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HARRISBURG, PA

NOV 17 2008

CLERK OF COURT

IN UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

THE LEAGUE OF WOMEN VOTERS  
OF PENNSYLVANIA

Plaintiff

v.

RALPH J. CAPPY

Defendant

1: CV - 08 - 0971

Civil Action No. \_\_\_\_\_

JURY TRIAL DEMANDED

COMPLAINT

INTRODUCTION

1. On May 19, 2006, the League of Women Voters (hereinafter the "League") discovered, for the first time, that a current Member of the Pennsylvania Senate (hereinafter the "Senator") alleged that the result of litigation in which the League was a plaintiff was traded or used as leverage by one or more members of the Supreme Court of Pennsylvania to secure a substantial pay raise for members of the Pennsylvania Unified Judicial System as part of secret negotiations by and between defendant Ralph J. Cappy and leaders of the Pennsylvania General Assembly.

2. The allegation made by the Senator when aggregated with other previously known information (information alleged by multiple, credible individuals and elected officials all separated by time and space which, while not alerting the League that the League's own litigation may have been traded or leveraged during secret pay raise negotiations, provide a foundation of previous and contemporaneous conduct by current and former justices of the Supreme Court of Pennsylvania consistent with the allegations discovered by the League on May 19, 2006) lead the League to reasonably believe that the information alleged by the Senator may be true and correct, and at a minimum, that Members of the Pennsylvania General Assembly believed, and continue to believe, that the 2005 pay raise impacted a case in which the League was a plaintiff as a direct result of defendant Cappy's participation in and statements made during the secret 2005 pay raise negotiations.

3. At a minimum, if comments made by defendant Cappy during secret pay raise negotiations led members of the Pennsylvania General Assembly to believe that legislative results had a direct impact on litigation then pending before the Supreme Court of Pennsylvania, litigation in which the League was a plaintiff, the League contends such conduct and statements create an appearance of impropriety in violation of the League's right to due process of law guaranteed under the Fifth and Fourteenth Amendments to the United States Constitution.

### **JURISDICTION**

4. Jurisdiction lies in this court under 28 U.S.C. § 1331, providing that district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States.

5. Moreover, jurisdiction lies under 42 U.S.C. §§1983 and 1985 and 28 U.S.C. §1343(a)(3), the jurisdictional counterpart of 42 U.S.C. §§1983 and 1985 as plaintiff alleges

violation of its right to due process of law guaranteed under the Fifth and Fourteenth Amendments to the United States Constitution.

### VENUE

6. Venue is proper in the United States District Court for the Middle District of Pennsylvania under 28 U.S.C. §1391. To plaintiff's knowledge, all of the events and omissions giving rise to plaintiff's claims took place in the Middle District of Pennsylvania.

### PARTIES

7. Plaintiff League of Women Voters of Pennsylvania (hereinafter "The League" or "League") is a membership based, non-partisan, non-profit corporation organized under the laws of Pennsylvania. The League's purpose is to promote the informed and active participation of citizens in their government. The League was a driving force and a public advocate for the adoption of the current Pennsylvania Constitution. The League's membership consists of citizens, taxpayers, and voters affiliated with more than forty (40) local chapters throughout Pennsylvania which have historically opposed legislation and procedures designed to circumvent the constitutional process. The League pursues its mission and promotes the interests of its members through public outreach and education, lobbying, and litigation on behalf of more open and accountable government. Most of the League's members pay taxes into the state's general fund. The League itself pays taxes into Pennsylvania's general fund. The League's principal offices are located at 226 Forster Street, Harrisburg, Pennsylvania, in the County of Dauphin.

8. Defendant Ralph J. Cappy is the former Chief Justice of the Supreme Court of Pennsylvania and is made a defendant hereto in his individual and official capacity as the former Chief Justice of the Supreme Court of Pennsylvania. His principal office is One Oxford Centre, 301 Grant Street, 20<sup>th</sup> Floor, Pittsburgh, Pennsylvania, in the County of Allegheny.

### **HISTORIC CONTEXT OF THE CASE**

9. Based on information and belief, allegations have surfaced since at least the middle of the 1990's that justices of the Supreme Court of Pennsylvania have begun to engage in brass-knuckles negotiations with legislative leaders to secure desired legislative outcomes – a negotiating posture which has led to allegations by current and former Members of the Pennsylvania General Assembly, and others, whereby they believe litigation decided by the Supreme Court of Pennsylvania is influenced by the outcome of legislative negotiations on matters important to certain justices of the Supreme Court of Pennsylvania.

10. Based on information and belief, the genesis of the Supreme Court of Pennsylvania's overly aggressive negotiating stance with legislative leaders can be fairly traced to the decision of the Supreme Court in *Pennsylvania State Association of County Commissioners et al. v. Commonwealth of Pennsylvania*, 545 Pa. 324, 681 A.2d 699 (Pa. 1996), reiterating the Court's mandate handed down in 1987 in *County of Allegheny v. Commonwealth of Pennsylvania*, 517 Pa. 65, 534 A.2d 760 (Pa. 1987) that the state constitution requires the state legislature to fully fund the state's Unified Judicial System.

11. The state legislature balked and flatly ignored the Supreme Court's order for full funding of the Unified Judicial System for nearly a decade – in fact, the state legislature to this day has never fully complied with the Court's 1987 funding order.

12. Based on information and belief, it seems likely that in the face of legislative intransigence, Pennsylvania Supreme Court justices determined that it was necessary to engage in the same style of hard-nose negotiating routinely waged between the executive and legislative branches of government and amongst Members of the General Assembly. In fact, because of the rough and tumble political culture in Harrisburg plaintiff now believes that it is possible that

justices of the Supreme Court of Pennsylvania do not consider using cases as leverage to constitute a violation of due process concerns – especially if such tactics are used by the justices merely as a means of bluffing the legislature into compliance. Plaintiff believes that it has come to be viewed as simply the way to get things done in Harrisburg.

13. Based on information and belief, Common Cause of Pennsylvania was informed that the Supreme Court of Pennsylvania ruled in favor of a challenge brought by Common Cause of Pennsylvania to the 1995-96 state budget as being passed in violation of Article III of the state constitution (hereinafter “Common Cause I”), as a shot across the bow of legislative leaders to implement the Court’s 1987 funding order. The information was communicated to the attorney that represented Common Cause in Common Cause I. Common Cause’s attorney believed the information to be true and correct. Legal counsel for the League in this action interviewed Common Cause’s previous attorney on May 17, 2008 and the attorney represented that he continues to believe that the information was truthful.

14. The following year, Common Cause of Pennsylvania filed a challenge to a law which increased the state gasoline tax alleging that the gas tax increase was passed in violation of Article III of the state constitution (hereinafter, “Common Cause II”) under the same rationale announced in Common Cause I.

15. Based on information and belief, while Common Cause II was pending on appeal before the Supreme Court of Pennsylvania, justices of the Supreme Court of Pennsylvania entered into negotiations with leaders of the four legislative caucuses to secure partial legislative funding of the Unified Judicial System in partial compliance with the Court’s 1987 funding order.

16. As a result of the above referenced negotiations, former state Representative Edward H. Krebs alleges, in a sworn affidavit, that during a House Republican Caucus meeting held on or about June 15, 1999, House Majority Leader John M. Perzel announced support for legislation whereby the Commonwealth would assume payment for all court administrators of the Unified Judicial System (hereinafter "Senate Bill 3 of 1999").

17. Based on information and belief, in response to the ensuing caucus uproar as to why the caucus leadership was reversing its decade-long refusal to comply with the court funding order, Representative Perzel is alleged to have stated that "he did not like the fact that they were now moving forward with this legislation, but it was necessary because there were two issues currently before the Pennsylvania Supreme Court, one concerning workers' compensation legislation and the other concerning an increase in the state gasoline tax, (Common Cause II) about which the Republican leadership was very concerned" and further stated "we cannot afford to lose them."

18. Based on information and belief, in response, caucus members replied that the legislature should not "give in to blackmail" and should "call the Court's bluff."

19. Based on information and belief, in further response to the brewing caucus rebellion, Majority Leader Perzel again stated that the legislature had to pass the court funding legislation because "we cannot afford to have the courts rule against us" on the workers' compensation and gasoline tax legislation (Common Cause II). He then called on the caucus to close ranks.

20. Speaker Matthew J. Ryan added that the legislative leadership had been "in negotiations" on the court funding issue with the Supreme Court and that Representative Scott Chadwick had conducted the negotiations on behalf of the House Republican Caucus. The

Speaker further explained a negotiated three phase plan to implement the Court's funding order and that Senate Bill 3 was the first phase of that plan.

21. Based on information and belief, Representative Krebs believed the clear implication of Speaker Ryan and Majority Leader Perzel was that the Supreme Court would rule in the General Assembly's favor on the workers' compensation and gasoline tax litigation (Common Cause II) if the requested funding was provided, and might rule against the General Assembly on one or both cases if the court funding was not passed.

22. Based on information and belief, former Representative Krebs considered the alleged case swapping to be one of the most inappropriate discussions that he had ever heard debated in a caucus meeting.

23. Legal counsel for the League in the instant action contacted a current Member of the state House of Representatives (hereinafter the "House Member A") whom League's counsel personally knows to be truthful and reliable. House Member A confirmed that the substance of former state Representative Edward Krebs' sworn affidavit was true and correct according to the House Member A's own recollection of the caucus meeting in question.

24. Based on information and belief, Barry Kauffman, executive director of Common Cause of Pennsylvania met with a former and current Republican Member of the state House of Representatives who confirmed that the substance of former state Representative Edward Krebs' sworn affidavit was true and correct. The Member stated (hereinafter "Representative John Doe A"), after reading Krebs' affidavit that "while he did not remember the specifics of all the components he agreed that it essentially matched his memory, and that he thought he recalled the Common Cause Gas Tax case (Common Cause II) being mentioned as one of the cases being used as trade bait."

25. Based on information and belief, Barry Kauffman, executive director of Common Cause of Pennsylvania met with another former and current Republican Member of the state House of Representatives who confirmed that the substance of former state Representative Edward Krebs' sworn affidavit was true and correct. The Member stated (hereinafter "Representative John Doe B"), after reading Krebs' affidavit, that "everything in this document is absolutely true...and there is so much more."

26. Based on information and belief, Representative John Doe B alleged to Barry Kauffman that Senate Bill 3 apparently had been the subject of negotiations between Supreme Court of Pennsylvania officials and legislative officials for some time, and that when Senate Bill 3 hit the House it moved extremely fast for an issue of such magnitude (especially considering that there was mammoth opposition).

27. Based on information and belief, Representative John Doe B alleged that the only reason Senate Bill 3 passed was because House Speaker Ryan and Majority Leader Perzel and Representative Chadwick said they "could not afford to lose those cases."

28. Based on information and belief, Representative John Doe B said that he learned that during the day between House passage and House concurrence on Senate amendments, another very heated negotiation session between legislative leaders and Supreme Court Justices occurred concerning the trading of cases for legislative funding of the Unified Judicial System.

29. Based on information and belief, Representative John Doe B gave the names of other state representatives to Barry Kauffman, who could further confirm the statements alleged to have been made in the June 15, 1999 caucus meeting.

30. Based on information and belief, Representative John Doe B also stated to Barry Kauffman that he had "talked to staffers" who either attended the negotiations between



legislative leaders and Supreme Court of Pennsylvania officials or were aiding the legislative leaders in attendance, and those staffers had confirmed to Representative John Doe B the quid-pro-quo of Supreme Court case decisions for legislative funding of the state courts.

31. As a direct result of all of the foregoing credible allegations concerning the conduct of Pennsylvania Supreme Court Justices when negotiating with legislative leaders in secret, current allegations made by Members of the General Assembly about statements allegedly made by defendant Cappy during the secret 2005 pay raise negotiations and, more recently, allegations by the Senator that the outcome of the League's own litigation was tied to passage of the pay raise advocated by defendant Cappy is both credible and believable and support plaintiff's good faith allegations and claims in the instant action.

#### **FACTUAL ALLEGATIONS**

32. On Monday, July 5, 2004, Governor Ed Rendell signed Act 71 of 2004 (hereinafter "Act 71") into law which authorized slot machine gambling in the Commonwealth of Pennsylvania.

33. Most Republicans voted against Act 71, while most Democrats voted in favor of Act 71.

34. Based on information and belief, during the negotiations on Act 71 House Member A reported that he/she witnessed Justices Castille and Eakin leaving a closed door meeting held in the offices of state Representative Sam Smith, the then Majority Leader of the state House of Representatives.

35. On February 25, 2005, the League, in combination with other organizations and individuals who opposed the passage of Act 71, filed a state constitutional challenge to Act 71 in the original jurisdiction of the Supreme Court of Pennsylvania in *Pennsylvanians Against*

*Gambling Expansion Fund Inc. et al. v. Commonwealth of Pennsylvania et al.* (hereinafter, the “Act 71 Litigation”).

36. Based on information and belief, at some time prior to a decision of the Supreme Court of Pennsylvania on the Act 71 Litigation, defendant entered into secret negotiations with various legislative leaders of the Pennsylvania General Assembly, with the tacit knowledge and support of Governor Edward Rendell, to secure substantial pay raises for members of the Pennsylvania Unified Judicial System (hereinafter, the “Pay Raise Negotiations”).

37. Based on information and belief, at some point during the Pay Raise Negotiations defendant proclaimed to members of one of the legislative caucuses that “he needed the pay raise to secure the votes of Republican justices” on cases important to that legislative caucus.

38. On June 22, 2005 the Supreme Court of Pennsylvania ruled, with three minor exceptions, Act 71 constitutional

39. On July 7, 2005, the General Assembly passed a historic pay raise for all members of the state legislative and judicial branches, as well as, the Governor and cabinet level officials of the Executive branch.

40. On August 3, 2005, Suzanne O’Berry, the former wife of Michael Long who was the chief of staff to then Senate Majority Leader Robert Jubelier, sent an email discussing the Pay Raise Negotiations to Matthew Brouillette, executive director of the Commonwealth Foundation, bragging that “I watched the formulation of all this up close with my ‘special connection’ to certain offices, and it was much more unsavory than a lot know. Not that that matters now, but I will say that family dining debate has become much more exciting. Hee hee.”

41. On May 19, 2006, immediately before oral argument before United States District Judge Yvette Kane on defendants’ motion to dismiss in *Common Cause of Pennsylvania et al. v.*

*Commonwealth of Pennsylvania et al.*, legal counsel for the League of Women Voters (hereinafter the "League") was informed, for the first time, that the Senator alleged that the Act 71 Litigation, in which the League was a plaintiff, was traded or used as leverage by one or more members of the Supreme Court of Pennsylvania to secure a substantial pay raise for members of the Pennsylvania Unified Judicial System as part of secret negotiations by and between defendant Ralph J. Cappy and leaders of the Pennsylvania General Assembly.

42. On or about June 10, 2006, House Member A of the reported to plaintiff's legal counsel that during the pay raise negotiations, and before a decision was handed down on the Act 71 Litigation, House Member A had run into Justice Castille at the Golden Sheaf restaurant at the Harrisburg Hilton Hotel and inquired about the Act 71 Litigation, to which Justice Castille gave a "wink and a nod" to House Member A which he/she interpreted as clearly indicating and communicating that Act 71 would be held constitutional.

43. Based on information and belief, on June 15, 2006, an article was posted on [www.casinofreepa.org](http://www.casinofreepa.org) alleging that "for months the rumors flew around Harrisburg that the Court would have a favorable ruling (on the Act 71 Litigation) if they got a pay raise. Even the most skeptical could not believe that even our courts were corrupt."

44. On or about April 23, 2008, plaintiff's legal counsel was told by the House Member A that at the time Act 71 was being debated within the House Member A's legislative caucus, other state representatives questioned the leadership about the possibility that Act 71 would be held unconstitutional, to which the leaders exuded an uncommon confidence that no constitutional challenge to Act 71 would be successful. House Member A explained that the level of confidence exuded by the leadership at that time struck House Member A to be more than a simple confidence based on the merits of Act 71, but seemed to convey a certainty of a

pre-ordained result in the minds of the caucus leaders. House Member A was clear to state that, unlike the June 15, 1999 Republican caucus meeting detailed by Representative Edward Krebs, there was no express mention of a deal with the Supreme Court of Pennsylvania, but the level of confidence was interpreted by House Member A to indicate that the leadership believed that some understanding been struck that Act 71 would be upheld.

45. On May 3, 2008, plaintiff's legal counsel contacted the Senator and inquired as to the Senator's allegations linking the pay raise to a decision in the Act 71 Litigation. The Senator confirmed and ratified the comments to plaintiff's legal counsel.

46. Also on May 3, 2008, plaintiff's legal counsel contacted House Member A to whom the Senator had previously confirmed the Senator's allegation linking the pay raise to a decision in the Act 71 Litigation and stated that the Senator had confirmed and repeated the information to House Member A.

47. Based on information and belief, defendant Cappy's comments and participation in the secret Pay Raise Negotiations intentionally led Members of the General Assembly to believe the outcome of the Act 71 Litigation depended on the pay raise desired by defendant Cappy.

48. Based on information and belief, defendant knew or reasonably should have known that the outcome of plaintiff's Act 71 Litigation was sufficiently important to legislative leaders with whom he was negotiating in the Pay Raise Negotiations to cause Members of the General Assembly to believe that passage of the pay raise desired by defendant would likely secure, or would more likely secure a favorable result on the then pending Act 71 Litigation.

49. Based on information and belief, defendant knew or reasonably should have known that the outcome of plaintiff's Act 71 Litigation was sufficiently important to legislative leaders with whom he was negotiating in the Pay Raise Negotiations to cause Members of the General

Assembly to reasonable link the Pay Raise Negotiations with the outcome of the Act 71 Litigation

50. Based on information and belief, defendant Cappy's participation in and comments made during the secret Pay Raise Negotiations are the direct cause of the harm to plaintiff's due process rights guaranteed under the Fifth and Fourteenth Amendments to the United States Constitution.

51. Based on information and belief, plaintiff alleges that Members of the General Assembly believed that the outcome of the Act 71 Litigation did depend on the passage of the pay raise desired by defendant Cappy as a result of defendant Cappy's participation and comments during the secret Pay Raise Negotiations.

52. Based on information and belief, plaintiff contends defendant's participation and statements in the Pay Raise Negotiations created an appearance of impropriety with regard to the Act 71 Litigation.

53. Plaintiff contends it is a violation of plaintiff's right to due process of law under the Fifth and Fourteenth Amendments to the United States Constitution for a judge to suggest a desired legislative outcome would have any impact on a case pending before that judge or justice, or for that matter, any judge or justice in any court.

54. Plaintiff contends it is a violation of plaintiff's right to due process of law under the Fifth and Fourteenth Amendments to the United States Constitution for a judge to suggest a desired legislative outcome would have any impact on a case pending before that judge or justice even if the suggestion was merely a bluff, a misstatement, slip-of-the-tongue, or, even if the decision was not actually altered by the desired legislative outcome.

55. Plaintiff contends litigants have the right under the due process clause not to have their case mentioned during legislative negotiations such that elected officials are lead to believe that the outcome of plaintiff's litigation depends on legislative action desired by justices of the Supreme Court of Pennsylvania.

56. Plaintiff contends the Due Process Clause demands an absolute fire wall between the dual role of judges deciding cases and controversies over which they have proper jurisdiction and the role of judges and justices as leaders and heads of the judicial branch of government which may require their (public) interaction and even (public) negotiation with other branches of government.

57. At all relevant times, defendant was acting under color of state law.

58. Plaintiff has no other adequate remedy available at law.

### **CAUSES OF ACTION**

#### **COUNT I**

#### ***Violation of Plaintiff's Right to Due Process of Law***

59. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 58 above as if fully set forth herein.

60. Defendant's comment made to one or more Members of the Pennsylvania General Assembly during secret negotiations designed to secure a significant pay raise for every judge and justice of the Pennsylvania Unified Judicial System that "he needed the pay raise to secure the votes of Republican justices" on cases important to that legislative caucus directly referred to the Act 71 Litigation to which plaintiff was a litigant.

61. Defendant, at all relevant times acting under color of state law, violated plaintiff's right to due process of law under the Fifth and Fourteenth Amendment to the United States Constitution as a litigant in the Act 71 Litigation by suggesting to one or more Members of the

General Assembly that “he needed the pay raise to secure the votes of Republican justices” on cases important to that legislative caucus, in violation of 42 U.S.C. § 1983 for which the defendant is liable.

**COUNT II**  
***Violation of Plaintiff's Right to Due Process of Law***

62. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 61 above as if fully set forth herein.

63. Defendant's comment made to one or more Members of the Pennsylvania General Assembly during secret negotiation designed to secure a significant pay raise for every judge and justice of the Pennsylvania Unified Judicial System that “he needed the pay raise to secure the votes of Republican justices” on cases important to one of the legislative caucuses was interpreted by one or more Members of the Pennsylvania General Assembly to directly refer to the Act 71 Litigation to which plaintiff was a litigant.

64. Defendant's comment to one or more Members of the Pennsylvania General Assembly that “he needed the pay raise to secure the votes of Republican justices” on cases important to one of the legislative caucuses was interpreted by one or more Members of the Pennsylvania General Assembly to mean that passage of the pay raise desired by defendant would likely secure, or would more likely secure a favorable result on the then pending Act 71 Litigation.

65. Defendant, at all relevant times acting under color of state law, violated plaintiff's right to due process of law under the Fifth and Fourteenth Amendment to the United States Constitution as a litigant in the Act 71 Litigation by intentionally causing Members of the General Assembly to believe that passage of the pay raise desired by defendant would likely

secure, or would more likely secure a favorable result on the then pending Act 71 Litigation, all in violation of 42 U.S.C. § 1983 for which the defendant is liable.

**COUNT III**  
***Violation of Plaintiff's Right to Due Process of Law***

66. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 65 above as if fully set forth herein.

67. Defendant participated in secret negotiations with legislative leaders while the Act 71 Litigation was pending before defendant and the Supreme Court of Pennsylvania, the outcome of which was of great importance and concern to the legislative leaders.

68. Defendant could have engaged in public hearings and debate, rather than secret participation in the Pay Raise Negotiations.

69. The alleged history, conduct and knowledge of previous secret negotiations between justices of the Supreme Court of Pennsylvania and legislative leadership while cases important to the legislative leadership were pending before the Supreme Court of Pennsylvania create an appearance of impropriety with regard to the Act 71 Litigation in violation of plaintiff's rights under the Due Process Clause where the secret Pay Raise Negotiations are interpreted, and permitted to be interpreted by defendant, to implicate plaintiff's Act 71 Litigation.

70. Defendant, at all relevant times acting under color of state law, violated plaintiff's right to due process of law under the Fifth and Fourteenth Amendment to the United States Constitution as a litigant in the Act 71 Litigation by: (a) creating an appearance of impropriety by engaging in secret Pay Raise Negotiations while plaintiff's Act 71 Litigation was still pending before the Supreme Court of Pennsylvania and where defendant knew or reasonably should have known that the outcome of the Act 71 Litigation was sufficiently important to the legislative leaders with whom he was negotiating to cause Members of the General Assembly to believe



that passage of the pay raise desired by defendant would likely secure, or would more likely secure a favorable result on the then pending Act 71 Litigation; and/or (b) creating an appearance of impropriety by raising reasonable questions by Members of the Pennsylvania General Assembly linking the Pay Raise Negotiations with the outcome of the Act 71 Litigation all in violation of 42 U.S.C. § 1983 for which the defendant is liable.

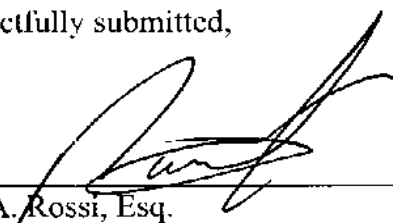
**RELIEF REQUESTED**

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

- (1) Declare that defendant violated plaintiff's right to due process of law under the Fifth and Fourteenth Amendments to the United States Constitution as a litigant in the Act 71 Litigation;
- (2) Assess the costs of this action and plaintiff's reasonable attorney's fees against defendant pursuant to 42 U.S.C. §1988; and,
- (3) Grant such other and further relief to plaintiff as shall appear just and proper.

Respectfully submitted,

Dated: May 19, 2008

  
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Court Name: Pennsylvania Middle  
Division: 1  
Receipt Number: 111003566  
Cashier ID: jcardile  
Transaction Date: 05/19/2008  
Payer Name: PAUL ROSSI

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CIVIL FILING FEE  
For: PAUL ROSSI  
Case/Party: D-PAM-1-08-CV-000971-001  
Amount: \$350.00

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CHECK  
Check/Money Order Num: 1619  
Amt Tendered: \$350.00

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Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

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Only when bank clears the check or  
verifies credit of funds is the fee  
or debt officially paid or  
discharged. A fee of \$45.00 will be  
charged for returned checks.