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Contact: Solomon Yue (USA) +1-503-370-7499 solomon@fatcalegalaction.com

Jan Halper (Overseas) +44 7904 121 864 jan@presageadvisory.com

Republicans Overseas Action files the 78-page Plaintiffs' Motion for Leave to Amended Complaint

Last Friday on behalf of Presidential candidate, Senator Rand Paul along with other nine co-plaintiffs, Republicans Overseas Action, Inc. (ROA) files the 78-page Plaintiffs' Motion for Leave to Amended Complaint against the Foreign Account Tax Compliance Act (FATCA), the intergovernmental agreements (IGAs), and the Report of Foreign Bank and Financial Accounts (FBAR) in the U.S. District Court for the Southern District of Ohio.

The Amended Complaint addresses standing issues, adding new facts about plaintiffs (such as who meets certain trigger amounts for disclosure) and adds challenges to two other IGAs: Danish IGA and French IGA to address harm caused to certain plaintiffs. It also adds Lois Kuettel, Katerina Johnson, and Richard Adams as new plaintiffs.

ROA thanks all ten plaintiffs, who are U.S. citizens, former U.S. citizens, Republicans, and/or non-Republicans, for their willingness to defend 8.7 million overseas Americans and 12.6 million stateside "green card" holders in their fight against FATCA tyranny.

The U.S. Treasury, IRS, and U.S. Financial Crimes Enforcement Network (FCEN) are still named as Defendants in this amended verified complaint for declaratory and injunctive relief with eight-count of constitutional violations:

Count 1 - The IGAs are Unconstitutional Sole Executive Agreements Because They Exceed the Scope of the President's Independent Constitutional Powers

Count 2 - The IGAs are Unconstitutional Sole Executive Agreements Because They Override FATCA

Count 3 - The Heightened Reporting Requirements for Foreign Financial Accounts Deny U.S. Citizens Living Abroad the Equal Protection of the Laws

Count 4 - The FATCA FFI Penalty is Unconstitutional under the Excessive Fines Clause

Count 5 - The FATCA Pass-through Penalty is Unconstitutional under the Excessive Fines Clause

Count 6 - The FBAR Willfulness Penalty is Unconstitutional under the Excessive Fines Clause

Count 7 - FATCA's Information Reporting Requirements are Unconstitutional under the Fourth Amendment

Count 8 - The IGAs' Information Reporting Requirements are Unconstitutional under the Fourth Amendment

"This 78-page Plaintiff's Motion to Leave to Amended Complaint is the third Act in a 12-Act FATCA Lawsuit Play," said James Bopp, Jr, leader lawyer for the Plaintiffs. "It also improves Plaintiffs' arguments for standing and on the merits by addressing issues raised by the Judge Thomas Rose Court in its Entry and Order Denying Plaintiffs' Motion for Preliminary Injunction," said Mr. Bopp.

The case in point is that our new 10-year old Plaintiff Lois Kuettel's harm is not self-inflicted per DOJ lawyers' argument.

Lois, who is a 10 years old tri-citizen of U.S., Switzerland, and the Philippines, is too young to file FBARs on her own. Lois can't avoid the FBAR reporting requirement by renouncing her U.S. citizenship because of her age. Her father Daniel Kuettel opened an account for Lois under his name because of his non-U.S. citizen status to protect her privacy so that she could begin saving money they received from the government and money she received from other sources. Lois expressed an interest to have the account in her name which would offer several advantages such as better interest rates and discounts for local businesses. Daniel would like to transfer ownership of the current account with a balance of approximately \$10,567 to her, but refrains from doing so. Daniel reasonably fears that Lois, or the funds in the account will be subject to the unconstitutionally excessive fines of \$100,000 or 50% of the balance of the account imposed by 31 U.S.C. § 5321 if the IRS determines that she has "willfully" failed to file an FBAR for the account.

"By adding Lois as an additional plaintiff, the Amended Complaint improves Daniel's arguments for standing and on the merits since Judge Rose questioned Daniel's standing without Lois being a plaintiff in the Entry and Order Denying Plaintiffs' Motion for Preliminary Injunction," said Solomon Yue, Vice Chairman and CEO of Republicans Overseas Action. "It is a sad day for America when Bopp has to add a 10-year-old child as a plaintiff to this case in order to defend her constitutional rights and protect her from FBAR's unconstitutionally excessive fines," said Mr. Yue.

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The National Building 1 South 6th St. Terre Haute, IN 47804 (812) 232-2434 x 22
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