

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

EDWARD F. PLASTINO and)
SECOND AMENDMENT FOUNDATION, INC.,)
)
Plaintiffs,)
)
v.) Case No.
)
)
CHRIS KOSTER, in his Official Capacity as)
Attorney General of the State of Missouri; and)
TOM NEER, in his Official Capacity as)
Sheriff of St. Charles County, Missouri,)
)
Defendants.)

COMPLAINT

Plaintiffs, EDWARD F. PLASTINO (hereinafter “PLASTINO”) and SECOND AMENDMENT FOUNDATION, INC. (hereinafter “SAF”), as and for their Complaint against Defendants CHRIS KOSTER, in his Official Capacity as Attorney General of the State of Missouri (hereinafter “KOSTER”), and TOM NEER, in his Official Capacity as Sheriff of St. Charles County, Missouri (hereinafter “NEER”), allege as follows:

INTRODUCTION

1. This is an action pursuant to 42 U.S.C. § 1983 for deprivation of civil rights under color of law, which seeks equitable, declaratory, and injunctive relief challenging the State of Missouri’s prohibition on otherwise qualified non-U.S. citizens who legally reside in Missouri from obtaining a concealed carry permit, pursuant to Revised Statutes of Missouri § 571.101.2(1).

2. The Second Amendment “guarantee[s] the individual right to possess and carry weapons in case of confrontation,” *District of Columbia v. Heller*, 554 U.S. 570, 128 S.Ct. 2783,

2797 (2008), and is “fully applicable against the States,” *McDonald v. City of Chicago*, 561 U.S. ___, 130 S. Ct. 3020, 3026 (2010).

3. However, the laws of Missouri completely prohibit resident legal aliens from the concealed carry of guns, in public, for the purpose of self-defense. In Missouri, only citizens may have the benefit of an armed defense by concealed carry.

4. Plaintiffs seek to establish that the recognition and incorporation of the Second Amendment, and the Fourteenth Amendment’s equal protection clause, renders the State’s ban on non-citizens obtaining a concealed carry permit, unconstitutional. As the Plaintiffs only seek to be treated the same as law-abiding citizens, the Second Amendment renders a *ban* such as that challenged in this action, impermissible.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, 2201, 2202 and 42 U.S.C. § 1983, in that this action seeks to redress the deprivation, under color of the laws, statute, ordinances, regulations, customs, and usages of the Defendants as they execute, administer and enforce the complained-of laws, of the rights, privileges or immunities secured by the United States Constitution and by Acts of Congress.

6. This Court has personal jurisdiction over each of the Defendants because, *inter alia*, they acted under the color of laws, policies, customs, and/or practices of the State of Missouri and/or within the geographic confines of the State of Missouri.

7. Venue is proper pursuant to 28 U.S.C. § 1391 because the Defendants execute, administer, and enforce the complained-of laws against Plaintiffs in this District, and because the events and omissions giving rise to this action are harming Plaintiffs in this District, and the State laws were enacted in the State capital in this District.

PLAINTIFFS

8. Plaintiff PLASTINO is a citizen of Canada residing in St. Charles, St. Charles County, Missouri, and who has done so since 2006. PLASTINO is also a Status Indian, being a native Canadian and at least 50% Chippewa Indian. According to the Jay Treaty of 1794, as affirmed by section 289 of the 1952 Immigration and Naturalization Act, PLASTINO is considered a North American citizen, which entitles him to live and work in the United States. PLASTINO entered the United States pursuant to the certification of the Department of Indian Affairs of Northern Canada in approximately 1995 for employment and school, and commuted back and forth across the border.

9. After that, except for a one year period from 2001-2002 working in Canada (commuting to Niagara Falls, New York for the last six months of that period), PLASTINO has resided in the United States since 1999. In 2006, after Hurricane Katrina, PLASTINO was relocated by his employer from Biloxi, Mississippi to St. Louis. He moved to St. Charles, Missouri at that time, and has resided there ever since.

10. PLASTINO is allowed to carry a firearm openly in Missouri, except for locations where doing such is illegal, but does not always wish to do so, and he is prohibited by § 571.101.2(1) RSMo from obtaining a concealed carry permit, and thus carrying a handgun in a concealed manner for self-defense.

11. PLASTINO would carry a loaded and functional concealed handgun in public for self-defense, but he refrains from doing so because he fears arrest, prosecution, fine, and imprisonment as he understands it is unlawful for a non-citizen to carry a concealed handgun in Missouri.

12. SAF is a non-profit membership organization incorporated under the laws of Washington with its principal place of business in Bellevue, Washington. SAF's membership

includes lawfully admitted aliens residing in Missouri. SAF has over 650,000 members and supporters nationwide. The purposes of SAF include education, research, publishing and legal action focusing on the Constitutional right privately to own and possess firearms. SAF brings this action on behalf of itself and its members.

13. Members of SAF who are legal residents yet non-citizens would carry loaded and functional concealed handguns in public for self-defense, but refrain from doing so because they understand it is impossible for a non-citizen to obtain a concealed carry permit, and thus it is unlawful for a non-citizen to carry a concealed handgun in Missouri and fear arrest, prosecution, fine, and imprisonment.

DEFENDANTS

14. Defendant KOSTER is the Attorney General of the State of Missouri, and, in his official capacity as such, is responsible for executing and administering the state of Missouri's laws, customs, practices, and policies, including § 571.101.2(1) RSMo. In that capacity, KOSTER is presently enforcing the laws, customs, practices and policies complained of in this action, and is sued in his official capacity.

15. Defendant NEER is the Sheriff of St. Charles County, Missouri. In NEER's official capacity, he is responsible for enforcing certain of Missouri's laws, customs, practices, and policies, specifically including § 571.101.2(1) RSMo. In that capacity, NEER is presently enforcing the laws, customs, practices and policies complained of in this action. Specifically, NEER is the authority charged with processing and issuing concealed carry permit applications in St. Charles County, Missouri. He is sued in his official capacity.

CONSTITUTIONAL PROVISIONS

16. The Second Amendment provides:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

U.S. Const. amend. II.

17. The Second Amendment “is fully applicable against the States.” *McDonald v. City of Chicago*, 561 U.S. ___, 130 S. Ct. 3020, 3026 (2010).

STATE LAW

18. § 571.101 RSMo provides in pertinent part:

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least twenty-one years of age, is a citizen of the United States . . .

19. § 571.030.1 RSMo provides in pertinent part:

“A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use . . .”

20. § 571.030.7 RSMo provides in relevant part: “Unlawful use of weapons is a class D felony . . .”

21. § 558.011 RSMo provides in relevant part:

1. The authorized terms of imprisonment, including both prison and conditional release terms, are:

. . .

(4) For a class D felony, a term of years not to exceed four years;

COUNT I – VIOLATION OF EQUAL PROTECTION
(U.S. CONST. AMEND. XIV; 42 U.S.C. §§ 1981(a), 1983)

22. Paragraphs 1 through 21 are realleged and incorporated herein by reference.

23. The citizenship requirements contained in § 571.101.2(1) RSMo and all other Missouri statutory language, which restrict lawfully admitted aliens the rights and privileges of carrying concealed firearms based on citizenship, on their face and as applied, are unconstitutional denials of equal protection of the laws and are in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

COUNT II – VIOLATION OF RIGHT TO KEEP AND BEAR FIREARMS
(U.S. CONST. AMENDS. II AND XIV; 42 U.S.C. § 1983)

24. Paragraphs 1 through 23 are realleged and incorporated herein by reference.

25. The citizenship requirements contained in § 571.101.2(1) RSMo, and all other Missouri statutory language, which restrict lawfully admitted aliens the rights and privileges of carrying concealed firearms based on citizenship, on their face and as applied, violate the Plaintiffs' individual right to possess a handgun as secured by the Second Amendment to the United States Constitution.

COUNT III – FEDERAL PREEMPTION

26. Paragraphs 1 through 25 are realleged and incorporated herein by reference.

27. The federal government has, through its enumerated and implied constitutional powers, the exclusive authority over United States immigration policy.

28. § 571.101.2(1) RSMo is an effort by the Defendants to regulate immigration by denying non-citizens their Second and Fourteenth Amendment rights. As such, § 571.101.2(1) RSMo is preempted by federal immigration law, is unconstitutional, and is invalid.

FOR ALL COUNTS

29. Paragraphs 1 through 28 are realleged and incorporated herein by reference.
30. A controversy exists as to whether the citizenship requirements contained in § 571.101.2(1) RSMo is unconstitutional.
31. A declaration from this Court would settle this issue.
32. A declaration would also serve a useful purpose in clarifying the legal issues in dispute.
33. The Plaintiffs seek a declaration that the citizenship requirements contained in § 571.101.2(1) RSMo is unconstitutional.
34. In the absence of an injunction, the citizenship requirements of § 571.101.2(1) RSMo would continue to be enforced and would prevent PLASTINO, and SAF's lawfully admitted alien members residing in Missouri, from (1) successfully obtaining a concealed carry permit and/or (2) legally carrying a handgun in a concealed manner that any otherwise-qualified citizens may possess and carry concealed in public.
35. The Plaintiffs would continue to suffer irreparable injury if the Court does not issue an injunction.
36. There is no adequate remedy at law because only a declaration and injunction, as opposed to monetary damages, would allow PLASTINO, and SAF's lawfully admitted alien members the opportunity to obtain a permit to carry a handgun in a concealed manner for self-defense.

WHEREFORE, Plaintiffs pray that this Honorable Court:

1. Issue preliminary and permanent injunctions (a) enjoining Defendant Attorney General CHRIS KOSTER and St. Charles County Sheriff TOM NEER from enforcing the United States citizenship requirement of § 571.101.2(1) RSMo against the Plaintiffs and/or their members; and
2. Enter the following:
 - (a) A declaratory judgment that § 571.101.2(1) RSMo, and all other Missouri statutory language which restricts lawfully admitted aliens firearms rights and privileges based on citizenship, are null and void because they (1) violate the equal protection of the laws guaranteed by the Fourteenth Amendment to the United State Constitution; and (ii) infringe on the right of the people to keep and bear arms in violation of the Second and Fourteenth Amendments to the United States Constitution; and
 - (b) Issue preliminary and permanent injunctions against the Defendants and their political subdivisions, including officers, agents, and employees thereof, from enforcement of § 571.101.2(1) RSMo and all other Missouri statutory language, which restrict lawfully admitted aliens firearms rights and privileges based on citizenship.
3. Award Plaintiffs' attorney's fees and costs pursuant to 42 U.S.C. § 1988.
4. Grant such other and further relief, in law and equity, as the Court deems just and proper.

Dated: July 23, 2012

Respectfully submitted,

By: _____ /s/ Matthew T. Singer _____
Matthew T. Singer

Matthew T. Singer, Esq. (MO ED Fed No.5262301)
THE LAW OFFICE OF MATTHEW T. SINGER
6963 Waterman Avenue
St. Louis, MO 63130
Tel: (314) 272-3388
Fax: (877) 816-7884
MTSinger@MTSinger.com

LEAD COUNSEL:

David G. Sigale, Esq. (Atty. ID# 6238103 (IL))
LAW FIRM OF DAVID G. SIGALE, P.C.
739 Roosevelt Road, Suite 304
Glen Ellyn, IL 60137
Tel: 630.452.4547
Fax: 630.596.4445
dsigale@sigalelaw.com
Pro hac vice Admission Pending

Attorneys for Plaintiff

~~Doc. #:~~ H ~~Filed:~~ 07/23/14

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS		DEFENDANTS							
<p>(b) County of Residence of First Listed Plaintiff <u>St. Charles</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p>		<p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p>							
<p>(c) Attorneys (<i>Firm Name, Address, and Telephone Number</i>) The Law Office of Matthew T. Singer 6963 Waterman Avenue, St. Louis, MO 63130 // (314) 272-3388</p>		<p>Attorneys (<i>If Known</i>)</p>							
II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i>		III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i>							
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i>		Citizen of This State <input type="checkbox"/> PTF <input type="checkbox"/> DEF Incorporated or Principal Place of Business In This State <input type="checkbox"/> PTF <input type="checkbox"/> DEF							
<input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>		Citizen of Another State <input type="checkbox"/> PTF <input type="checkbox"/> DEF Incorporated and Principal Place of Business In Another State <input type="checkbox"/> PTF <input type="checkbox"/> DEF							
		Citizen or Subject of a Foreign Country <input type="checkbox"/> PTF <input type="checkbox"/> DEF Foreign Nation <input type="checkbox"/> PTF <input type="checkbox"/> DEF							
IV. NATURE OF SUIT <i>(Place an "X" in One Box Only)</i>									
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice		FORFEITURE/PENALTY PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		BANKRUPTCY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other		OTHER STATUTES <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education		PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
								FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
								IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	
V. ORIGIN <i>(Place an "X" in One Box Only)</i>		<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) _____						<input type="checkbox"/> 6 Multidistrict Litigation	
VI. CAUSE OF ACTION		<p>Cite the U.S. Civil Statute under which you are filing. <i>(Do not cite jurisdictional statutes unless diversity)</i>: 42 U.S.C. 1983, U.S. Const Amends II, XIV</p> <p>Brief description of cause: Denial of 2nd Amend. & 14th Amend. equal protection by State & County in denial of CCW permit to non-citizens</p>							
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION		DEMANDS UNDER F.R.C.P. 23		CHECK YES only if demanded in complaint: JURY DEMAND:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
VIII. RELATED CASE(S) IF ANY		<i>(See instructions):</i>		JUDGE		DOCKET NUMBER			
DATE		SIGNATURE OF ATTORNEY OF RECORD							
07/23/2012		/s/ Matthew T. Singer							

Cite the U.S. Civil Statute under which you are filing. (*Do not cite jurisdictional statutes unless diversity*)
42 U.S.C. 1983, U.S. Const Amends II, XIV

Brief description of cause:

Denial of 2nd Amend. & 14th Amend. equal protection by State & County in denial of CCW permit to non-citizens

**VII. REQUESTED IN
COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION **DEMAND \$** CHECK YES only if demanded in complaint:
UNDER F.R.C.P. 23 declaratory relief, injunction, Sec. 1988 fees, costs **JURY DEMAND:** Yes No

**VIII. RELATED CASE(S)
IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

07/23/2012

/s/ Matthew T. Singer

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFF

JUDGE

MAG. JUDGE

Print

Save As...

Reset

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

EDWARD F. PLASTINO and)
SECOND AMENDMENT FOUNDATION, ,)
Plaintiff,)
v.) Case No. 4:12-CV-1316
CHRIS KOSTER and TOM)
NEER, ,)
Defendant,)

ORIGINAL FILING FORM

**THIS FORM MUST BE COMPLETED AND VERIFIED BY THE FILING PARTY
WHEN INITIATING A NEW CASE.**

THIS SAME CAUSE, OR A SUBSTANTIALLY EQUIVALENT COMPLAINT, WAS
PREVIOUSLY FILED IN THIS COURT AS CASE NUMBER _____
AND ASSIGNED TO THE HONORABLE JUDGE _____.

THIS CAUSE IS RELATED, BUT IS NOT SUBSTANTIALLY EQUIVALENT TO ANY
PREVIOUSLY FILED COMPLAINT. THE RELATED CASE NUMBER IS _____ AND
THAT CASE WAS ASSIGNED TO THE HONORABLE _____. THIS CASE MAY,
THEREFORE, BE OPENED AS AN ORIGINAL PROCEEDING.

NEITHER THIS SAME CAUSE, NOR A SUBSTANTIALLY EQUIVALENT
COMPLAINT, HAS BEEN PREVIOUSLY FILED IN THIS COURT, AND THEREFORE
MAY BE OPENED AS AN ORIGINAL PROCEEDING.

The undersigned affirms that the information provided above is true and correct.

Date: 07/24/2012

/s/ Matthew T. Singer
Signature of Filing Party

UNITED STATES DISTRICT COURT
for the
Eastern District of Missouri

EDWARD F. PLASTINO and SECOND
AMENDMENT FOUNDATION

Plaintiff

v.
CHRIS KOSTER and TOM NEER

Defendant

)
)
)
)
)

Civil Action No. 4:12-CV-1316

SUMMONS IN A CIVIL ACTION

To: (*Defendant's name and address*) Chris Koster, Attorney General of the State of Missouri
Missouri Attorney General's Office
Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Matthew T. Singer, Esq.
The Law Office of Matthew T. Singer
6963 Waterman Avenue
St. Louis, MO 63130

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 4:12-CV-1316

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

- I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or
- I left the summons at the individual's residence or usual place of abode with *(name)* _____,
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or
- I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or
- I returned the summons unexecuted because _____; or
- Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
for the
Eastern District of Missouri

EDWARD F. PLASTINO and SECOND
AMENDMENT FOUNDATION

Plaintiff

v.
CHRIS KOSTER and TOM NEER

Defendant

)
)
)
)
)

Civil Action No. 4:12-CV-1316

SUMMONS IN A CIVIL ACTION

To: (*Defendant's name and address*) Tom Neer, Sheriff
St. Charles County Sheriff's Department
101 Sheriff Dierker Court
O'Fallon, MO 63366

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Matthew T. Singer, Esq.

The Law Office of Matthew T. Singer
6963 Waterman Avenue
St. Louis, MO 63130

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 4:12-CV-1316

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

- I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or
- I left the summons at the individual's residence or usual place of abode with *(name)* _____,
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or
- I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or
- I returned the summons unexecuted because _____; or
- Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: