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CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES
BY: _____

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10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

12 NATIONAL COALITION FOR MEN and Case No. **CV13-02391 DSE (MANX)**
13 JAMES LESMEISTER, Individually and on
14 behalf of others similarly situated,

**FOR INJUNCTIVE AND DECLARATORY
RELIEF**

15 **PLAINTIFFS,**

16 v.

JURY TRIAL DEMANDED

17 SELECTIVE SERVICE SYSTEM; LAWRENCE
18 G. ROMO, as Director of SELECTIVE
19 SERVICE SYSTEM; and DOES 1 through 10,
20 Inclusive,

DEFENDANTS.

21 Plaintiffs National Coalition For Men (hereinafter "NCFM") and James Lesmeister
22 (hereinafter "Lesmeister"), both collectively hereinafter "Plaintiffs," bring this complaint against
23 Defendants Selective Service System (hereinafter "SSS") and its Director Lawrence G. Romo,
24 collectively hereinafter ("Defendants"). Plaintiffs request injunctive and declaratory relief for
25 Defendants to treat women and men equally by requiring both women and men to register for the U.S.
26 military draft. Secretary of Defense Leon Panetta's announcement in January of 2013, lifting the ban
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1 on women serving in combat for the U.S. military, will remove the only legal impediment to requiring
2 women to register for the draft. Plaintiffs' allegations are based upon information and belief and upon
3 investigation of Plaintiffs' counsel.

4 **JURISDICTION AND VENUE**

- 5 1. Plaintiffs bring this action under the Fifth and Fourteenth Amendments of the United States
- 6 Constitution, and United States Code, Title 28, Section 1983 to challenge Defendants' sex
- 7 discrimination against males in Defendants' Selective Service System, which requires only males
- 8 register for the draft into the branches of the U.S. military.
- 9
- 10 2. This Court has jurisdiction pursuant to the following statutes:
- 11
 - 12 a. 28 U.S.C. § 1331, which gives district courts original jurisdiction over civil actions arising
 - 13 under the Constitution, laws, or treaties of the United States.
 - 14 b. 28 U.S.C. § 1343 (3) and (4), which give district courts original jurisdiction over actions to
 - 15 secure civil rights extended by the United States government.
- 16 3. Venue is appropriate in this judicial district under 28 U.S.C. § 1391(b) because the events giving
- 17 rise to this Complaint occurred in this District, or a substantial part of property that is the subject
- 18 of the action is situated in this District.
- 19
- 20 4. No other forum would be more convenient for the parties and witnesses to litigate this action.

21 **PARTIES**

- 22 5. Plaintiff NCFM is a non-profit, 501(c)(3) educational and civil rights corporation organized under
- 23 the laws of the State of California and of the United States.
- 24
- 25 6. NCFM is registered with the Combined Federal Campaign for non-profit organizations.
- 26
- 27 7. NCFM is the oldest organization in the world that advocates for equal rights for men and women.
- 28

- 1 8. NCFM was established in 1976 to examine how sex discrimination adversely affects males in
2 military conscription, child custody laws, parenting rights, domestic violence services, family law,
3 paternity laws, criminal sentencing, public benefits, education, occupations that are not
4 traditionally male (nursing, school teachers, etc.), and other areas. NCFM assisted the California
5 Legislature in enacting legislation to protect men from paternity fraud, and helped overturn
6 unconstitutional laws that discriminated against male victims of domestic violence in California in
7 *Woods v. Horton* (2008) 167 Cal.App.4th 658. NCFM members were the prevailing appellants
8 and attorney in the landmark California Supreme Court case of *Angelucci v. Century Supper Club*
9 (2007) 41 Cal.4th 160, which held that women, people of color, gays and lesbians, and other
10 groups that California businesses discriminated against based on protected personal characteristics
11 did not have to first assert their right to equal treatment to an offending business in order to have
12 standing to sue for unlawful discrimination under California's Unruh Civil Rights Act.
13
14
15 9. NCFM has organizational standing because NCFM members would otherwise have standing to
16 sue in their own right, the interests NCFM seeks to protect are germane to NCFM's purpose and
17 neither the claim asserted, nor the relief requested, requires the participation of individual NCFM
18 members in this lawsuit. NCFM's membership is comprised mostly of males, many of them ages
19 18-25 or who will be age 18-25 at some time relative to this lawsuit and the relief it seeks, and
20 many of whom have children or other loved ones who are male and are ages 18-25, and all of
21 whom are members of NCFM because they support equal treatment of males and females.
22
23
24 10. Plaintiff Lesmeister is an 18-year-old male resident and U.S. citizen residing near Houston, Texas.
25 Lesmeister is in the age group required by Defendants to register for the military draft and has
26 recently registered for the military draft as is required of him as a male.
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11. Defendant SSS is an independent agency within the Executive Branch of the Federal Government of the United States of America. The SSS collects and maintains information on men potentially subject to military conscription. Male U.S. citizens and male immigrant non-citizens between the ages of 18 and 25, are all required by law to register with the SSS within thirty days of their 18th birthdays and must notify the SSS within ten days of any changes to any of the information they provided on their registration cards, such as a change of address. A 2010 report by the General Accounting Office estimated the SSS's registration rate at 92%, with the names and addresses of over 16.2 million men on file. The SSS provides the names of all registrants to the Joint Advertising Marketing Research & Studies ("JAMRS") program for inclusion in the JAMRS Consolidated Recruitment Database. The names are distributed to various government agencies for recruiting purposes on a quarterly basis.

12. Defendant, Lawrence G. Romo, is Director of the SSS. The Director of SSS is appointed by the President of the United States of America and confirmed by the Senate.

13. Defendants DOES 1 through 50 are sued as fictitious entities at this time and will be added to this Complaint by amendment when their true names are ascertained.

14. Plaintiffs are informed and believe and thereon allege that each of the Defendants is responsible and liable for the illegal and unconstitutional acts alleged herein.

15. There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge.

GENERAL ALLEGATIONS

16. Plaintiffs re-allege each allegation set forth above.

- 1 17. Within the past three years, Defendants have been and are enacting, implementing, and/or
2 administering laws, rules, and public policies, which discriminate against males by requiring only
3 males to register for the draft under the SSS program.
- 4 18. The above-referenced discriminatory laws and policies violate the rights of Plaintiffs and other
5 qualifying men in the United States under the 5TH and 14th Amendments of the United States
6 Constitution and United States Code, Title 28, Section 1983. Men failing to register with SSS can
7 be fined \$250,000, sentenced to five years in prison, and be disqualified from a number of federal
8 and state benefits including: jobs, financial aid, citizenship, and job training.
- 9 19. In the 1981 U.S. Supreme Court decision of *Rostker v. Goldberg*, 453 U.S. 57 (1981), the Court
10 held that women did not have to register with the SSS for the military draft because women were
11 excluded from combat, therefore, men and women were not similarly situated,. However, in
12 January of 2013, U.S. Secretary of Defense Leon Panetta announced that women will be allowed
13 to enter all combat positions in all branches of the U.S. military.
- 14 20. Therefore, the sole legal basis for requiring only males to register with the SSS for the military
15 draft no longer applies, and Defendants should now treat men and women equally.
- 16 21. A USA Today article on Secretary Panetta's announcement ending the military's ban on women in
17 combat read, "Women currently serve in a number of combat positions, including piloting
18 warplanes or serving on ships in combat areas. Since the start of the wars in Afghanistan and Iraq,
19 292,000 women have served in those combat zones out of a total of almost 2.5 million, Pentagon
20 records show. In both wars, 152 women have died from combat or noncombat causes, records
21 show, and 958 have been wounded in action."
- 22 22. The U.S. Supreme Court, in *Frontiero v. Richardson*, 411 U.S. 677 (1973), ruled that the Equal
23 Protection Clause of the United States Constitution requires the U.S. military to provide its female
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members with the same housing and medical benefits as it provides its male members. *Frontiero* discusses America's long and unfortunate history of sex discrimination, *Id.* at 684 - 687, which NCFM and many other equal rights organizations seek to end. Justice William J. Brennan Jr., in announcing the judgment of the Court, compared the military's unequal treatment of men and women regarding housing and medical benefits to be another example of this country's unfortunate tradition of treating people unequally based on their sex, finding that "Traditionally, such discrimination was rationalized by an attitude of "romantic paternalism" which, in practical effect, put women, not on a pedestal, but in a cage." *Id.* at 684.

DECLARATORY RELIEF

- 23. Plaintiffs re-allege each allegation set forth above.
- 24. There exists an actual, present, and justiciable controversy between Plaintiffs and Defendants concerning the rights of Plaintiffs and the duties of Defendants concerning the conduct described herein.
- 25. This controversy is ripe for judicial decision, and declaratory relief is necessary and appropriate so the parties may know the legal obligations that govern their present and future conduct.

COUNT ONE: VIOLATION OF FIFTH AMENDMENT OF THE UNITED STATES

CONSTITUTION

- 26. Plaintiffs re-allege each allegation set forth above.
- 27. The above-mentioned conduct by Defendants violates the rights of Plaintiffs to equal treatment based on sex under the Fifth Amendment of the United States Constitution.

COUNT TWO: VIOLATION OF FOURTEENTH AMENDMENT OF THE UNITED STATES

CONSTITUTION

- 28. Plaintiffs re-allege each allegation set forth above.

1 29. The above-mentioned conduct by Defendants violates the rights of Plaintiffs under the Fourteenth
2 Amendment of the United States Constitution.

3
4 **COUNT THREE: VIOLATION OF 28 U.S.C. § 1983**

5 30. Plaintiffs re-allege each allegation set forth above.

6
7 31. The above-mentioned conduct by Defendants violates the rights of Plaintiffs under 28 U.S.C. §
8 1983.

9 **PRAYER**

10 Therefore, Plaintiffs pray as follows for:

- 11 1. Injunctive relief ordering Defendants to end the sex-based discrimination in its military
- 12 draft registration program and to treat men and women equally.
- 13
- 14 2. Declaratory relief regarding the respective rights of Plaintiffs and all defendants as set forth
- 15 in this Complaint;
- 16
- 17 3. Attorney fees and costs; and,
- 18 4. Any other relief that the Court deems just.

19 **JURY DEMAND**

20 Plaintiffs demand a trial by jury on all causes of action so triable.

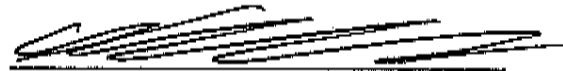
21 Respectfully Submitted.

22 Law Office of Marc E. Angelucci

23
24
25 Date:

4/4/13

By:



Marc E. Angelucci, Esq.
Attorney for Plaintiffs,
National Coalition For Men, and James Lesmeister

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
Central District of California

NATIONAL COALITION FOR MEN and JAMES
LESMEISTER, Individually and on behalf of others
similarly situated,

Plaintiff(s)

v.

SELECTIVE SERVICE SYSTEM; LAWRENCE G.
ROMO, as Director of SELECTIVE SERVICE
SYSTEM; and DOES 1 through 10, Inclusive.

Defendant(s)

)
)
) **CV13-02391** DSF (MAN.x)
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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

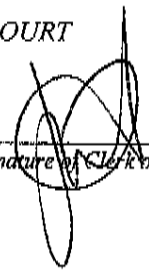
A lawsuit has been filed against you.

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:

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.

APR - 4 2013

Date: _____

CLERK OF COURT


Signature of Clerk or Deputy Clerk

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dale S. Fischer and the assigned discovery Magistrate Judge is Margaret A. Nagle.

The case number on all documents filed with the Court should read as follows:

CV13- 2391 DSF (MANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself) NATIONAL COALITION FOR MEN; and JIMMY ZINN, Individually and on behalf of others similarly situated. DEFENDANTS (Check box if you are representing yourself) SELECTIVE SERVICE SYSTEM; LAWRENCE G. ROMO, as Director of SELECTIVE SERVICE SYSTEM; and DOES 1 through 10, Inclusive.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Marc E. Angelucci, Esq. (SBN 211291) Law Office of Marc E. Angelucci 11734 Wilshire Blvd., Ste. C903 Los Angeles, CA 90025

II. BASIS OF JURISDICTION (Place an X in one box only.) 1. U.S. Government Plaintiff 2. U.S. Government Defendant 3. Federal Question (U.S. Government Not a Party) 4. Diversity (Indicate Citizenship of Parties in Item III) III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country PTF DEF 1 1 2 2 3 3 4 4 5 5 6 6

IV. ORIGIN (Place an X in one box only.) 1. Original Proceeding 2. Removed from State Court 3. Remanded from Appellate Court 4. Reinstated or Reopened 5. Transferred from Another District (Specify) 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.) CLASS ACTION under F.R.Cv.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite Jurisdictional statutes unless diversity.) Violation of the Fifth and Fourteenth Amendments to the United States Constitution, and of United States Code, Title 28, Section 1983, by requiring only males to register for the Selective Service.

VII. NATURE OF SUIT (Place an X in one box only.) OTHER STATUTES CONTRACT REAL PROPERTY CONT. IMMIGRATION PRISONER PETITIONS PROPERTY RIGHTS TORTS PERSONAL INJURY PERSONAL PROPERTY CIVIL RIGHTS LABOR FEDERAL TAX SUITS

FOR OFFICE USE ONLY: Case Number: CV13-02391

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
 CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? NO YES

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? NO YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to Item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
NOTE: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

*Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): _____

DATE: 4/3/13

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))