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Of Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BRANDON MAYFIELD, an individual, MONA
MAYFIELD, an individual, and SHANE
MAYFIELD, SHARIA MAYFIELD, and SAMIR
MAYFIELD, individuals, by and through their
guardian ad litem Mona Mayfield,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA, and
JOHN T. MASSEY, an individual,

Defendants.

CV '06 305 MO 1

CASE NO.

**COMPLAINT FOR DAMAGES
FOR PERSONAL INJURIES**

**REQUEST FOR JURY AND FOR
ADVISORY JURY**

Plaintiffs allege:

PARTIES

1. Brandon Mayfield, his wife Mona Mayfield, and their children Shane Mayfield, Sharia Mayfield, and Samir Mayfield are United States citizens living in Oregon. Mona Mayfield is the duly appointed guardian *ad litem* of said children.

2. The acts and omissions alleged against the United States of America were performed by employees of the United States. These employees were, to plaintiffs' knowledge and belief, employees of the Federal Bureau of Investigation and/or the Department of Justice.

3. Defendant Massey is a resident and citizen of Virginia.

JURISDICTION

4. This Court has jurisdiction of the claims against the United States of America pursuant to the Federal Tort Claims Act (28 U.S.C. § 1346(b)).

5. On or about September 8, 2004, plaintiffs filed notice pursuant to the Federal Tort Claims Act with Department of Justice and the FBI of the claims set forth in this Complaint. An amended notice was filed with said agencies on or about October 18, 2004. Said claims have not been formally denied by the United States of America, however, more than six months have expired since the date the claims were received.

6. The amount in controversy between plaintiffs and defendant Massey exceeds \$75,000.00, exclusive of interest and costs; this Court has diversity jurisdiction of the claims against defendant Massey (28 U.S.C. § 1332).

FACTUAL ALLEGATIONS

7. On March 11, 2004, in Madrid, Spain, terrorists' bombs exploded on commuter trains, murdering 191 persons, and injuring another 1600 persons. International horror echoed the feelings Americans experienced after the cataclysm of September 11th. Shortly after the bombings, the Spanish National Police ("SNP") recovered fingerprints from a plastic bag containing explosive detonators. The bag was found in a Renault van located near the site of the carnage.

8. On March 13, 2004, the SNP submitted digital photographs of the latent fingerprints lifted from the bag to Interpol Madrid, which then transmitted the digital photographs to the FBI in Quantico, Virginia.

9. On the same day as the latent fingerprints were received by the FBI, the Latent Print Unit of the FBI initiated an "AFIS search" in an attempt to match the latent prints received from Spain with known prints in the FBI computer system. This computer search by the FBI was unable to match any of the latent prints from Spain with any of the known prints in their database.

10. On March 14, 2004, the FBI requested and received from Spain "higher resolution" digital photographs of the eight latent prints and on March 15, 2004, another AFIS search was done. The computer was asked to return 20 candidates whose known prints had features in common with what was identified as Latent Finger Print #17 (LFP #17).

11. On March 15, 2004, a list of 20 candidates was returned by AFIS. Each candidate was identified by an AFIS "score," a number that reflected a rank as to how

closely the AFIS computer determined each candidate's fingerprint matched certain features of LFP #17. Also on the AFIS list was an identification number for each candidate, which allowed the FBI to retrieve the names, original fingerprint cards, and demographic information of each candidate on the list. Demographic information available to the FBI included names, dates of birth, sex, race, and social security numbers. This information allowed the FBI to perform background checks on each individual on the list of 20 candidates produced by AFIS.

12. On the AFIS list of 20 candidates, the person ranked # 4 was Brandon Mayfield. At the time of these events, Brandon Mayfield, an American citizen born in Oregon and reared in Kansas, lived with his wife, Mona, and their three children in their family home in Aloha, Oregon, a suburb of Portland. Mr. Mayfield was 37 years old, a former Army officer with an honorable discharge, and a practicing Oregon lawyer. Prior to his arrest, he had not been outside the United States since 1994, and had never been convicted of a crime.

13. Based upon information and belief, plaintiffs allege that subsequent to March 15, 2004, FBI examiners and supervisors who examined the fingerprints of Mr. Mayfield were aware of his Muslim faith, and that this knowledge influenced their examination of Mr. Mayfield's fingerprints.

14. On or about March 17, 2004, two days after the AFIS list of 20 candidates was generated, Senior Fingerprint Examiner Terry Green concluded that Mr. Mayfield's left index fingerprint matched LFP #17, the fingerprint discovered by the SNP. Mr. Green made this identification of Mr. Mayfield's print:

- a. Without looking, or requesting to look, at a photo of the relative position of all the latent fingerprints on the bag, which would have shown that based on the location of the prints on the bag, LFP #17 could not have been Mr. Mayfield's left index finger;
- b. Despite only having a few alleged points of similarity between the latent fingerprint and Mr. Mayfield's, so few points that no police agency in the world would find it sufficient for an identification;
- c. Despite the existence of significant unexplained areas of dissimilarity between LFP #17 and Mr. Mayfield's fingerprint;
- d. Despite obvious evidence that there were interruptions in the ridge flow between LFP #17 and Mr. Mayfield's print;
- e. Despite obvious evidence that the Level One patterns in LFP #17 and Mr. Mayfield's prints were not the same, i.e. the core of LFP #17 showed an open delta in the arch pattern whereas Mr. Mayfield's print was a closed delta in an arch pattern; and
- f. Despite obvious evidence that the number of ridges on LFP #17 and Mr. Mayfield's print were not the same.

Had Mr. Green properly performed the fingerprint identification analysis, he would have been compelled to declare that Mr. Mayfield's print was did not match to LFP #17. However, influenced by extraneous information, including Mr. Mayfield's adherence to the Muslim faith (the "Muslim Factor"), Mr. Green wrongly identified LFP #17 as matching one of Mr. Mayfield's known fingerprints.

15. FBI agent Green's wrongful conduct was further exacerbated when the print was submitted to defendant Massey, an allegedly "independent fingerprint examiner," for verification. Defendant Massey is a former employee of the FBI, engaged by the FBI on a contract basis to do fingerprint examinations. When defendant Massey was an employee of the FBI he was reprimanded on at least three occasions for erroneously "identifying" fingerprints. Plaintiffs allege, based on information and belief, that defendant Massey was selected to "verify" the identification because his employment history of discipline for poor performance would strongly motivate him to agree and verify the prior identification. It is believed that defendant Massey was told of the prior identification by Senior Print Examiner Green of LFP #17 to Mr. Mayfield and that Mr. Mayfield was a Muslim, increasing the likelihood that defendant Massey would verify the identification and buttress the FBI's case against Mr. Mayfield on the basis of his religious beliefs.

16. The bogus match of Mr. Mayfield's print to LFP #17 was then submitted to a senior manager, Mr. Michael T. Wieners, for verification. It is the policy of the FBI Latent Print Unit that when there are less than 12 points of similarity between a latent print and a known print, a senior manager must review the alleged match. Mr. Wieners knew, before examining the prints, that two examiners before him had identified and verified the purported match and that Mr. Mayfield is Muslim. This knowledge precluded him from making an independent examination. Mr. Wieners wrongly verified LFP #17 as matching Mr. Mayfield's known print.

17. On or about March 20, 2004, the FBI issued a formal report matching Mr. Mayfield's print to that of LFP #17. On or about March 21, 2004, FBI surveillance agents began to watch Mr. Mayfield and to follow Mr. Mayfield and members of his family travel to and from the Bilal Mosque, the family's place of worship, to and from Mr. Mayfield's law office, to and from the children's schools, and to and from family activities.

18. At some point in time after the FBI's wrongful fingerprint identification, plaintiffs claim, based on information and belief, that the FBI made application to the Foreign Intelligence Security Court (FISC) for an order authorizing the FBI to:

- a. Place electronic listening devices ("bugs") in the shared and intimate rooms of the Mayfield family home;
- b. Execute repeated "sneak and peek" searches of the Mayfield family home, occurring when the family was away from the home, which, to add insult to injury, were performed so incompetently that the FBI left traces of their searches behind, causing the Mayfield family to be frightened and believe that they had been burglarized;
- c. Obtain private and protected information about the Mayfields from third parties;
- d. Execute "sneak and peek" searches of the Law Office of Brandon Mayfield and examine confidential client materials;
- e. Place electronic listening devices ("bugs") in the Law Office of Brandon Mayfield; and

f. Place wiretaps on Mr. Mayfield's office and home phones.

19. The application for the Foreign Intelligence Surveillance Act (FISA) order before the FISC was personally approved by John Ashcroft, at the time the Attorney General of the United States. Ashcroft was under pressure to reestablish the reputation of the FBI in its "War on Terror," particularly in light of the exposed failures of the FBI prior to September 11, 2001, which failures were being revealed by the investigative work of the 9/11 Commission. As a result, the Attorney General of the United States and his agents, in order to attempt to show that the FBI was a competent agency performing its functions in the "War on Terror," knowingly and recklessly filed false and misleading affidavits with FISA court, as set forth in more detail below.

20. It is unknown to Mr. Mayfield what, exactly, the U.S. government learned from Spain between March 17th and April 2nd. On April 2nd Mr. Mayfield's prints were sent by the FBI to Spain. By that date it is believed that the U.S. government had already been advised by the Spanish government that Moroccan and Algerian immigrants were suspects in the Madrid bombing and had been taken into custody, and that the Spanish government was not aware of any information connecting the Moroccans or Algerians with Mr. Mayfield or anyone in the U.S.

21. The SNP examined the FBI's report, and Mr. Mayfield's fingerprints, and concluded that there were dissimilarities in the comparison of the two prints for which there was no explanation. On April 13th the SNP provided a written report to the FBI explaining that they had compared LFP #17 to Mr. Mayfield's fingerprints, and stated their conclusion *that there was no match*.

22. For several reasons, the FBI and its fingerprint examiners involved in the case were now in a bind. The FBI, and its fingerprint examiners, knew that a “false positive” fingerprint identification would result in:

- a. Revocation of professional licensures of the individual examiners;
- b. Internal discipline;
- c. Internal lab review;
- d. Potential loss of American Crime Lab Certification;
- e. Job loss to examiners and supervisors;
- f. Congressional investigation; and
- g. Other external review.

23. In addition, the entire foundation of the “science” of fingerprint identification was at stake. In the two years previous to the Madrid bombings, challenges had been mounted against the admissibility into federal court of fingerprint examiners’ testimony that “matched” a known print to that of a suspect’s print found at a crime scene. The basis for the challenges was that fingerprint examination, as an alleged science, does not meet evidentiary standards required by the U.S. Supreme Court. The DOJ and the FBI vigorously contested these legal challenges, and in numerous hearings in federal courts FBI witnesses claimed fingerprint matching is an exact science. In fact, the supervisor of the Latent Print Unit of the FBI, Stephen Meagher, testified repeatedly that in the history of fingerprint examination the FBI had never testified in court to a “false positive,” i.e., that the FBI had NEVER made a misidentification.

24. During March and April, 2004, while the FBI was vehemently insisting that LFP #17 belonged to Mr. Mayfield, and while the FBI was aggressively attempting to convince the SNP of the correctness of the FBI fingerprint analysis, a case was pending in the U.S. Court of Appeals which was considered to be the most serious challenge ever raised to the FBI's claims of fingerprint infallibility. In the case of *U.S. v. Mitchell*, the very admissibility of FBI fingerprint testimony was at issue. The FBI was acutely aware of this challenge, and could not risk public embarrassment or doubt to arise concerning its claimed infallibility in the identification of latent fingerprints.

25. Despite having been told by the SNP that LFP #17 and Mr. Mayfield's print were not a match, knowing what was at stake and in the furtherance of their own personal and institutional interests, the FBI personnel continued to insist that their match of the prints was correct.

26. In sum, the FBI was willing to subject Mr. Mayfield and his family to his public branding as a mass murderer, and an international terrorist, and subject Mr. Mayfield to the ultimate penalty of death, in order to save their own jobs, the reputation of the FBI, and in order to secure the admissibility of the alleged science of fingerprint in the courts.

27. On April 21, 2004, the FBI sent one or more agents to Madrid, Spain, to meet with their Spanish counterparts. Their intent and purpose was to exert whatever influence and pressure necessary to convince the SNP of the correctness of the FBI match. Spanish sources have publicly stated that still the Spanish authorities who met

with the FBI agents on April 21st “refused to validate” the FBI’s conclusion that LFP #17 and the known print of Mr. Mayfield were a match.

28. The FBI remained undaunted. Even though the FBI’s claim that LFP # 17 matched Mr. Mayfield’s left index finger was directly and competently challenged by the SNP, the FBI sought to bolster its conclusion by the collection of hoped for corroboration. Mr. Mayfield’s adherence to the Muslim religion became a driving force behind the continuing investigation. Resolute in upholding belief in its own infallibility in matching fingerprints, the FBI continued to use the powers and secrecy of the Patriot Act and FISA to perform electronic surveillance, including wiretaps, and “sneak and peek” physical searches of Brandon Mayfield’s home, law office, vehicles and communications. However, the government’s intensive surveillance and investigation of Mr. Mayfield uncovered no criminal links whatsoever with Spain or the Madrid bombings.

29. In early May the DOJ and FBI became concerned that the news media had learned of the FBI’s investigation of Mr. Mayfield and was about to publish accounts of the investigation. Rather than risk full public exposure of the FBI-SNP disagreement over Mr. Mayfield’s fingerprints, the DOJ and FBI decided the government had to make its move. The DOJ and FBI decided to illegally utilize the federal Material Witness statute to arrest Mr. Mayfield before their investigation was publicized in the media.

30. Employees of the FBI and the DOJ concocted false and misleading affidavits in order to justify even more intrusive searches and in order to justify the arrest of Mr. Mayfield as a “material witness.” FBI agent Richard K. Werder submitted a

concocted affidavit to a federal judge in Portland, presumably similar to affidavits filed earlier with the secret FISA court in Washington, D.C., which stated that defendants Green, Wieners and Massey considered LFP #17 a “100% positive identification” of Brandon Mayfield. Although the concocted affidavits stated that “preliminary findings” of the SNP “were not consistent” with the FBI fingerprint analysis, no mention was made of Spain’s April 13th report to the FBI that stated the SNP did not agree with the FBI’s fingerprint match of LFP #17 and Mr. Mayfield. The concocted affidavits made no mention that the SNP “refused to validate” the FBI’s fingerprint analysis. The concocted affidavits falsely claimed that the SNP “felt satisfied with the FBI laboratory’s identification.” The concocted affidavits did not mention defendant Massey’s history of fingerprint misidentification.

31. In addition, the concocted affidavits attempted to validate their identification of the latent print with lengthy, irrelevant, speculative and prejudicial narratives focusing on Mr. Mayfield’s religion and association with co-practitioners, when defendants knew that Mr. Mayfield’s associations with fellow Muslims was legal and in pursuit of his religion and his regular law practice. For example, Agent Werder included in the affidavit in support of the search and arrest warrants the fact that Mr. Mayfield attended a mosque. The FBI also claimed that Mr. Mayfield’s advertisement for legal services in “Jerusalem Enterprises,” or what are known as the “Muslim Yellow Pages,” constituted evidence connecting him to the bombings as a material witness. A short look at the website of these “Muslim Yellow Pages,” illustrates that major car rental agencies, hotels, and airlines, such as Avis, Best Western and United Airlines, also

advertise on this site – hardly “evidence” pointing to a person having information regarding a bombing in a foreign country.

32. The sole purpose of the inclusion of said narratives was to demonize Mr. Mayfield and create an aura of probable cause that Mr. Mayfield was an international terrorist, when in fact, the defendants had no evidence to support this conclusion, other than careless speculation and prejudice.

33. The concocted affidavit submitted to the federal court in Portland, as referred to above, was knowingly and/or recklessly false and misleading in one or more of the following particulars:

- a. In failing to inform the court that on April 13, 2004, the SNP submitted to the FBI a report disputing the FBI’s match of Brandon Mayfield’s fingerprint with the fingerprint found in Spain;
- b. In failing to inform the court that the April 13th document advised the FBI that the SNP found the alleged match of Brandon Mayfield’s fingerprint with the fingerprint found in Spain to be “negative”;
- c. In falsely stating that at the conclusion of the April 21st meeting in Spain between representatives of the SNP and the FBI, “it was believed that the SNP felt satisfied with the FBI laboratory’s identification” of the Spanish fingerprint as Brandon Mayfield’s;
- d. In failing to inform the court that at the conclusion of the April 21st meeting in Spain between representatives of the SNP and the FBI, the SNP “refused to validate” the FBI’s fingerprint analysis;

- e. In falsely stating that FBI agent Terry Green and the “FBI lab” considered the Spanish fingerprint a “100% positive identification” of Brandon Mayfield;
- f. In failing to reveal defendant Massey’s history of faulty fingerprint identification;
- g. In falsely stating that “it is believed that Mayfield may have traveled [to Spain] under a false or fictitious name, with false or fictitious documents”;
- h. In failing to inform the court that the FBI had abandoned proper protocol in concluding that LFP #17 was a “100% match” with Mr. Mayfield’s fingerprint in that the FBI used extrinsic evidence (the Muslim Factor) focusing upon Mr. Mayfield’s practice of the Muslim religion and association with co-practitioners to support their fingerprint matching.

34. Preparing and filing the concocted affidavits with the omissions and false statements as set forth above constituted a violation of Brandon Mayfield’s clearly established constitutional rights. No reasonable law enforcement officer could reasonably believe that preparing and filing a false and misleading affidavit for the purpose of securing search and arrest warrants did not violate clearly established constitutional rights.

35. Based upon the concocted, false and misleading affidavits, broad search warrants were sought and issued. Mr. Mayfield’s family home and law office were

searched. Computer and paper files from his family home, including his children's Spanish homework, were seized. Computer and paper files, including actual client files, from his law practice were seized. Based upon the concocted, false and misleading affidavits, Brandon Mayfield was arrested, and he was initially held in the lock down unit of the Multnomah County Detention Center. His family was not told where he was being held. He was told, and his family was told, that he was being held as a primary suspect on offenses punishable by death. He was told, and his family was told, that the FBI had made a 100% match of his fingerprint with the Madrid fingerprint. Leaks to the media from the FBI and the DOJ led to local, national and international headlines that Brandon Mayfield's fingerprints linked him to the Madrid carnage. Brandon Mayfield knew he was innocent, knew he had nothing whatsoever to do with the Madrid bombings, and yet was confronted with the FBI's seemingly irrefutable evidence that his fingerprint had been found in Madrid. He was frightened, humiliated and outraged. While in custody, he feared for his family's safety and well-being. Mona Mayfield, whose husband was being held in an unknown place and whose home had been violated, was terrified, confused and fearful for herself and her children. The Mayfields' three children were traumatized both by the arrest of their father and the search and seizure of items from their family home.

36. On May 19th, the SNP advised the FBI, and on May 20th news reports revealed, that Spain had matched the Madrid fingerprint with an Algerian, Mr. Ouhane Daoud. The FBI now admits that its fingerprint identification of Brandon Mayfield was

an error, and, incredibly, the FBI now states that LFP # 17 is “of no value for identification purposes.”

FIRST CLAIM FOR RELIEF

Brandon Mayfield

37. Plaintiff Brandon Mayfield realleges and incorporates herein paragraphs 1 - 36, above.

38. The facts and circumstances set forth above create a series of distinct claims against the United States of America. These distinct claims include, but are not limited to:

- a. False Arrest causing damage to Brandon Mayfield.
- b. False Imprisonment causing damage to Brandon Mayfield.
- c. Wrongful searches and seizures of property and communications, based upon false and misleading affidavits submitted to the FISC and to the United States District Court for the District of Oregon, and the dissemination of private information to numerous other government agencies as well as to the media causing damage to Brandon Mayfield.
- d. Abuse of Process (i.e. misuse of the Material Witness statute and the filing of false affidavits to the FISC and to the United States District Court for the District of Oregon) causing damage to Brandon Mayfield.
- e. Invasion of Privacy and the intentional violation of the Privacy Act causing damage to Brandon Mayfield.

- f. Placing Brandon Mayfield in a False Light, causing damage to Brandon Mayfield.
- g. Intentional Infliction of Emotional Distress to Brandon Mayfield.
- h. Misuse of the Material Witness Statute causing damage to Brandon Mayfield.
- i. Negligent and/or reckless performance of fingerprint analysis by various FBI agents causing foreseeable injury to Brandon Mayfield.
- j. In the alternative, Brandon Mayfield additionally alleges all acts and causes of action alleged herein were acts and causes of action of negligence.
- k. Brandon Mayfield intends this Claim to encompass all causes of action, known and unknown at the time of filing this Claim, which logically flow from the actions detailed herein, and which are allowed by the relevant common law, Oregon law, the United States Constitution, and/or other statutory provisions.

39. The facts and circumstances set forth above create a distinct claim of negligence against defendant Massey. This claim is based upon defendant Massey's negligent and/or reckless performance of fingerprint analysis causing foreseeable injury to Brandon Mayfield.

40. The misconduct of the defendants as set forth above resulted in Brandon Mayfield's unlawful arrest and imprisonment, caused him to suffer and endure 19 days of false imprisonment and physical injuries, caused him to suffer illegal and intrusive searches and seizures from his family home, law office, safety deposit box and vehicles,

caused him to suffer a loss of his right to personal privacy, and caused Mr. Mayfield to endure, and he continues to endure, extreme mental anguish and humiliation, embarrassment, damage to his general reputation, damage to his reputation as a lawyer and an impairment of his earning capacity, all to his special and general damage in an amount to be determined at trial.

SECOND CLAIM FOR RELIEF

Mona Mayfield

41. Plaintiff Mona Mayfield realleges and incorporates herein paragraphs 1 - 36, above.

42. The facts and circumstances set forth above create a series of distinct claims under the FTCA. These distinct claims include, but are not limited to:

- a. Wrongful seizure of property and communications, based upon false and misleading affidavits submitted to the FISC and to the United States District Court for the District of Oregon, and the dissemination of private information to numerous other government agencies as well as to the media causing damage to Mona Mayfield.
- b. Wrongful deprivation of familial rights causing damage to Mona Mayfield.
- c. Invasion of privacy and the intentional violation of the Privacy Act causing damage to Mona Mayfield.

- d. In the alternative, Mona Mayfield additionally alleges all acts and causes of action alleged herein were acts and causes of action of negligence.
- e. Mona Mayfield intends this Claim to encompass all causes of action, known and unknown at the time of filing this Claim, which logically flow from the actions detailed herein, and which are allowed by the relevant common law, Oregon law, the United States Constitution, and/or other statutory provisions.

43. The misconduct of defendant Massey creates a distinct claim against defendant Massey arising from the negligent and/or reckless performance of fingerprint analysis causing foreseeable injury to Mona Mayfield.

44. The misconduct of defendants as set forth above resulted in Mona Mayfield suffering a deprivation of familial rights, illegal and intrusive searches and seizures from her family home, safety deposit box and vehicles. These wrongs caused Mona Mayfield to suffer a loss of her right to familial association, a loss of personal privacy, and caused Mona Mayfield to endure, and she continues to endure, extreme mental anguish, humiliation and embarrassment all to her special and general damage in an amount to be determined at trial.

THIRD CLAIM FOR RELIEF

Shane Mayfield

45. Plaintiff Shane Mayfield realleges and incorporates herein paragraphs 1 - 36, above.

46. The facts and circumstances set forth above create a series of distinct claims under the FTCA. These distinct claims include, but are not limited to:

- a. Wrongful seizure of property and communications, based upon false and misleading affidavits submitted to the FISC and to the United States District Court for the District of Oregon, and the dissemination of private information to numerous other government agencies as well as to the media causing damage to Shane Mayfield.
- b. Wrongful deprivation of Familial Rights causing damage to Shane Mayfield.
- c. Invasion of Privacy and the intentional violation of the Privacy Act causing damage to Shane Mayfield.
- d. In the alternative, Shane Mayfield additionally alleges all acts and causes of action alleged herein were acts and causes of action of negligence.
- e. Shane Mayfield intends this Claim to encompass all causes of action, known and unknown at the time of filing this Claim, which logically flow from the actions detailed herein, and which are allowed by the relevant common law, Oregon law, the United States Constitution, and/or other statutory provisions.

47. The misconduct of defendant Massey creates a distinct claim against defendant Massey arising from the negligent and/or reckless performance of fingerprint analysis causing foreseeable injury to Shane Mayfield.

48. The misconduct of defendants as set forth above resulted in Shane Mayfield suffering a deprivation of familial rights, illegal and intrusive searches and seizures from his family home, safety deposit box and vehicles. These wrongs caused Shane Mayfield to suffer a loss of his right to familial association, a loss of personal privacy, and caused Shane Mayfield to endure, and he continues to endure, extreme mental anguish, humiliation and embarrassment all to his special and general damage in an amount to be determined at trial.

FOURTH CLAIM FOR RELIEF

Sharia Mayfield

49. Plaintiff Sharia Mayfield realleges and incorporates herein paragraphs 1 - 36, above.

50. The facts and circumstances set forth above create a series of distinct claims under the FTCA. These distinct claims include, but are not limited to:

- a. Wrongful seizure of property and communications, based upon false and misleading affidavits submitted to the FISC and to the United States District Court for the District of Oregon, and the dissemination of private information to numerous other government agencies as well as to the media causing damage to Sharia Mayfield.
- b. Wrongful deprivation of Familial Rights causing damage to Sharia Mayfield.
- c. Invasion of Privacy and the intentional violation of the Privacy Act causing damage to Sharia Mayfield.

- d. In the alternative, Sharia Mayfield additionally alleges all acts and causes of action alleged herein were acts and causes of action of negligence.
- e. Sharia Mayfield intends this Claim to encompass all causes of action, known and unknown at the time of filing this Claim, which logically flow from the actions detailed herein, and which are allowed by the relevant common law, Oregon law, the United States Constitution, and/or other statutory provisions.

51. The misconduct of defendant Massey creates a distinct claim against defendant Massey arising from the negligent and/or reckless performance of fingerprint analysis causing foreseeable injury to Sharia Mayfield.

52. The misconduct of defendants as set forth above resulted in Sharia Mayfield suffering a deprivation of familial rights, illegal and intrusive searches and seizures from her family home, safety deposit box and vehicles. These wrongs caused Sharia Mayfield to suffer a loss of her right to familial association, a loss of personal privacy, and caused Sharia Mayfield to endure, and she continues to endure, extreme mental anguish, humiliation and embarrassment all to her special and general damage in an amount to be determined at trial.

FIFTH CLAIM FOR RELIEF

Samir Mayfield

53. Plaintiff Samir Mayfield realleges and incorporates herein paragraphs 1 - 36, above.

54. The facts and circumstances set forth above create a series of distinct claims under the FTCA. These distinct claims include, but are not limited to:

- a. Wrongful seizure of property and communications, based upon false and misleading affidavits submitted to the FISC and to the United States District Court for the District of Oregon, and the dissemination of private information to numerous other government agencies as well as to the media causing damage to Samir Mayfield.
- b. Wrongful deprivation of Familial Rights causing damage to Samir Mayfield.
- c. Invasion of Privacy and the intentional violation of the Privacy Act causing damage to Samir Mayfield.
- d. In the alternative, Samir Mayfield additionally alleges all acts and causes of action alleged herein were acts and causes of action of negligence.
- e. Samir Mayfield intends this Claim to encompass all causes of action, known and unknown at the time of filing this Claim, which logically flow from the actions detailed herein, and which are allowed by the relevant common law, Oregon law, the United States Constitution and/or other statutory provisions.

55. The misconduct of defendant Massey creates a distinct claim against defendant Massey arising from the negligent and/or reckless performance of fingerprint analysis causing foreseeable injury to Samir Mayfield.

56. The misconduct of defendants as set forth above resulted in Samir Mayfield suffering a deprivation of familial rights, illegal and intrusive searches and seizures from his family home, safety deposit box and vehicles. These wrongs caused Samir Mayfield to suffer a loss of his right to familial association, a loss of personal privacy, and caused Samir Mayfield to endure, and she continues to endure, extreme mental anguish, humiliation and embarrassment all to his special and general damage in an amount to be determined at trial.

WHEREFORE, plaintiffs pray for relief, as follows:

On Plaintiff Brandon Mayfield's First Claim for Relief, for special and general damages in amounts to be determined at trial from defendants, together with his costs and disbursements reasonably and necessarily incurred herein.

On Plaintiff Mona Mayfield's Second Claim for Relief, for special and general damages in amounts to be determined at trial from defendants, together with her costs and disbursements reasonably and necessarily incurred herein.

On Plaintiff Shane Mayfield's Third Claim for Relief, for special and general damages in amounts to be determined at trial from defendants, together with his costs and disbursements reasonably and necessarily incurred herein.

On Plaintiff Sharia Mayfield's Fourth Claim for Relief, for special and general damages in amounts to be determined at trial from defendants, together with her costs and disbursements reasonably and necessarily incurred herein.

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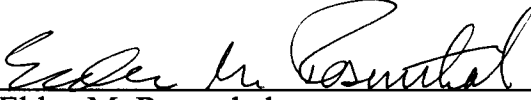
On Plaintiff Samir Mayfield's Fifth Claim for Relief, for special and general damages in amounts to be determined at trial from defendants, together with his costs and disbursements reasonably and necessarily incurred herein.

DATED this 6th day of March, 2006.

THE SPENCE LAW FIRM LLC

/s/ Gerry Spence
Gerry Spence
Wyoming Bar No. 4-0657

ROSENTHAL & GREENE, P.C.


Elden M. Rosenthal
Elden M. Rosenthal
Oregon State Bar No. 72217

MICHELE LONGO EDER, LLC

/s/ Michele Longo Eder
Michele Longo Eder
Oregon State Bar No. 79305

Of Attorneys for Plaintiffs

JURY TRIAL DEMANDED and ADVISORY JURY REQUESTED.