threaten Plaintiff Kaul with arrest if he continued the prosecution, Plaintiff Kaul continued the prosecution.

57. From 2012 onwards, **The Kaul Cases** Defendants scheme of public corruption/obstruction of justice has involved the corruption of, amongst others, New Jersey based politicians/judges/prosecutors/police.

58. On June 14, 2023, during a police traffic stop in Morristown, Plaintiff Kaul was informed by Defendant Kenneth Murphy and a colleague that there existed a warrant for his arrest from Mercer County, New Jersey.

59. The approximate time from the moment Plaintiff Kaul was stopped to the time he was informed of the warrant was thirty (30) minutes, during which Defendant Murphy/his colleague engaged in conversation with a person/s over the communication system in their car.

60. The conversation was audible to Plaintiff Kaul and involved discussion about the purported Mercer County warrant.

61. When Defendant Murphy/his colleague approached Plaintiff Kaul's car and informed him of the purported Mercer County warrant, Plaintiff Kaul asked if the warrant was related to his child support case, to which Defendant Murphy knowingly misrepresented that it was, when in fact Defendant Murphy knew it pertained to the illegal Mercer County tax indictment.

62. Defendant Murphy knowing that there was no legitimate warrant, did not present Plaintiff Kaul with a copy of the warrant, but instead ordered Plaintiff Kaul to exit the car, which he did.

63. Defendant Murphy denied Plaintiff Kaul's request to call his girlfriend to inform her of the ongoing events and that he would not be meeting her.

64. Defendant Murphy, knowing that there was no legitimate warrant, did conduct a public examination of Plaintiff Kaul's person, in the knowledge that the examination was illegal and constituted a violation of Plaintiff Kaul's human/civil/constitutional rights.

65. Defendant Murphy's public examination was purposed to harass/intimidate/humiliate Plaintiff Kaul, with the by-passing of traffic.

66. Defendant Murphy, knowing that his physical apprehension of Plaintiff Kaul's person was illegal, did then further restrain Plaintiff Kaul's person with handcuffs and place him in the back of his car.

67. Defendant Murphy, knowing that there was no legitimate warrant, did then illegally transport Plaintiff Kaul's person to the Morristown Police Station.

68. Defendant Murphy, knowing that there was no legitimate warrant, and seeking to conceal from public view the illegal transport of Plaintiff Kaul, did enter the police station through a small well hidden rear exit, that bypassed the public booking area into which Plaintiff Kaul had been taken on May 27, 2021.

69. The transport of Plaintiff Kaul in this clandestine manner was consistent with Defendant Murphy's guilty state-of-mind, in knowing that there existed no legitimate arrest warrant, and that his illegal seizure of Plaintiff Kaul's person did willfully and knowingly violate Plaintiff Kaul's human/constitutional/civil rights.

70. Defendant Murphy entered a small bay and walked Plaintiff Kaul from the car down a set of bare concrete steps to a door which opened into a small room, which Defendant Murphy and Plaintiff Kaul entered.

71. At no point in time from the seizure of Plaintiff Kaul's person to his transfer to the US Marshals Service did any police officer or person inform him of his rights or of his right to remain silent.

72. An individual by the name of Underhill appeared, and began questioning Plaintiff Kaul.

73. Plaintiff Kaul was photographed, but not fingerprinted and was then instructed to remove his shoes and placed in a cell in which the temperature was excessively low.

74. Plaintiff Kaul was wearing no socks and after what seemed to be approximately two (2) hours in the cell pressed a communication button on the wall and indicated at a wall camera that he required assistance. His requests were ignored.

75. After what Plaintiff Kaul subsequently surmised was approximately four (4) hours, the door opened and Defendant Murphy and his colleague entered, and informed Plaintiff Kaul that he was to be transferred to the Mercer County Correctional Center.

76. Defendant Murphy and his colleague instructed Plaintiff Kaul to 'put his shoes on' and they then handed him into the custody of two individuals wearing badges and shirts on which were emblazoned words indicating they belonged to a "FUGITIVE" task force of the United States Marshals Service.

77. These individuals instructed Plaintiff Kaul to face the wall, and then proceeded to place a shackling system on his person, in which a wide leather band was placed around his waist to

which was tethered a set of handcuffs that were placed around Plaintiff Kaul's wrists, while attaching a set of cuffs around Plaintiff Kaul's ankles that restrained the motion of his legs.

78. At no point was Plaintiff Kaul permitted to make a telephone call.

79. Plaintiff Kaul was then walked from this underground area back up the bare concrete steps, and into the back seat of a black car with blacked out windows, in which he was restrained with a harness.

80. Plaintiff Kaul was not provided the names of the two individuals wearing insignia from the United States Marshals Service.

81. Plaintiff Kaul was transported from the Morristown Police Station to the Mercer County Correctional Center, with the car reaching speeds of almost 100 mph, causing a travel time of approximately one (1) hour.

82. Plaintiff Kaul's person was seized by Defendant Murphy at approximately 9:30 am EST, and he was transferred into the Mercer County Correctional Center at approximately 2:30 pm EST.

83. Plaintiff Kaul was led from the black car through a door into a small waiting area in which there was sat an African American male, in which there was a one-way mirror, on the other side of which sat a person and in which there was a TV repeating a video regarding the reporting of prison rape.

84. Still cuffed at the wrists/ankles, Plaintiff Kaul sat on a bench for approximately thirty (30) minutes, and was then instructed by a jail officer to enter a processing area, where the cuffs were removed by one of the United States Marshals, an individual in his fifties with dark hair and approximately five feet ten inches and two hundred pounds.

85. As this individual was removing the cuffs, Plaintiff Kaul told him that if he wanted to know who Plaintiff Kaul was that he should go to www.drrichardkaul.com. He repeated this information, and Plaintiff Kaul confirmed its accuracy.

86. Plaintiff Kaul was then moved into another room where he was fingerprinted, placed in prison attire, photographed, and given a blanket, sheet, some slippers, a cup, toothbrush, toothpaste, and deodorant.

87. Plaintiff Kaul was then given directions to the prison cell, it being an enclosed area in which there approximately seventy (75) beds, organized in sets of bunks of three, and in which there were multiple men sleeping on the floor in extremely unhygienic conditions.

88. Plaintiff Kaul's period of illegal detainment was in excess of twenty-four (24) hours.

89. On the morning of Thursday June 15, 2023, at approximately 7 am EST, a person purporting to be a nurse appeared at the cell gates, her appearance was announced by a prison guard and a number of men formed a queue at the gate.

90. Plaintiff Kaul joined this queue, seeking to obtain his blood pressure medications, which he had been prevented from taking the prior day.

91. The purported nurse handed Plaintiff Kaul a small paper cup containing four tablets that did not look like Plaintiff Kaul's usual blood pressure medications.

92. Plaintiff Kaul enquired as to the nature of each tablet, and was informed that the medications were the ones of which he had informed the intake persons.

93. At approximately 9 am EST, the prison guard enquired if Plaintiff Kaul wanted to see the prison psychiatrist, to which he responded in the negative.

94. At approximately 11 am EST, Plaintiff Kaul, along with a group of other men were escorted to the floor on which the medical unit was situated, but because the waiting room was full, Plaintiff Kaul was re-directed to the virtual court room, where he believed he would have an exchange with a judge.

95. Plaintiff Kaul entered an area in which there were several small rooms in which there were phones and telecommunications screens.

96. The prison guard instructed Plaintiff Kaul to enter one of the rooms and pick up the phone, which Plaintiff Kaul did, and a conversation then ensued between Plaintiff Kaul and a person who purported to be a representative of the public defenders office, tasked to ascertain whether Plaintiff Kaul qualified for public defender assistance.

97. This female person asked Plaintiff Kaul a series of questions and concluded that Plaintiff Kaul did qualify for a public defender, although Plaintiff Kaul did neither request nor indeed want a public defender, as he intended on representing himself.

98. At the conclusion of the conversation, Plaintiff Kaul was escorted back to the medical unit and entered into the waiting room, where there were sat approximately twenty (20) men.

99. Approximately fifteen (15) minutes after entering the medical unit, there was an incident in which another man, a rather frail/confused one, had thrown an empty paper cup at the prison guard, which resulted in a number of heavily armed men entering the room, violently apprehending this slightly built/confused individual, and instructing all other men to move into the corridor next to the waiting room.

100. Plaintiff Kaul was subsequently called into see a doctor, who knew of Plaintiff Kaul's physician status, and who stated that it was highly unusual for a physician to be held in the medium-maximum security facility that is the Mercer County Correctional Center.

101. The physician asked Plaintiff Kaul a series of questions pertaining to suicidal ideation, and enquired as to whether Plaintiff Kaul had considered suicide, to which Plaintiff Kaul answered in the negative.

102. The physician responded that professionals of Plaintiff Kaul's age who find themselves held in medium-maximum security facilities are at a very high risk of suicide, and require mental health evaluations.

103. Plaintiff Kaul expressed that he did not have any suicidal ideation, but the physician recommended Plaintiff Kaul be seen by a mental health evaluator.

104. Plaintiff Kaul was then escorted from the medical unit to the mental health evaluation unit, where he entered a room, in which was sat an individual who purported to be a mental health evaluator.

105. This person enquired if Plaintiff Kaul wanted to make a phone call, to which Plaintiff Kaul responded in the affirmative and stated that he wanted to call his lawyer, as he had not been permitted to speak to a lawyer since his arrest by Defendant Murphy.

106. This person stated that Plaintiff Kaul was not permitted to call a lawyer and could only call a **"loved one"**, which Plaintiff Kaul did, and during which he quickly instructed his friend to call Plaintiff Kaul's lawyer.

107. Plaintiff Kaul was then escorted back to the cell area, but approximately thirty (30) minutes later, he was escorted back to the medical unit, where he saw a nurse who presented him with a paper cup containing a large tablet of Librium.

108. Plaintiff Kaul enquired as to why he was being prescribed an anti-psychotic medication that causes mental infirmity in otherwise healthy individuals, to which the evidently nervous nurse answered that it was to mitigate Plaintiff Kaul's symptoms of withdrawal.

109. Plaintiff Kaul stated that he was not experiencing withdrawal from opiate narcotics, as he had never taken any, and did not require a medication such as Librium.

110. The nurse informed Plaintiff Kaul that she had been instructed to have Plaintiff Kaul consume the Librium.

111. Plaintiff Kaul placed the tablet in his mouth, but under his tongue, swallowed some water, and upon re-entering the cell, went to the bathroom area and spat the tablet into the toilet.

112. The nervous nurse failed to inspect Plaintiff Kaul's mouth after he had deposited the tablet.

113. The nervous nurse also, quite accidentally, informed Plaintiff Kaul that he was to be held in the facility for at least thirty (30) days.

114. It became rapidly apparent to Plaintiff Kaul that Defendant Christie's scheme was to have Plaintiff Kaul rendered/labelled mentally incompetent, in order to subsequently use the label against him in Plaintiff Kaul's prosecution of **The Kaul Cases** and his efforts to have his NJ license reinstated and or procure licenses in other states/countries.

115. It also became apparent to Plaintiff Kaul that Defendant Christie's scheme involved attempting to have Plaintiff Kaul held for as long as possible, with the intention of having him, while in a mentally incapacitated state, physically injured/killed, in order to prevent him from continuing his prosecution of **The Kaul Cases** by his elimination through either death or severe physical/psychological injury.

116. At approximately 7:30 pm, more than twenty-four (24) hours since the illegal seizure of Plaintiff Kaul's person by Defendant Murphy and without having seen a judge, Plaintiff Kaul was instructed by a prison guard that he was to immediately depart the facility.

117. Plaintiff Kaul was provided no documentation regarding any subsequent legal proceedings pertaining to the fraudulent tax indictment, but was given copies of the traffic tickets from Defendant Murphy, that were issued on June 14, 2023, during and as part of his knowingly illegal seizure of Plaintiff Kaul's person.

118. Plaintiff Kaul was transported from the Mercer County Correctional Center to the center of Trenton, where he was disembarked from the prison van at approximately 9:30 pm.

119. Plaintiff Kaul arrived at his residence at approximately 12:30 am June 16, 2023.

Legal Claims

42 U.S.C. § 1983 – CIVIL ACTION FOR DEPRIVATION OF RIGHTS

120. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

COUNT ONE

AGAINST DEFENDANTS CHRISTIE/MURPHY

VIOLATION OF PLAINTIFF KAUL'S DUE PROCESS RIGHTS PURSUANT TO THE FIFTH, EIGHT AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION

121. Plaintiff Kaul incorporates all of the above facts as if re-pled.

122. Defendant Christie, in causing the filing in May 2016 of a knowingly false tax indictment/legal instrument, did, while occupying the Office of the New Jersey Governor, knowingly and with malice, abuse the power of state as a 'state actor'.

123. Defendant Christie, as a 'state actor' did act under color of law in knowing violation of the law and of Plaintiff Kaul's human/constitutional/civil rights.

124. Defendant Christie, as a 'state actor' in knowingly violating the law and Plaintiff Kaul's human/constitutional/civil rights for the purpose of having filed a false criminal charge against Plaintiff Kaul, did knowingly commit a 'Fraud on the Court'.

125. Defendant Christie's commission of crime was committed against Plaintiff Kaul, to whom he caused and continues to cause irreparable injury and insult.

126. Defendant Christie's commission of crime was committed against the process of justice to which he caused and continues to cause irreparable injury and insult.

127. Defendant Christie's commission of crime was committed against the Office of the New Jersey Governor, to which he caused and continues to cause irreparable injury and insult.

128. Defendant Christie's commission of crime was committed against the Office of the New Jersey Attorney General, to which he caused and continues to cause irreparable injury and insult.

129. Defendant Christie's commission of crime was committed against the public, to which he caused and continues to cause irreparable injury and insult.

130. Defendant Christie's commission of crime was motivated by his political ambition to become the 2016 US President.

131. Defendant Christie, in the commission of crime/violation of civil rights, did know he was a 'state actor' engaging in a knowingly illegal conspiracy with other 'state actors' within the Office of the New Jersey Attorney General.

132. Defendant Christie, in the commission of crime/violation of civil rights, did know he was a 'state actor' engaging in a knowingly illegal use of the US wires.

133. Defendant Christie's willful/knowing/malicious deprivation of Plaintiff Kaul's human/constitutional/civil rights caused and continues to cause injury to Plaintiff Kaul, and as such Defendant Christie remains liable to Plaintiff Kaul for compensatory, consequential, and punitive damages.

134. Defendant Murphy, in acting with a knowledge of the illegality of the warrant on June 14, 2023, did so in his capacity as a 'state actor' pursuant to a section 1983 claim.

135. Defendant Murphy, in the knowledge that the warrant was illegal, did, while acting under color of law, knowingly violate Plaintiff Kaul's human/constitutional/civil rights.

136. Defendant Murphy' knowing violation of Plaintiff Kaul's human/constitutional/civil rights were committed through the illegal arrest, imprisonment, and denial of Plaintiff Kaul's request to alert a third party of his whereabouts.

137. Defendant Murphy's illegal seizure of Plaintiff Kaul's person and violation of his rights, while a 'state actor' acting under color of law, has caused him to incur liability pursuant to section 1983.

138. Defendant Murphy, an employee of the Morristown Police Department, did know of the illegal seizure of Plaintiff Kaul's person on May 27,2021.

139. Defendant Murphy, in the knowledge of the illegality of the May 27, 2021, seizure, the illegality of the warrant and the illegality of the June 14, 2023, seizure, did nonetheless commit these violations of law and Plaintiff Kaul's rights, as he had received orders to do so.

COUNT TWO

AGAINST DEFENDANTS CHRISTIE/MURPHY

VIOLATION OF PLAINTIFF KAUL'S RIGHT PURSUANT TO THE FOURTH AMENDMENT OF THE UNITED STATES CONSTITUTION

140. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

141. The conspiracy underpinning, surrounding, and causing the issuance in May 2016 of a fraudulent tax indictment, the illegal seizure of Plaintiff Kaul's person on May 27, 2021, and the illegal seizure of Plaintiff Kaul's person on June 14, 2023, does, pursuant to the doctrine of vicarious liability (SEDIMA, S. P. R. L. v. IMREX CO., INC., ET AL. No. 84-648. 473 U.S. 479 (1985) confer on Defendant Christie the liability of Defendant Murphy's illegal seizure of Plaintiff Kaul, as if Defendant Christie conducted the illegal seizure himself.

142. Defendant Murphy's June 14, 2023, illegal seizure of Plaintiff Kaul's person, although conducted with a knowing illegality, would never have occurred had Defendant Christie not had issued the May 2016 fraudulent tax indictment.

143. The law prohibits Defendant Murphy from raising a probable cause defense. See Berg v County of Allegheny, 219 F. 3d 261 – Court of Appeals, 3rd Circuit 2000 (**Exhibit 3**):

144. "The Supreme Court's decision in *Whiteley v. Warden*, 401 U.S. 560, 91 S.Ct. 1031, 28 L.Ed.2d 306 (1971), as well as our own subsequent decisions, make clear that an erroneously issued warrant cannot provide probable cause for an arrest. In *Whiteley*, a county sheriff

obtained a warrant for Whiteley's arrest based on a conclusory complaint. Police officers in another jurisdiction arrested Whiteley, discovering evidence later introduced at his trial. The state argued that because the arresting officers were unaware of the defect in the warrant, they had probable cause to arrest whether or not the sheriff did. But the Supreme Court held that the arrest was unconstitutional and ordered the evidence excluded:

Certainly, police officers called upon to aid other officers in executing arrest warrants are entitled to assume that the officers requesting aid offered the magistrate the information requisite to support an independent judicial assessment of probable cause. Where, however, the contrary turns out to be true, an otherwise illegal arrest cannot be insulated from challenge by the decision of the instigating officer to rely on fellow officers to make the arrest." at 270

145. Neither can Defendant Murphy claim the **"I was only taking orders"** defense, a defense debunked at the Nuremberg Trials.

146. Defendant Murphy's illegal seizure of Plaintiff Kaul was made without probable cause, as Defendant Murphy knew the tax indictment related warrant was illegal, but for reasons of professional advancement entered into the conspiracy formed on May 26/27, 2021, between Defendant Christie and the Morristown Police Department.

147. Further substantiating Defendant Murphy's defenseless position is the fact that he, upon communicating with persons at the Morristown Police Department, knew that the May 27, 2021, seizure of Plaintiff Kaul's person was illegal

148. Further substantiating Defendant Murphy's defenselessness is the fact that he, upon communicating with persons at the Morristown Police Department, knew that the illegal May 27, 2021, seizure of Plaintiff Kaul's person was a retaliatory act initiated/orchestrated by Defendant Christie in an attempt to harass/intimidate/injure/kill Plaintiff Kaul, in order to cause him to cease his prosecution of **The Kaul Cases** Defendants.

149. Defendant Murphy, with this information in mind, knew that the law prohibited him from seizing Plaintiff Kaul's person, and thus he is without any defense as to his knowingly illegal seizure of Plaintiff Kaul's person.

COUNT THREE

AGAINST DEFENDANTS CHRISTIE/MURPHY

42 U.S.C. § 1985 (3) – CONSPIRACY TO INTERFER WITH CIVIL RIGHTS

150. "If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators."

151. The conspiracy that commenced against Plaintiff Kaul did so in approximately 2005/2006, when Plaintiff Kaul invented and successfully performed the first percutaneous minimally invasive outpatient spinal fusion.

152. From 2005/2206 this conspiracy has expanded to include, amongst others, the Morristown Police Department, which did knowingly enter the conspiracy on May 26/27, 2021, upon the encouragement by Defendant Christie of senior persons within the department.

153. Within the conspiracy there was an agreement, both tacit and explicit, that the successful execution of the scheme to eliminate Plaintiff Kaul (jail/suicide/murder) would require his civil rights be violated.

154. Defendants Christie and his co-conspirators at the Morristown Police Department knew that the willful violation of Plaintiff Kaul's civil rights constituted a felony, but did nonetheless attempt to perpetrate the scheme in the belief that Plaintiff Kaul would be eliminated on May 27, 2021, by having him transferred to the Mercer County Correctional Center, where he was to be seriously injured/killed, in order to render him unable to continue his prosecution of **The Kaul Cases**.

155. The conspiracy to violate Plaintiff Kaul's civil rights continued from the Morristown Police Department to the United States Marshals Service and into the Mercer County Correctional Center, where the scheme, for which Defendants Christie/Murphy, and in fact all of **The Kaul Cases** Defendants, pursuant to RICO's vicarious liability doctrine, are liable, involved an attempt to use anti-psychotics to render Plaintiff Kaul mentally infirm, psychiatrically labelled, susceptible to serious injury/death, in order to effectively eliminate his right to life and to actually eliminate Plaintiff Kaul.

156. It has become all but impossible to place a lead bullet in Plaintiff Kaul's head (that opportunity was lost in 2021) and so the schemes now involve pharmacological bullets.

Relief

1. Injunctive relief prohibiting any persons/agencies that either are or ever have been associated/contracted/employed/otherwise related to any legal elements/agencies of the State of New Jersey/its counties and or their agents from any further attempts at harassment/intimidation/interference with the person and rights of Plaintiff Kaul.

2. Compensatory/Consequential/Punitive relief in the amount of five hundred million dollars ($ 500,000,000).

3. An order to Defendant Christie that he is to disseminate to all state agencies/courts/judges the above judgments.

Conclusion

K11-15 represents an unhinged escalation of force that constitutes further conclusive evidence of the guilt of **The Kaul Cases** Defendants, to a criminal standard. This evidence will be submitted into K11-14 in support of motions for Summary Judgment.

The State of New Jersey is a Defendant in K11-5 (India), and the Indian Government is now appraised of the events/facts of this case and others.

Plaintiff Kaul respectfully informs this Court that its inaction in October 2016 regarding Plaintiff Kaul's request for a TRO/PI and subsequent obstruction of Plaintiff Kaul's efforts at prosecuting **The Kaul Cases** are partially responsible for the events of May 27, 2021/June 14, 2023, and should Plaintiff Kaul be injured/'suicided'/murdered, the Indian Government will demand **The Kaul Cases** Defendants be brought to justice in the US, and will exercise its power over American citizens/corporations in India.

Dated: July 27, 2023

RKJ

RICHARD ARJUN KAUL, MD

Exhibit 1

www.drrichardkaul.com

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED
2016 OCT -7 A 11:11

October 6, 2016

Honorable Steven C. Mannion
United States District Judge
District of New Jersey
UNITED STATES DISTRICT COURT

Re: Kaul v Christie, et al.,
Docket No. 16-CV-02364
Permission to file emergency restraining order and preliminary injunction

Dear Judge Mannion,

I write this letter to bring to the court's attention a number of state-orchestrated acts that I believe have been instigated in retaliation for the above matter. I also want to alert the court to the fact that a non-party witness has interfered in my fact-finding efforts, by conditioning the provision of information to me, on the release of one of the defendants from the case. I therefore request permission to file a temporary restraining order and preliminary injunction, that bars the defendant state from pursuing any further legal action against my property or person, until the conclusion of the federal litigation, and also sanctions against Marc Cohen for obstruction of justice.

In January 2016 I commenced a process of pre-trial discovery by sending letters and e-mails to parties who I believe have knowledge pertaining to the allegations. On April 4, 2016 I received an e-mail from Dr. Richard Winne **(exhibit 1)** an interventional pain management physician on staff at defendant Atlantic Health Care. Dr. Winne both refers patients to, and receives patients from, a number of the defendant physicians, in addition to being a senior board member of defendant ASIPP. In response to my e-mail Dr. Winne requested that I call him and forwarded his cell phone number. However, when I called his number the following day the call was diverted to his voicemail, and I left a message, to which I have not yet received a response.

On August 25, 2016 I telephoned and spoke with Robert McGann, who is the northeastern regional manager for Spineology, a Minnesota based medical device company, that sells the Optimesh device, an implant used in spinal fusions. I have known Mr. McGann since 2005 and he is referenced in the complaint **(exhibit 2)** as having provided me with information regarding the misconduct of the defendant neurosurgeons. During the conversation Mr. McGann indicated that defendant Marc Cohen, whose work constituted fifty percent of McGann's business, had stopped using the device, because McGann had testified on my behalf in May 2013 during an administrative proceeding regarding the suspension of my medical license. McGann testified that the Optimesh device was used widely by physicians as an intervertebral

body fusion implant. According to McGann, Cohen had stopped using the Optimesh device because McGann had testified on my behalf, and the transcript had recently been obtained by Cohen's attorney. Cohen, upon becoming aware of this information, retaliated by ceasing to engage in healthcare commerce with McGann and his team of surgical representatives.

McGann stated that he understood exactly why I had named the neurosurgeons as defendants, but did not fully comprehend why Cohen had been included. I explained to McGann that the purpose of the call was to request that he agree to an informal interview, and I suggested he first obtain permission from his corporate superiors. McGann's work brought him into frequent proximity with numerous neurosurgeons, to whom he provided advice regarding the Optimesh device. It is the practice of surgical representatives to spend time with physicians in both their offices and operating rooms, and it was through McGann that I came to know of the hostility the defendant neurosurgeons harbored towards me. Subsequent to the conversation I e-mailed McGann a list of the questions I intended to ask him during the interview, which he had stated he would have his superiors review prior to the interview **(exhibit 3)**.

On September 26, 2016, I sent McGann an e-mail to confirm the date for the interview and he responded that he would not talk to me until I confirmed that Cohen had been dismissed from the action **(exhibit 4)**

On September 15, 2016 I visited the offices of J.H. Buehrer, a transcription company that works with the state and which authored the transcripts, during twenty-three days of testimony from April to June 2013, in the office of administrative law, in my medical licensing matter. The purpose of my visit was to obtain a digital copy of the transcript from May 6, 2013, the day on which the state's expert and defendant neurosurgeon testified that no standards existed for minimally invasive spine surgery. This was one of the days an independent transcriptionist also recorded the proceedings, much to the chagrin of the defendant administrative law judge. Upon entering the office, I encountered an individual sat at a desk, and enquired as to the whereabouts of the owner, Anthony Petruzelli. The individual responded that he was at another location. However, as later became apparent this individual revealed himself to be Anthony Petruzelli, whom I interviewed for approximately twenty minutes regarding the transcript from May 6, 2016. I requested a digital copy of the file and after the meeting sent an e-mail **(exhibit 5)** To date I have received no response, despite having sent a follow up e-mail on September 26, 2016.

On September 21, 2016 at approximately 1:30am eight armed police officers from the Somerset County Sherriff's Office arrested me at my residence on a warrant for non-payment of child support. The revocation of my medical license caused immense economic harm to my family and resulted in the loss of my surgical center, Manhattan townhouse, professional practices and forced foreclosure on the house in which my children and ex-wife lived. My ex-wife commenced legal proceedings against me in 2014, which resulted in the issuance of an arrest warrant. I had communicated on multiple occasions with the family support division and informed them of the reasons as to why I had become unable to continue paying the $13,000 monthly mortgage, and $10,000/month in alimony to my ex-wife. The arrest warrant remained

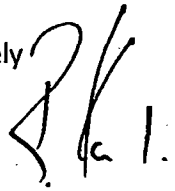
dormant, and it was not until **AFTER** I had commenced the federal action, that I was arrested. I was taken to the Somerset County Jail, but shortly thereafter I was transferred to Robert Wood Johnson Hospital due to an elevated blood pressure of 180/120. The probation officer who interviewed me at the jail demanded $30,000 for my release, based upon his belief that I was in possession of money from the sale of the townhouse. In fact, I received less than $5,000 at closing, because the majority of the money was apportioned to bank loans, and federal and state taxes **(exhibit 6).**

My domestic partner, a nurse, succeeded in having the family division agree to release me when she paid $2,000, which came from monies purposed to pay her property taxes, and as a consequence is now delinquent on her property taxes. However, during the administrative process of finalizing the release documents, the Sheriff's Office identified an unsatisfied arrest warrant from Mercer County, which caused me to be held further and transferred into the custody of two officers from Mercer County. The warrant was a consequence of a criminal complaint that had been filed in May 2016 and was served at my ex-wife's residence in Bernardsville. I had never received the complaint, had no knowledge of the matter and did, therefore, not attend the initial hearing. The complaint was based on allegations that I had not paid taxes, but this cannot be the case as any outstanding amounts had been deducted from the monies obtained at closing and my corporations had filed for Chapter 11 bankruptcy in June 2013. The income I received as the debtor in possession was taxed at source, and authorized by defendant TD Bank. The Mercer County Court hearing was adjourned to October 11, 2016. I have made several calls to the assistant prosecutor, Rachel Cook, on October 5, 2016, to ascertain the basis of the complaint. It is significant that the complaint was only filed **AFTER** I had filed the federal complaint, and the assistant prosecutor has not returned my calls.

I believe that, as a consequence of the federal lawsuit, state agencies, under the control of the defendant politician, are being used in a retaliatory manner, with the clear intention of harassment and intimidation. Of note is the fact that the IRS has not filed any delinquent tax notices, or indeed taken any legal action against my property or person. I believe it is also significant that the judge assigned to the Mercer County matter was appointed by the defendant politician, which I would suggest is a conflict of interest, and in violation of my Fourteenth Amendment due process right to an impartial tribunal. The individual who is currently the New Jersey attorney general was also appointed by the defendant politician, and was part of the administration involved in the revocation of my medical license. I believe that the defendant politician has once again abused public office to further his personal agenda, with the hope that the Mercer County action could be used to negotiate his way out of the federal matter. This misconduct has been a theme of the legal proceedings against me since 2012, and was the reason my attorney, Robert Conroy, filed a lawsuit in Mercer County that requested the appointment of a special prosecutor and ad hoc medical board **(exhibit 7)**

For the reasons stated above I request that the court grant me permission to file a temporary restraining order and preliminary injunction against the defendant state, and that the court entertain an application for sanctions against defendant Marc Cohen.

Yours sincerely



Richard Arjun Kaul, MD

cc: All Counsel via e-mail

Exhibit 2

www.drrichardkaul.com

October 11, 2016

Judge Peter Warshaw
Superior Court of New Jersey
Law Division- Mercer County
Criminal Part

Re: State of New Jersey v Richard Kaul
File No. 16-646-01
Kaul v Christie, et al.,
Docket No. 16-CV-02364

Dear Judge Warshaw,

I write this letter to respectfully request that the court stay the hearing scheduled in the above matter, pending the outcome of an application I made on Friday 7, 2016, to the District of New Jersey, that requests permission to file a temporary restraining order and preliminary injunction. Please see attached.

In summary, on February 22, 2016 I filed a lawsuit (Docket No. 16-CV-02364) against multiple defendants in the United States District Court, Southern District of New York. The matter was transferred *sua ponte* to the District of New Jersey, and I filed an interlocutory appeal with the Second Circuit, in order to have the matter remain in the SDNY. One of the reasons I advanced was my concern that I would not be able be able to procure justice in New Jersey. This concern was based on my four years' experience of interacting with the medical board, the governor's office and the office of administrative law. Throughout the record I have repeatedly stated that political corruption was the cause of my medical license revocation, and that the revocation resulted in immense damage to my ability to satisfy my financial obligations, including child support.

The federal action is currently pending in the DNJ, and one of the defendants is the current governor of New Jersey, the individual who appointed you to the bench. The defendant politician is accused, amongst other things, of racketeering, mail fraud, wire fraud and a Title VII Civil Rights violation. I am sure you can see the obvious conflict of interest, and the fact that the indictment against me was filed ONLY after I had filed the federal lawsuit, in what appears to be nothing more than an act of retaliation.

The federal complaint details the nexus of events that connect the 2012 suspension of my medical license to the loss of my estate. The medical board, an agency of the state under control of the defendant politician, illegally and improperly revoked my medical license in

February 2014, and used forged transcripts to perpetrate the wrongful acts. The entire scheme was orchestrated by the defendant politician in order to procure monies for his political campaigns. Had my medical license not been improperly revoked, then my economic position would have continued to improve, and I would have continued creating jobs and contributing tax monies to the state, as I had been doing so since 2001.

Unfortunately, job and wealth creation took a back seat to the political ambitions of the defendant politician, and my corporations were forced to file for chapter 11 bankruptcy in June 2013. I lost my Manhattan property, the house in which my children lived, my surgical center business, my reputation and my ability to earn a living. As a consequence of the political corruption that caused the closure of my businesses, over fifty people lost their jobs and health insurance. The town of Pompton Lakes suffered immensely as my corporations had been their largest tax contributor, and I had plans to open a second surgical center in 2013. The state suffered as it was deprived of future financial tax revenues.

The case against me attracted a huge amount of publicity, and has, because of the interlocutory appeal, come to the attention of the Second Circuit Court of Appeals. My application to the DNJ to have all state matters stayed, pending the federal litigation, is for good cause, as I believe the matter now before you is nothing more than an act of political retaliation. The federal litigation will provide an opportunity to properly examine the connection between my tax status and the revocation of my medical license, without permitting the defendant state to abuse its power, and manufacture a case that it believes will assist it's defense in the federal matter.

Due to the highly contentious nature of the legal proceedings, the repeated abuses of power and acts of official malfeasance that I have unfortunately witnessed, I have grave concerns about the impartiality of justice in the New Jersey state courts. The fact that a criminal indictment was filed against me **after** I had filed the federal lawsuit is highly suspicious and entirely consistent with the themes of political corruption, abuse of power and official malfeasance, that have polluted my license proceedings since 2012.

I would therefore respectfully like to inform the court that until my application to the federal courts for a restraining order and preliminary injunction has been fully adjudicated, I believe it is in the interests of justice to stay the state proceeding. What seems clear to me is the fact that the defendant state and politician will abuse every means at their disposal to stop the truth from emerging, and dissuade me from prosecuting the federal matter, and that includes attempts to divert my resources to fighting the matter before you. I suggest that the transparency of their retaliatory strategy is further evidence of the claims I have made in the federal lawsuit.

Finally, I am disappointed by the lawless manner in which I have witnessed the dispensation of justice, particularly in regards to state agencies. Their overt politicization of law is contrary to the spirit that caused the founding of this country. I built a life in New Jersey, created jobs and wealth, invested in the economy and built one of the most successful medical practices in the US, all of which have became casualties of the greed and political ambition of a corrupt New

Jersey politician. This is the individual who should be rightly be held accountable for the losses sustained by the state Treasury Department. He is also the individual who has pillaged the state coffers to fund his legal defenses and political ambitions. The monies that I have contributed to the tax fund since 2001 should not have been used to foot a $10 million legal fee to protect a politician from criminal prosecution. Filing a case against me, a wealth generator, while ignoring the proverbial gorilla in the room, only makes sense if one accepts the profound corruption that sadly defines this politician.

Should the federal court not grant my application then I would request the appointment of a public defender, and a special prosecutor before proceeding with the initial hearing. The fact that the state is a defendant in a federal action provides sufficient basis to have the matter adjudicated in another state, or enjoined with the federal action in the District of New Jersey.

I would like to thank you for taking the time to read this letter.

Yours sincerely

Richard Arjun Kaul, MD

Exhibit 3

219 F.3d 261 (2000)

Raymond A. BERG, Jr., Appellant,

v.

COUNTY OF ALLEGHENY; Allegheny County Adult Probation Services; Debbie Benton; Richard R. Gardner; Glenn Allen Wolfgang; Ginny Demko.

No. 98-3557.

United States Court of Appeals, Third Circuit.

Argued March 10, 1999.
Filed July 17, 2000.

266 *262 *263 *264 *265 *266 Theodore E. Breault, Esquire, (Argued), Breault & Associates, Pittsburgh, PA, Attorney for Appellant.

Eric N. Anderson, Esquire, (Argued), Meyer, Darragh, Buckler, Bebenek & Eck, Pittsburgh, PA, Attorney for Appellees, County of Allegheny, Allegheny, County Adult Probation Services, Debbie Benton, Richard R. Gardner, Ginny Demko.

Audrey J. Copeland, Esquire, (Argued), Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, PA, Scott G. Dunlop, Esquire, Marshall, Dennehey, Warner, Coleman & Goggin, Pittsburgh, PA, Attorneys for Appellee, Glenn Allen Wolfgang.

Before: MANSMANN, SCIRICA and NYGAARD, Circuit Judges.

OPINION OF THE COURT

PER CURIAM.

Plaintiff Raymond Berg appeals the District Court's grant of summary judgment to all defendants in this civil rights action alleging false arrest and imprisonment based on an erroneously issued warrant. We will affirm in part and reverse in part.

I. Background

On July 14, 1994, Richard Gardner, the supervisor at Allegheny County Adult Probation Services, requested an arrest warrant for Paul Banks, who had violated conditions of his parole. After a judge of the Court of Common Pleas approved the warrant, Gardner sent an Arrest Warrant Information Sheet to Virginia Demko, the warrant clerk responsible for issuing and clearing all arrest warrants in Allegheny County. The Information Sheet listed Banks's name, offense, date of birth, criminal complaint number, Social Security number, and address. On August 3, 1994, Demko generated the warrant using the County's computerized Integrated Court Information System (ICIS). ICIS is operated by typing a criminal complaint number into the computer, which automatically retrieves the remaining information and displays it on the user's screen.

Unfortunately, Demko transposed two digits in Banks' criminal complaint number. As a result, she entered the criminal complaint number of plaintiff, Raymond A. Berg, Jr., who three years earlier had completed a
267 six-month parole term for *267 driving under the influence. Demko's computer screen displayed Berg's name, date of birth, criminal complaint number, Social Security number, and address, all of which were different from the information on the Arrest Warrant Information Sheet. Berg concedes, however, that Demko noticed only that the address on the screen was different from the address on the Information Sheet. *See* Appellant's Br. at 7. She did not realize that the other information was different as well. *See id.*

Concluding that the ICIS contained an old or otherwise incorrect address for Banks, Demko manually changed the information in the ICIS. She replaced Berg's address, in Sewickley, Pennsylvania, with Banks's last known address, listed on the Information Sheet, in Finleyville, Pennsylvania. That was the only change she made.

Demko then generated the warrant for Berg's arrest and sent it to the Allegheny County Sheriff's Office. Gardner's name and telephone number were written on the warrant as the contact person from whom

additional information could be obtained. Demko also returned the Information Sheet requesting the Banks warrant to Gardner after date-stamping it to indicate that the warrant had been issued. Thus, because of Demko's clerical error, and her subsequent decision to change the information contained in the ICIS, an arrest warrant was issued for Berg rather than Banks. Demko later testified in her deposition that, in issuing over 500 warrants per month since 1989, "this is the only occasion where this has ever occurred."

In reviewing Banks' case on August 16, 1994, Gardner noticed that the Information Sheet had been stamped (indicating the issuance of a warrant) but, according to his review of ICIS, no warrant in fact existed. Gardner admits that, "for a brief moment," he *may have* considered the possibility that an erroneous warrant was issued, but would have quickly realized that there was no practical way to determine whether one had. *See* Gardner Dep. at 141:16 through 142:3 (A.397-98). He then called Demko, informed her that no warrant had been issued for Banks, and requested that she issue one. Nothing in the record indicates that Gardner suggested to Demko, at that time, that she may have processed an erroneous warrant.

Berg's warrant was executed on the night of December 30, 1994, by Glenn Allen Wolfgang, an elected constable in Westmoreland County. Wolfgang, who earned a fee for each person arrested, frequently executed outstanding arrest warrants for Allegheny County, and on December 30 he planned to make four arrests. Before leaving home, Wolfgang retrieved Berg's address and telephone number using a computer software/on-line system he had purchased from a credit union. Apparently, however, he did not notice that the address he retrieved, and the one listed on the warrant for Berg's arrest, were different. He proceeded instead to the Finleyville address listed on the warrant, only to discover that it was an abandoned house. Wolfgang then telephoned Berg and asked for directions to his house. Wolfgang called three or four more times for further directions and took over an hour to drive from Finleyville to Berg's house. In his deposition, Wolfgang described Berg as "[v]ery cooperative" on the telephone.

When Wolfgang arrived, Berg was entertaining guests at his house at a pre-New Year's Eve party. Berg informed Wolfgang that he had never lived in Finleyville and offered to produce release documents proving that he was no longer on parole. After confirming that Berg's birthday and social security number were the same as those on the warrant, Wolfgang refused to look at the release documents, instead telling Berg to bring them with him. Berg did show Wolfgang his driver's license, confirming that Berg was no longer on
268 parole.[1] But Wolfgang simply *268 told Berg not to take too much time retrieving the release documents because he had three more people to arrest that night.

Wolfgang did call the Allegheny County Sheriff's Office, but after being told that the warrant was still "active," he arrested Berg. Wolfgang did not try to call Gardner. Gardner testified that if Wolfgang had called and asked him about a warrant for Berg's arrest, Gardner would have checked Berg's file and told Wolfgang not to arrest Berg.

At the Sheriff's office, Berg was strip-searched, fingerprinted, inoculated, and placed in the Allegheny County Jail. Because Probation Services and the courts were closed for the holidays, Berg remained in jail until January 3, 1995, or approximately five days. Finally, after intervention by Berg's attorney, Demko issued a Notification to Clear the Warrant and Berg was released.

Berg filed suit against Allegheny County, Gardner, Demko, and Wolfgang in Pennsylvania state court, alleging civil rights violations under 42 U.S.C. §§ 1983, 1985(3), 1988 (1994), and the Fourth, Fifth, and Fourteenth Amendments.[2] The defendants removed the case to the District Court for the Western District of Pennsylvania and, following discovery, moved for summary judgment. The District Court granted summary judgment to all defendants, ruling that Berg's arrest was not unconstitutional because the facially valid warrant gave Wolfgang probable cause for the arrest.

II. Legal/Analytical Framework

On appeal, Berg presses only his § 1983 claim.[3] To make a prima facie case under § 1983, the plaintiff must demonstrate that a person acting under color of law deprived him of a federal right. *See* Groman v. Township of Manalapan, 47 F.3d 628, 633 (3d Cir.1995). Here, it is undisputed that defendants were acting under color of law when they issued and executed the warrant for Berg's arrest.

The next step is to "identify the exact contours of the underlying right said to have been violated." *County of Sacramento v. Lewis*, 523 U.S. 833, 841 n. 5, 118 S.Ct. 1708, 140 L.Ed.2d 1043 (1998). Section 1983 is not a source of substantive rights and does not provide redress for common law torts — the plaintiff must allege

a violation of a federal right. *See* Baker v. McCollan, 443 U.S. 137, 146, 99 S.Ct. 2689, 61 L.Ed.2d 433 (1979). Berg alleges he was subjected to false arrest, false imprisonment, and denial of due process in violation of 42 U.S.C. §§ 1983 and 1985(3), and the Fourth, Fifth, and Fourteenth Amendments.

The Supreme Court has held that when government behavior is governed by a specific constitutional amendment, due process analysis is inappropriate. Although not all actions by police officers are governed
269 by the Fourth Amendment, *see Lewis* at 842-43, 118 *269 S.Ct. 1708 (noting that accidents during police chases are not "covered" by the Fourth Amendment), the constitutionality of arrests by state officials is governed by the Fourth Amendment rather than due process analysis. *See id.*; United States v. Lanier, 520 U.S. 259, 272 n. 7, 117 S.Ct. 1219, 137 L.Ed.2d 432 (1997); Graham v. Connor, 490 U.S. 386, 394, 109 S.Ct. 1865, 104 L.Ed.2d 443 (1989); Blackwell v. Barton, 34 F.3d 298, 302 (5th Cir.1994). Therefore, we will limit our analysis of Berg's arrest to his Fourth Amendment claim. *See* Baker, 443 U.S. at 142-43, 99 S.Ct. 2689 (1979) (interpreting § 1983 false imprisonment claim as grounded in Fourth Amendment rights); Groman, 47 F.3d at 636 (same). Although we recognize the possibility that some false arrest claims might be subject to a due process analysis, we also conclude that this record could not support a due process claim.

Our analysis of Berg's Fourth Amendment claim is a three-step process. First, we must determine whether he was seized for Fourth Amendment purposes. If so, we next determine whether that seizure violated the Fourth Amendment's prohibition against unreasonable seizures. Finally, if there has been a Fourth Amendment violation, we must determine which of the defendants, if any, may be held liable for it.

III. Fourth Amendment Seizures

A person is seized for Fourth Amendment purposes only if he is detained by means intentionally applied to terminate his freedom of movement. A seizure occurs even when an unintended person is the object of detention, so long as the means of detention are intentionally applied to that person. *See* Brower v. County of Inyo, 489 U.S. 593, 596, 109 S.Ct. 1378, 103 L.Ed.2d 628 (1989) (citing Hill v. California, 401 U.S. 797, 802-05, 91 S.Ct. 1106, 28 L.Ed.2d 484 (1971)); *see also* Medeiros v. O'Connell, 150 F.3d 164, 169 (2d Cir.1998); Rucker v. Harford County, 946 F.2d 278, 281 (4th Cir.1991), *cert. denied*, 502 U.S. 1097, 112 S.Ct. 1175, 117 L.Ed.2d 420 (1992); Landol-Rivera v. Cruz Cosme, 906 F.2d 791, 796 (1st Cir.1990).

For example, if a police officer fires his gun at a fleeing robbery suspect and the bullet inadvertently strikes an innocent bystander, there has been no Fourth Amendment seizure. *See* Medeiros, 150 F.3d at 168-69; Rucker, 946 F.2d at 281; Landol-Rivera, 906 F.2d at 795. If, on the other hand, the officer fires his gun directly at the innocent bystander in the mistaken belief that the bystander is the robber, then a Fourth Amendment seizure has occurred. *See* Brower, 489 U.S. at 596, 109 S.Ct. 1378 (citing Hill v. California, 401 U.S. 797, 802-05, 91 S.Ct. 1106, 28 L.Ed.2d 484 (1971)).

Applying that law to these facts, there is no doubt that Berg's arrest constituted a seizure for Fourth Amendment purposes. Even if Wolfgang had thought he was arresting Banks, his intentional application of control over the person of Berg would be a Fourth Amendment seizure. Here, however, Wolfgang knew he was arresting Berg rather than Banks, and clearly intended to do so, even though motivated by an erroneous warrant. The question, then, is whether the arrest violated the Fourth Amendment.

The Fourth Amendment prohibits arrests without probable cause. *See* Orsatti v. New Jersey State Police, 71 F.3d 480, 482 (3d Cir.1995). As previously noted, the District Court concluded that the warrant for Berg's arrest was facially valid and that it therefore supplied probable cause to arrest him. *See Berg v. County of Allegheny,* No. 97-928, slip op. at 4-7 (W.D.Pa. Sept. 22, 1998) (Wolfgang); *Berg v. County of Allegheny,* No. 97-928, slip op. at 4-5 (W.D.Pa. Sept. 23, 1998) (remaining defendants). We cannot agree.

The Supreme Court's decision in Whiteley v. Warden, 401 U.S. 560, 91 S.Ct. 1031, 28 L.Ed.2d 306 (1971),
270 as well as our own subsequent decisions, make clear that an *270 erroneously issued warrant cannot provide probable cause for an arrest. In *Whiteley,* a county sheriff obtained a warrant for Whiteley's arrest based on a conclusory complaint. Police officers in another jurisdiction arrested Whiteley, discovering evidence later introduced at his trial. The state argued that because the arresting officers were unaware of the defect in the warrant, they had probable cause to arrest whether or not the sheriff did. But the Supreme Court held that the arrest was unconstitutional and ordered the evidence excluded:

> Certainly police officers called upon to aid other officers in executing arrest warrants are entitled to assume that the officers requesting aid offered the magistrate the information requisite to support an independent judicial assessment of probable cause. Where, however,

> the contrary turns out to be true, an otherwise illegal arrest cannot be insulated from challenge by the decision of the instigating officer to rely on fellow officers to make the arrest.

Id. at 568, 91 S.Ct. 1031. As in *Whiteley,* Constable Wolfgang relied on an arrest warrant, assuming it had been issued after presentation to a judge of evidence sufficient to establish probable cause.[4] Also as in *Whiteley,* "the contrary turn[ed] out to be true"; neither Gardner, Demko, nor anyone else associated with the creation of the warrant had probable cause to arrest Berg.

In United States v. Hensley, 469 U.S. 221, 105 S.Ct. 675, 83 L.Ed.2d 604 (1985), the Court, relying primarily on *Whiteley,* held that police may conduct a *Terry* stop based on a flyer issued by other officers, but "[i]f the flyer has been issued in the absence of a reasonable suspicion, then a stop in the objective reliance upon it violates the Fourth Amendment." *Id.* at 232, 105 S.Ct. 675. In Arizona v. Evans, 514 U.S. 1, 115 S.Ct. 1185, 131 L.Ed.2d 34 (1995), the Court held that the policies underlying the exclusionary rule do not require suppression of evidence seized pursuant to an erroneous warrant resulting from a clerical error. But the Court also noted that *Whiteley* "clearly retains relevance in determining whether police officers have violated the Fourth Amendment." *Id.* at 13, 115 S.Ct. 1185. Thus, the Supreme Court has made clear that a mistakenly issued or executed warrant cannot provide probable cause for an arrest.

Our cases have applied the same principle. In Rogers v. Powell, 120 F.3d 446 (3d Cir.1997), a county probation officer told one state trooper that a second state trooper had reported that a warrant existed for Roger's arrest. Relying on the probation officer's representation that a warrant existed, the first state trooper arrested Rogers the following day. In fact, however, there was no such warrant and Rogers filed a § 1983 action for violation of his Fourth and Fourteenth Amendment rights.

Like defendants here, the *Rogers* defendants argued that the arresting officer's "mistaken belief that an arrest warrant had issued for Rogers supplied the probable cause required by the Fourth Amendment." *Id.*
271 at 452-53. We rejected this argument, holding that "[t]he legality of a *271 seizure based solely on statements issued by fellow officers depends on whether the officers who issued the statements possessed the requisite basis to seize the suspect." *Id.* at 453 (citing *Hensley,* 469 U.S. at 231, 105 S.Ct. 675). Because "neither [the trooper] nor [the probation officer] had knowledge of the requisite facts and circumstances necessary to support a finding of probable cause," we concluded the arrest violated the Fourth Amendment. *Id.* We similarly rejected the argument that reliance on a mistakenly issued warrant can supply probable cause in United States v. Miles, 468 F.2d 482, 487-88 (3d Cir.1972), and United States v. Bianco, 189 F.2d 716, 719 (3d Cir.1951).

The only potentially distinguishing feature of Berg's arrest is that the mistake here was made by a court clerk, rather than a police officer. We do not believe this distinction is significant, however. The Fourth Amendment provides: "[N]o Warrants shall issue, but upon probable cause . . . ." U.S. Const. amend. IV. Because the courts are the arm of government charged with issuing warrants, we believe this requirement is directed to court officials as well as law enforcement officers. This reading is supported by the case law. In Arizona v. Evans, the Supreme Court did not find it significant that the unlawful arrest was occasioned by the mistake of court clerk, as opposed to a police officer. *See* 514 U.S. at 13-15, 115 S.Ct. 1185.[5] Similarly, in *Rogers,* the arresting officers relied on a probation officer's statement that another trooper had said a warrant existed for Rogers' arrest, yet we held the arrest unconstitutional without inquiring whether the mistake was the trooper's or the probation officer's. *See* 120 F.3d at 452-55; *see also* Murray v. City of Chicago, 634 F.2d 365, 366 (7th Cir.1980) (holding that although it was unclear whether the police department or clerk's office had failed to transmit an order quashing a warrant, "[i]t seems clear that [plaintiff] sustained a violation of constitutional rights by being arrested and detained pursuant to an invalid warrant").

Because the government officials who issued the warrant here did not have probable cause to arrest Berg, the arrest violated the Fourth Amendment. Accordingly, summary judgment should not have been granted based on the existence of the warrant.[6]

IV. Liability of the Individual Defendants

272 Absent immunity or an adequate defense, a person who, acting under *272 color of state law, directly and intentionally applies the means by which another is seized in violation of the Fourth Amendment can be held liable under § 1983. As a general rule, a government official's liability for causing an arrest is the same as for carrying it out. *See* Gordon v. Degelmann, 29 F.3d 295, 298 (7th Cir.1994); *see also* Kilbourn v. Thompson, 103 U.S. 168, 200, 26 L.Ed. 377 (1880) (holding that legislators directing an arrest are as

responsible as those who effected arrest). As the Supreme Court has explained, § 1983 anticipates that an individual will be "responsible for the natural consequences of his actions." *Malley v. Briggs*, 475 U.S. 335, 344 n. 7, 106 S.Ct. 1092, 89 L.Ed.2d 271 (1986) (holding that a police officer who obtains an arrest warrant without probable cause is liable under § 1983 even though another officer made the actual arrest). It is thus clear that § 1983 liability for an unlawful arrest can extend beyond the arresting officer to other officials whose intentional actions set the arresting officer in motion. We turn, then, to the issue of which, if any, of the defendants in this case can be held liable for Berg's unconstitutional arrest.

A. Constable Wolfgang

Constable Wolfgang contends that he is entitled to qualified immunity from suit because he executed a facially valid warrant. Unless historical facts are in dispute, qualified immunity is a matter for the court. *See Infra* at 828, 102 S.Ct. 2727. The inquiry is an objective one; the arresting officer's subjective beliefs about the existence of probable cause are not relevant. *See Anderson v. Creighton*, 483 U.S. 635, 641, 107 S.Ct. 3034, 97 L.Ed.2d 523 (1987). In considering claims of qualified immunity, courts are sensitive to "[t]he broad range of reasonable professional judgment accorded" law enforcement officials in the § 1983 context. *Greene v. Reeves*, 80 F.3d 1101, 1107 (6th Cir.1996). Thus, "the qualified immunity doctrine `gives ample room for mistaken judgments' by protecting `all but the plainly incompetent or those who knowingly violate the law.'" *Orsatti*, 71 F.3d at 484 (quoting *Malley v. Briggs*, 475 U.S. 335, 345, 106 S.Ct. 1092, 89 L.Ed.2d 271 (1986)).

A government official is entitled to qualified immunity if his "conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982). In the context of this case, the question is whether "a reasonable officer could have believed that his or her conduct was lawful, in light of the clearly established law and the information in the officer's possession." *Sharrar v. Felsing*, 128 F.3d 810, 826 (3d Cir.1997) (citing *Hunter v. Bryant*, 502 U.S. 224, 227, 112 S.Ct. 534, 116 L.Ed.2d 589 (1991)) (per curiam); *Anderson v. Creighton*, 483 U.S. 635, 641, 107 S.Ct. 3034, 97 L.Ed.2d 523 (1987). Our inquiry, then, has two parts. Did Wolfgang's conduct violate clearly established law? If so, did he nevertheless reasonably believe that his conduct was lawful in light of the information he possessed at the time?

At the time of Berg's arrest in 1994, it was clear that an arrest could be made only with probable cause. Although *Rogers* was decided in 1997, *Whiteley* clearly established in 1971 the conditions under which an arresting officer can obtain probable cause from a warrant. As we have already noted, the warrant at issue in this case did not provide probable cause to arrest Berg. Therefore, we must consider whether a reasonable constable in Wolfgang's position could have concluded that there was probable cause to arrest Berg based on the information Wolfgang had at the time.

Ordinarily, it is reasonable for an officer to assume that a warrant has been issued for probable cause. As the Supreme Court explained in *Baker*,

273 > Given the requirements that arrest be made only on probable cause and that *273 one detained be accorded a speedy trial, we do not think a sheriff executing an arrest warrant is required by the Constitution to investigate independently every claim of innocence, whether the claim is based on mistaken identity or a defense such as lack of requisite intent.

443 U.S. at 145-46, 99 S.Ct. 2689. Therefore, we have generally extended immunity to an officer who makes an arrest based on an objectively reasonable belief that there is a valid warrant. *See Rogers*, 120 F.3d at 456 (concluding that a state trooper who was inaccurately told by another trooper that there was a warrant for the plaintiff's arrest was immune from suit); *Capone v. Marinelli*, 868 F.2d 102, 105-06 (3d Cir. 1989) (holding that arresting officers were immune in light of a bulletin correctly reporting the existence of an arrest warrant "as well as the nature of the alleged offenses [including child kidnaping] and the fact that a young child was in possible danger"); *cf. Groman v. Township of Manalapan*, 47 F.3d 628, 635 n. 10 (3d Cir.1995) (affirming summary judgment in favor of officers who arrested plaintiff after being told by another officer that plaintiff had assaulted her). Other courts of appeals have adopted the same rule. *See Pickens v. Hollowell*, 59 F.3d 1203, 1207-08 (11th Cir.1995); *Salmon v. Schwarz*, 948 F.2d 1131, 1140-41 (10th Cir.1991); *Bennett v. City of Grand Prairie, Tex.*, 883 F.2d 400, 408 (5th Cir.1989); *Barr v. Abrams*, 810 F.2d 358, 362 (2d Cir.1987). *But see Ruehman v. Sheahan*, 34 F.3d 525, 527 (7th Cir.1994) (dicta) (questioning whether officers who arrested plaintiff based on an inaccurate computer report of an outstanding warrant were protected by qualified immunity).

Nevertheless, an apparently valid warrant does not render an officer immune from suit if his reliance on it is unreasonable in light of the relevant circumstances. Such circumstances include, but are not limited to, other information that the officer possesses or to which he has reasonable access, and whether failing to make an immediate arrest creates a public threat or danger of flight. *See Malley*, 475 U.S. at 345, 106 S.Ct. 1092 (holding that where a police office submits an affidavit in support of a warrant request, and a reviewing magistrate's concludes that the affidavit establishes probable cause, the officer is not immune from a § 1983 lawsuit if "a reasonably well-trained officer in petitioner's position would have known that his affidavit failed to establish probable cause . . . ."); *see also Yancey v. Carroll County*, 876 F.2d 1238, 1243 (6th Cir. 1989) (holding that "[p]olice officers are entitled to rely on a judicially secured warrant for immunity from a § 1983 action for illegal search and seizure unless the warrant is so lacking in indicia of probable cause, that official belief in the existence of probable cause is unreasonable.").

At the summary judgment stage here, Berg submitted a report from Alan Springer, a Pennsylvania Constable, who concluded "it was not objectively reasonable for Mr. Wolfgang to believe that probable cause existed for the arrest of Mr. Berg" under the circumstances. According to Springer, the relevant circumstances included the age of the warrant, the invalid address, Berg's socio-economic status, Berg's documentation that he had completed his probation, Berg's cooperativeness, the fact that Berg had a driver's license despite allegedly being on parole for DUI, the fact that Berg did not flee or ask his guests to leave despite having ample warning of Wolfgang's arrival, and the nonviolent nature of the crime. Springer stated that Wolfgang should have waited until the probation office re-opened on January 3, 1995 so he could look into Berg's claims. He also opined that Wolfgang had been "predisposed to arrest Mr. Berg" to earn his fee, particularly after such a large investment of time.

We think Springer's report raises valid questions concerning the reasonableness of Wolfgang's conduct in
274 this case. Because the District Court concluded that Berg's arrest had not been unconstitutional, it did *274
not reach Wolfgang's qualified immunity claim. Consequently, it did not make the findings of fact necessary to determine, as a matter of law, whether Wolfgang's reliance on the warrant was unreasonable under the circumstances with which he was confronted. Therefore, we will remand the cause so that the District Court can make the necessary findings, and can consider the qualified immunity issue in the first instance.

B. Demko

To avoid summary judgment under a Fourth Amendment analysis, Berg must point to some evidence from which a reasonable jury could conclude that Demko intentionally caused his arrest. He has failed to do so. In fact, Berg concedes that Demko failed to notice that her computer screen displayed his name, rather than Banks', when she mistakenly transposed the criminal complaint number on the Warrant Information Request Sheet. *See* Appellant's Br. at 7 ("She also failed to note that all of the other information on her computer screen, i.e. the arrestee's name, his date of birth, his criminal complaint number, his social security number and the reason for his arrest, was also incorrect."). Nevertheless, Berg contends that Demko could be held liable under a due process theory of deliberate indifference.

Where a defendant does not intentionally cause the plaintiff to be seized, but is nonetheless responsible for the seizure, it may be that a due process "deliberate indifference" rather than a Fourth Amendment analysis is appropriate. *See County of Sacramento v. Lewis*, 523 U.S. 833, 843-44, 118 S.Ct. 1708, 140 L.Ed.2d 1043 (1998) (holding that if there is no seizure, the case is not covered by the Fourth Amendment and therefore due process analysis may be appropriate). We need not decide that here, however, because Berg has not alleged anything more than mere negligence on Demko's part. Negligence by public officials is not actionable as a due process violation. *See Daniels v. Williams*, 474 U.S. 327, 106 S.Ct. 662, 88 L.Ed.2d 662 (1986); *Colburn v. Upper Darby Township*, 946 F.2d 1017 (3d Cir. 1991). Whether or not she should have noticed the additional discrepancies between the information displayed on her computer screen and what appeared on the Information sheet, the fact remains that she did not.

Berg claims, however, that Demko acted with deliberate indifference because she failed to take any steps to recall the erroneously issued warrant when Gardner "informed her of [her mistake] on August 16, 1994." Appellant's Br. at 25. The record does not support Berg's argument. When Gardner called Demko on August 16, he merely informed her that no warrant for Banks had been issued. *See* Gardner Dep. at 116:9-14 (App.372). He did not inform her that she had issued an erroneous warrant until approximately January 3, 1995, several days after Berg had been arrested. *See* Appellant's Br. at 11 (citing App. 603). By that time, it was obviously too late to recall the warrant before it was executed. There is nothing in the record indicating that Demko was aware of her error at any earlier date. She could not have been deliberately

indifferent to a risk of which she was reasonably unaware. Therefore, we will affirm summary judgment in favor of Demko.

C. Gardner

As with Demko, Berg points to no record evidence that Gardner intentionally caused his arrest. Though Gardner initiated the series of events that ultimately led to Berg's arrest, his only role was to request a warrant for Banks. He played no part in issuing the erroneous warrant for Berg. Neither did he play any part in Wolfgang's execution of that warrant. In short, there is nothing in this record suggesting that Gardner ever intended to cause Berg's arrest. His only intention was to cause Banks' arrest.

275 *275 By way of rough analogy, Gardner's warrant request is analogous to the stray bullets at issue in *Medeiros, Rucker,* and *Landol-Rivera.* Gardner "fired" the warrant at Banks, and it inadvertently "struck" Berg instead. This is not the intentional application of the means of detention required for a Fourth Amendment seizure.

Again, however, Berg argues that Gardner could be held liable under a due process theory of deliberate indifference. He contends that Gardner displayed such indifference when he failed "to act on his `hunch' that perhaps an erroneous warrant did, in fact, issue." Appellant's Br. at 8. It is worth noting, however, that the record does not establish any such "hunch" on Gardner's part. Asked at deposition to recall his thoughts on a particular day more than three years in the past, Gardner was only willing to *assume* that:

> based upon the way I try and perform my job, that it occurred to me that the warrant—there was no warrant issued, that the warrant may have not taken in the computer or that there was a possibility that a bad warrant had been issued.

Gardner Dep. at 151:16-20 (A.407); *see also id.* at 140:4-8 (A.396).

Even assuming, for summary judgment purposes, that Gardner did realize a bad warrant may have issued, his uncontradicted testimony establishes that he believed there was simply no reasonable way to investigate his suspicion. While the term deliberate indifference is generally defined to require only knowledge of a serious risk of harm, *see* Fuentes v. Wagner, 206 F.3d 335, 345 n. 12 (3d Cir.2000) (defining deliberate indifference in the context of a prisoner's Eighth Amendment claim), it also implies a failure to take reasonably available measures to reduce or eliminate that risk. *See* Farmer v. Brennan, 511 U.S. 825, 847, 114 S.Ct. 1970, 128 L.Ed.2d 811 (1994) (holding that "a prison official may be held liable under the Eighth Amendment . . . only if he knows that inmates face a substantial risk of serious harm and disregards that risk *by failing to take reasonable measures to abate it.*") (emphasis added). Where no reasonable measures exist, neither can deliberate indifference. As with Demko, we will affirm summary judgment in favor of Gardner.

V. Municipal Liability

Allegheny County cannot be held liable for the unconstitutional acts of its employees on a theory of respondeat superior. *See* Monell v. Department of Social Servs., 436 U.S. 658, 691, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978). Instead, Berg must demonstrate that the violation of his rights was caused by either a policy or a custom of the municipality. *See* Beck v. City of Pittsburgh, 89 F.3d 966, 971 (3d Cir.1996).

Berg contends that he was arrested as a result of Allegheny County's "flawed warrant creation practice" and poor training procedures. As noted, the Integrated Court Information System generates a warrant based on a single datum—the criminal complaint number of the person to be arrested. Because the user enters no other information, there is no check in the computer system to guard against the kind of mistake Demko made. Nor are there procedures that would allow a probation officer such as Gardner who suspects an error to confirm that suspicion. These flaws, Berg maintains, caused his unlawful arrest.

"Policy is made when a `decisionmaker possess[ing] final authority to establish municipal policy with respect to the action' issues an official proclamation, policy, or edict." Kneipp v. Tedder, 95 F.3d 1199, 1212 (3d Cir.1996) (quoting Pembaur v. City of Cincinnati, 475 U.S. 469, 481, 106 S.Ct. 1292, 89 L.Ed.2d 452 (1986) (plurality opinion)) (alteration in original, other internal quotation marks omitted). Customs are "`practices of state officials . . . so permanent and well settled' as to virtually constitute law." *Id.* (quoting Monell, 436 U.S.
276 at 691, 98 S.Ct. 2018) (other internal quotation marks omitted). Both Demko and Gardner made it clear *276 that there is an established and predictable procedure for issuing warrants and the County has not claimed

that the method used in Berg's case differed from any other —apart from the obvious aberration. To the contrary, in its answer to the complaint, the County conceded that Demko "followed the practices and procedures which had been in effect at the time she started working." Answer, P 8. We believe it is a more than reasonable inference to suppose that a system responsible for issuing 6,000 warrants a year would be the product of a decision maker's action or acquiescence. *See, e.g.,* Beck, 89 F.3d at 973 ("written complaints were sufficient for a reasonable jury to infer that Chief of Police of Pittsburgh and his department knew or should have known" of officer's violent behavior); *Silva v. Worden*, 130 F.3d 26, 31 (1st Cir.1997) (stating custom is demonstrated by showing "practice is so well settled and widespread that the policymaking officials have either actual or constructive knowledge of it"). Thus, we hold that there is sufficient evidence that the procedure was a policy or custom of the County's.

Once a § 1983 plaintiff identifies a municipal policy or custom, he must "demonstrate that, through its deliberate conduct, the municipality was the `moving force' behind the injury alleged." *Board of County Comm'rs of Bryan County v. Brown*, 520 U.S. 397, 404, 117 S.Ct. 1382, 137 L.Ed.2d 626 (1997). If, as here, the policy or custom does not facially violate federal law, causation can be established only by "demonstrat[ing] that the municipal action was taken with `deliberate indifference' as to its known or obvious consequences. A showing of simple or even heightened negligence will not suffice." *Id.* at 407, 117 S.Ct. 1382 (citations omitted); *see also City of Canton, Ohio v. Harris*, 489 U.S. 378, 389, 109 S.Ct. 1197, 103 L.Ed.2d 412 (1989).

Failure to adequately screen or train municipal employees can ordinarily be considered deliberate indifference only where the failure has caused a pattern of violations. *See Bryan County*, 520 U.S. at 408-09, 117 S.Ct. 1382. Although it is possible to maintain a claim of failure to train without demonstrating such a pattern, the *Bryan County* Court made clear that the burden on the plaintiff in such a case is high:

> In leaving open in *Canton* the possibility that a plaintiff might succeed in carrying a failure-to-train claim without showing a pattern of constitutional violations, we simply hypothesized that, in a narrow range of circumstances, a violation of federal rights may be a highly predictable consequence of a failure to equip law enforcement officers with specific tools to handle recurring situations. The likelihood that the situation will recur and the predictability that an officer lacking specific tools to handle that situation will violate citizens' rights could justify a finding that policymakers' decision not to train the officer reflected "deliberate indifference" to the obvious consequence of the policymakers' choice.

Id. at 409, 117 S.Ct. 1382. The Court has stated that an example of deliberate indifference to an obvious risk is arming officers without training them "in the constitutional limitations on the use [of the arms.]" *Canton*, 489 U.S. at 390 n. 10, 109 S.Ct. 1197.

Berg contends the County is liable because of its failure to provide sufficient procedural or technical safeguards against errors such as the one that resulted in Berg's arrest. We have previously applied the Supreme Court's rulings in failure-to-train cases to other claims of liability through inaction, *see, e.g.,* Beck, 89 F.3d at 972; *Williams v. Borough of West Chester Pennsylvania*, 891 F.2d 458, 467 n. 14 (3d Cir.1989), and we do so here as well.

The record contains no evidence of procedures guarding against Demko's mistake. Expressing considerable knowledge of the warrant-issuing procedures, Gardner testified that he knew of no "double check" to ensure that warrants were issued in the correct name. Nor was Gardner aware of any procedure
277 by which he *277 could check to ascertain if an erroneous warrant had issued. Having employed a design where the slip of a finger could result in wrongful arrest and imprisonment, there remains an issue of fact whether the County was deliberately indifferent to an obvious risk. The County's failure to provide protective measures and fail safes against Demko's mistake seems comparable to "a failure to equip law enforcement officers with specific tools to handle recurring situations." *Bryan County*, 520 U.S. at 409, 117 S.Ct. 1382. When such a simple mistake can so obviously lead to a constitutional violation, we cannot hold that the municipality was not deliberately indifferent to the risk as a matter of law. Accordingly, the County may be liable under *Monell*.

We will reverse the District Court's grant of summary judgment to the County so that a fact finder may address these questions.[7]

VI. Future Violations

It is clear we have entered an age in which law enforcement personnel will rely increasingly on computer technology. Dissenting in Arizona v. Evans, Justice Ginsburg noted,

> Widespread reliance on computers to store and convey information generates, along with manifold benefits, new possibilities of error, due to both computer malfunctions and operator mistakes. . . . [C]omputerization greatly amplifies an error's effect, and correspondingly intensifies the need for prompt correction; for inaccurate data can infect not only one agency, but the many agencies that share access to the database.

514 U.S. at 26, 115 S.Ct. 1185 (Ginsburg, J., dissenting). Similarly, Justice O'Connor emphasized,

> In recent years, we have witnessed the advent of powerful, computer-based recordkeeping systems that facilitate arrests in ways that have never before been possible. The police, of course, are entitled to enjoy the substantial advantages this technology confers. They may not, however, rely on it blindly. With the benefits of more efficient law enforcement mechanisms comes the burden of corresponding constitutional responsibilities.

Id. at 17-18, 115 S.Ct. 1185 (O'Connor, J., concurring). We would add that widespread computerization carries with it the ability and responsibility to institute more effective safeguards against human error than existed in the past.

The *Bryan County* Court noted that no pattern of violations would be necessary to show deliberate indifference where it was obvious that a policy or custom would lead to constitutional violations. What is obvious in the field of technology is determined under an evolving standard. In this case, Allegheny County may have been liable for Raymond Berg's arrest through deliberate indifference to the obvious danger of such an arrest. Whether or not Allegheny County is ultimately found to have been deliberately indifferent in this case, this tragedy will never again be novel. Allegheny County is on notice of ICIS's shortcomings and at least one of the dangers of using compartmentalized computer systems without viable fail safes.

VII. Conclusions

For the reasons given, the judgment of the District Court will be affirmed as to Defendants Gardner and Demko and reversed as to Defendants Wolfgang and Allegheny County. We will remand for further proceedings consistent with this opinion.

MANSMANN, Circuit Judge, concurring in part and dissenting in part.

278 I respectfully concur in all parts of the court's opinion except Part IV. In Part IV, *278 I differ only with respect to defendants Demko and Gardner, which the majority addresses in subparts B and C, respectively. I would reverse this portion of the District Court's summary judgment and remand because, in my view, there remains a genuine issue of material fact as to each of these defendants.

I take issue with the court's conclusion that Demko did not intend to cause Berg's seizure. First, Demko's state of mind at the time she processed the warrant is not clear on this record. Demko's statement that "Berg and Bank, I'm sorry, looked very close to me," could be read in two different ways. She could have meant that the name "Berg" looked so similar to the name "Banks" that she did not notice the wrong name was on the screen. Alternatively, she could have meant that she knew Berg's name appeared on the screen rather than Banks', but assumed the error was in the warrant request, not the computer system. In other words, Demko could have concluded that Gardner had intended to request a warrant for Berg, but inadvertently wrote down Banks' name instead. Thus, Demko's state of mind remains a jury question.

In addition, even if we assume that Demko did not notice discrepancies between the information displayed on the screen and what appeared on the information sheet at the time she typed in the data, in the aftermath of the error, her actions may well display deliberate indifference. On April 16, Gardner informed Demko that the information sheet had been processed, but there was not any warrant for Banks. She merely generated one. She did not make any effort to identify the prior incorrect warrant or to retrieve it, though she could surmise that a warrant had been generated improperly and that someone might be wrongfully arrested. Though the court finds that Demko was reasonably unaware of the risk, this too is a jury question. Although Demko had not expressly stated that she realized the possibility of an erroneous warrant, reckless disregard may be predicated on knowledge of facts from which an unreasonable risk of a constitutional violation may be inferred. Surely a jury could find that Demko had sufficient information to determine that she had probably generated a warrant for someone else.

At the summary judgment stage, all reasonable inferences must be drawn in favor of the non-moving party. *See* International Union v. Skinner Engine Co., 188 F.3d 130, 137 (3d Cir.1999) (citing *Peters v. Delaware River Port. Auth.*, 16 F.3d 1346, 1349 (3d Cir.1994)). It would be reasonable to infer from Demko's deposition testimony that she knew Berg's name had come up on the computer screen while the warrant request was for Banks. Similarly, it would be reasonable to infer that as of April 16, Demko knew that an error had been made and yet did nothing to try to correct it, though someone might be wrongfully imprisoned.

As to the defendant Gardner, my disagreement with the majority stems from interpreting Gardner's actions after he realized that the warrant he had requested for Banks had not been issued. He apparently did not make any effort to try to halt the error though he could surmise that a warrant had been generated for someone other than Banks, and that someone might be wrongfully arrested.

As the majority notes, for summary judgment purposes we may assume that Gardner realized that an erroneous warrant may have issued. The majority is satisfied, however, "that he believed there was simply no reasonable way to investigate his suspicion." Under *Farmer*, 511 U.S. at 847, 114 S.Ct. 1970, Gardner might have exhibited deliberate indifference if he failed to take reasonable measures to abate a substantial risk of serious harm. When done mistakenly, being thrown into prison and deprived of one's liberty is serious harm. Thus, the reasonableness of the measures available to Gardner in light of the relevant
279 circumstances is a jury *279 question. Where the risk of harm is as weighty as it is in this case, greater measures might well be required to avoid it. For example, a jury could plausibly find that once Gardner realized or thought that a mistake might have occurred, he should have made even the most painstaking attempts to uncover the error and if possible, discover the identity of the individual in whose name the erroneous warrant had been issued. I thus disagree with the majority's conclusion that Gardner neither played a part in issuing the erroneous warrant for Berg nor did he play any part in Wolfgang's warrant. On the contrary, Gardner was "involved" in the issuance of the warrant and in Berg's subsequent arrest. He initiated the request that resulted in the erroneous warrant, and as supervisor of the responsible agency, chose not to correct the error. Because it is feasible, if not most likely, that a jury would hold Demko and/or Gardner accountable to Berg for his wrongful imprisonment, I would reverse summary judgment for Demko and Gardner and remand the case for trial.

[1] In his deposition, Wolfgang acknowledged knowing that during "the penalty phase" of a DUI sentence a defendant must surrender his driver's license.

[2] Berg also sued his former parole officer, Debbie Benton, and Allegheny County Adult Probation Services. Benton was dismissed with Berg's consent when it became clear that she was not involved in his arrest. The District Court dismissed the Probation Services office, concluding the office is an arm of the County without distinct legal existence. *See Berg v. County of Allegheny,* No. 97-928, slip op. at 4 n. 2 (W.D.Pa. Sep. 23, 1998). Berg does not challenge this determination on appeal.

[3] 42 U.S.C. § 1983 provides in part:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

[4] The Court of Appeals for the Second Circuit, without discussion of *Whiteley,* has upheld an arrest based on a warrant later found to have been improperly issued. *See United States v. Towne*, 870 F.2d 880, 884-85 (2d Cir.1989), *cert. denied,* 490 U.S. 1101, 109 S.Ct. 2456, 104 L.Ed.2d 1010 (1989); *see also United States v. Shareef*, 100 F.3d 1491, 1505 (10th Cir.1996) (upholding the constitutionality of a Terry stop based on good-faith reliance on inaccurate information provided by other law enforcement officials); *United States v. De Leon-Reyna*, 930 F.2d 396, 401 (5th Cir.1991) (en banc) (per curiam) (same). Other courts, relying on *Whiteley,* have continued to hold that an improperly issued warrant cannot provide probable cause for an arrest. *See United States v. Meade*, 110 F.3d 190, 193-94 & 194 n. 2 (1st Cir.1997); *Ott v. State*, 325 Md. 206, 600 A.2d 111, 115 (1992); *State v. Taylor*, 621 A.2d 1252, 1254 (R.I.1993). The Supreme Court's subsequent decisions, as well as our own, convince us that *Whiteley* remains the governing law.

[5] The Court did recognize that court personnel are not "adjuncts to the law enforcement team engaged in the often competitive enterprise of ferreting out crime" and therefore application of the exclusionary rule is unlikely to alter their behavior. *Id.* at 15, 115 S.Ct. 1185. But this determination is not relevant to an assessment of whether their mistakes can provide probable cause for an arrest.

[6] Unlike defendants, we do not read *Baker v. McCollan*, 443 U.S. 137, 99 S.Ct. 2689, 61 L.Ed.2d 433 (1979) to hold otherwise. When he was arrested, McCollan's brother claimed to be McCollan, presenting McCollan's identification. After his brother violated parole, McCollan was arrested on a warrant and spent a long New Year's weekend in jail. The Court found no constitutional violation, but the substance of McCollan's claim was different from Berg's:

[R]espondent makes clear that his § 1983 claim was based solely on Sheriff Baker's actions after respondent was incarcerated. . . .

. . . Absent an attack on the validity of the warrant under which he was arrested, respondent's complaint is simply that despite his protests of mistaken identity, he was detained [over the long weekend]. Whatever claims this situation might give rise to under state tort law, we think it gives rise to no claim under the United States Constitution.

Id. at 143-44, 99 S.Ct. 2689. Unlike McCollan, Berg challenges the generation and execution of the warrant for his arrest, not the decision to incarcerate him after arrest. At issue here is not whether authorities must investigate the claims of innocence of a person who

has been legally arrested but what precautions the Constitution requires before an arrest warrant is issued and executed. *See Murray*, 634 F.2d at 367 (distinguishing *Baker* on the same ground).

[7] Demko and Gardner intended to arrest Banks. But the County intended that the individuals identified by the warrant-issuing system be arrested. In this case, the person was Berg. Thus the County intentionally seized Berg through means it intentionally applied.

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Exhibit 4

State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF STATE POLICE
POST OFFICE BOX 7068
WEST TRENTON, NJ 08628-0068
(609) 882-2000

GURBIR S. GREWAL
Attorney General

PATRICK J. CALLAHAN
Colonel

DATE: March 27, 2019

TO: Richard A. Kaul
440C Somerset Drive
Pearl River, NY 10965

PCN: 495619029830

RE: NAME Richard A. Kaul

DOB 11/05/1964

Dear Sir/Madam:

Pursuant to your request for a criminal history background check, this letter is to advise that a search of the Master Fingerprint File of the New Jersey State Police, Identification and Information Technology Section was conducted and failed to reveal any criminal record.

Any questions concerning the above, please contact the Criminal Information Unit at (609) 882-2000, extension 2918.

FOR COLONEL PATRICK J. CALLAHAN

Sincerely,
Brandon F. Gray, Major
Commanding Officer
Identification & Information Technology Section

BY: Charles R. Sheppard

Charles R. Sheppard, Captain
Bureau Chief
State Bureau of Identification

Exhibit 5

RICHARD ARJUN KAUL
ATTN: RICHARD ARJUN KAUL
C/O: RICHARD ARJUN KAUL
440 C SOMERSET DRIVE
PEARL RIVER
PEARL RIVER, NY 10965

1-787 (Rev. 08-10-2016)

U.S. Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services Division
Clarksburg, WV 26306

RICHARD ARJUN KAUL
ATTN: RICHARD ARJUN KAUL
C/O: RICHARD ARJUN KAUL
440 C SOMERSET DRIVE
PEARL RIVER
PEARL RIVER, NY 10965

Date: 04-09-2019

The Criminal Justice Information Services (CJIS) Division of the Federal Bureau of Investigation (FBI) has completed the following fingerprint submission:

Subject Name

RICHARD ARJUN KAUL

Search Completed Result 04-09-2019 E2019099000000116843

A SEARCH OF THE FINGERPRINTS PROVIDED BY THIS INDIVIDUAL HAS REVEALED NO PRIOR ARREST DATA AT THE FBI. THIS DOES NOT PRECLUDE FURTHER CRIMINAL HISTORY AT THE STATE OR LOCAL LEVEL.

Date of Birth: 11/05/1964

Social Security number: XXX-XX-0605

The result of the above response is only effective for the date the submission was originally completed. For more updated information, please submit new fingerprints of the Subject.

In order to protect Personally Identifiable Information, as of August 17, 2009, FBI policy has changed to no longer return the fingerprint cards. This form will serve as the FBI's official response.

This Identity History Summary (IdHS) is provided pursuant to 28 CFR 16.30-16.34 solely for you to conduct a personal review and/or obtain a change, correction, or updating of your record. **This IdHS is not provided for the purpose of licensing or employment or any other purpose enumerated in 28 CFR 20.33.**

Any questions may be addressed to the Customer Service Group at 304-625-5590. You may also visit the website at www.fbi.gov/checks for further instructions.

William G. McKinsey
Section Chief
Biometric Services Section
Criminal Justice Information
Services Division

KAUL V. CHRISTIE/MURPHY
K11-15