No. 18-55041

# UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

KEO RATHA, *et al.*,

*Plaintiffs-Appellants*,

v.

PHATTHANA SEAFOOD CO., LTD., *et al.*,

*Defendants-Appellees.*

On Appeal from the Judgment of the United States District Court
Central District of California
Case No. CV 16-4271-JFW (ASx)

## CORRECTED BRIEF OF *AMICUS CURIAE* THE CENTER FOR JUSTICE & ACCOUNTABILITY IN SUPPORT OF PLAINTIFFS-APPELLANTS AND REVERSAL

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## CORPORATE DISCLOSURE STATEMENT

*Amicus curiae* The Center for Justice & Accountability is a nonprofit corporation, which has no parent corporation nor stock held by any publicly held corporation.

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## STATEMENT OF IDENTITY, INTEREST, AND AUTHORITY TO FILE

This brief of *Amicus Curiae* is respectfully submitted pursuant to Federal Rule of Appellate Procedure 29 in support of Plaintiffs-Appellants and reversal.

The Center for Justice & Accountability (CJA) is an international human rights organization dedicated to deterring torture and other human rights abuses worldwide. CJA investigates violations including human trafficking, torture, crimes against humanity, war crimes, and genocide, supporting national authorities at home and abroad in the effective prosecution of such atrocities. CJA holds perpetrators accountable and seeks redress for victims through impact litigation under the Alien Tort Statute (ATS), 28 U.S.C. § 1350, the Torture Victim Protection Act of 1991 (TVPA), 28 U.S.C. § 1350 note, and the Crime Victims Rights Act, 18 U.S.C. § 3771. *Amicus* submits this brief to vindicate the public interest in ensuring that U.S. anti-trafficking laws—and the critical tool of extraterritorial jurisdiction—are properly construed to permit the United States to honor its international commitments to combat human trafficking whenever offenders are present for business in the U.S. market. CJA has a vital interest in upholding Congress's vision that the United States would never again serve as a safe haven for torturers, genocidaires, and those who traffic in human beings.

No counsel for a party authored this brief in whole or in part and none of the parties or their counsel, or any other person or entity other than *Amicus Curiae*, its members, or its counsel made a monetary contribution intended to fund its

preparation or submission. All parties to this appeal have consented to the filing of this brief.

## ISSUE

Is a defendant who is present in the United States for personal jurisdiction also present in the United States for subject matter jurisdiction under the Trafficking Victim Protection Reauthorization Act ("TVPRA"), 18 U.S.C. § 1596(a)(2)?

## ARGUMENT

### I. The District Court Committed Reversible Error by Imposing Unjustified Restrictions on the Grant of Subject Matter Jurisdiction in the TVPRA.

In adopting the TVPRA, Congress established a wide-gauged legislative remedy for a variety of human trafficking offenses, explicitly establishing criminal penalties and a civil right of action. 18 U.S.C. § 1595(a). In both criminal and civil cases under the statute, subject matter jurisdiction over specified offenses is proper if "an alleged offender is *present in the United States*, irrespective of the nationality of the alleged offender." 18 U.S.C. § 1596(a)(2) (emphasis added). The district court erroneously concluded that the phrase "present in the United States" requires physical presence, but neither the language of the statute nor its legislative history allows—let alone justifies—such a restriction. To the contrary: a defendant is "present in the United States" for purposes of the TVPRA when it is "present in the United States" for purposes of personal jurisdiction under the Due Process Clause of the Constitution.

Consistent with Congress's remedial purpose, the subject matter reach of the statute is co-extensive with the personal jurisdiction of the federal courts.

Affirming the District Court's physical presence requirement would abridge the TVPRA's jurisdictional grant and defeat Congress's remedial goal of combatting human trafficking. It would hinder our nation's international commitment to deny safe harbor to human traffickers in the U.S. marketplace. Where, as here, the plaintiffs' claims arise directly from the corporate defendant's alleged contacts in the United States, both personal jurisdiction and subject matter jurisdiction are proper. The decision below should be reversed.

### A. In Contrast to Other Statutes, the TVPRA Contains No Express Requirement that a Defendant Be "Physically Present" in the United States.

The text of § 1596(a)(2)—with its reference only to "presence in the United States"—does not support the imposition of a *physical* presence requirement as a precondition for subject matter jurisdiction. Congress clearly knows what language to use when physical presence is required to establish a claim, an entitlement, or a prohibition, and it did not use that language in the TVPRA. *See, e.g.*, Radiation Exposure Compensation Act, Pub. L. 101–426, 104 Stat. 920 (1990) (referring to "[a]ny individual who was *physically present* in the affected area").[i]

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[i] *See also* Prevent All Cigarette Trafficking Act of 2009, Pub. L. 111-154, 124 Stat. 1087 (2010) (defining the term "delivery sale" as "any sale of cigarettes ... to a consumer

When Congress requires *physical* presence tied to trafficking, it says so. Indeed, Congress specifically required physical presence elsewhere in the very same statute that gave courts extraterritorial jurisdiction over trafficking offenses: the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110–457, 122 Stat. 5044 (2008). In one section, the Act created jurisdiction whenever the "offender is present in the United States." Pub. L. 110–457, § 223(a). In another, it amended Section 101(a)(15)(T) of the Immigration and Nationality Act to require "*physical* presence" in the United States, on account of trafficking, as a prerequisite for establishing or adjusting status. § 201. That textual distinction is compelling proof that Congress intended no physical presence requirement in the TVPRA jurisdictional regime: "Where Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion." *Russello v. United States*, 464 U.S. 16, 23 (1983).

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if ... the seller is ... not *in the physical presence* of the buyer when the request for purchase or order is made"); Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act), Pub. L. 107–56, 115 Stat. 272 (2001) (prohibiting U.S. correspondent accounts with any foreign bank "that does not have a *physical presence* in any country"); Ryan Haight Online Pharmacy Consumer Protection Act of 2008, Pub. L. 110–425, Stat. 4820 (2008) (specifying that certain medical evaluations be "conducted with the patient in the *physical presence* of the practitioner").

In matters of statutory construction, the expression of one is the exclusion of others: *expressio unius est exclusio alterius.* And when, as in this case, Congress has imposed a specific restriction in one setting and not in another, the district court is not free to rewrite the statute and insert the word "physically" before the word "present." As Justice Breyer has observed, "[w]e normally presume that, where words differ as they differ here, 'Congress acts intentionally and purposely in the disparate inclusion or exclusion.'" *Burlington N. & Santa Fe Ry. Co. v. White,* 548 U.S. 53, 63 (2006) (quoting *Russello v. United States*, 464 U.S. 16, 23 (1983)). This Court has been meticulous in applying the *expressio unius* principle of statutory construction. *See, e.g.*, *Silvers v. Sony Pictures Entm't, Inc.*, 402 F.3d 881, 885 (9th Cir. 2005) (explaining that, under the doctrine of *expressio unius*, the enumeration of certain criteria to the exclusion of others should be interpreted as an intentional omission). The omission of the word "physical" in section 1596(a)(2) therefore must be considered intentional, which means that "presence" for purposes of the TVPRA can take another lawful form. And indeed, courts routinely determine lawful forms of presence when they analyze personal jurisdiction.

### B. In this Case, "Present in" Subject Matter Jurisdiction Is Co-Extensive with the Minimum Contacts Test for Personal Jurisdiction.

"Present in" is a jurisdictional term of art with an established meaning at the common law and the Due Process Clause of the Constitution. Congress "is understood to legislate against a background of common-law . . . principles," *Astoria*

*Fed. Sav. & Loan Ass'n. v. Solimino*, 501 U.S. 104, 108 (1991), and "[w]here a federal criminal statute uses a common-law term of established meaning without otherwise defining it, the general practice is to give that term its common-law meaning," *United States v. Turley*, 352 U.S. 407, 411 (1957); *accord Citizens Action League v. Kizer*, 887 F.2d 1003, 1006 (9th Cir. 1989). Absent a statutory definition of "presence" in the TVPRA, the Court should apply the common-law forms of presence that determine personal jurisdiction.

With respect to corporations, like Defendant Phatthana in this case, "presence in" a jurisdiction depends on a showing of sufficient minimum contacts within the jurisdiction to satisfy due process. Thus, in the seminal case of *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316-17 (1945), the Supreme Court determined that

> the terms "present" or "presence" are used merely to symbolize those activities of the corporation's agent within the state which courts will deem to be sufficient to satisfy the demands of due process.

*See also Martinez v. Aero Caribbean*, 764 F.3d 1062, 1068 (9th Cir. 2014). Since *Int'l Shoe*, of course, corporate activities other than through a "corporate's agent" have been assessed under the Due Process Clause, including other forms of "purposeful availment" of the privilege of doing business in a particular jurisdiction. *See, e.g., World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980); *Burger King Corp. v. Rudzewicz*, 471 U.S. 462 (1985).

Although personal jurisdiction in transnational cases has undergone some refinement over the last decade, the Supreme Court has never found personal

jurisdiction lacking over a corporate defendant when the plaintiffs' claims arise directly from that defendant's intentional and substantial in-state contacts. *Cf., Daimler AG v. Bauman*, 571 U.S. 117 (2014); *J. McIntyre Mach., Ltd. v. Nicastro*, 564 U.S. 873 (2011). It is true that the "specially-affiliating nexus" required in *Bauman* and *McIntyre* has displaced the outer reaches of general jurisdiction, but nothing in this case turns on general jurisdiction. To the contrary, on the face of their Complaint, Plaintiffs allege that Defendant Phatthana purposefully availed itself of the privileges of conducting business in California and the United States and that its claims arise specifically out of those business activities.

In fact, no Defendant even bothered to object to the exercise of personal jurisdiction in this case, although the district court declined to analyze *why* Defendants might have made that strategic and telling choice. Instead, the lower court simply invoked the truism that subject matter cannot be waived by any party and therefore ignored the jurisdictional allegations in the Complaint and their significance. Order at 5, Dec. 21, 2017, ECF No. 227.

At a minimum, however, multiple allegations in the Complaint suggest why Defendants decided to waive objections to personal jurisdiction.[Ü] For example, Phatthana Seafoods manufactures, markets, or distributes seafood products for export

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[Ü] *Amicus* relies only on the jurisdictional allegations as set forth in the complaint and takes no position on the record developed thereafter.

to the United States, including into California through Rubicon Resources, whose principal place of business is California. Compl. ¶ 19, June 15, 2016, ECF No. 1. Phatthana also markets and sells seafood products directly to consumers in the United States. *Id.* ¶ 15. The Thai defendants have substantial, continuous, and systematic business contacts in the United States and California. *Id.* ¶¶ 15–16. Had jurisdictional discovery been allowed, Plaintiffs might also have established Phatthana's specific intent to sell product in the U.S. market through a California-based distributor, agent, or alter ego, as established in purchase orders, U.S.-oriented packaging, compliance with U.S.-based health regulations, and marketing materials. Taken together, these facts would support a finding of presence in the United States that is fully consistent with the minimum contacts analysis under the Fifth Amendment Due Process Clause.

Indeed, the facts paint a picture of a cross-border chain of transactions that exploited trafficked labor in Thailand to bring product into the United States at market-distorting prices and in violation of U.S. laws and regulations. As a general matter, physical presence in the United States is not required when, as here, a chain of unlawful transactions is consummated within the United States, has directed effects here, or involves a conspiracy furthered here. *See, e.g.*, *In re Marc Rich & Co., A.G.*, 707 F.2d 663, 666 (2d Cir. 1983) ("[T]he Government may punish a defendant in the same manner as if it were present in the jurisdiction when the detrimental effects occurred [there]" particularly "where the offense involved a conspiracy and at least one overt act of the conspiracy occurred within the United States."); *United States v. Gilboe*, 684

F.2d 235, 238 (2d Cir. 1982) (holding that jurisdiction under the wire fraud statute "is satisfied by defendant's use of the wires to obtain the proceeds of his fraudulent scheme" even where the defendant was a "nonresident alien whose acts occurred outside the United States and had no detrimental effect within the United States"); *United States v. Hoskins*, 73 F.Supp.3d 154, 167 (D. Conn. 2014) ("That [Defendant] may have never entered the United States in connection with his . . . employment . . . is not dispositive because his physical presence within the United States is not required where the Indictment alleges that he used domestic wire transfers to promote the conspiracy . . ."). These affiliating contacts are all a form of presence.

When geo-locating a tort, this Court has previously refused to divide a chain of cross-border transactions into disparate links, and has looked instead at how unlawful acts abroad that generate ill-gotten revenue in the American market have "substantial contact with the United States." *Siderman de Blake v. Republic of Argentina*, 965 F.2d 699, 709 (9th Cir. 1992) (holding that advertising a violently expropriated Argentine hotel in the U.S. market was a commercial activity within the United States for purposes of the Foreign Sovereign Immunities Act). That was precisely the situation here: Defendant Phatthana derived revenue and benefits in the United States through transnational sales built on forced labor.

The point is two-fold: by failing to consider the common-law forms of presence familiar in personal jurisdiction, the district court cut short any assessment of the Defendant's in-state contacts and its relationship to the Plaintiffs' claims. This

was reversible error. And its harm would not be limited to this case: imposing an extra-textual "physical presence" requirement would undermine Congress's anti-trafficking framework and frustrate the United States' ability to meet international commitments to combat trafficking and other human rights abuses.

### C. Limiting Subject Matter Jurisdiction to Defendants Physically Present in the United States Defeats the Remedial Purpose Behind Congress' Decision to Give the TVPRA Extraterritorial Effect.

Combatting human trafficking is "among the highest priorities of the United States." 149 Cong. Rec. 158 (2003). So serious is this commitment that Congress has continued to expand the criminal, civil, and diplomatic tools available to the United States through mutually reinforcing provisions premised on the three anti-trafficking Ps: Prosecution, Prevention, and Protection. U.S. Dep't of State, 3Ps: Prosecution, Protection, and Prevention, https://www.state.gov/j/tip/3p/. One vital tool is extraterritorial jurisdiction.

In fact, in the William Wilberforce Act of 2008, Congress gave the Chapter 77 trafficking offenses the most expansive basis for extraterritorial jurisdiction found in the U.S. Code: subject matter jurisdiction whenever the "alleged offender is present in the United States, irrespective of the nationality of the alleged offender." Pub. L. No. 110–457, § 223, 112 Stat. 5044 (2008). This provision has survived constitutional challenge, including under the Fifth Amendment's Due Process clause with respect to a foreign citizen accused of running a multinational trafficking enterprise. United States v. Baston, 818 F.3d 651, 669 (11th Cir. 2016) ("It is neither arbitrary nor fundamentally

unfair to exercise extraterritorial jurisdiction over Baston.") *cert. denied* 137 S.Ct. 850 (2017). It has also been deemed consistent with international law jurisdictional principles, namely the protective principle, which allows nations to punish conduct that threatens the security of the state or governmental functions and is recognized as a crime globally. *Id.* at 670.

The TVPRA's "present in" jurisdiction, 18 U.S.C. § 1596(a)(2), is part of a bundle of regulatory provisions—criminal, administrative, and civil—designed to disrupt the trade in, and exploitation of, human beings. Civil liability is central to this regulatory scheme. In 2003, Congress enacted a civil remedy for a range of trafficking crimes to enhance the Trafficking Victims' Protection Act ("TVPA")'s comprehensive regulatory scheme. Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108–193, § 4(a), 117 Stat. 2878 (2003), codified at 18 U.S.C. § 1595. This remedy originally applied to acts of forced labor (18 U.S.C. § 1589), trafficking with respect to peonage, involuntary servitude, or forced labor (18 U.S.C. § 1589), and sex trafficking of children or by force, fraud, or coercion (18 U.S.C. § 1591). In a subsequent reauthorization of the TVPA, Congress expanded the civil remedy to cover other manifestations of human trafficking and to allow for suit against third parties who benefit from trafficking. Specifically, victims can sue "whoever knowingly benefits, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of

this chapter." William Wilberforce Act of 2008, Pub. Law. No. 110-457, § 221, 112 Stat. 5044 (2008).

The civil remedy for human trafficking—which enables victims to seek actual damages, punitive damages, attorneys' fees, and other litigation costs—coupled with the TVPRA's mandatory restitution provisions—which entitle victims to receive the value of their labor (18 U.S.C. § 1593)—signal Congress's express intent to eliminate human trafficking by attacking the lucrative financial incentives inherent to human trafficking and the illicit profits that can be earned from the practice. *See Ditullio v. Boehm*, 662 F.3d 1091, 1098 (9th Cir. 2011) (finding that the [TVPRA] permits recovery of punitive damages because it "creates a cause of action for tortious conduct that is ordinarily intentional and outrageous . . . [and] is consistent with Congress' purposes in enacting the [TVPRA], which include increased protection for victims of trafficking and punishment of traffickers.").

Human trafficking is big business and funds multiple other criminal activities that threaten U.S. national security interests. According to the International Labor Organization, forced labor generates annual profits of $150 billion. International Labor Organization, *Profits and Poverty: The Economics of Forced Labour* 13 (2014). Congress has observed that "trafficking is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide. Trafficking in persons is often aided by official corruption in countries of origin,

transit, and destination, thereby threatening the rule of law." 22 U.S.C. § 7101(b)(8). Thus, civil remedies contribute towards making victims financially whole but also ensure that trafficking crimes are not profitable for the perpetrators.

For that reason, it is highly significant that Congress made the jurisdictional provisions added to the TVPRA in 2008 apply generally in both criminal and civil matters. By including the present-in jurisdiction of § 1596(a)(2), Congress ensured that trafficking victims would have a civil remedy against any trafficker subject to the personal jurisdiction of the U.S. courts.

Empirically, the civil enforcement of anti-trafficking law has proven a critical tool in the fight against human trafficking and forced labor. Data from 2017 show that the Department of Justice pursued prosecutions for sex trafficking more vigorously than for labor trafficking: of the active criminal cases involving human trafficking in 2017, only 4.9% involve labor trafficking. The Human Trafficking Institute, *Federal Human Trafficking Report* 11 (2017). By contrast, the vast majority of active civil suits in 2017 involved allegations of labor trafficking (90.9%). In total, within the universe of active trafficking suits in federal courts in 2017 (784 cases in total), only 11.2% (88) were civil suits. *Id.* at 1. These cases represent a small but effective effort to use civil litigation to remedy trafficking in the U.S. market. Some 88 active cases in one year are hardly a flood of litigation, and hardly an effort to make "United States law . . . govern the world" as the district court would have it. Order at 6, Dec. 21, 2017, ECF No. 227. To the contrary, the exercise of "present in"

jurisdiction enables the United States to enforce international law prohibitions on human trafficking that are in force across the globe.

### D. Determining Presence through the Lens of Personal Jurisdiction Fulfills the United States' Commitments Under International Law.

The TVPRA's "present in" jurisdiction and civil remedy provisions are consistent with the main multilateral treaty against human trafficking: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime ("Palermo Protocol"), Nov. 15, 2000, 2237 U.N.T.S. 343. The United States ratified this treaty in 2005. The Palermo Protocol calls upon each signatory to "ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered." Palermo Protocol, art. 6(6).

"Present in" jurisdiction plays an important role in this international regulatory scheme, allowing the United States to ensure that individual traffickers do not exploit U.S. territory as a safe haven from liability and that trafficking commercial entities that are present for business in the U.S. market find no safe harbor.

Not surprisingly, "present in" jurisdiction figures in a suite of federal criminal statutes designed to enforce international norms and deny safe haven to offenders. Many international crimes codified in Title 18 of the U.S. Code employ the same "present in" jurisdictional formula, or language that is substantially similar, along with

other jurisdictional bases. *See, e.g.*, 18 U.S.C. § 1091(e)(2)(D) (providing for jurisdiction over the crime of genocide if, *inter alia*, an alleged offender is "present in the United States"); 18 U.S.C. § 1651 (allowing for jurisdiction over whoever commits piracy "and is afterwards brought into or found in the United States"); 18 U.S.C. § 2340A(b) (providing for jurisdiction over torture if "the alleged offender is present in the United States, irrespective of the nationality of the victim or alleged offender"); 18 U.S.C. § 2442(c)(3) (same for the recruitment or use of child soldiers). "Present in" jurisdiction was included in amendments to the genocide statute at the request of the Department of Justice in order to close a loophole in the law and deny safe haven to perpetrators of genocide in the United States. *See* Human Rights Enforcement Act of 2009, 18 U.S.C. § 1091.

Similarly, the suite of U.S. terrorism statutes employs analogous language, allowing for the assertion of jurisdiction over perpetrators "found in" the United States. *See, e.g.*, 18 U.S.C. § 37 (jurisdiction exists over acts of violence at international airports if "the offender is later found in the United States"); 18 U.S.C. § 1116(c)(3) (allowing for jurisdiction over individuals alleged to have murdered foreign officials or internationally protected persons who are "afterwards found in the United States"); 18 U.S.C. § 1201 (same for the kidnapping of an internationally protected person); 18 U.S.C. § 2332f(b)(2)(C) (terrorist bombings); 18 U.S.C. § 2332i (acts of nuclear terrorism); 18 U.S.C. § 2280 (violence against maritime navigation); and 49 U.S.C. § 46502(b)(2)(C) (aircraft piracy). A full expression of this principle is found in 18

U.S.C. § 2339B(d)(1)(C), which criminalizes the provision of material support or resources to a designated foreign terrorist organization and provides for extraterritorial jurisdiction if, *inter alia*, "after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States."

To be sure, for all of these criminal statutes, including the TVPRA, Federal Rule of Criminal Procedure 43 and the Sixth Amendment to the Constitution require the physical presence of a *natural-person* defendant "at every trial stage." Fed. R. Crim. P. 43. But the same is not true for corporate defendants: the Federal Rules explicitly require no physical presence if the "defendant is an organization represented by counsel who is present." *Id.* Thus, with respect to corporate defendants, there is perfect symmetry between the forms of presence required in the criminal setting by Rule 43 and those required in the civil setting under the minimum contacts analysis of the Fifth and Fourteenth Amendments.

In these statutes, as in the TVPRA, the provision of "present in" jurisdiction operates to implement the United States' international commitments to end impunity for crimes of global concern. To limit the scope of "present in" jurisdiction, as the district court did, by imposing a physical presence requirement would risk limiting the United States' ability to prosecute or hold civilly liable offenders who are within the personal jurisdiction of our federal courts. This would be the case particularly with respect to corporate offenders: a trafficking enterprise could easily structure or

transaction such that the offender enters the U.S. market to profit from its criminal labor-chain, while avoiding the physical presence required by the court below. Rather than incentivize businesses to skirt U.S. anti-trafficking provisions through a physical presence loophole, this Court should adopt a simple, predictable rule: a defendant who is present for personal jurisdiction is also present for subject matter jurisdiction under the TVPRA.

## CONCLUSION

For the foregoing reasons, *Amicus* urges this Court to reverse the district court's opinion and hold that the scope of "present in" subject matter jurisdiction under 18 U.S.C. § 1596(a)(2) is co-extensive with the minimum contacts test for personal jurisdiction under the Due Process Clause of the Fifth Amendment.

Dated: June 6, 2018

Respectfully submitted,

By: s/Scott A. Gilmore

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## CERTIFICATE OF COMPLIANCE

This Corrected Brief of *Amicus Curiae* is proportionately spaced in 14 Garamond typeface. The brief contains 4,150 words, including footnotes. The undersigned counsel for The Center for Justice & Accountability declares under penalty of perjury pursuant to the laws of the State of California that he has read the foregoing certificate of compliance and knows the contents therein and the factual matters stated therein are true of the undersigned counsel's own knowledge.

Executed this 6th day of June, 2018 at San Francisco, California.

By: s/Scott A. Gilmore

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this case. My business address is Suite 2500, 601 South Figueroa Street, Los Angeles, California 90017-5704.

A true and correct copy of the foregoing document entitled CORRECTED BRIEF OF AMICUS CURIAE THE CENTER FOR JUSTICE & ACCOUNTABILITY IN SUPPORT OF PLAINTIFFS-APPELLANTS AND REVERSAL will be or was served in the manner stated below.

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and Local Rules, the foregoing document will be served by the court via NEF and hyperlink to the document. On June 6, 2018, I checked the CM/ECF docket for this case and determined that the following person/s is/are on the Electronic Mail Notice List to receive NEF transmission at the email address/es stated below.

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2. **SERVED BY UNITED STATES MAIL:** On June 6, 2018, I served the following persons and/or entities, not on the Electronic Mail Notice List in this case,

by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows.

**3. SERVED BY PERSONAL DELIVERY, NEXT BUSINESS DAY, FACSIMILE TRANSMISSION OR EMAIL:** Pursuant to F.R.Civ.P. 5 and/or controlling local rule, on June 1, 2018, I served the following persons and/or entities by personal delivery, next business day courier, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows.

☐ By Hand via USA Legal Network
☐ By Next Business Day [Trkg]
☐ By Facsimile
☐ By Email to

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: June 6, 2018

/s/ Ermelita P. Gonzalez
*Printed Name*

**United States Court of Appeals for the Ninth Circuit**

**Notice of Docket Activity**

The following transaction was entered on 06/06/2018 at 4:05:37 PM PDT and filed on 06/06/2018

**Case Name:** Keo Ratha, et al v. Phatthana Seafood Co., Ltd., et al
**Case Number:** 18-55041
**Document(s):** Document(s)

**Docket Text:**
Filed (ECF) Amicus Curiae Center for Justice and Accountability Motion to file substitute or corrected brief. Date of service: 06/06/2018. [10899334] [18-55041] (Gilmore, Scott)

**Notice will be electronically mailed to:**

Mr. Charles Lawrence Kreindler
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