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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF NEVADA**
10

11 Jacob C. Hack

Case No. 2:13-cv-1188

12 Plaintiff,

13 v.

14 The Federal Bureau of Investigation,
and Robert S. Mueller, III, in his official
15 capacity as the Director of the Federal
Bureau of Investigation,
16 935 Pennsylvania Avenue, N.W.
Washington, D.C., 20535-0001;
17 The United States of America
950 Pennsylvania Ave., NW
18 Washington, D.C., 20530,
John Tanza, individually;
19 FBI John and Jane Does 1 through 10
individually, and
20 USG John and Jane Does 1 through 10
individually,

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Deprivation of Civil Rights
(42 U.S.C. § 1983);

Violation of the Privacy Act,
(5 U.S.C. § 552a);

Declaratory Relief under the Stored
Communications Act,
(18 U.S.C. § 2707(g)); and

21 Defendants.
22

Common Law Causes of Action

23
24 **INTRODUCTION**

25 1. JACOB C. HACK, (Plaintiff), through Plaintiff's attorneys, brings this action to
26 challenge the actions of Federal Bureau of Investigation, ("Defendant"), with regard to attempts
27 by Defendants to unlawfully and abusively investigate Plaintiff because he is the father of adult
28

1 children who are alleged to have participated in a murder in 1998 in Las Vegas, Nevada, and this
2 conduct caused Plaintiff's damages.

3 2. Plaintiff makes these allegations on information and belief, with the exception of those
4 allegations that pertain to plaintiff, or to plaintiff's counsel, which Plaintiff alleges on personal
5 knowledge.

6 3. Unless otherwise stated, Plaintiff alleges that any violations by Defendants were knowing
7 and intentional, and that Defendants did not maintain procedures reasonably adapted to avoid any
8 such violations.

9 4. Plaintiff Jacob C. Hack also brings this action to vindicate his legal rights to privacy and
10 dignity that were infringed by the government's improper slander against Jacob C. Hack and
11 improper seizure and disclosures of Jacob C. Hack's personal, private, and confidential
12 information. There was no legally acceptable reason for the government to publish slanderous
13 statements about Jacob C. Hack or to disclose confidential information about Jacob C. Hack and
14 thereby make him part of a scandal.

15 5. Therefore, Plaintiff Jacob C. Hack makes this complaint against the Federal Bureau of
16 Investigation, and Robert S. Mueller, III, in his official capacity as the Director of the Federal
17 Bureau of Investigation, John Tanza, individually, and FBI John and Jane Does 1 through 10, and
18 U.S. Government John and Jane Does 1 through 10 ("John and Jane Doe Defendants") for
19 money damages and injunctive relief for violations of the Civil Rights Act of 1871, 42 U.S.C. §
20 1983, Plaintiff's Fourth and Fifth Amendment rights, for money damages for violations of
21 Plaintiff's privacy rights under the Privacy Act, 5 U.S.C. § 552a, and for declaratory relief under
22 the Stored Communications Act, 18 U.S.C. § 2707(g).

23 6. In the event the Defendants attempt to prove (and the Court were to agree) that the
24 overzealous investigative techniques, damaging leaks, cavalier and slanderous statements by
25 Defendants stating that Jacob C. Hack committed murder, forgery, embezzlement, money
26 laundering, tax evasion, tax fraud, and other privacy violations committed by government
27 officials were not authorized conduct within the scope of those officials' employment, Plaintiff
28

1 also makes this complaint for violation of common law privacy rights and defamation by John
2 Tanza and the John and Jane Doe Defendants.

3 **NATURE OF THE ACTION**

4 7. This Complaint seeks to hold the Government and its agents accountable for their willful,
5 malicious, and unlawful violation of Plaintiff's constitutional and statutory civil and privacy
6 rights. Jacob C. Hack ("Jacob C. Hack") is a private citizen whose civil rights and privacy were
7 violated when Special Agent John Tanza obtained two of Mr. Hack's laptops via subterfuge and
8 seized all information on the laptops without the express or implicit permission of Mr. Hack and
9 without benefit of a valid search warrant or other court order. Mr. Hack's rights were further
10 violated when Special Agent John Tanza engaged in a campaign of slander and defamation,
11 publishing false statements that Mr. Hack was a member of or associated with Nazis, white
12 supremacists, was a murderer, forger, embezzler, money launderer, tax cheat, and a person of ill
13 repute and questionable character.

14 8. The federal government did not, however, do the right thing. Rather than
15 protect Jacob C. Hack's privacy interests as the law and their duty required, Defendants instead
16 willfully and maliciously seized all the contents of the laptops owned by Jacob C. Hack and
17 slandered Jacob C. Hack, accusing him of the crimes of murder, embezzlement, forgery, income
18 tax evasion, income tax fraud and civil rights violations, and publishing these malicious and false
19 statements to Mrs. Hack and other persons who knew Mr. Hack. Defendants
20 violated their legal duty to protect Jacob C. Hack's privacy, dignity, reputation, and security, and
21 instead started, engaged with, and fomented a malicious campaign of characterizing Mr. Hack as
22 a Nazi and white supremacist that has taken a tremendous emotional and financial toll on Mr.
23 Hack and even threatened his physical safety.

24 9. The injuries suffered by Plaintiff are the direct product of Defendants' overreaching,
25 including wrongful, unauthorized and overbroad search, collection, misuse, and dissemination of
26 electronic data and other information with little to no regard for the standards required by law or
27 common decency.

1 10. In direct consequence of Defendants' misconduct, Jacob C. Hack was held out as an
2 object of ridicule, moral opprobrium, scorn, and derision, causing him shame, public notoriety,
3 egregious loss of privacy and security, and costing Mr. Hack positions of trust, responsibility,
4 and status, and costing Jacob C. Hack public respect, lost income, and significant lost financial,
5 business, and investment opportunities. The Defendants unforgivably transformed Mr. Hack's
6 reputation from that of a respected business and community leader and energetic entrepreneur
7 who volunteered to support the DEA and law enforcement agencies with investigations into
8 illegal drug laboratories, into a man of dubious virtue and integrity. In further direct
9 consequence of Defendants' misconduct, Jacob C. Hack also suffered economic and other
10 damages, which Plaintiff is prepared to prove with detailed support to be offered after entry of a
11 protective order.

12 11. Defendants' investigatory and compulsory powers give them unparalleled access into the
13 private lives of citizens. The privacy rights Plaintiff seeks to vindicate in this suit are intended to
14 check the potential for abuse inherent in these expansive and intrusive powers. That potential for
15 abuse is patent in the events underlying this suit. If Defendants can wreak such emotional,
16 reputational, and financial havoc on a man as educated, intelligent, successful, and public-
17 spirited as Jacob C. Hack, they could certainly do so to anyone. Accordingly, this suit seeks not
18 only to vindicate Plaintiff's legal rights, help restore his reputation, champion the truth, and
19 otherwise attempt to make him whole, but also to deter Defendants from such egregious
20 violations of privacy in the future.

21 12. The Civil Rights Act of 1871 creates a private right of action against government officials
22 to vindicate violations of rights or privileges secured by the Constitution and laws of the United
23 States.

24 13. The Privacy Act expressly requires the federal government to protect individuals against
25 disclosures "which could result in substantial harm, embarrassment, inconvenience, or
26 unfairness" to them. The law is clear that victims and witnesses in government investigations are
27 entitled to their privacy and to be protected from embarrassment willfully, directly, and
28 proximately caused by the government. Citizens like Mr. Hack do not deserve to be treated

1 cavalierly or contemptuously simply because the government officials and agents involved did
2 not take their dignity seriously. Such callous disregard of personal privacy and human dignity
3 will sow increased mistrust of government, and impede the missions of our law enforcement
4 agencies. It must not be condoned. The law of the United States simply does not permit the
5 government and its agents to act in the manner in which they did.

6 **JURISDICTION**

7 14. This Court has both subject matter jurisdiction over this action and personal jurisdiction
8 over the parties pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983, Privacy Act of 1974,
9 5 U.S.C. § 552a(g), the Stored Communications Act, 18 U.S.C. § 2707, the Fourth Amendment
10 of the United States Constitution, the Fifth Amendment of the United States Constitution, and
11 pursuant to 28 U.S.C. §§ 1331, 1343, 1346, 1361, and 1367.

12 **VENUE**

13 15. Venue is proper in this District pursuant to the Civil Rights Act of 1871, 42 U.S.C. §
14 1983; Privacy Act, 5 U.S.C. § 552a(g)(5), and pursuant to the United States Code of Judicial
15 Procedure, 28 U.S.C. § 1391.

16 **PARTIES**

17 16. Plaintiff Jacob C. Hack, is a registered pharmacist with an undergraduate degree from
18 Wichita State University and a dual Pharmacy Degree and Masters in Pharmaceutical Chemistry
19 from the University of Kansas, at Lawrence.

20 17. Mr. Hack has been a successful pharmacist and manufacturer of nutritional supplements,
21 cosmetics and homeopathic pharmaceuticals. Mr. Hack has assisted the Federal Drug
22 Enforcement Agency (DEA) and Nevada State agencies that enforce the laws concerning illegal
23 laboratories and the manufacturing of illegal drugs. Mr. Hack has also continued his interests in
24 pharmacy and medical research and has been working on a nano-technology that will improve the
25 effective potency and efficacy of medications.

26 18. Defendant Federal Bureau of Investigation (“FBI”) is a component of the United States
27 Department of Justice, a Department of the Executive Branch of the United States Government.
28 Robert S. Mueller, III, is the Director of the FBI.

1 19. Defendant United States of America is named in that the actions of the FBI complained of
2 herein are the responsibility of the United States Government (“USG”), and such actions may
3 have, upon information and belief, involved other Departments, Agencies, and/or Executive
4 Offices.

5 20. DEFENDANT JOHN TANZA was a Special Agent for the FBI who was assigned to
6 investigate alleged civil rights violations in connection with a murder in Las Vegas, Nevada that
7 two of Mr. Hack’s adult children are accused of participating in 1998. During the course of
8 Special Agent Tanza’s work on the alleged civil rights violations, DEFENDANT TANZA
9 concocted a theory that Mr. Hack was the mastermind of the murder that Mr. Hack’s adult
10 children are accused of participating in 1998.

11 21. FBI Defendants John and Jane Does 1 through 10, and other USG Defendants John and
12 Jane Does 1 through 10 (collectively, the “John and Jane Doe Defendants”) are individuals who
13 acted jointly and in concert to conspire to and did commit, aid, and abet the acts complained of
14 herein. The John and Jane Doe Defendants’ true names and capacities are presently unknown to
15 Plaintiff, but whose identities should become known during the course of discovery. Each of the
16 “Doe” Defendants is an agent or employee of the United States who, at least in part, exercises
17 government authority, and is responsible in some manner for the acts and occurrences alleged in
18 this complaint, and each of the “Doe” Defendants directly and proximately caused the damages
19 alleged herein.

20 21 FACTS

22 22. Between approximately February 2011, and approximately August 2011, Special Agent
23 JOHN TANZA engaged in a scheme to trick Mrs. Hack into giving him two of Mr. Hack’s
24 laptops in order to seize the personal information belonging to Mr. Hack without Mr. Hack’s
25 permission and without a court order.

26 23. The acts of DEFENDANT TANZA were carried out without the knowledge of Plaintiff
27 and Plaintiff did not learn about DEFENDANT TANZA’S misconduct until after August 2011.
28

1 24. Special Agent JOHN TANZA concocted a theory and belief that Mr. Hack was the
2 mastermind of a murder that occurred in Las Vegas, Nevada in 1998 and was seeking
3 incriminating information from Mr. Hack's laptops.

4 25. Upon information and belief, DEFENDANT TANZA'S belief was based solely and
5 merely upon the fact that Mr. Hack is the father of two persons accused of participating in a
6 murder in 1998.

7 26. DEFENDANT TANZA did not have probable cause to obtain a search warrant to seize
8 Mr. Hack's laptops, nor did he even have reasonable suspicion that Mr. Hack was involved in the
9 1998 murder in Las Vegas.

10 27. DEFENDANT TANZA had merely an unsupported theory that the father of a child
11 accused of murder must be involved in whatever plot that would be connected to a murder.
12 Based upon this unsubstantiated belief, DEFENDANT TANZA proceeded to illegally seize Mr.
13 Hack's laptops and all of the data contained on them; and to engage in a campaign of slander and
14 defamation against Mr. Hack in the hope that Mrs. Hack, friends, and acquaintances would
15 provide incriminating information against Mr. Hack.

16 28. Additionally, DEFENDANT TANZA told Mrs. Hack that he knew all about Mr. Hack's
17 application with the DEA for a manufacturing license for controlled substances and that "he took
18 care of that."

19 29. Mr. Hack had applied for a manufacturing license with the DEA and was refunded the
20 application fee without explanation, except that he was informed that he needed to obtain a
21 researcher's license, which he had already obtained in 1986.

22 30. During the time period that DEFENDANT TANZA was in contact with Mrs. Hack in an
23 effort to obtain information without a search warrant, Mr. Hack started to receive offers to
24 receive wire transfers from foreign countries, and requests to deal with controlled substances,
25 even though he did not have the appropriate DEA license. All of these offers involved fraud and
26 Mr. Hack declined to participate in them. Upon information and belief, DEFENDANT TANZA
27 violated Mr. Hack's rights to privacy and to be left alone by engaging in acts of entrapment by
28 soliciting or obtaining others to solicit Mr. Hack to engage in illegal conduct.

1 31. Prior to Mrs. Hack meeting DEFENDANT TANZA, Mr. Hack did not have persons
2 soliciting him and proposing that he engage in activities that involved fraud or some element of
3 crime.

4 32. DEFENDANT TANZA knew that in April 2011, Mrs. Hack had filed for divorce and that
5 she had in her possession two laptop computers belonging to Plaintiff.

6 33. Knowing that the laptop computers belonged to Mr. Hack, DEFENDANT TANZA asked
7 Mrs. Hack to give him the computers to look at.

8 34. DEFENDANT TANZA told Mrs. Hack not to tell her lawyer that she was going to give
9 DEFENDANT TANZA the computers.

10 35. DEFENDANT TANZA told Mrs. Hack to tell her ex-husband, who was storing personal
11 property, including the laptops, that someone from her attorney's office would come to the house
12 to pick up the computers.

13 36. DEFENDANT TANZA told Mrs. Hack that Special Agent Courtney showed up at her ex-
14 husband's house, knocked on the door, and said she was there for the computers.

15 37. DEFENDANT TANZA called Mrs. Hack and wanted to know what Jacob was into; if he
16 was laundering money, or selling illegal drugs for his income.

17 38. DEFENDANT TANZA also wanted to know if Mr. Hack possessed any swastikas or
18 other Nazi memorabilia. DEFENDANT TANZA also asked if Mr. Hack was a "skinhead" or
19 belonged to such a group.

20 39. Between April and August 2011, DEFENDANT TANZA repeatedly told Mrs. Hack that
21 Jacob had lied on a signed affidavit and that is how he was going to seize all of Jacob's assets.

22 40. DEFENDANT TANZA and Special Agent Courtney told Mrs. Hack that they were
23 having a specialist from Washington look at the computers.

24 41. DEFENDANT TANZA then arranged a meeting with Mrs. Hack and a Las Vegas
25 Metropolitan Police detective. During this meeting, DEFENDANT TANZA falsely said to Mrs.
26 Hack, "What did you say about the red truck you said you saw?" Mrs. Hack corrected
27 DEFENDANT TANZA and told him that she never said she saw a red truck.
28

1 42. DEFENDANT TANZA kept in touch with Mrs. Hack, texting or calling her to ask her
2 where she was, what she was doing, or to ask her to send him a picture of herself.

3 43. DEFENDANT TANZA called Mrs. Hack and wanted to know if she knew about some
4 woman. For no good reason, DEFENDANT TANZA then told Mrs. Hack that this woman was
5 living in her mom's house and that she was nothing to look at. DEFENDANT TANZA then told
6 Mrs. Hack that he could not believe that Jacob would choose that over Mrs. Hack.
7 DEFENDANT TANZA wanted to know if Mrs. Hack wanted to see what this other woman
8 looked like because he could provide her with a photograph. Mrs. Hack told TANZA that she
9 did not need to see a photograph of this other woman.

10 44. DEFENDANT TANZA also talked to Mrs. Hack about secretly tape recording Mr. Hack.
11 DEFENDANT TANZA eventually told Mrs. Hack that he had talked to his bosses who told him
12 he could not have Mrs. Hack tape record Jacob.

13 45. During the entire time that DEFENDANT TANZA interacted with Mrs. Hack, he was
14 focused on encouraging Mrs. Hack to divorce Mr. Hack and not to reconcile.

15 46. DEFENDANT TANZA told Mrs. Hack that Mr. Hack was a "fucking liar."

16 47. DEFENDANT TANZA repeatedly told Mrs. Hack that Mr. Hack was a "liar" and a
17 "prick."

18 48. After DEFENDANT TANZA had reviewed what was on Mr. Hack's computers, he told
19 Mrs. Hack that Mr. Hack had forged government documents or that he had a program that forged
20 government documents.

21 49. DEFENDANT TANZA asked Mrs. Hack if she knew of a program on the computer
22 where you can talk to the White House. TANZA said he wanted to know because there is some
23 kind of encryption on the computer.

24 50. DEFENDANT TANZA told Mrs. Hack that Mr. Hack was involved in fraud and
25 embezzling.

26 51. TANZA said he was going to "fry his (Mr. Hack's) ass. That Jane and Mr. Hack would
27 be behind bars and Melissa would never see her kid again."
28

1 52. TANZA further told Mrs. Hack that “You better get all you can because I am seizing his
2 bank accounts; his ass is mine.” TANZA told Mrs. Hack that he had imminent plans to execute
3 a seizure of Mr. Hack’s bank accounts in or around August 2011.

4 53. Mrs. Hack told TANZA that Mr. Hack was talking about a suspicious order between
5 American Lecithin in Connecticut and some Mexican company that was cancelled the day Mrs.
6 Hack landed in Mexico and asked DEFENDANT TANZA if he did anything to interfere with
7 any deal in Mexico because he had the computers before I went to Mexico and he knew when
8 and where I was going in Mexico.

9 54. TANZA laughed and replied, “Fuck him. You tell Jacob to fuckin’ prove it; prove it.”

10 55. TANZA told Mrs. Hack that they had been watching Mr. Hack for years.

11 56. Mrs. Hack told TANZA that she knew that Mr. Hack was a pharmacist and had a special
12 process for opiates and that she had heard him speaking with lawyers about getting licensed, but
13 other than that she did not know anything.

14 57. TANZA replied that “we know all about that.”

15 58. In addition to defaming and slandering Mr. Hack, upon information and belief, TANZA
16 was pursuing Mrs. Hack for a sexual liaison as he made it clear to Mrs. Hack to understand that
17 he would never leave his wife, that he has had several affairs, that he receives a “happy ending”
18 every Wednesday at some Asian massage parlor, that he doesn’t take calls on weekends, and not
19 to call him after 4:30/5:00 p.m. because his wife would ask who it was.

20 59. Mrs. Hack was very confused because TANZA said many negative things about Mr.
21 Hack to Mrs. Hack, described her husband, Mr. Hack, as a criminal who was or had engaged in
22 murder, forgery, embezzlement, money laundering, tax evasion, tax fraud, and was with lots of
23 different women. Mrs. Hack did not know what to believe.

24 60. TANZA would continually tell Mrs. Hack that Mr. Hack was a bad man and they (FBI)
25 had been watching him for years.

26 61. TANZA told Mrs. Hack that while Mr. Hack was still married to Jane, Mr. Hack would
27 go and get doughnuts and show up at their house when he was done having sex with someone
28 else, as if nothing had happened.

1 62. TANZA would say unsolicited and random derogatory comments such as “Jacob (Mr.
2 Hack) is a sick bastard.”

3 63. Tanza not only slandered Mr. Hack, but also persons associated with Mr. Hack. TANZA
4 asked Mrs. Hack about a private investigator who is associated with Mr. Hack and told Mrs.
5 Hack that the private investigator was a drunk and that he had messed up some FBI investigation.
6 TANZA also told Mrs. Hack that the private investigator’s ex-wife worked at the FBI and Tanza
7 believed she was giving the private investigator information. TANZA said he was going to set
8 them up to get caught.

9 64. TANZA used Mrs. Hack in his investigation of Mr. Hack and that when Tanza realized
10 that Mrs. Hack had no information that he could use against Mr. Hack, Tanza continued the ruse
11 of conducting an investigation in an effort to undermine her reconciliation with Mr. Hack and to
12 ultimately have sex with Mrs. Hack.

13 65. Tanza made baseless allegations about Mr. Hack’s behavior to Mrs. Hack.

14 66. Mr. Hack did not learn about TANZA’S warrantless seizure of his laptops or slanderous
15 comments until after August 2011. Mr. Hack knew these allegations and insinuations by John
16 Tanza to be entirely false. Mr. Hack was not involved in any plot to murder, or involved in any
17 scheme to commit forgery, embezzlement, money laundering, tax evasion, or tax fraud.

18 67. Sometime after August 2011, Mr. Hack was made aware that John Tanza was not only
19 publishing slanderous statements to his wife, but also to other people who knew Mr. Hack.

20 68. John Tanza’s comments and statements made apparent that he had tracked Mr. Hack’s
21 physical whereabouts. Jacob C. Hack was not only concerned for the security of his own and his
22 wife’s welfare, but was also alarmed about the continuing threat to his reputation and business
23 interests by someone with a hostile fixation.

24 ***FBI Investigation of Jacob C. Hack, Including Overbroad and Irrelevant***
25 ***Search and Seizure of Jacob C. Hack’s Personal Emails***

26 69. Upon information and belief, the federal agents collected or intercepted Jacob C. Hack’s
27 email from and to his wife.

1 70. Jacob C. Hack has not received any notice, delayed or contemporaneous, of any
2 subpoena, order, writ or other process by which the United States would have lawful access to
3 his electronic communications, such as is provided for at 18 U.S.C. § 2705.

4 71. At no point did any government agents notify Jacob C. Hack that he was the subject or
5 target of an investigation. And there was no basis in law or fact for Jacob C. Hack to be
6 investigated as the subject or target of the FBI's criminal probe.

7 72. Jacob C. Hack understands that FBI agents have a legal duty to protect the privacy and
8 confidentiality of witness information, and other non-public material collected in an
9 investigation, and that such confidential information should never be communicated to a third
10 party.

11 73. Upon information and belief, the FBI marginalized Mr. Hack, denied him standard rights
12 and practices, and did not treat his case with the integrity and confidentiality it deserved, and that
13 other victims and witnesses would routinely receive, based on inappropriate and unprofessional
14 personal judgments made by certain agents.

15 74. Upon information and belief, government agents accessed and collected a multitude of
16 personal emails from multiple email addresses and accounts including, but not limited to, email
17 accounts belonging to Mr. Hack's business, and emails between Jacob C. Hack and his wife,
18 among others. The additional emails the government agents searched, obtained, and reviewed
19 were not pertinent or relevant to unearthing evidence related to the case involving Mr. Hack's
20 adult children or any other criminal investigation, nor could any reasonable person believe they
21 could have been. Rather, the government searched, obtained, and reviewed personal, irrelevant
22 private emails belonging to Jacob C. Hack.

23 75. Upon information and belief, government agents then misused the emails obtained
24 through brazen overreaching and overbroad search and seizure to conduct an unprofessional,
25 frivolous and scurrilous investigation into Mr. Hack's private relationships and affiliations that
26 had no bearing on any pending criminal investigation or other legitimate concern to the FBI.

1 76. Instead Mr. Hack had somehow become the target of the FBI's zealous and sordid
2 investigation into the agents' wild speculations and prurient interest in white supremacy and Nazi
3 culture that they wrongly attributed to him.

4 ***Perpetration of Inaccurate, Irrelevant Information***

5 77. In addition to collecting vast amounts of irrelevant information and pursuing an intrusive
6 and unnecessary investigation into Jacob C. Hack's private affairs, the FBI intentionally or
7 recklessly maintained or included inaccuracies in the information they maintained about Mr.
8 Hack.

9 78. DEFENDANT TANZA told Mrs. Hack that he was going to seize and forfeit everything
10 that Mr. Hack owned. DEFENDANT TANZA further stated to Mrs. Hack that Mr. Hack had
11 forged government documents, was an embezzler, tax cheat, and murderer and associated with
12 the Nazis and white supremacist groups.

13 79. These side investigations, and the collection and maintenance of massive amounts of
14 impertinent, irrelevant, unnecessary, inaccurate, and incomplete information regarding Mr.
15 Hack's personal relationships and other private and or protected First Amendment activities of
16 association and speech were an egregious and unwarranted invasion of Jacob C. Hack's rights.

17 ***Fallout and Aftermath***

18 80. The reality of Jacob C. Hack's life stands in stark contrast to the absurd portrayal as a
19 heinous criminal involved in multiple crimes that the government has painted of him by
20 wrongfully and improperly associating him with a murder investigation.

21 81. No government official had any legal basis to publicly disclose, discuss and adversely
22 characterize Mr. Hack's reputation, private emails and other confidential information in the
23 criminal investigation of Mr. Hack's adult son and daughter.

24 82. Jacob C. Hack has suffered enormously as a result of the Defendants' slander and leak of
25 his personal and private information, and of a host of bad facts, erroneous financial and other
26 information, rank gossip, and slander per se.

27 83. Mr. Hack's reputation is indelibly tainted. He is viewed suspiciously by persons who
28 were contacted by DEFENDANT TANZA and has been portrayed by DEFENDANT TANZA as

1 the mastermind of a civil rights violation that his adult children are alleged to have been involved
2 in.

3 84. The vituperation directed toward Jacob C. Hack forced him to invest in security measures
4 he had never had to take before, be denied a manufacturing license by the DEA, and to lose much
5 of the value of his business.

6 85. In addition, to better understand his rights in the aftermath of the Defendants' disclosures,
7 Jacob C. Hack had to invest resources in hiring attorneys to try to help remediate the damage the
8 government has caused him.

9 86. Mr. Hack has not been accused of a crime. Mr. Hack has never been a member of the
10 Nazi Party, or any white supremacist group, nor has he ever held any belief that is representative
11 of the ethics or morals typically espoused by the Nazi Party or white supremacists. Mr. Hack
12 was not involved in any plot to violate civil rights and would never participate in such an act.
13 Furthermore, Mr. Hack never forged any government documents, never embezzled, nor has he
14 committed tax fraud or money laundering as stated by DEFENDANT TANZA.

15 87. Mr. Hack's prior excellent reputation was a critical factor in obtaining business for his
16 manufacturing company and the reputational backlash he suffered as a result of the Defendants'
17 actions directly and proximately caused some customers to cease doing business or to not begin
18 doing business with Mr. Hack. The attack on his character has deprived him of significant social
19 and financial networking, investment, and business opportunities, and the denial of a
20 manufacturing license from the DEA.

21 88. Prior to Defendants' misconduct, Mr. Hack had never had any problem with the DEA or
22 licensing with the DEA. In the aftermath of the government's actions and the ensuing smear of
23 Jacob C. Hack's personal and financial standings, Mr. Hack has lost a critical element for success
24 in his pharmaceutical manufacturing business, — credibility and financial standing. Indeed, Mr.
25 Hack has been made aware of opportunities that he may not participate in, because potential
26 business partners and investors could not afford to associate or set their trust in someone who has
27 been publicly associated with the beliefs of the Nazi Party, white supremacists, murderers,
28 forgers, embezzlers, false dealings, and other morally questionable behavior.

1 89. The Defendants' publication of slanderous statements and disclosure of Jacob C. Hack's
2 private information resulted in potentially irretrievable reputational harm, significant financial
3 expenses, and current and future financial losses and lost opportunities.

4 ***Federal Protections of Civil Rights***

5 90. The Civil Rights Act of 1871, 42 U.S.C. § 1983 was enacted in the aftermath of the
6 American Civil War to protect and vindicate the rights of newly freed slaves, who despite their
7 new found status as free men, were still being exposed to discrimination and violations of basic
8 civil rights at the hands of government officials, acting under color of law. Section 1983, which
9 derives from §1 of the Civil Rights Act of 1871, 17 Stat. 13, creates a private right of action to
10 vindicate violations of "rights, privileges, or immunities secured by the Constitution and laws" of
11 the United States.

12 ***Federal Protections of Privacy***

13 91. The Fourth Amendment of the U.S. Constitution recognizes the privacy interests in
14 electronic communications. Indeed, as the U.S. Court of Appeals wrote in *United States v.*
15 *Warshak*, 631 F.3d 266, 284 (6th Cir. 2010), "an email account ... provides an account of its
16 owner's life. By obtaining access to someone's email, government agents gain the ability to peer
17 deeply into his activities. ..."

18 92. The Privacy Act, 5 U.S.C. § 552a, was enacted in 1974 following the revelation of the
19 illegal surveillance and investigation of individuals by federal agencies during the Watergate
20 scandal. The Privacy Act seeks to protect individuals from unwarranted invasions of privacy by
21 federal agencies that maintain sensitive information about them. In passing the Act, Congress
22 recognized that "the opportunities for an individual to secure employment, insurance, and credit,
23 and his right to due process, and other legal protections are endangered by the misuse of certain
24 information systems," and that "the right to privacy is a personal and fundamental right protected
25 by the Constitution of the United States." 5 U.S.C. § 552a note (Congressional findings for the
26 Privacy Act of 1974).

27 93. Congress enacted the Electronic Communications Privacy Act, including the Stored
28 Communications Act, 18 U.S.C. § 2701 et seq., in 1985 to protect individuals from the

1 “technological advances in surveillance devices and techniques” that “ma[de] it possible for
2 overzealous law enforcement agencies, industrial spies and private parties to intercept the
3 personal or proprietary communications of others.” S. Rep. No. 99-541, at 3 (1986), *reprinted in*
4 1986 U.S.C.C.A.N. 3555, 3557. The Act sought to remedy what Justice Brandeis had correctly
5 predicted decades before in his famous dissent in *Olmstead v. United States*, 277 U.S. 438
6 (1928), that “the Government, without removing papers from secret drawers, can reproduce them
7 in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the
8 home,” with no protection afforded to the individual’s privacy. *Id.* at 2, 3556.

9 94. The FBI and other Defendants acted in this case in gross dereliction of their duties to
10 respect these laws and violated these protections to the lasting detriment of Jacob C. Hack.

11 **FIRST CAUSE OF ACTION**

12 **AGAINST DEFENDANTS FBI, THE UNITED STATES and JOHN TANZA**

13 **DEPRIVATION OF CIVIL RIGHTS**

14 (42 U.S.C. § 1983)

15 95. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
16 though fully stated herein.

17 96. Defendant Mueller is the Director of the FBI and was acting in that capacity during the
18 incidents described below. At all times, he was aware of the misconduct of DEFENDANT
19 TANZA, but took no action to restrain or discipline him. Further, as alleged below, when
20 complaints were filed by Plaintiff and his family members about the misconduct, Defendant
21 Mueller failed to conduct a diligent investigation but instead ratified the misconduct.

22 97. In 1998 a murder occurred in Las Vegas, Nevada in which some of Mr. Hack’s adult
23 children were implicated. Shortly after the murder occurred, the Las Vegas Metropolitan Police
24 Department executed search warrants at the residence of Mr. Hack, where his adult son and
25 daughter had resided, on and off, before and after the murder occurred.

26 98. The Las Vegas Metropolitan Police Department conducted a thorough investigation and
27 found no credible evidence suggesting that Mr. Hack had any involvement in the alleged acts of
28 his adult son and daughter.

1 99. More than a decade later, the FBI fixated upon a theory that the 1998 murder had either
2 been masterminded by or carried out at the instruction of Mr. Hack, despite the lack of any
3 evidence, and based entirely on a self-serving and irrational belief by DEFENDANT TANZA
4 that the father of a criminal must be involved in the crime. To this day, Mr. Hack has no idea
5 how anyone could have formed such an absurd and irrational belief about him. Nonetheless,
6 Defendants continued to carry on an abusive investigation of Mr. Hack involving slander and
7 defamation of Mr. Hack in an effort to persuade Mr. Hack's family members, friends, and
8 acquaintances to provide incriminating information about Mr. Hack in an effort to fabricate a
9 case against Plaintiff.

10 100. Despite the lack of any evidence of foul play by Mr. Hack, much less the complete lack of
11 any evidence Plaintiff was to blame for any role in the 1998 murder, the Defendants conducted a
12 search of Plaintiff's two laptops between April and August 2011. This search was conducted
13 without probable cause.

14 101. Upon information and belief, Plaintiff does not believe the search was pursuant to a
15 warrant because DEFENDANT TANZA asked Mr. Hack's wife to sign a consent to search Mr.
16 Hack's laptops.

17 102. To the extent the search was pursuant to a warrant, Plaintiff is informed and believes, and
18 thereupon alleges, that any affidavit in support of the warrant contained material misstatements
19 of fact and omitted material information that, if it had been disclosed, would have resulted in
20 denial of the search warrant.

21 103. Although the Las Vegas Metropolitan Police Department had previously executed search
22 warrants at Mr. Hack's residence and seized his guns to examine, no evidence of a crime
23 attributable to Mr. Hack was found.

24 104. Upon information and belief, defendants did not trust the investigation of the Las Vegas
25 Metropolitan Police Department and began their own investigation of the 1998 murder and began
26 to focus on Mr. Hack. In spite of the absence of any evidence to suggest that Mr. Hack was
27 involved in the 1998 murder, and in spite of his testimony that he was not involved and had no
28

1 idea that his adult son and daughter could be connected with such a horrible act, defendants
2 carried on a campaign of slander and defamation against Mr. Hack.

3 105. Since April 2011, Plaintiff has been subjected to an endless series of harassing and
4 intimidating conduct by DEFENDANT TANZA, which has caused him to expend a massive
5 number of hours defending himself and his reputation and trying to hold his family together.

6 106. The aforementioned acts of Defendants deprived Plaintiff of his rights, privileges and
7 immunities secured to him by the Fourth (“unreasonable search and seizure”), Fifth (“shall not be
8 deprived of property”), and Fourteenth Amendments (“deprivation of liberty without due
9 process” and “denial of equal protection of law”) to the United States Constitution.

10 107. The aforementioned acts of Defendants were done under color of state and federal law.

11 108. Plaintiff is informed and believes, and thereupon alleges, that all actions and omissions
12 complained of herein were ratified and done in execution of, and pursuant to, the actual or
13 official policies, practices, procedures or customs promulgated by the FBI, including a policy of
14 inadequately training special agents in the rights guaranteed by the Fourth Amendment, Fifth
15 Amendment, and Fourteenth Amendment, a policy of inadequately supervising special agents in
16 their performance with regard to compliance with these rights, a policy of inadequately
17 disciplining special agents for violations of these rights, and a policy of “punishing” suspects by
18 trying to destroy their reputation with others, trying to cause them to lose employment, and
19 unjustifiably withholding their possessions. All of these policies reflect a deliberate indifference
20 to the rights of criminal suspects such as Plaintiff. The constitutional violations described above
21 would not have occurred absent the deliberate indifference.

22 109. As a direct and proximate result of the aforementioned acts of Defendants, Plaintiff
23 suffered damages including medical expenses, loss of income, wage loss, property damage, loss
24 of use of property, loss of earning capacity, the need to incur payment of attorney's fees, and
25 severe emotional and psychological distress, anguish, anxiety, and injury, and pain and suffering,
26 all of for which he is entitled to compensation in an amount to be shown according to proof.

1 110. The aforementioned acts of Defendants were malicious, oppressive and in reckless
2 disregard of Plaintiff's rights and thereby entitle Plaintiff to punitive or exemplary damages in an
3 amount according to proof.

4
5
6 **SECOND CAUSE OF ACTION**

7 **AGAINST DEFENDANTS FBI, THE UNITED STATES and JOHN TANZA**

8 **PRIVACY ACT – UNAUTHORIZED DISCLOSURE**

9 111. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
10 though fully stated herein.

11 112. Information regarding Jacob C. Hack and his children's alleged involvement in a civil
12 rights violation is maintained within one or more Privacy Act systems of records retrievable by
13 use of Jacob C. Hack's name or by some identifying number, symbol or other identifying
14 particular assigned to Plaintiff.

15 113. Pursuant to 5 U.S.C. § 552a(b), the FBI may not "disclose any record which is contained
16 in a system of records by any means of communication to any person, or to another agency"
17 unless certain exceptions apply.

18 114. At no time did Plaintiff provide the government with either verbal or written consent to
19 disclose information concerning himself to third parties.

20 115. Upon information and belief, on one or more occasions, the FBI shared records on Mr.
21 Hack with the DEA and other third parties.

22 116. Upon information and belief, the DEA did not have a need for the record in the
23 performance of their duties, and that no other lawful exception authorized the disclosure of
24 records on Jacob C. Hack to the DEA and other third parties.

25 117. Upon information and belief, on one or more occasions, the FBI, through numerous
26 employees, unlawfully and without regard to the foreseeable and certain consequences of
27 publishing statements of association with the Nazi Party, white supremacists and criminal acts,
28 disseminated information, including that which was inaccurate, derogatory, and irrelevant, from

1 within a protected system of records, to other third parties who were not authorized to receive
2 such information.

3 118. No lawful exception authorized such damaging disclosures.

4 119. This unlawful disclosure expanded the intrusion into Jacob C. Hack's privacy and thrust
5 him into the spotlight to be associated with and held out to be a criminal. The direct and
6 proximate cause of the slanderous statements has altered his life forever.

7 120. The unauthorized disclosures by the FBI violated 5 U.S.C. § 552a(b), with adverse effect
8 to Jacob C. Hack, and give rise to a claim pursuant to 5 U.S.C. §552a(g)(1)(D).

9 121. Upon information and belief, the FBI, as well as their employees and officers, knew or
10 should have known that their actions were improper, unlawful and/or in violation of the Privacy
11 Act.

12 122. Upon information and belief, the FBI, and John Tanza acted intentionally and/or willfully
13 in the violation of Jacob C. Hack's privacy rights.

14 123. As a direct and proximate result of Defendants' violations of the Privacy Act, Plaintiff
15 has suffered grave injury, including but not limited to emotional trauma, loss of reputation, lost
16 or jeopardized present and future financial opportunities, public relations and attorney's fees,
17 costs associated with threats to his personal security.

18 **THIRD CAUSE OF ACTION**

19 **AGAINST DEFENDANTS FBI AND THE UNITED STATES and John Tanza**
20 **PRIVACY ACT – FAILURE TO MAINTAIN IN RECORDS ONLY INFORMATION**
21 **RELEVANT AND NECESSARY TO ACCOMPLISH A PURPOSE OF THE AGENCY**

22 124. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
23 though fully stated herein.

24 125. Information regarding Jacob C. Hack is maintained within one or more Privacy Act
25 systems of records retrievable by use of Mr. Hack's name or by some identifying number,
26 symbol, or other identifying particular assigned to Plaintiff.

1 126. Pursuant to 5 U.S.C. § 552a(e)(1), the FBI, “maintain in its records only such information
2 about an individual as is relevant and necessary to accomplish a purpose of the agency required
3 to be accomplished by statute or by Executive order of the President.”

4 127. Upon information and belief, Private information about Jacob C. Hack, including Mr.
5 Hack’s personal relationships, financial dealings, and personal communications that are not
6 relevant to the investigation of any other criminal activity, and are not relevant or necessary to
7 the purposes of the FBI.

8 128. Upon information and belief, Defendants the FBI maintained and may still maintain
9 information in their records that is irrelevant and unnecessary to the purposes of their agencies.

10 129. Upon information and belief, the maintenance of irrelevant and unnecessary information
11 in their records expanded the intrusion into Jacob C. Hack’s privacy without justification, painted
12 Jacob C. Hack in a damaging false light, created a larger set of information subject to
13 compromise from government leaks and other misuse, and lead to significant emotional and
14 financial injury to Jacob C. Hack.

15 130. Upon information and belief, the maintenance of irrelevant and unnecessary information
16 violated 5 U.S.C. § 552a(e)(1), with adverse effect to Jacob C. Hack, and gives rise to a claim
17 pursuant to 5 U.S.C. §552a(g)(1)(D).

18 131. Upon information and belief, the FBI, and its employees and officers knew or should
19 have known that their actions were improper, unlawful and/or in violation of the Privacy Act.

20 132. The FBI, and their employees and officers acted intentionally and/or willfully in violation
21 of Jacob C. Hack’s privacy rights.

22 133. As a direct and proximate result of Defendants’ violations of the Privacy Act, Plaintiff
23 has suffered grave injury, including but not limited to emotional trauma, loss of reputation, lost
24 or jeopardized present and future financial opportunities, public relations and attorney’s fees,
25 costs associated with threats to his personal security.

FOURTH CAUSE OF ACTION

AGAINST DEFENDANTS FBI AND THE UNITED STATES,

**PRIVACY ACT – FAILURE TO MAINTAIN RECORDS WITH SUCH ACCURACY,
RELEVANCE, TIMELINESS AND COMPLETENESS AS IS NECESSARY TO ASSURE
FAIRNESS**

134. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

135. Information regarding Jacob C. Hack is maintained within one or more Privacy Act systems of records retrievable by use of Jacob C. Hack’s name or by some identifying number, symbol or other identifying particular assigned to Plaintiff.

136. Defendant FBI, is required, under the Privacy Act at §552a(g)(1)(c), to “maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record....”

137. Upon information and belief, records regarding Jacob C. Hack were not maintained with a degree of accuracy, relevance and completeness as is necessary to ensure fairness and integrity.

138. Upon information and belief, these records were relied upon to proximately cause adverse determination to deny a license by DEA and rather than be treated fairly, make a determination to convert Jacob C. Hack into the subject of an investigation.

139. Upon information and belief, these inaccurate records expanded the intrusion into Jacob C. Hack’s privacy without justification, painted Jacob C. Hack in a damaging false light, and created a larger set of information—including inaccurate information—subject to compromise from government leaks and/or other misuse.

140. Upon information and belief, the FBI actions give rise to a claim pursuant to §552a(g)(1)(c) regardless of whether the information is maintained in a system of records.

141. The FBI, as well as their employees and officers knew or should have known that their actions were improper, unlawful and/or in violation of the Privacy Act.

1 142. The FBI, as well as their employees and officers acted intentionally and/or willfully in
2 violation of Jacob C. Hack's privacy rights.

3 143. As a direct and proximate result of Defendants' violations of the Privacy Act, Plaintiff
4 has suffered grave injury, including but not limited to emotional trauma, loss of reputation, lost
5 or jeopardized present and future financial opportunities, public relations and attorney's fees, and
6 costs associated with threats to his personal security.

7
8 **FIFTH CAUSE OF ACTION**

9 **AGAINST DEFENDANTS FBI AND THE UNITED STATES**

10 **PRIVACY ACT – MAINTAINING RECORDS DESCRIBING EXERCISE OF RIGHTS**
11 **GUARANTEED BY THE FIRST AMENDMENT**

12 144. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
13 though fully stated herein.

14 145. Upon information and belief, information regarding Jacob C. Hack and his testimony is
15 maintained within one or more Privacy Act systems of records retrievable by use of Jacob C.
16 Hack's name or by some identifying number, symbol or other identifying particular assigned to
17 Plaintiff.

18 146. Upon information and belief, Defendant FBI, maintained records regarding Jacob C.
19 Hack's personal communications and friendships, activities protected under the First
20 Amendment's guarantee of freedom of speech and rights of association, that were not pertinent to
21 and outside of the scope of authorized law enforcement activity, nor expressly authorized to be
22 maintained under any statute.

23 147. As a result of the maintenance of records regarding Jacob C. Hack's exercise of First
24 Amendment rights, Jacob C. Hack suffered adverse effects, including denial of a license by the
25 DEA, and rather than be treated fairly, was converted into the subject of an investigation.

26 148. The maintenance of records regarding Jacob C. Hack's exercise of First Amendment
27 rights also had the adverse effects of expanding the intrusion into Jacob C. Hack's privacy
28

1 without justification, painting Jacob C. Hack in a damaging false light, and creating a larger set
2 of information subject to compromise from government leaks and/or other misuse.

3 149. The actions of the government violated § 552a(e)(7), with adverse effects to the Plaintiff,
4 which gives rise to claims pursuant to §552a(g)(1)(D).

5 150. The FBI, as well as their employees and officers, knew or should have known that their
6 actions were improper, unlawful and/or in violation of the Privacy Act.

7 151. The FBI, as well as their employees and officers acted intentionally and/or willfully in
8 violation of Jacob C. Hack’s privacy rights.

9 152. As a direct and proximate result of Defendants’ violations of the Privacy Act, Plaintiff
10 has suffered grave injury, including but not limited to emotional trauma, loss of reputation, lost
11 or jeopardized present and future financial opportunities, public relations and attorney’s fees,
12 costs associated with threats to his personal security.

13 **SIXTH CAUSE OF ACTION**

14 **AGAINST DEFENDANTS FBI AND THE UNITED STATES**

15 **PRIVACY ACT – FAILURE TO MAKE REASONABLE EFFORTS TO ASSURE**

16 **RECORDS ARE ACCURATE, COMPLETE AND RELEVANT FOR AGENCY**

17 **PURPOSES PRIOR TO DISSEMINATION**

18 153. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
19 though fully stated herein.

20 154. Information regarding Jacob C. Hack is maintained within one or more Privacy Act
21 systems of records retrievable by use of Mr. Hack’s name or by some identifying number, symbol
22 or other identifying particular assigned to Plaintiff.

23 155. The Privacy Act at § 552a(e)(6) requires that the FBI and the United States to “make
24 reasonable efforts to assure that such records are accurate, complete, timely, and relevant for
25 agency purposes” prior to disseminating such records to any person other than an agency.

26 156. Upon information and belief, prior to disseminating privacy protected information, the
27 FBI, and the United States, failed to take reasonable efforts to assure records regarding Jacob C.
28 Hack were accurate, complete, or relevant for agency purposes.

1 157. Upon information, FBI Defendants failed to provide a complete and accurate record on
2 Mr. Hack and attempted to persuade witnesses to corroborate false statements about Mr. Hack
3 that FBI Defendants had falsely attributed to the witnesses.

4 158. As a result of these inaccurate, incomplete, and irrelevant records, Jacob C. Hack suffered
5 adverse effects and was converted into the subject of an investigation.

6 159. These inaccurate, incomplete and irrelevant records also had the adverse effects of
7 expanding the intrusion into Jacob C. Hack's privacy without justification, painting Jacob C.
8 Hack in a damaging false light, and creating a larger set of information subject to compromise
9 from government leaks and/or other misuse.

10 160. The actions of the government violated § 552a(e)(6), with adverse effects to Mr. Hack,
11 which give rise to claims pursuant to §§552a(g)(1)(D).

12 161. Upon information and belief, the FBI, as well as their employees and officers knew or
13 should have known that their actions were improper, unlawful and/or in violation of the Privacy
14 Act.

15 162. Upon information and belief, the FBI, as well as their employees and officers acted
16 intentionally and/or willfully in violation of Jacob C. Hack's privacy rights.

17 163. As a direct and proximate result of Defendants' violations of the Privacy Act, Plaintiff
18 has suffered grave injury, including but not limited to emotional trauma, loss of reputation, lost
19 or jeopardized present and future financial opportunities, public relations and attorney's fees,
20 costs associated with threats to his personal security.

21
22 **SEVENTH CAUSE OF ACTION**

23 **AGAINST DEFENDANTS FBI and THE UNITED STATES**

24 **PRIVACY ACT – FAILURE TO ESTABLISH APPROPRIATE SAFEGUARDS TO**

25 **ENSURE THE SECURITY AND CONFIDENTIALITY OF RECORDS WHICH**

26 **RESULTED IN SUBSTANTIAL HARM AND EMBARRASSMENT**

27 164. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
28 though fully stated herein.

1 165. Upon information and belief, information regarding Jacob C. Hack and his testimony in
2 connection with the 1998 murder is maintained within one or more Privacy Act systems of
3 records retrievable by use of Mr. Hack's name or by some identifying number, symbol or other
4 identifying particular assigned to Plaintiff.

5 166. Upon information and belief, FBI and United States sources compromised the security
6 and confidentiality of information held in records related to Jacob C. Hack, and other information
7 naming individuals in relation to an investigation into a 1998 murder in Las Vegas by providing
8 the information in these reports to third parties.

9 167. Upon information and belief, the FBI and the United States failed to establish appropriate
10 administrative, technical, and physical safeguards to ensure the security and confidentiality of
11 records and to protect against anticipated threats or hazards to their security or integrity.

12 168. The compromise of the security and confidentiality of records containing information
13 related to Jacob C. Hack's testimony in connection with the 1998 murder and resulting
14 investigation, reasonably foreseeably can result, and indeed did directly and proximately result,
15 in substantial harm, embarrassment, inconvenience, and/or unfairness to Mr. Hack.

16 169. As a direct and proximate result of the Defendants' failure to establish safeguards to
17 ensure the security and confidentiality of the records and protect against anticipated threats or
18 hazards to their security or integrity, Jacob C. Hack was converted into the subject of an
19 investigation.

20 170. The Defendants' failure to establish safeguards to ensure the security and confidentiality
21 of the records and protect against anticipated threats or hazards to their security or integrity
22 inflicted such direct and proximate damage on Jacob C. Hack as expanding the intrusion into
23 Jacob C. Hack's privacy; painting Jacob C. Hack in a damaging false light; making Mr. Hack an
24 object of ridicule, moral opprobrium, scorn, and derision, causing him, public notoriety,
25 egregious loss of privacy, and security; costing Mr. Hack public respect, positions of trust and
26 responsibility, and significant lost financial, business, and investment opportunities; and also
27 costing Mr. Hack extensive financial losses.

28

1 171. The actions of the FBI and the United States, as well as, and their employees and officers
2 violated § 552a(e)(10), with adverse effects to Jacob C. Hack, and give rise to claims pursuant to
3 §552a(g)(1)(D).

4 172. Upon information and belief, the FBI and the United States, as well as their employees
5 and officers knew or should have known that their actions were improper, unlawful, and/or in
6 violation of the Privacy Act.

7 173. Upon information and belief, the FBI and the United States, as well as their employees
8 and officers acted intentionally and/or willfully in violation of Jacob C. Hack's privacy rights.

9 174. As a direct and proximate result of Defendants' violations of the Privacy Act, Plaintiff
10 has suffered grave injury, including but not limited to emotional trauma, loss of reputation, lost
11 or jeopardized present and future financial opportunities, public relations and attorney's fees,
12 costs associated with threats to his personal security.

13 **EIGHTH CAUSE OF ACTION**

14 **AGAINST DEFENDANTS FBI AND THE UNITED STATES**

15 **STORED COMMUNICATION ACT – IMPROPER DISCLOSURES**

16 175. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
17 though fully stated herein.

18 176. Upon information and belief, records held by FBI and the United States related to Jacob
19 C. Hack included information from Jacob C. Hack's stored electronic communications obtained
20 by the FBI and/or other officers, agents or employees of the United States through an
21 investigative or law enforcement officer, or a governmental entity, pursuant to 18 U.S.C. § 2703,
22 or from a device installed pursuant to 18 U.S.C. § 3123 or 18 U.S.C. § 3125 or by other legal
23 authority or without legal authority.

24 177. Anonymous leaks to the press of information in records protected by the Privacy Act are
25 not disclosures made pursuant to the proper performance of governmental entity or officers
26 official functions.

27 178. Upon information and belief, the actions of the FBI and their employees and officers give
28 rise to a violation of the Stored Communications act under 18 U.S.C. § 2707(g), which prohibits

1 willful disclosure of a record obtained by an investigative or law enforcement officer where such
2 disclosure is not made in the proper performance of the official functions of the officer or
3 governmental entity making the disclosure.

4 179. Upon information and belief, the FBI, and their employees and officers acted willfully in
5 violation of Jacob C. Hack's privacy rights.

6 180. As a direct and proximate result of Defendants' violations of the Stored Communications
7 Act, Plaintiff has suffered grave injury, including but not limited to emotional trauma, loss of
8 reputation, lost or jeopardized present and future financial opportunities, public relations and
9 attorney's fees, costs associated with threats to his personal security.

10
11 **NINTH CAUSE OF ACTION**

12 **AGAINST JOHN TANZA and JOHN AND JANE DOE DEFENDANTS**

13 ***BIVENS* CLAIM FOR VIOLATION OF FOURTH AMENDMENT RIGHTS**

14 **PROHIBITING UNREASONABLE SEARCHES**

15 181. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
16 though fully stated herein.

17 182. Upon information and belief, the United States accessed and searched Mr. Hack's emails
18 beyond the scope for which the government had probable cause or proper judicial approval to
19 search.

20 183. Jacob C. Hack had a reasonable expectation of privacy in his personal emails that is
21 protected by the U.S. Constitution's Fourth Amendment's guarantee of "[t]he right of the people
22 to be secure in their persons, houses, papers, and effects, against unreasonable searches."

23 184. Some of these searches concerned information that is not then collected and maintained
24 as a record in a system of governmental records.

25 185. John and Jane Doe Defendants' search of Jacob C. Hack's emails beyond the scope of
26 what the government had probable cause or proper judicial approval to search was not
27 reasonable, and Jacob C. Hack's right to be free of such unreasonable searches was sufficiently
28 established that John and Jane Doe Defendants knew or should have known that such a search

1 would violate Jacob C. Hack’s constitutional rights. John and Jane Doe Defendants’ conduct
2 “violated clearly established statutory or constitutional rights of which a reasonable person would
3 have known.”

4 186. John and Jane Doe Defendants’ misconduct was undertaken under color of federal law.

5 187. The John and Jane Doe Defendants acted intentionally and/or willfully in violation of
6 Jacob C. Hack’s privacy rights.

7 188. John and Jane Doe Defendants’ search of Jacob C. Hack’s emails beyond the scope for
8 which the government had probable cause or judicial approval to search violated their Fourth
9 Amendment rights, and gives rise to a claim under the U.S. Constitution pursuant to *Bivens v. Six*
10 *Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), permitting
11 plaintiffs to bring a civil rights suit against federal officials in their individual capacity for
12 damages directly and proximately caused by constitutional torts under color of their authority.

13 189. As a result of John and Jane Doe Defendants’ violations of Jacob C. Hack’s Fourth
14 Amendment rights against unreasonable searches, Plaintiff has suffered grave injury, including
15 but not limited to emotional trauma, violations of their privacy, and attorneys’ fees.

16 **TENTH CAUSE OF ACTION**

17 **AGAINST JOHN TANZA and JOHN AND JANE DOE DEFENDANTS**

18 ***BIVENS* CLAIM FOR VIOLATION OF FIFTH AMENDMENT RIGHTS TO DUE**
19 **PROCESS, INCLUDING EQUAL PROTECTION UNDER THE LAW**

20 190. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
21 though fully stated herein.

22 191. DEFENDANT TANZA and John and Jane Doe Defendants engaged in a malicious,
23 intentional characterization of Mr. Hack as a heinous criminal, and failed to protect, and indeed
24 violated, his privacy rights as they focused their investigation on him in search of salacious
25 information.

26 192. John and Jane Doe Defendants’ misconduct was undertaken under color of federal law.

27 193. John and Jane Doe Defendants acted with purpose and intent to discriminate against Mr.
28 Hack on the basis of his association as the father of a person alleged to have committed a crime.

1 194. John and Jane Doe Defendants' actions to discriminate against Mr. Hack on the basis of
2 his association as the father of a person alleged to have committed a crime were not reasonable,
3 and Mr. Hack's right to be free of discrimination was sufficiently established that DEFENDANT
4 TANZA and John and Jane Doe Defendants knew or should have known that their conduct
5 would violate Mr. Hack's constitutional rights. Their conduct "violated clearly established
6 statutory or constitutional rights of which a reasonable person would have known."¹

7 195. The John and Jane Doe Defendants acted intentionally and/or willfully in violation of Mr.
8 Hack's Fifth Amendment right to equal protection of the law.

9 196. DEFENDANT TANZA and John and Jane Doe Defendants discrimination against Mr.
10 Hack on the basis of his association as the father of a person alleged to have committed a crime
11 violated his Fifth Amendment rights to due process, which includes equal protection of the laws,²
12 and gives rise to a claim under the U.S. Constitution pursuant to *Bivens v. Six Unknown Named*
13 *Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), permitting plaintiffs to bring a civil
14 rights suit against federal officials in their individual capacity for damages directly and
15 proximately caused by constitutional torts under color of their authority.

16 197. As a result of DEFENDANT TANZA and John and Jane Doe Defendants' violations of
17 Mr. Hack's Fifth Amendment rights, Mr. Hack has suffered grave injury, including but not
18 limited to emotional trauma, loss of reputation, lost or jeopardized present and future financial
19 opportunities, public relations and attorney's fees, costs associated with threats to his personal
20 security.

21 **ELEVENTH CAUSE OF ACTION, IN THE ALTERNATIVE**

22 **AGAINST JOHN TANZA and JOHN AND JANE DOE DEFENDANTS**

23 **DEFAMATION**

24
25
26 ¹*Pearson v. Callahan*, 555 U.S. 223, 231 (2009) (quoting *Harlow v. Fitzgerald*, 457 U.S.
27 800, 818 (1982)).

28 ²*Bolling v. Sharpe*, 347 U.S. 497 (1954).

1 198. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
2 though fully stated herein.

3 199. Upon information and belief, DEFENDANT TANZA and John and Jane Doe Defendants
4 made false and defamatory statements concerning Jacob C. Hack, including statements that Jacob
5 C. Hack was involved in a multitude of crimes.

6 200. Upon information and belief, DEFENDANT TANZA and John and Jane Doe Defendants
7 made such false and defamatory statements without privilege to a third party.

8 201. Upon information and belief, DEFENDANT TANZA and John and Jane Doe Defendants
9 acted intentionally and/or willfully, but at least with negligence, in making such false and
10 defamatory statements.

11 202. Upon information and belief, to the extent that these false and defamatory leaks were not
12 authorized by the agencies such that the Defendants were acting outside the scope of their
13 authority, the actions of DEFENDANT TANZA and John and Jane Doe Defendants give rise to a
14 claim for common law defamation and slander per se.

15 203. As a direct and proximate result of DEFENDANT TANZA and John and Jane Doe
16 Defendants' making and causing to be published such false and defamatory statements, Plaintiff
17 has suffered grave injury, including but not limited to emotional trauma, loss of reputation, lost
18 or jeopardized present and future financial opportunities, public relations and attorney's fees,
19 costs associated with threats to his personal security.

20
21 **TWELFTH CAUSE OF ACTION, IN THE ALTERNATIVE**

22 **AGAINST JOHN TANZA and JOHN AND JANE DOE DEFENDANTS**

23 **FALSE LIGHT**

24 204. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
25 though fully stated herein.

26 205. Upon information and belief, DEFENDANT TANZA and John Doe Defendants
27 published, publicized or otherwise gave publicity to false statements, representations or
28 imputations of or concerning Mr. Hack by leaking such information to third parties.

1 206. Plaintiff did not consent to the publication of such false statements, representations or
2 imputations about himself.

3 207. The publication of such false statements, representations or imputations placed Jacob C.
4 Hack in a false light that would be offensive to an ordinary, reasonable person.

5 208. Upon information and belief, the DEFENDANT TANZA and John Doe Defendants acted
6 intentionally and/or willfully to place Jacob C. Hack in a false light.

7 209. Upon information and belief, to the extent that such actions were not authorized by the
8 agencies such that the Defendants were acting outside the scope of their authority, the actions of
9 DEFENDANT TANZA and John and Jane Doe Defendants give rise to a claim for the common
10 law tort of false light.

11 210. As a direct and proximate result of DEFENDANT TANZA and John and Jane Doe
12 Defendants' placing Plaintiff in a false light, Plaintiff has suffered grave injury, including but not
13 limited to emotional trauma, loss of reputation, lost or jeopardized present and future financial
14 opportunities, public relations and attorney's fees, costs associated with threats to his personal
15 security.

16 **THIRTEENTH CAUSE OF ACTION, IN THE ALTERNATIVE**

17 **AGAINST JOHN TANZA and JOHN AND JANE DOE DEFENDANTS**

18 **INTRUSION UPON SECLUSION**

19 211. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
20 though fully stated herein.

21 212. Upon information and belief, John Doe Defendants used some form of investigation or
22 examination to physically intrude into Mr. Hack's private or secret concerns, including personal
23 communications, financial, business and family affairs, and personal relationships that were not
24 in any way relevant to the investigation of the 1998 murder in Las Vegas, or of any other
25 appropriate or legally authorized investigation or examination.

26 213. Plaintiff did not consent to the investigation or examination and intrusion into his private
27 or secret concerns unrelated to his adult children's alleged involvement in a 1998 murder, nor
28 consent to the investigation or examination of the contents of any personal communications.

1 214. The investigation or examination into Jacob C. Hack's private or secret concerns would
2 be highly offensive to an ordinary, reasonable person.

3 215. Upon information and belief, the John Doe Defendants acted intentionally and/or
4 willfully in violation of Jacob C. Hack's privacy rights.

5 216. Upon information and belief, to the extent that such actions were not authorized by the
6 agencies such that the Defendants were acting outside the scope of their authority, the actions of
7 DEFENDANT TANZA and John and Jane Doe Defendants give rise to a claim for the common
8 law tort of intrusion upon seclusion.

9 217. As a direct and proximate result of Defendants' violations of the Plaintiff's privacy,
10 Plaintiff has suffered grave injury, including but not limited to emotional trauma, loss of
11 reputation, lost or jeopardized present and future financial opportunities, public relations and
12 attorney's fees, costs associated with threats to his personal security.

13 **FOURTEENTH CAUSE OF ACTION, IN THE ALTERNATIVE**

14 **AGAINST JOHN TANZA and JOHN AND JANE DOE DEFENDANTS**

15 **PUBLICATION OF PRIVATE FACTS**

16 218. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
17 though fully stated herein.

18 219. Upon information and belief, DEFENDANT TANZA and John Doe Defendants
19 published, publicized or otherwise gave publicity to Plaintiff's private life by anonymously
20 leaking private facts such as Plaintiff's personal contact information, personal correspondence,
21 personal relationships, personal financial concerns, family matters and confidential information
22 about his adult children's alleged involvement in a 1998 murder, to third parties so that it would
23 be substantially certain to become one of public knowledge.

24 220. Plaintiff did not consent to the publication of facts about his private life.

25 221. The publication of facts about Mr. Hack's private life would be highly offensive to an
26 ordinary, reasonable person.

27 222. The publication of facts about Jacob C. Hack's private life that were not relevant to the
28 investigation of criminal activity, are not of legitimate concern to the public.

1 223. DEFENDANT TANZA and the John and Jane Doe Defendants acted intentionally and/or
2 willfully in violation of Mr. Hack’s privacy rights.

3 224. Upon information and belief, to the extent that such actions were not authorized by the
4 agencies such that the Defendants were acting outside the scope of their authority, the actions of
5 DEFENDANT TANZA and John and Jane Doe Defendants give rise to a claim for the common
6 law tort of publication of private facts.

7 225. As a direct and proximate result of Defendants’ violations of the Plaintiff’ privacy,
8 Plaintiff has suffered grave injury, including but not limited to emotional trauma, loss of
9 reputation, lost or jeopardized present and future financial opportunities, public relations and
10 attorney’s fees, costs associated with threats to his personal security.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff respectfully prays that this Court grant the following relief:

- 13 A. order Defendants to issue a formal apology to Mr. Hack for the violations of his civil
14 rights, privacy and dignity;
- 15 B. award actual damages on the first cause of action in an amount according to proof;
- 16 C. award punitive damages against all Defendants on the first cause of action in the amount
17 according to proof;
- 18 D. award interest on the sum of money awarded as damages;
- 19 E. award damages equal to actual and statutory damages sustained by Jacob C. Hack under
20 the Privacy Act pursuant to § 552a(g)(4)(a);
- 21 F. award Plaintiff compensatory and consequential damages as proven at trial;
- 22 G. award Plaintiff punitive and exemplary damages as the Court may deem just and proper
23 to deter such future egregious conduct;
- 24 H. order preliminary and permanent injunctive relief as appropriate to prevent further
25 violations of Plaintiff’s rights under the Fourth and Fifth Amendments to the U.S.
26 Constitution;
- 27 I. order that the FBI provide Jacob C. Hack with a specific accounting of all information
28 gathered about him – whether or not stored in a system of records – and the dissemination

1 and use of each such piece of information within and outside of the government, as well
2 as a statement that any such information that was gathered without legal authority or
3 which is now no longer needed for a legitimate governmental purpose be destroyed;

4 J. direct that all officer, employees, and agents of the United States who have violated the
5 Privacy Act with respect to this matter be referred for appropriate professional and/or
6 administrative discipline;

7 K. declare that Defendant FBI has violated 18 U.S.C. § 2707(g) of the Stored
8 Communications Act, and that the circumstances surrounding the violation raise serious
9 questions about whether or not an officer or employee of the United States acted willfully
10 or intentionally with respect to the violation, and order the Attorney General, and the
11 Director of the FBI, to promptly initiate a proceeding to determine whether disciplinary
12 action against the officer or employee is warranted pursuant to 18 U.S.C. § 2707(d);

13 L. award Plaintiff his costs and reasonable attorneys fees incurred in this action as provided
14 by 42 U.S.C. §1988; 5 U.S.C. § 552(a)(4)(E) and 28 U.S.C. § 2412; and

15 M. grant such other relief as the Court may deem just and proper, including relief for the
16 alternative claims of violations of their common law privacy rights and defamation.

17
18 **JURY DEMAND**

19 Pursuant to the seventh amendment to the Constitution of the United States of America,
20 Plaintiff is entitled to, and demands, a trial by jury on all counts that may be heard by a jury.

21 Dated: July 5, 2013.

Respectfully submitted,

22
23 /s/

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