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

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

Plaintiffs,

v.

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

Defendants.

Case No. 2:21-cv-04405

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

CLASS ACTION

INTRODUCTION

1
2 This civil-rights lawsuit seeks to vindicate the constitutional rights of
3 hundreds of people whose property was illegally seized and subjected to a criminal
4 search by the Federal Bureau of Investigation (FBI). These property owners rented
5 safe deposit boxes from U.S. Private Vaults (USPV) to secure their prized
6 possessions, including family heirlooms, copies of their wills and other important
7 legal documents, and money needed for savings and for everyday expenses. On
8 March 22, 2021, the FBI raided USPV and seized the contents of hundreds of
9 deposit boxes from USPV's customers, like Plaintiffs Paul and Jennifer Snitko,
10 Joseph Ruiz, and Tyler Gothier. Although the government has indicted USPV, the
11 government has not accused USPV's customers—like the Snitkos, Ruiz, and
12 Gothier—of violating any law. And while a warrant authorized the government to
13 seize *USPV's* property, the warrant did not authorize the government to conduct a
14 criminal search or seizure of *USPV's customers'* property. But the government did
15 just that and, two months later, the government is still holding many of those
16 customers' property even though the warrant explicitly contemplated that
17 customers' property would be returned.

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

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

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

16 JURISDICTION AND VENUE

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

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

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

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

7 Defendants

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

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

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

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

23 **FACTUAL ALLEGATIONS**

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

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

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

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

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

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

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

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

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

18 21. Along with its Twitter and Yelp profiles, USPV operated a business
19 website at usprivatevaults.com.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **INJURY TO PLAINTIFFS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 a. Plaintiffs adequately represents the putative class and subclass

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

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

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

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

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

12 CLASS CLAIMS

13 COUNT I: On Behalf Of The Proposed Class

14 Defendants' Criminal Search of USPV Customers' Personal Property

15 Violates the Fourth Amendment

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

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

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

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

27
28

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

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

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

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

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

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

23 123. In addition, the government far exceeded the scope of the search
24 authorized by the warrant. The warrant authorized only a limited inventory search
25 of the contents of the USPV safe deposit boxes, in order to reunite customers with
26 their property, but the government searched USPV customers' personal property
27 even after finding box holders' identifying information.
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1 124. The government further exceeded the bounds of any permissible
2 inventory search by engaging in conduct that was clearly motivated by an
3 investigative purpose. Among other things, it deployed drug dogs on USPS
4 customers' currency and opened USPS customers' envelopes.

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

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

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

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

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

25 130. To that end, named Plaintiffs and putative class representatives request
26 that this Court order that all records Defendants created during their criminal search
27 of USPS customers' security deposit boxes, other than those records necessary for
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1 reuniting property owners with their property, be destroyed and/or returned to their
2 owners.

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

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

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

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

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

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

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

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

26 137. The government must either state a (valid) basis for retaining USPV
27 customers' property or else return the property to its owners.
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1 144. Indeed, the government has failed to tell Plaintiffs how, if at all, they
2 can retrieve their property seized by the government. On information and belief,
3 that failure to act is also common to the putative subclass.

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

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

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

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

20 149. As a direct and proximate result of Defendants' failure to provide
21 USPV customers notice as to the government's basis for seizing customers'
22 property and a prompt means by which customers may secure their property's
23 return, named Plaintiffs and putative subclass representatives, as well as all
24 members of the putative subclass, have suffered irreparable injury to their
25 constitutional rights, including but not limited to the unjust deprivation of their
26 property. Declaratory and injunctive relief is necessary to remedy this injury.
27 Without appropriate declaratory and injunctive relief, this injury will continue.
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COUNT IV: On Behalf of the Proposed Subclass
Defendants’ Coercive Use of Unlawfully Seized Property to Force USPV
Customers to Submit to Investigation Violates the Fifth Amendment

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

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

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

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

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

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

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

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

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

7 158. As a direct and proximate result of Defendants' coercive use of seized
8 property, named Plaintiffs and putative subclass representatives, along with all
9 other members of the putative subclass, have suffered irreparable injury to their
10 constitutional rights, including but not limited to the unjust deprivation of their
11 property. Declaratory and injunctive relief is necessary to remedy this injury.
12 Without appropriate declaratory and injunctive relief, this injury will continue.

13 **INDIVIDUAL CLAIM**

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

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

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

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

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

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

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

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

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

11 **REQUEST FOR RELIEF**

12 Wherefore, Plaintiffs respectfully request that this Court:

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

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

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

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

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

- 1 i. With respect to the proposed class, Defendants’ March 22, 2021
2 criminal search of USPV customers’ property deposited in safe
3 deposit boxes violated the Fourth Amendment;
- 4 ii. With respect to the proposed class, Defendants’ retention and/or
5 use of any records or evidence obtained through its unreasonable
6 criminal search, except for the limited purpose of reuniting property
7 with its owners, violates the Fourth Amendment;
- 8 iii. With respect to the proposed subclass, Defendants’ ongoing
9 retention of property seized from USPV customers’ safe deposit
10 boxes—without stating a valid independent basis for its continued
11 detention—violates the Fourth Amendment;
- 12 iv. With respect to the proposed subclass, Defendants’ ongoing
13 retention of property seized from USPV customers’ safe deposit
14 boxes—without notice or a prompt post-seizure opportunity to be
15 heard—violates the Fifth Amendment.
- 16 v. With respect to the proposed subclass, Defendants’ use of seized
17 property as leverage to require USPV customers to justify their
18 property’s legality violates the Fifth Amendment.

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

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

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

8 H. Issue a class-wide preliminary injunction, for the proposed subclass,
9 enjoining Defendants from retaining property seized from USPV customers’ safe
10 deposit boxes without notifying those customers of a valid independent basis for its
11 continued detention;

12 I. Order Defendants to immediately return the seized property of
13 Plaintiffs Paul and Jennifer Snitko, Joseph Ruiz, and Tyler Gothier—without any
14 conditions, delay, or investigation—under Federal Rule of Criminal Procedure
15 41(g) and the Court’s inherent equitable authority;

16 J. Enter an award allowing Plaintiffs to recover their attorney’s fees,
17 costs, and expenses under 28 U.S.C. § 2412; and

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

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Dated: May 27, 2021

Respectfully Submitted,

/s/Nilay U. Vora

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** Pro hac vice pending.*

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