No. 16-17197

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

FEDERAL TRADE COMMISSION,
Plaintiff-Appellee,

v.

AMG CAPITAL MGMT., LLC; BLACK CREEK CAPITAL CORP.; BROADMOOR CAPITAL PARTNERS, LLC; LEVEL 5 MOTORSPORTS, LLC; and SCOTT A. TUCKER,
Defendant-Appellants, and

PARK 269 LLC and KIM C. TUCKER,
Relief Defendants-Appellants.

On Appeal from the United States District Court
for the District of Nevada, No. 2:12-cv-00536
Hon. Gloria M. Navarro, Chief Judge

OPPOSITION TO PETITION FOR REHEARING EN BANC

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INTRODUCTION

For nearly 40 years, this Court has held in case after case that by granting district courts the authority to issue an "injunction" in Section 13(b) of the Federal Trade Commission Act, Congress also allowed them to order equitable monetary relief. Sitting en banc, the Court recognized as much just last year. That longstanding determination, deeply embedded in the law, flows directly from Supreme Court precedent interpreting a similar statute. Appellant Scott Tucker now asks the Court to jettison four decades of precedent, hold that district courts may not enter monetary judgments under Section 13(b), and put itself in conflict with not only the Supreme Court decisions on which this Court's precedents rest, but also with eight other courts of appeals. He points to nothing beyond his disagreement with the settled law that justifies such a radical departure. The Court should deny his request.

STATEMENT OF THE CASE

This case involves a payday lending fraud that swindled consumers out of $1.3 billion. Tucker and his company, AMG, led borrowers to believe that their small loans would be repaid in two weeks through a single withdrawal from their bank account equal to the loan amount plus 30% interest. In reality, the loan renewed automatically several times and Tucker made multiple withdrawals, greatly exceeding the expected amount. For example, a consumer who borrowed $300 expecting to pay $390 two weeks later paid as much as $975 over 20 weeks.

Tucker claimed that the true loan terms were disclosed on the AMG website, but the terms presented there were a confusing morass of contradictory fine print. And he instructed his employees that they "cannot explain how the loan works" to confused potential customers who asked. Appellee's Supplemental Excerpts of Record 2-3, 27, 30-31. Between 2008 and 2012, AMG originated over 5 million loans and collected $1.3 billion in renewal finance charges, not counting the original principal or the 30% interest the borrowers agreed to pay. Op. 5.

The FTC charged Tucker, AMG, and others with violating a host of consumer protection laws, including the FTC Act and the Truth in Lending Act. The district court granted summary judgment to the FTC on both liability and relief. On liability, the court held that Tucker misled borrowers because "large prominent print" in his loan documents said there would be "one finance charge while the fine print creates a process under which multiple finance charges will be automatically incurred unless borrowers take affirmative action." Appellants' Excerpts of Record ("ER") 71. Tucker "never expressly state[d] that the renewal plan is automatic." ER 71-72. In a separate order, the court found Tucker jointly and severally liable for $1.3 billion in equitable monetary relief. ER 2-38.

A panel of this Court affirmed. It held that Tucker's disclosures "suggested that the value reported as the 'total of payments' . . . would equal the full cost of the loan," but in reality, "borrowers had to perform a series of affirmative actions

in order to decline to renew the loan" and pay only the amount listed on the disclosure. Op. 10. The panel held that the loan's "fine print does not reasonably clarify these terms because it is riddled with still more misleading statements."[1] *Id.*

The panel also affirmed the monetary judgment. It rejected Tucker's argument that the district court abused its discretion in calculating the amount of relief and also his claim that the district court lacked authority to award monetary relief at all. To the contrary, the panel noted, this Court had "repeatedly held that § 13 'empowers district courts to grant any ancillary relief necessary to accomplish complete justice, including restitution.'" Op. 16 (quoting *FTC v. Commerce Planet, Inc.*, 815 F.3d 593, 598 (9th Cir. 2016)). The panel determined that the Supreme Court's decision in *Kokesh v. SEC*, 137 S. Ct. 1635 (2017), did not undermine that precedent. Rather, "*Kokesh* itself expressly limits the implications of the decision: 'Nothing in this opinion should be interpreted as an opinion on whether courts possess authority to order disgorgement in SEC enforcement proceedings.'" Op. 17 (quoting *Kokesh*, 137 S. Ct. at 1642 n.3). Because "*Kokesh* and *Commerce Planet* are not clearly irreconcilable," the panel held itself bound by prior circuit interpretations of Section 13(b). Op. 17.

[1] The panel rejected Tucker's argument that the loan was "technically correct," holding that "consumers acting reasonably under the circumstances—here, by looking to the terms of the Loan Note to understand their obligations—likely could be deceived by the representations made there." Op. 11.

Judge O'Scannlain, joined by Judge Bea, specially concurred. They urged that the Court rehear the case en banc and hold that Section 13(b) of the FTC Act does not authorize monetary relief. Op. 22-36 ("joint concurrence" or "JC"). In their view, Section 13(b)'s authorization to issue an "injunction" does not include "*other* forms of equitable relief, because Congress would have said so if it did." JC 24. The concurrence opined further that the monetary remedy Congress provided in Section 19 of the Act would be meaningless if money were also available under Section 13(b). JC 26. The opinion also suggested that monetary relief ordered in FTC cases is, like the disgorgement ordered in *Kokesh*, a penalty and therefore not equitable relief at all. JC 30-33.[2]

Separately, while this case proceeded, Tucker and his attorney were charged with and convicted of conspiracy, racketeering, wire fraud, and money laundering for their roles in the AMG fraud. *See United States v. Tucker*, No. 1:16-cr-00091 (S.D.N.Y. Jan. 5, 2018), ECF No. 322, 323. Tucker was sentenced to more than 16 years in prison. Using money derived from settlements with other parties, the FTC subsequently refunded $505 million to 1,179,803 victims of Tucker's fraud. Money collected from Tucker in the present case is being held by a receiver for distribution to consumer victims at the conclusion of this litigation.

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[2] Judge Bea concurred separately to state his opinion that whether Tucker's loan disclosures were deceptive "is inherently factual and should not be decided at the summary judgment stage." Op. 37.

ARGUMENT

This case does not merit further review. The Court has held consistently over nearly four decades that Section 13(b) authorizes an award of monetary relief. *E.g.*, *Commerce Planet*, 815 F.3d at 598-599; *FTC v. Pantron I Corp.*, 33 F.3d 1088, 1102 (9th Cir. 1994); *FTC v. H.N. Singer, Inc.*, 668 F.2d 1107, 1112-1113 (9th Cir. 1982). The Court, sitting en banc, acknowledged the availability of monetary relief just last year. *See FTC v. AT&T Mobility, LLC*, 883 F.3d 848, 864 (9th Cir. 2018). The Court's decisions are in harmony with eight other circuits and firmly grounded in Supreme Court precedent. The principle embodied in those decisions has become part of the legal fabric, relied on by government enforcers and the public. There is no good reason to abandon it.

En banc review "is not favored" and ordinarily "will not be ordered" except "to secure or maintain uniformity of the court's decisions" or if "the proceeding involves a question of exceptional importance." Fed. R. App. P. 35(a). The Court's local rules suggest that a question is exceptionally important when the panel opinion "directly conflicts with an existing opinion by another court of appeals and substantially affects a rule of national application in which there is an overriding need for national uniformity." Ninth Cir. R. 35-1. This case meets neither of those criteria. The Court's decisions are uniform; they do not conflict with the decisions of any other court of appeals. And although monetary remedies are an important

element of FTC enforcement, there is already nationwide and uniform agreement that Section 13(b) allows that remedy. Reversing decades of this Court's unwavering precedent would disrupt that uniformity.

A panel's application of well-settled law does not present a question of "exceptional importance" that merits en banc review. To the contrary, the Court has emphasized that en banc review "must not be pursued at the expense of creating an inconsistency between our circuit decisions and the reasoning of state or federal authority embodied in a decision of a court of last resort." *Miller v. Gammie*, 335 F.3d 889, 900 (9th Cir. 2003) (en banc). "It should go without saying that mere disagreement with a decision by a panel of the court is not a sufficient ground for rehearing en banc." *Mitchell v. JCG Indus., Inc.*, 753 F.3d 695, 699 (7th Cir. 2014) (Posner, J.).

A. The panel decision is consistent with the precedent of this Court, eight other circuits, and the Supreme Court.

Section 13(b) of the FTC Act authorizes the Commission to sue in district court to enjoin practices that violate the Act. 15 U.S.C. § 53(b). The Commission may seek either a preliminary injunction to maintain the status quo while it pursues an administrative complaint, or alternatively, "in proper cases the Commission may seek, and after proper proof, the court may issue, a permanent injunction." *Id.*

The Court has repeatedly held that the permanent injunction proviso of Section 13(b) gives the district court authority to award equitable monetary relief.

E.g., *Commerce Planet*, 815 F.3d at 598-599; *FTC v. Grant Connect, LLC*, 763 F.3d 1094, 1101-1102 (9th Cir. 2014); *FTC v. Neovi, Inc.*, 604 F.3d 1150, 1160-1161 (9th Cir. 2010); *Pantron I*, 33 F.3d at 1102; *H. N. Singer*, 668 F.2d at 1112-1113. Just last year, the Court, en banc, agreed in a Section 13(b) case that the Commission can "achieve monetary relief for . . . past violations." *AT&T Mobility*, 883 F.3d at 864.

Every one of the eight other courts of appeals to have considered the issue has decided it the same way. *E.g.*, *FTC v. Ross*, 743 F.3d 886, 890-892 (4th Cir. 2014); *FTC v. Bronson Partners, LLC*, 654 F.3d 359, 365 (2d Cir. 2011); *FTC v. Magazine Sols., LLC*, 432 F. App'x 155, 158 n.2 (3d Cir. 2011) (unpublished); *FTC v. Direct Mktg. Concepts, Inc.*, 624 F.3d 1, 15 (1st Cir. 2010); *FTC v. Freecom Commc'ns, Inc.*, 401 F.3d 1192, 1202 n.6 (10th Cir. 2005); *FTC v. Gem Merch. Corp.*, 87 F.3d 466, 468-470 (11th Cir. 1996); *FTC v. Sec. Rare Coin & Bullion Corp.*, 931 F.2d 1312, 1316 (8th Cir. 1991); *FTC v. Amy Travel Serv., Inc.*, 875 F.2d 564, 571-572 (7th Cir. 1989).

Those decisions stem directly from Supreme Court precedent. In *Porter v. Warner Holding Co.*, the Supreme Court explained that an unqualified grant of authority to enter a permanent injunction (as in Section 13(b)) carries with it the authority to use "all the inherent equitable powers" of the district court "for the proper and complete exercise of that jurisdiction," including the authority to award

monetary relief. 328 U.S. 395, 398 (1946). The Court reaffirmed that principle in *Mitchell v. Robert DeMario Jewelry, Inc.*, holding that "[w]hen Congress entrusts to an equity court the enforcement of prohibitions contained in a regulatory enactment, it must be taken to have acted cognizant of the historic power of equity to provide complete relief in light of the statutory purposes." 361 U.S. 288, 291-292 (1969). Thus, "[u]nless a statute in so many words, or by a necessary and inescapable inference, restricts the court's jurisdiction in equity, the full scope of that jurisdiction is to be recognized and applied." *Id.* at 291. In *Commerce Planet*, this Court considered whether anything in the FTC Act restricts the equitable authority granted by Section 13(b) and concluded: "We see nothing in the Act that does." 815 F.3d at 599.

The Supreme Court's repeated explication of the powers of a court of equity reveals the error in the joint concurrence's view (JC 25-26) that Section 13(b) is exclusively forward looking and therefore cannot authorized backward-looking monetary relief. Once the district court's authority invoked by a lawsuit under Section 13(b), the court may exercise its full complement of equitable powers, including the power to order a monetary payment.

This Court, sitting en banc, has emphasized that "[a] goal of [the Court's] decisions, including panel and en banc decisions, must be to preserve the consistency of circuit law." *Miller*, 335 F.3d at 900. Far from seeking to preserve consistency,

the petition here seeks to upset it and to make this Court the sole outlier among the circuits.

B. There is no good reason to abandon the Court's precedent.

Tucker and the joint concurrence offer three principal arguments why the understanding of Section 13(b) adopted uniformly by this Court and eight others is incorrect: (1) that the "plain meaning" of "injunction" authorizes only behavioral remedies, not monetary ones; (2) that the structure of the FTC Act reinforces this restricted scope of "injunction"; and (3) that under *Kokesh v. SEC*, Section 13(b) monetary remedies are penalties that may not be awarded by a court of equity. None of those arguments provides any good reason to upend settled law.

1. The text of Section 13(b) does not foreclose monetary relief.

The main textual argument is that the authority to enter an "injunction" means a behavioral injunction and nothing more. Pet. 10; JC 23. That argument has several variations:

- Section 13(b) does not refer to monetary relief (Pet. 9; JC 22);
- the rest of Section 13(b) relates only to injunctions (Pet. 11-12; JC 23-24);
- monetary relief is not an injunction (Pet. 9-10; JC 22-23); and
- if Congress wanted to authorize monetary relief, it would have said so (JC 24-25) (noting that the Employee Retirement Income Security Act (ERISA) authorizes suits for "other appropriate equitable relief").

These arguments cannot be squared with *Porter*, where the Supreme Court held that a statute authorizing an injunction *does* authorize equitable monetary relief as well. The Court explained that "[n]othing is more clearly a part of the subject matter of a suit for an injunction than the recovery of that which has been illegally acquired and which has given rise to the necessity for injunctive relief." 328 U.S. at 399. The Court then reaffirmed that principle in *DeMario*. 361 U.S. at 291-292; *see also Tull v. United States*, 481 U.S. 412, 424 (1987) (explaining that "a court in equity may award monetary restitution as an adjunct to injunctive relief"). That is why injunctions are frequently coupled with monetary relief "for harms already done." 1 Dan B. Dobbs, *The Law of Remedies* § 2.9(1) (2d ed. 1993); *AT&T Mobility*, 883 F.3d at 864. Indeed, "[t]hat equitable remedies are always orders to act or not to act, rather than to pay, is a myth; equity often orders payment." *United States v. Apex Oil Co.*, 579 F.3d 734, 736 (7th Cir. 2009). A statute authorizing an "injunction" without qualification inherently authorizes monetary relief too; Congress understood that there was no need to say so explicitly.

By contrast, a statute that limits the scope of allowable injunctive relief does not authorize a court to exercise all its equitable powers. For example, ERISA permits private suits for an injunction and "other appropriate equitable relief." 29 U.S.C. § 1132(a)(3). The Supreme Court construed that phrase, which has no parallel in Section 13(b), as limiting the available remedies to "traditional" equitable remedies

(like a constructive trust) and thus precluding other types of monetary relief. *See Mertens v. Hewitt Assocs.*, 508 U.S. 248, 257 (1993); *see also Great-West Life & Annuity Ins. Co. v. Knudson*, 534 U.S. 204, 210 (2002). In the absence of the restricting clause, the Court explained, the provision for injunction would have allowed "whatever relief a common-law court of equity could provide." *Mertens*, 508 U.S. at 257.

The arguments that "Congress would have said so" if Section 13(b) were intended to authorize monetary remedies (JC 24), and that the word "injunction" by itself is a limit on the court's authority (Pet. 10-11) therefore get it exactly backwards. *Porter* establishes that the *unqualified* grant of authority to enter an injunction invokes "all the inherent equitable powers" of the district court, 328 U.S. at 398, which Congress would have understood when it enacted Section 13(b). Only when the authority is *qualified* (as it is in ERISA) do courts look to whether the remedy is one "traditionally available in equity." Although the joint concurrence argues that Congress's decision not to "use[] a broader phrase" (JC 25), is the beginning and end of the inquiry, the term "injunction" by itself *is* the broader phrase. Moreover, the Supreme Court has recently underscored, relying on *Porter*, that "when federal law is at issue and the public interest is involved, a federal court's equitable powers assume an even broader and more flexible character than

when only a private controversy is at stake." *Kansas v. Nebraska*, 135 S. Ct. 1042, 1053 (2015) (cleaned up).

Tucker also argues that Section 13(b) authorizes a permanent injunction only after the Commission has received a preliminary injunction in support of an administrative proceeding. Pet. 3, 11-12. But as this Court has held, "on its face," Section 13(b) does not make preliminary injunctive relief a condition for a permanent injunction; the Commission may obtain a permanent injunction even if it "does not contemplate any administrative proceedings." *H.N. Singer*, 668 F.2d at 1111. That determination flows naturally from the introductory phrase "provided further," which distinguishes permanent injunctive relief from the preliminary relief discussed elsewhere in the statute. In fact, when Congress passed Section 13(b), the Senate Report explained that the Commission would be able to seek a permanent injunction in lieu of an administrative proceeding. *See id.* (quoting S. Rep. No. 93-151 at 30-31 (1973)). *See also United States v. JS & A Grp., Inc.*, 716 F.2d 451, 456 (7th Cir. 1983) (preliminary and permanent relief under Section 13(b) are "entirely different animals").

Moreover, Tucker's suggestion that a preliminary injunction in aid of an administrative proceeding can somehow ripen into a permanent one is senseless. Administrative adjudications end when the Commission (i) enters a cease and de-

sist order or (ii) dismisses the complaint. A permanent injunction would be redundant in the first situation and moot in the second.

2. The availability of monetary remedies under Section 19 of the FTC Act does not preclude monetary relief under Section 13(b).

The FTC Act gives the Commission a choice of enforcement mechanisms to combat unlawful conduct within its purview. Section 13(b) allows the agency to challenge illegal conduct directly in federal district court, whereas Section 5 allows the FTC to challenge the conduct administratively. *See* 15 U.S.C. §§ 45, 53(b). Congress established both enforcement paths, and both potentially lead to monetary remedies. Under Section 13(b), monetary relief can be part of a permanent injunction, whereas under Section 5 it would be the product of the judicial remedies in Section 19, which permit the agency to seek monetary relief after an administrative adjudication or for the violation of a Commission rule. 15 U.S.C. § 57b.

Tucker and the joint concurrence contend that because Section 19 expressly authorizes monetary relief, reading Section 13(b) to also permit such relief would render Section 19 redundant and its procedural protections meaningless. Pet. 12-15; JC 25-28. That conclusion is not logically commanded by the structure of the statute, which creates separate paths to relief with separate requirements. Further, it is squarely foreclosed by the text of Section 19 itself. The statute was enacted two years *after* Section 13, and it states that its remedies "are in addition to, and not in

lieu of, any other remedy." 15 U.S.C. § 57b(e). It also states that: "[n]othing in this section shall be construed to affect any authority of the Commission under any other provision of law." *Id.* We can be sure that Section 19 does not foreclose monetary relief under Section 13(b) because Congress said so directly.

We also know that Congress intended Section 13(b) to give the Commission an alternative to administrative proceedings. When it was enacted, the Senate Report explained that the Commission would be able to proceed directly in district court when "it does not desire to further expand upon the prohibitions of the [FTC] Act," and that Section 13(b) actions would enable more efficient use of agency resources. S. Rep. No. 93-151, at 30-31.

Since then, Congress has twice ratified the FTC's authority to obtain equitable monetary relief under Section 13(b). Years after courts (including this one) held that Section 13(b) authorizes monetary relief, Congress expanded the venue and service of process provisions of that section. *See* FTC Act Amendments of 1994, Pub. L. No. 103-312, § 10, 108 Stat. 1691 (Aug. 26, 1994). Not only did Congress let the judicial decisions stand, the Senate Report accompanying the act recognized that Section 13(b) authorizes the FTC to "go into court . . . to obtain consumer redress." S. Rep. No. 103-130, at 15-16 (1993). Twenty years later, and after scores of cases awarding monetary relief under Section 13(b), Congress codified the judicial understanding when it made "[a]ll remedies available to the Com-

mission . . . including restitution to domestic or foreign victims" available for certain unfair practices abroad. U.S. Safe Web Act of 2006, Pub. L. 109-455, § 3, 120 Stat. 3372 (Dec. 22, 2006) (amending15 U.S.C. § 45(a)(4)(B)).

3. *Kokesh* does not undermine the basis for monetary relief.

Lastly, Tucker and the joint concurrence argue that the Supreme Court's decision in *Kokesh*, 137 S. Ct. 1635, undermines the basis for finding that Section 13(b) authorizes monetary relief. JC 29; Pet. 16-18. The claim is that *Kokesh* deemed monetary relief to be a penalty, so even if Section 13(b) invokes the full equitable power of the district court, penalties are not available in equity. Pet. 17-18; JC 30-31. The concurrence urges that the Court must undertake a "historical analysis" to determine whether monetary relief similar to that awarded under Section 13(b) was "traditional[ly]" available in equity, as the Supreme Court has in ERISA cases such as *Great-West* and *Montanile v. Board of Trustees of National Elevator Industry Health Benefit Plan*, 136 S. Ct. 651 (2016). JC 29 & n.2, 33-35. That analysis is flawed in several respects.

For starters, *Kokesh* itself refutes the conclusion that Tucker and the joint concurrence ask the Court to draw. In *Kokesh*, the Supreme Court addressed a 14-year course of conduct for which the SEC obtained penalties for the most recent five years and disgorgement for the older acts. The question was whether the disgorgement order functioned as a penalty subject to the general five-year statute of

limitations on "penalties" in 18 U.S.C. § 2462. *Kokesh*, 137 S. Ct. at 1641-1642. The Court found the SEC disgorgement order subject to the statute of limitations, but it specifically instructed that its opinion should *not* "be interpreted as an opinion on whether courts possess authority to order disgorgement in SEC enforcement proceedings or on whether courts have properly applied disgorgement principles in this context." *Id.* at 1642 n.3. The Court thus recognized that a monetary award could be deemed a "penalty" for statute-of-limitations purposes but not for others.

Nor does *Kokesh* "undermine" the basis for this Court's decisions holding that Section 13(b) authorizes monetary relief. Pet. 16; JC 22. In this circuit, to find that a new decision undermines precedent, the new decision "must have undercut the theory or reasoning underlying the prior circuit precedent in such a way that the cases are clearly irreconcilable." *Miller*, 335 F.3d at 900. For the reasons discussed above, and as the panel decision itself acknowledged, "*Kokesh* and *Commerce Planet* are not clearly irreconcilable." Op.17.

Moreover, the Court does not have to determine whether monetary relief under Section 13(b) would historically have been considered "legal" or "equitable." As authoritative sources recognize, restitution may be legal or equitable or both. Restatement (Third) of Restitution and Unjust Enrichment § 4 (2011). In fact, "the question whether restitution is legal or equitable is essentially artificial." *Id.* § 4 cmt c. As the Restatement explains, "[l]awyers and judges who address the ques-

tion are invariably trying to answer a different one: whether there is a right to jury trial of a particular issue, *or whether a particular remedy is available under a statute that authorizes* '*equitable relief.*'" *Id.* (emphasis added). This case presents neither question. Section 13(b) does not merely authorize "other appropriate equitable relief" (unlike ERISA, 29 U.S.C. § 1132(a)(3)). It authorizes an "injunction," thereby triggering *all* of the court's equitable powers. *Porter*, 328 U.S. at 398-399; *see also Mertens*, 508 U.S. at 257 (noting that a court of equity could provide "all relief available" for a violation).

In any case, the monetary judgment in this case is not a "penalty" under *Kokesh*. The Supreme Court explained that relief "operates as a penalty *only* if it is sought for the purpose of punishment . . . as opposed to compensating a victim for his loss." 137 S. Ct. at 1642 (emphasis added) (cleaned up). Here, the FTC sought monetary relief solely to compensate consumers; indeed, it has already sent them $505 million in refunds. Tucker speculates (Pet. 18) that funds obtained from defendants could be returned to the Treasury, but in recent years the Commission has distributed to consumers more than 99% of the funds recovered in Section 13(b)

cases (less the costs of distribution).[3] Compensatory awards like the one here are not penalties as described in *Kokesh*.

CONCLUSION

The petition for rehearing en banc should be denied.

Respectfully submitted,

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[3] See the FTC's 2018 and 2017 annual reports on refunds to consumers, https://www.ftc.gov/system/files/documents/reports/2018-annual-report-refunds-consumers/annual_redress_report_2018.pdf, at 1; https://www.ftc.gov/system/files/documents/reports/bureau-consumer-protection-office-claims-refunds-annual-report-2017-consumer-refunds-effected-july/redressreportformattedforweb122117.pdf, at 1.

CERTIFICATE OF SERVICE

I certify that I filed this opposition to the petition for rehearing en banc on counsel of record for Appellants using the Court's CM/ECF system. Counsel for Appellants are registered ECF users.

April 23, 2019

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CERTIFICATE OF COMPLIANCE

I certify that pursuant to Circuit Rule 35-4 and 40-1, that this answer to the petition for rehearing en banc complies with Fed. R. App. P. 32(a)(4)–(6) and contains 4195 words.

April 23, 2019

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