IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

ORBITAL ATK, INC. and SPACE LOGISTICS LLC 45101 Warp Drive, Dulles, VA 20166	)	
Plaintiffs,	)	**Case No.** 1:17cv163 (LMB/IDD)
v.	)	
DR. STEVEN H. WALKER, in his official capacity as Acting Director of the Defense Advanced Research Projects Agency; and the DEFENSE ADVANCED RESEARCH PROJECTS AGENCY 675 North Randolph Street Arlington, VA 22203-2114	)	**COMPLAINT**
Defendants.	)	

INTRODUCTION

1. Plaintiffs Orbital ATK, Inc. and Space Logistics LLC ask this Court to prevent the Defense Advanced Research Projects Agency from violating federal law and thereby directly and significantly harming Plaintiffs. DARPA unlawfully intends to waste hundreds of millions of U.S. taxpayer dollars to develop robotic satellite servicing technology for which DARPA has admitted there is no present U.S. Government need and that NASA and the U.S. private sector – specifically Plaintiffs – are already developing. DARPA then intends to give away this technology to a foreign-owned company for that company's sole commercial use. DARPA's program is in direct violation of multiple provisions of the 2010 National Space Policy and thus constitutes a violation of the Administrative Procedure Act. Plaintiffs are entitled to declaratory relief and an injunction to prevent Defendant from taking any action in furtherance of this

unlawful program.

2. In 2010, then-President Obama issued an Executive Order (Presidential Policy Directive #4, June 29, 2010), titled "National Space Policy of the United States of America." (Exhibit 1). This directive reiterated the long-standing principles and goals of our national space programs and mandated that executive agencies comply with the provisions of the policy designed to further those goals. The directive emphasizes the need for a robust commercial space sector, along with careful planning and wise investment by United States government agencies to protect domestic commercial activities in space development.

3. Specifically, the National Space Policy mandates that all departments and agencies, *inter alia*:

- "Purchase and use commercial space capabilities and services to the maximum practical extent when such capabilities and services are available in the marketplace and meet United States Government requirements;" . . .
- "Develop governmental space systems ***only*** when it is in the national interest ***and*** there is no suitable, cost-effective U.S. commercial or, as appropriate, foreign commercial service or system that is or will be available;" . . .
- "Refrain from conducting United States Government space activities that preclude, discourage, or compete with U.S. commercial space activities, unless required by national security or public safety;" . . . (p.10)(emphasis added)

As explained below, DARPA is pursuing a program that violates each of these mandates.

4. For several years, DARPA has explored the possibility of demonstrating robotic satellite servicing technology in space. Until early 2016, DARPA discussed using a consortium approach, in which various commercial partners would work with DARPA to develop and demonstrate the technology, which would then be available equally to all participants, to maintain fairness in the marketplace. Then, in March 2016, DARPA apparently changed course. DARPA revealed in informal discussions with Plaintiffs that it was instead considering pursuing

the program with a single participant, rather than an industry consortium. Under this new approach, DARPA would pay to develop the robotic technology, pay to modify a spacecraft platform, pay to launch the technology into orbit, and then (following a brief demonstration period) transfer ownership of the significantly subsidized spacecraft – along with the DARPA funded robotic technology – to the single participant for its sole commercial use. In May 2016, DARPA initiated a bid solicitation for a program structured according to this updated approach, which is in direct violation of the National Space Policy, including each of the above-cited provisions.

5. Specifically, DARPA requested proposals to accomplish a program that will cost taxpayers hundreds of millions of dollars to develop robotic servicing of geosynchronous satellites, ***despite admitting that there is no present U.S. Government need for such capabilities***. Moreover, DARPA is doing this even though it understands that NASA has already independently committed significant funds to develop very similar technology, through normal procurement channels rather than the "other transaction" approach chosen by DARPA here and with an expressed intent to avoid disrupting the commercial market. And, most importantly, Orbital ATK fully committed to – and directly communicated to DARPA – the private development and commencement of its own commercial program to achieve satellite mission extension and robotics capabilities sooner than contemplated by DARPA's program. Thus, DARPA seeks to create its own government-funded technology that will compete – unfairly and illegally – with Orbital ATK's privately developed commercial capability.

6. Under DARPA's program, a single private company will loan DARPA the hosting satellite platform while DARPA, using taxpayer dollars, will pay for (among other things): the development of the robotics technology, the launch of the satellite into orbit, and satellite platform modifications and systems engineering. Following a short demonstration period,

DARPA will then transfer ownership of the entire satellite – including the Government-funded robotics payload – to the private company for its sole commercial use, so that it can profit by charging both private-sector and government customers for the use of the robotics capability paid for and previously owned by DARPA. All DARPA will receive in exchange, in addition to the demonstration, is some ill-defined "consideration" that apparently may consist of nothing more than training of DARPA personnel or guaranteed pricing for potential future missions DARPA will buy from this company, to be performed using the very robotics payload DARPA developed using taxpayer money.

7. This approach will seriously undermine market competition to produce this capability and thereby weaken both the commercial space sector and the U.S. Government's ability to benefit from private innovation and investment. Orbital ATK has repeatedly warned DARPA of these manifest – and completely avoidable – pitfalls with its chosen approach, but DARPA has refused to turn from its illegal course of conduct. Orbital ATK is left with no choice but to seek this Court's intervention to provide declaratory and injunctive relief to Orbital ATK, and the American taxpayers, from this misguided, wasteful and unnecessary project.

JURISDICTION AND VENUE

8. Because this action arises under the federal Administrative Procedure Act ("APA"), 5 U.S.C. § 706, this Court has federal question jurisdiction under 28 U.S.C. § 1331.

9. Venue is proper in this Court under 28 U.S.C § 1391(e)(1) because Plaintiffs' principal place of business is in this District. Moreover, a substantial part of the events giving rise to this action occurred in this District, and Defendant resides in this District.

10. Venue is proper in this Division under this Court's Local Rule 3(c), because Plaintiffs' principal place of business is in this Division.

PARTIES

11. Plaintiff Orbital ATK, Inc. ("Orbital ATK") is a U.S.-based global leader in aerospace and defense technologies; it designs, builds and delivers space, defense and aviation-related systems to customers around the world both as a prime contractor and as a merchant supplier. Orbital ATK has more than 12,000 employees, nearly all of whom are located in the U.S. Space Logistics LLC ("Space Logistics"), a wholly-owned U.S. subsidiary of Orbital ATK, is an active and fully funded commercial satellite servicing company.

12. Orbital ATK is incorporated under the laws of the state of Delaware, with its principal place of business at 45101 Warp Drive, Dulles, VA 20166.

13. Space Logistics LLC is incorporated under the laws of the state of Delaware, with its principal place of business at 45101 Warp Drive, Dulles, VA 20166.

14. Defendant Dr. Steven H. Walker is the Acting Director of the Defense Advanced Research Projects Agency. Dr. Walker is sued in his official capacity.

15. Defendant Defense Advanced Research Projects Agency is an executive agency of the United States within the meaning of the APA, headquartered at 675 North Randolph Street Arlington, VA 22203-2114.

FACTUAL BACKGROUND

Orbital ATK Leads the Way in Developing Commercial In-Space Robotics Satellite Servicing Technology

16. Orbital ATK has for years been a pioneer in the development of "in-space satellite servicing" – the design, manufacture, and operation of spacecraft that can rendezvous and dock with low-orbit and geostationary orbit satellites and extend their useful lives by many years. Since 2004, Orbital ATK's predecessor entity ATK has contracted with NASA to design and develop robotic tools for in-space satellite servicing. And, since 2008, ATK has invested tens of millions of dollars to develop in-space satellite servicing technology for commercial satellites.

17. Orbital ATK continues to develop the Mission Extension Vehicle (MEV), a satellite life extension service for Geosynchronous Earth Orbit[1] (GEO) satellites. From the outset, ATK has remained committed to developing an array of space logistics services based on robotics, to include construction and assembly, refueling and repair. This commitment continues with Orbital ATK.

DARPA's Interest in Pursuing On-Orbit Robotic Satellite Servicing

18. In 2011, DARPA announced the Phoenix program, which aimed to explore potential in-space satellite servicing capabilities. As initially conceived, the Phoenix project sought to utilize DARPA's existing robotic arm technology (FREND), along with developing new technologies, to demonstrate the ability to harvest and re-use valuable components from retired, nonworking GEO satellites.

19. Recognizing ATK's leadership in the on-orbit satellite servicing field, in 2012 DARPA contracted with ATK to modify an existing satellite bus[2] for use in the Phoenix demonstration.

20. Upon information and belief, by 2013, DARPA's stated vision for the Phoenix program changed, from a demonstration mission to a long-term operation with additional capabilities, and the Phoenix program became the Robotic Servicing of Geospatial Satellites (RSGS) program. DARPA indicated its aim was no longer to repurpose an existing Government owned bus, allegedly because the repurposed bus would not provide sufficient life to support

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[1] Geosynchronous Earth Orbit is an orbit about the Earth of a satellite with an orbital period that matches the rotation of the Earth on its axis. A satellite in such an orbit is at an altitude of approximately 35,786 km (22,236 mi) above mean sea level.

[2] A satellite bus is the infrastructure of a spacecraft, including the propulsion power, operating power, internal communication system and the physical structure, providing locations for the payload (typically space experiments or instruments).

purported Government satellite servicing needs.

Orbital ATK Continues to Develop Satellite Servicing Technology Throughout 2015

21. On April 29, 2014, ATK's parent company, Alliant Techsystems Inc., announced that it was going to merge with Orbital Sciences Corporation ("Orbital"). Orbital was an established manufacturer of commercial GEO satellites and other complex spacecraft, with strong relationships with the major satellite operators who were the potential customers for on-orbit servicing technology. Orbital was also a company with a proven track record in space-based robotic spacecraft servicing, such as rendezvous and proximity operations, having already performed such operations pursuant to an ongoing contract to deliver cargo to the International Space Station using its Cygnus spacecraft.

22. The merger closed on February 9, 2015, making Orbital Sciences Corporation a wholly owned operating subsidiary of the newly named Orbital ATK, Inc. Subsequently, in April 2016, Space Logistics LLC, another wholly owned subsidiary, was created to develop and manage Orbital ATK's space logistics business.

23. Also in 2015, NASA continued to examine the possibility of on-orbit satellite servicing. NASA conceived of what became the Restore-L program, a project to deploy a robotic spacecraft capable of refueling and servicing an operational satellite. While NASA was focused on satellites in Low Earth Orbit[3] (LEO), rather than GEO, the other technical aspects of the project were nearly identical to DARPA's RSGS efforts. As noted above, since 2004 ATK had been working with NASA to develop robotics tools for in-orbit servicing technology.

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[3] A low Earth orbit (LEO) is an orbit around Earth with an altitude between 160 kilometers (99 mi) and 2,000 kilometers (1,200 mi). All manned space stations to date, as well as the majority of satellites, have been in LEO.

24. While no RFP issued from DARPA regarding the RSGS project in 2015, on information and belief DARPA continued to discuss its plans with members of the commercial space industry. In May 2015, DARPA circulated a proposal for a consortium of companies to partner with DARPA to pursue RSGS technology.

25. As part of its proposal, DARPA attempted to provide an explanation for why the original Phoenix concept of a demonstration of the existing FREND technology was insufficient, stating ". . .the RSGS program must go beyond a demonstration alone. Real-world servicing missions, requested by operators of satellites on orbit, will have a significant impact on the aerospace industry."

26. There are two potential customers for such services: Government operators and commercial operators. Orbital ATK was clear to DARPA that satellite life extension was the only existing commercial need sufficient to justify the investment required to support a business case. The only other potential customers were government agencies with an existing or imminent need for such a capability. Orbital ATK asked DARPA to explain what long-term commitments it had from U.S. Government entities to use DARPA's FREND robotic payload for satellite servicing missions.

27. DARPA admitted there were no such Government commitments:

> "What demo or longer term business commitments does DARPA have from U.S. government entities to use the FREND robotic payload for servicing?"
>
> "***There are no existing commitments***. We expect them to develop as the RSGS program is approved, moves forward toward flight, and becomes a part of various space architectures being developed, such as at SSDP. ***We view the formation of a consortium as a way of catalyzing such commitments, as the relevant agencies will also be part of the consortium.*** You are obviously aware of the increased emphasis on the protection of US GEO assets. We believe that this will result in a strong desire to use the servicer in support, particularly by providing protective payloads to legacy spacecraft on orbit." (emphasis added)

28. Thus, upon information and belief, while continuing to press forward with its RSGS

program, DARPA admitted in writing not only that there was no present U.S. Government request for such capability, including no stated national security need, but in fact that DARPA apparently seeks to introduce its project in part to generate potential interest.

29. Meanwhile, NASA proceeded with plans for its Restore-L program. Unlike DARPA, NASA was sensitive both to the potential for disruption of the commercial satellite services market and the substantial redundancy between its program and DARPA's notional RSGS program.

30. The minutes of the March 2016 Technology, Innovation, and Engineering ("TI&E") Committee of the NASA Advisory Council reflect NASA's candid assessment of the relationship between DARPA's RSGS, Restore-L, and commercial efforts to develop the same technology (emphasis added throughout):

- "Dr. Ballhaus asked the TI&E members to think about the message they wanted to send through the NAC to the NASA administrator. Mr. Neyland said that he has always appreciated the benefits of satellite servicing, so he was glad to see Restore-L. **However, with regard to this project, he questioned the evident lack of a relationship between NASA and the Defense Advanced Research Projects Agency (DARPA), which is doing a parallel mission with the same funding in the same timeframe, using the same hardware, the same software, and the same contractors. The two efforts are completely parallel.** Mr. Jurczyk said that the difference is that NASA will service a government-owned satellite in LEO, while DARPA is visiting a satellite in Geosynchronous Earth Orbit (GEO). There will be a meeting among the various players at the White House. **NASA's executive management has tried to establish a collaboration with DARPA, but that agency is not amenable to working together.** There are factors on both sides that have driven this, but NASA continues to seek an integrated effort."

- **"Mr. Jurczyk continued, noting that there are industry approaches to satellite servicing, and the NASA effort must take care to not disrupt potential commercial markets.** He advised TI&E to articulate their concerns and issues. He did caution that STMD is not going into the business of satellite servicing."

31. Thus, by March 2016, NASA appreciated what Orbital ATK had been attempting to help DARPA see for more than a year: DARPA's RSGS project was redundant with other

efforts both in government and the private sector, and DARPA's action risked improperly harming a naturally developing commercial market for this technology, which would benefit all parties. In DARPA's case, Orbital ATK's concerns are more acute because of DARPA's stated plan to transfer ownership and commercial use of the technology to a single competitor.

DARPA Admits Its Goal is to Create Competition With Orbital ATK

32. During the Satellite 2016 conference, which was held in Washington D.C. in March, 2016, and the National Space Symposium, held in Colorado Springs, Colorado in April, 2016, DARPA made statements at various panels and discussions regarding the imminent announcement of DARPA's RFP for the RSGS project.

33. In the context of discussions regarding these respective robotics servicing programs, DARPA told Orbital ATK executives that DARPA sees its role as "creating competition within the industry," or words to that effect. The import of these comments became clear when DARPA announced the structure of the RSGS program.

34. It appears from such comments that DARPA has not considered that in this instance, its chosen program structure is not designed to create competition ***among*** the commercial space industry with fairly and equally available procurements. Rather, DARPA's acquisition strategy is to develop RSGS, launch it, demonstrate it for less than a year, then hand RSGS off to a sole commercial provider, thereby providing a subsidy worth hundreds of millions of dollars to a single service provider in the commercial marketplace. Thus, DARPA's RSGS program, as conceived and presented, will in effect use substantial taxpayer funds ***to subsidize a single competitor with*** private commercial space companies in the industry, in direct violation of the National Space Policy.

DARPA Issues an RFP That Violates National Space Policy

35. During the discussions between Orbital ATK and DARPA in August 2015, DARPA

assured Orbital ATK that a draft RFP would be provided for review in the event that Orbital maintained its concerns about the RSGS project.

36. By May 2016, Orbital ATK had announced that it had committed up to $200 million to its MEV project, with the first MEV slated for launch in late 2018.

37. As part of its RSGS program to develop and test robotic servicing technology – and without providing to Orbital ATK the draft RFP it had promised to provide – on May 18, 2016, DARPA issued a formal RFP.

38. DARPA's proposal will effectively use taxpayer funds to establish one company in a dominant position over all other competition. This purposeful decision to provide a private entity with a such a massive financial and technological boost in a developing market is directly contrary to various provisions of the 2010 National Space Policy, which explicitly states: "To promote a robust domestic commercial space industry, departments and agencies shall:

> "Purchase and use commercial space capabilities and services to the maximum practical extent when such capabilities and services are available in the marketplace and meet United States Government requirements;
>
> . . .
>
> "Develop governmental space systems ***only*** when it is in the national interest and there is no suitable, cost-effective U.S. commercial or, as appropriate, foreign commercial service or system that is or will be available;
>
> . . .
>
> "Refrain from conducting United States Government space activities that preclude, discourage, or compete with U.S. commercial space activities, unless required by national security or public safety;" (p. 10)(emphasis added)

39. Thus, consistent with DARPA's statements – and inconsistent with the National Space Policy – DARPA will provide hundreds of millions of dollars of services and equipment to a single competitor, in turn providing that competitor with an insurmountable taxpayer funded subsidy that will unfairly and unnecessarily harm any other company's development of private on-orbit robotic servicing technology.

40. The structure of the program reflected in the RFP is as follows:

a. DARPA is contracting for a nine-month demonstration of the on-orbit satellite servicing capability of a robotic servicing vehicle (RSV);

b. DARPA will be responsible for updating its FREND technology and providing the RSV;

c. The successful commercial bidder must provide DARPA with the bus needed to deliver DARPA's robotic payload into GEO. DARPA will pay $15 million towards the cost of modifying the bus to accommodate DARPA's robotic payload;

d. DARPA will fund the launch;

e. Following a nine-month demonstration of the servicing capability, DARPA will deliver the RSV to the private company for its sole commercial use.

41. DARPA's vision is unabashedly unfair and anti-competitive:

> "The end state of the RSGS program is to be a U.S. commercially-owned and -operated robotic servicing vehicle, which carries the Government-furnished robotic payload. Accordingly, the satellite bus will not be purchased by the Government, but instead it must be provided and continuously owned by the Partner selected under this Solicitation. **The commercial owner will be able to leverage Government contributions**, including the development, manufacture, integration and testing of the robotic payload and its advanced automation and payload mission management software; participation in integration of the payload and bus; a launch vehicle to deliver the RSV to GEO or to Geostationary Transfer Orbit (GTO); development of a terminal for the mission operations center that enables both simulation of proposed servicing missions and teleoperation control of the RSV; extensive operational support during the operator qualification, on-orbit checkout, and demonstration phases of the mission; and potentially the provision of some milestone-based payments. **In exchange for some consideration to be proposed by the Partner, the use of the Government-furnished robotic payload will be made available to the Partner (after completion of Government demonstration tasks) for follow-on commercial operations."** (emphasis added)

42. DARPA not only allows, but fully expects, the contract awardee to "leverage" taxpayer funds for its own profit. The awardee will "own and operate the vehicle for several years while offering fee-for-service operations to GEO satellite operators, including the U.S.

Government." DARPA further explains that it "anticipates that revenues from RSV servicing operations would be more than adequate to cover the costs of ongoing operations . . ."

43. The "equivalent value" consideration DARPA seeks for giving the awardee this technology is undefined, but "could include: assured pricing for future missions servicing Government clients; the agreement to perform robotic experiments for Government clients; provision of operational data and lessons learned to the Government; training of Government personnel; or other offers consistent with the Partner's business case. The Government is open to all reasonably proposed consideration packages."

44. Thus, upon information and belief, factoring in the cost of developing the RSV and paying to launch the bus and payload in GEO orbit, the project will cost the Government hundreds of millions of dollars, and correspondingly allow the commercial manufacturer to avoid equivalent development costs. The company that merely lends DARPA a bus (for which it will receive $15 million towards necessary adjustments) will not only get to keep its bus, but receive exclusive ownership of the government's latest RSV technology, the use of which it will sell to commercial and government customers.

Orbital ATK Renews Its Objections to Commercial Interference by DARPA

45. On June 22, 2016, Mr. David Thompson – the President and CEO of Orbital ATK – wrote a letter to DARPA expressing "Orbital ATK's serious concerns about the approach DARPA is taking in its RSGS program, and suggesting several ways that these concerns can be addressed."

46. Mr. Thompson cited some of the express provisions of the National Space Policy being violated by the RSGS program, and detailed both the unfair advantage that DARPA would provide to the chosen competitor as well as the severe harm the program would have on the investment in Orbital ATK's MEV system.

47. At the same time, Mr. Thompson acknowledged DARPA's legitimate role in advancing national space capabilities and provided three different alternative proposed approaches to DARPA's RSGS program that would satisfy the legitimate goals in a manner consistent with the National Space Policy.

48. Mr. Thompson also requested an in-person meeting to further discuss a way forward.

DARPA Refuses to Address Orbital ATK's Objections

49. DARPA claimed that a response to Mr. Thompson's letter "would be inappropriate" and refused Mr. Thompson's invitation for an in-person meeting.

50. Following receipt of DARPA's refusal to meet with Mr. Thompson, Orbital ATK executives attempted to secure a meeting with DARPA and the Department of Defense to provide additional information in support of Orbital ATK's objections and work cooperatively to remedy the serious problems with DARPA's chosen approach. For example, between June and December 2016, DARPA agreed to – and then cancelled – two separate in-person meetings with Edward Fortunato, Orbital ATK's Senior Vice President for Government Relations. During an Orbital ATK meeting with the Under Secretary of Defense for Acquisition, Technology and Logistics (ATL), one of the civilian staffers present refused to allow any discussion with the Under Secretary about the program. Repeated attempts to meet with the other Department of Defense officials, particularly in the office of the Assistant Secretary of Defense for Research and Engineering (R&E), were declined and the subject matter was not allowed to be discussed.

51. In an effort to gain additional information from DARPA, specifically to better understand DARPA's purported governmental need for the capabilities described in the RSGS program, Orbital ATK attended the informational meeting regarding the RSGS solicitation and submitted questions about the program. DARPA repeatedly admitted, in its binding answers to

the written questions it received, that there is no present Government need for the RSGS capabilities contemplated by DARPA's program (emphasis added):

> Q: How many government missions does DARPA estimate per year?
>
> A: **At this time, no USG agencies have expressed a need for servicing of their GEO assets.** DARPA will invite the partner to servicing discussions with government agencies as the RSGS program progresses.
>
> Q: Will DARPA be able to provide bidders an understanding of the USG assets with servicing requirements for planning purposes?
>
> A: **DARPA is presently unaware of any requirements for servicing USG GEO spacecraft**. It is our understanding that studies that could lead to such requirements are being initiated by other agencies.

52. This is unsurprising because, as Orbital ATK has repeatedly explained to DARPA, satellite life extension is the only existing commercial need sufficient to justify a business case. Yet DARPA's RSGS program expressly disclaims any commitment to life extension, as the RFP explains. "The DARPA RSV is not intended as a life extension vehicle, but rather one that provides services uniquely enabled by dexterous robotic operations. However, placing DARPA-developed advanced robotics on a commercial vehicle designed for life extension will be entertained under this solicitation. Life extension services would be complementary to the advanced robotic capabilities DARPA proposes to enable. Life extension-specific tools and systems would need to be developed by the partner." This explains the present lack of a Government customer and makes DARPA's insistence on proceeding with the RSGS program, notwithstanding this lack of a current Government need even more vexing.

53. These answers further demonstrate the legitimacy of Orbital ATK's objections and the arbitrary and capricious nature of DARPA's program. In 2011, the Phoenix program was poised to demonstrate the capabilities of the FREND arm for in-orbit servicing with minimal cost to the government by using an existing bus owned by DARPA. That program was completely

reimagined based on the alleged need for additional capabilities that a demonstration would be insufficient to support. Now, five years later, DARPA has returned to the idea of merely providing a nine-month demonstration (of a service DARPA concedes that there is no present U.S. Government need for) but at a cost of hundreds of millions of dollars.

54. After DARPA closed every other avenue of communication, Orbital ATK had no choice but to reiterate its objections in a counter-proposal to the RSGS satellite bus RFP.

55. On July 5, 2016, Orbital ATK submitted its counterproposal to DARPA. After again explaining how the program as constituted conflicts with National Space Policy and would seriously distort the commercial market for the very technology DARPA claimed was crucial to the U.S. space industry, Orbital ATK offered three alternative approaches that would save the Government money and achieve DARPA's stated objectives.

56. Approach 1 consisted of ground based testing of the FREND robotic arm, followed by transfer of the technology to all interested U.S. companies for fair and equal commercial development.

57. Under Approach 2, DARPA would fund development, production and testing of the RSGS technology as a "hosted payload" on a commercial satellite, but not transfer ownership to, or subsidize the launch costs of, a single private operator.

58. Under Approach 3, DARPA would conduct the RSGS program for government-only missions but not transfer ownership of the satellite to a commercial operator.

59. None of these approaches were contemplated by, let alone did they comply with, DARPA's RFP. Orbital ATK's purpose was not to submit a compliant bid to secure the contract, because it believed that no such contract should be issued. On the contrary, with all other avenues of communication with DARPA foreclosed, Orbital ATK viewed this as its only option

to continue the dialogue with DARPA and hoped that its resubmitted objections would prompt a response from DARPA that either addressed the substance of Orbital ATK's concerns or, at a minimum, provided additional information regarding any supposed justification for the project.

DARPA Requests Additional Information from Orbital ATK, But Fails to Justify the Program or Address Orbital ATK's Objections.

60. Following Orbital ATK's objections, on July 14, 2016 DARPA asked Orbital ATK to submit a more detailed proposal.

61. In response, on September 9, 2016, Orbital ATK submitted an updated counter-proposal, which reiterated that the program lacked "a credible and financeable commercial or government requirement" and was "not in compliance with the U.S. Space Policy." Orbital ATK then provided more detail regarding Orbital ATK's second counter proposal – that DARPA change the program to one involving a hosted payload without compensation for the launch or transfer of ownership of the payload.

62. Rather than include a ready-to-execute draft contract complying with the terms of the RFP, Orbital ATK instead closed its submission with a term sheet meant to encourage additional discussion of how the program could be fixed.

63. At no time has Orbital ATK ever received from DARPA a substantive response to its objections. Instead, by letter dated December 14, 2016, DARPA informed Orbital ATK that it had made the final decision to no longer consider Orbital ATK's submissions in response to the RFP and gave no indication that any of the unlawful provisions were being remedied.

64. Upon information and belief, on February 6, 2017, DARPA announced that it has reached a final decision, and Space Systems/Loral LLC has been selected as the commercial entity that will receive the hundreds of millions of taxpayer dollars in subsidized technology and mission costs, and will own for its sole commercial use the robotic capability DARPA has

decided to demonstrate. Space Systems/Loral LLC is a wholly owned subsidiary of MacDonald Dettwiler and Associates (MDA), a Canadian corporation.

65. DARPA's steadfast refusal to address the legal and commercial deficiencies in its misguided and wasteful RSGS program has left Orbital ATK with no choice but to seek relief from this Court to prevent further serious harm to U.S. taxpayers, as well as to its own interests and investment.

CLAIMS

COUNT I:
Violation of the National Space Policy in Violation of the Administrative Procedure Act: Purchase Commercial Space Capabilities

66. Orbital ATK incorporates by reference all preceding paragraphs as if restated herein.

67. The APA forbids agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C § 706(2)(A).

68. DARPA is bound by law to act in accordance with, and avoid violations of, the National Space Policy of 2010, a Presidential Policy Directive having the force of law.

69. The National Space Policy mandates that "To promote a robust domestic commercial space industry, departments and agencies shall . . . Purchase and use commercial space capabilities and services to the maximum practical extent when such capabilities and services are available in the marketplace and meet United States Government requirements. . ."

70. DARPA has admitted no present United States Government requirements exist for the RSGS technology described in the RFP.

71. Nonetheless, Orbital ATK is developing commercial capabilities sufficient to meet DARPA's stated objectives. MEV 1, which Orbital ATK expects to launch in 2018, can meet six of DARPA's nine stated objectives more than two years before RSGS's planned completion under DARPA's proposal. The other three objectives (also being addressed by NASA's Restore-

L program) Orbital ATK expects will be met by its follow-on MEV 4/5 by 2021, also before DARPA's RSGS timeline.

72. Orbital ATK's MEV program is poised to provide the capabilities and services DARPA's RSGS program claims to require, sooner than DARPA's program would provide them, and at substantially less cost to the U.S. Government.

73. Thus, DARPA's decision to pursue the RSGS program as constituted in direct violation of the National Space policy is arbitrary, capricious, and not in accordance with law thereby violating § 706 of the APA.

COUNT II:
Violation of the National Space Policy in Violation of the Administrative Procedure Act: Modify Existing Capabilities

74. Orbital ATK incorporates by reference all preceding paragraphs as if restated herein.

75. The APA forbids agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C § 706(2)(A).

76. DARPA is bound by law to act in accordance with, and avoid violations of, the National Space Policy of 2010, a Presidential Policy Directive having the force of law.

77. The National Space Policy mandates that "To promote a robust domestic commercial space industry, departments and agencies shall . . . Modify commercial space capabilities and services to meet government requirements when existing commercial capabilities and services do not fully meet these requirements and the potential modification represents a more cost-effective and timely acquisition approach for the government. . ."

78. DARPA has admitted there are no present United States Government requirements for the RSGS technology described in the RFP.

79. And, as noted in Count I, Orbital ATK's MEV program can meet DARPA's stated needs.

80. Nonetheless, Orbital ATK is developing commercial capabilities sufficient to meet DARPA's stated objectives. MEV 1, which Orbital ATK expects to launch in 2018, can meet six of DARPA's nine stated objectives more than two years before RSGS's planned completion under DARPA's proposal. The other three objectives (also being addressed by NASA's Restore-L program) Orbital ATK expects will be met by its follow-on MEV 4/5 by 2021, also before DARPA's RSGS timeline.

81. Orbital ATK's MEV program, modified to address any specific stated need, is poised to provide the capabilities and services DARPA's RSGS program claims to require, sooner than DARPA's program would provide them, and at substantially less cost to DARPA.

82. Thus, DARPA's decision to pursue the RSGS program as constituted in direct violation of the National Space policy is arbitrary, capricious, and not in accordance with law thereby violating § 706 of the APA.

COUNT III:
Violation of the National Space Policy in Violation of the Administrative Procedure Act: Purchase Commercial Space Capabilities

83. Orbital ATK incorporates by reference all preceding paragraphs as if restated herein.

84. The APA forbids agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C § 706(2)(A).

85. DARPA is bound by law to act in accordance with, and avoid violations of, the National Space Policy of 2010, a Presidential Policy Directive having the force of law.

86. The National Space Policy mandates that "To promote a robust domestic commercial space industry, departments and agencies shall . . . Develop governmental space systems only when it is in the national interest and there is no suitable, cost-effective U.S. commercial or, as appropriate, foreign commercial service or system that is **or will be available. . .**"

87. DARPA has admitted there are no present United States Government requirements

for the RSGS technology described in the RFP, and thus the RSGS program is not in the national interest.

88. Nonetheless, Orbital ATK is developing commercial capabilities sufficient to meet DARPA's stated objectives. MEV 1, which Orbital ATK expects to launch in 2018, can meet six of DARPA's nine stated objectives more than two years before RSGS's planned completion under DARPA's proposal. The other three objectives (also being addressed by NASA's Restore-L program) Orbital ATK expects will be met by its follow-on MEV 4/5 by 2021, also before DARPA's RSGS timeline.

89. Thus, DARPA's decision to pursue the RSGS program as constituted in direct violation of the National Space policy is arbitrary, capricious, and not in accordance with law thereby violating § 706 of the APA.

COUNT IV:
Violation of the National Space Policy in Violation of the Administrative Procedure Act: Refrain From Precluding, Discouraging, or Competing with Commercial Activities

90. Orbital ATK incorporates by reference all preceding paragraphs as if restated herein.

91. The APA forbids agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C § 706(2)(A).

92. DARPA is bound by law to act in accordance with, and avoid violations of, the National Space Policy of 2010, a Presidential Policy Directive having the force of law.

93. The National Space Policy mandates that "To promote a robust domestic commercial space industry, departments and agencies shall . . . **Refrain from conducting United States Government space activities that preclude, discourage, or compete with U.S. commercial space activities, unless required by national security or public safety**. . ." (emphasis added).

94. DARPA has admitted there are no present United States Government requirements for the RSGS technology described in the RFP, and thus the RSGS program is not required by

national security or public safety.

95. Orbital ATK has committed up to $200 million in pursuing on-orbit robotic satellite servicing capabilities and is now building its first MEV which will be in service two years or more before DARPA's RSGS timeline.

96. DARPA has not described, nor is there evidence of, a current national security or public safety requirement that would allegedly justify the proposed activities here. But, even if such a national security justification was argued to exist, the complete transfer of ownership of the DARPA funded technology to a single private entity for its sole commercial use is inconsistent with any such alleged national security interest, and thus cannot remedy the violation of the National Space Policy.

97. Regardless, DARPA's program will unfairly and unnecessarily provide hundreds of millions of dollars of value to a market competitor, which will preclude, discourage, and compete with ongoing commercial space activities, of Orbital ATK and others.

98. Thus, DARPA's decision to pursue the RSGS program as constituted in direct violation of the National Space policy is arbitrary, capricious, and not in accordance with law thereby violating § 706 of the APA.

COUNT V:
Violation of the National Space Policy in Violation of the Administrative Procedure Act: Make Technology Available on an Equitable Basis

99. Orbital ATK incorporates by reference all preceding paragraphs as if restated herein.

100. The APA forbids agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C § 706(2)(A).

101. DARPA is bound by law to act in accordance with, and avoid violations of, the National Space Policy of 2010, a Presidential Policy Directive having the force of law.

102. The National Space Policy mandates that "To promote a robust domestic commercial

space industry, departments and agencies shall . . . Ensure that United States Government space technology and infrastructure are made available for commercial use on a reimbursable, noninterference, and equitable basis to the maximum practical extent. . ."

103. DARPA has admitted there are no present United States Government requirements for the RSGS technology described in the RFP, and thus the RSGS program is not required by national security or public safety.

104. Nonetheless, DARPA's RSGS program proposes to give its valuable robotic payload, already delivered to orbit by DARPA-funded launch services, to the participating company, transferring hundreds of millions of dollars in sophisticated government robotics equipment and related space launch services to a single competitor.

105. The robotics payload introduced into orbit through the RSGS program will not be available on an equitable basis.

106. Thus, DARPA's decision to pursue the RSGS program as constituted in direct violation of the National Space policy is arbitrary, capricious, and not in accordance with law thereby violating § 706 of the APA.

REQUESTS FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray this Court:

a) Enter a declaratory judgment that the DARPA RSGS project violates the National Space Policy and the Administrative Procedure Act;

b) Enter a permanent injunction prohibiting any further action in furtherance of the RSGS procurement; and

c) Award all other relief as the Court may deem just and proper, including any costs or fees to which Plaintiffs may be entitled by law.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury of any and all issues in this action so triable by right.

Dated: February 7, 2017

ORBITAL ATK, INC. and
SPACE LOGISTICS, LLC

By Counsel

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NATIONAL SPACE POLICY
of the
UNITED STATES *of* AMERICA

JUNE 28, 2010

Table of Contents

Introduction

"More than by any other imaginative concept, the mind of man is aroused by the thought of exploring the mysteries of outer space. Through such exploration, man hopes to broaden his horizons, add to his knowledge, improve his way of living on earth."

— President Dwight Eisenhower, June 20, 1958

"Fifty years after the creation of NASA, our goal is no longer just a destination to reach. Our goal is the capacity for people to work and learn and operate and live safely beyond the Earth for extended periods of time, ultimately in ways that are more sustainable and even indefinite. And in fulfilling this task, we will not only extend humanity's reach in space—we will strengthen America's leadership here on Earth."

— President Barack Obama, April 15, 2010

The space age began as a race for security and prestige between two superpowers. The opportunities were boundless, and the decades that followed have seen a radical transformation in the way we live our daily lives, in large part due to our use of space. Space systems have taken us to other celestial bodies and extended humankind's horizons back in time to the very first moments of the universe and out to the galaxies at its far reaches. Satellites contribute to increased transparency and stability among nations and provide a vital communications path for avoiding potential conflicts. Space systems increase our knowledge in many scientific fields, and life on Earth is far better as a result.

The utilization of space has created new markets; helped save lives by warning us of natural disasters, expediting search and rescue operations, and making recovery efforts faster and more effective; made agriculture and natural resource management more efficient and sustainable; expanded our frontiers; and provided global access to advanced medicine, weather forecasting, geospatial information, financial operations, broadband and other communications, and scores of other activities worldwide. Space systems allow people and governments around the world to see with clarity, communicate with certainty, navigate with accuracy, and operate with assurance.

The legacy of success in space and its transformation also presents new challenges. When the space age began, the opportunities to use space were limited to only a few nations, and there were limited consequences for irresponsible or unintentional behavior. Now, we find ourselves in a world where the benefits of space permeate almost every facet of our lives. The growth and evolution of the global economy has ushered in an ever-increasing number of nations and organizations using space. The now-ubiquitous and interconnected nature of space capabilities and the world's growing dependence on them mean that irresponsible acts in space can have damaging consequences for all of us. For example,

decades of space activity have littered Earth's orbit with debris; and as the world's space-faring nations continue to increase activities in space, the chance for a collision increases correspondingly.

As the leading space-faring nation, the United States is committed to addressing these challenges. But this cannot be the responsibility of the United States alone. All nations have the right to use and explore space, but with this right also comes responsibility. The United States, therefore, calls on all nations to work together to adopt approaches for responsible activity in space to preserve this right for the benefit of future generations.

From the outset of humanity's ascent into space, this Nation declared its commitment to enhance the welfare of humankind by cooperating with others to maintain the freedom of space.

The United States hereby renews its pledge of cooperation in the belief that with strengthened international collaboration and reinvigorated U.S. leadership, all nations and peoples—space-faring and space-benefiting—will find their horizons broadened, their knowledge enhanced, and their lives greatly improved.

Principles

In this spirit of cooperation, the United States will adhere to, and proposes that other nations recognize and adhere to, the following principles:

- It is the shared interest of all nations to act responsibly in space to help prevent mishaps, misperceptions, and mistrust. The United States considers the sustainability, stability, and free access to, and use of, space vital to its national interests. Space operations should be conducted in ways that emphasize openness and transparency to improve public awareness of the activities of government, and enable others to share in the benefits provided by the use of space.
- A robust and competitive commercial space sector is vital to continued progress in space. The United States is committed to encouraging and facilitating the growth of a U.S. commercial space sector that supports U.S. needs, is globally competitive, and advances U.S. leadership in the generation of new markets and innovation-driven entrepreneurship.
- All nations have the right to explore and use space for peaceful purposes, and for the benefit of all humanity, in accordance with international law. Consistent with this principle, "peaceful purposes" allows for space to be used for national and homeland security activities.
- As established in international law, there shall be no national claims of sovereignty over outer space or any celestial bodies. The United States considers the space systems of all nations to have the rights of passage through, and conduct of operations in, space without interference. Purposeful interference with space systems, including supporting infrastructure, will be considered an infringement of a nation's rights.
- The United States will employ a variety of measures to help assure the use of space for all responsible parties, and, consistent with the inherent right of self-defense, deter others from interference and attack, defend our space systems and contribute to the defense of allied space systems, and, if deterrence fails, defeat efforts to attack them.

Goals

Consistent with these principles, the United States will pursue the following goals in its national space programs:

- **Energize competitive domestic industries** to participate in global markets and advance the development of: satellite manufacturing; satellite-based services; space launch; terrestrial applications; and increased entrepreneurship.
- **Expand international cooperation** on mutually beneficial space activities to: broaden and extend the benefits of space; further the peaceful use of space; and enhance collection and partnership in sharing of space-derived information.
- **Strengthen stability in space** through: domestic and international measures to promote safe and responsible operations in space; improved information collection and sharing for space object collision avoidance; protection of critical space systems and supporting infrastructures, with special attention to the critical interdependence of space and information systems; and strengthening measures to mitigate orbital debris.
- **Increase assurance and resilience of mission-essential functions** enabled by commercial, civil, scientific, and national security spacecraft and supporting infrastructure against disruption, degradation, and destruction, whether from environmental, mechanical, electronic, or hostile causes.
- **Pursue human and robotic initiatives** to develop innovative technologies, foster new industries, strengthen international partnerships, inspire our Nation and the world, increase humanity's understanding of the Earth, enhance scientific discovery, and explore our solar system and the universe beyond.
- **Improve space-based Earth and solar observation** capabilities needed to conduct science, forecast terrestrial and near-Earth space weather, monitor climate and global change, manage natural resources, and support disaster response and recovery.

All actions undertaken by departments and agencies in implementing this directive shall be within the overall resource and policy guidance provided by the President; consistent with U.S. law and regulations, treaties and other agreements to which the United States is a party, other applicable international law, U.S. national and homeland security requirements, U.S. foreign policy, and national interests; and in accordance with the Presidential Memorandum on Transparency and Open Government.

Intersector Guidelines

In pursuit of this directive's goals, all departments and agencies shall execute the following guidance:

Foundational Activities and Capabilities

- **Strengthen U.S. Leadership In Space-Related Science, Technology, and Industrial Bases.** Departments and agencies shall: conduct basic and applied research that increases capabilities and decreases costs, where this research is best supported by the government; encourage an innovative and entrepreneurial commercial space sector; and help ensure the availability of space-related industrial capabilities in support of critical government functions.
- **Enhance Capabilities for Assured Access To Space.** United States access to space depends in the first instance on launch capabilities. United States Government payloads shall be launched on vehicles manufactured in the United States unless exempted by the National Security Advisor and the Assistant to the President for Science and Technology and Director of the Office of Science and Technology Policy, consistent with established interagency standards and coordination guidelines. Where applicable to their responsibilities departments and agencies shall:
  - Work jointly to acquire space launch services and hosted payload arrangements that are reliable, responsive to United States Government needs, and cost-effective;
  - Enhance operational efficiency, increase capacity, and reduce launch costs by investing in the modernization of space launch infrastructure; and
  - Develop launch systems and technologies necessary to assure and sustain future reliable and efficient access to space, in cooperation with U.S. industry, when sufficient U.S. commercial capabilities and services do not exist.
- **Maintain and Enhance Space-based Positioning, Navigation, and Timing Systems.** The United States must maintain its leadership in the service, provision, and use of global navigation satellite systems (GNSS). To this end, the United States shall:
  - Provide continuous worldwide access, for peaceful civil uses, to the Global Positioning System (GPS) and its government-provided augmentations, free of direct user charges;
  - Engage with foreign GNSS providers to encourage compatibility and interoperability, promote transparency in civil service provision, and enable market access for U.S. industry;
  - Operate and maintain the GPS constellation to satisfy civil and national security needs, consistent with published performance standards and interface specifications. Foreign positioning, navigation, and timing (PNT) services may be used to augment and strengthen the resiliency of GPS; and
  - Invest in domestic capabilities and support international activities to detect, mitigate, and increase resiliency to harmful interference to GPS, and identify and implement, as necessary and appropriate, redundant and back-up systems or approaches for critical infrastructure, key resources, and mission-essential functions.

- **Develop and Retain Space Professionals.** The primary goals of space professional development and retention are: achieving mission success in space operations and acquisition; stimulating innovation to improve commercial, civil, and national security space capabilities; and advancing science, exploration, and discovery. Toward these ends, departments and agencies, in cooperation with industry and academia, shall establish standards, seek to create opportunities for the current space workforce, and implement measures to develop, maintain, and retain skilled space professionals, including engineering and scientific personnel and experienced space system developers and operators, in government and commercial workforces. Departments and agencies also shall promote and expand public-private partnerships to foster educational achievement in Science, Technology, Engineering, and Mathematics (STEM) programs, supported by targeted investments in such initiatives.
- Improve Space System Development and Procurement. Departments and agencies shall:
  - Improve timely acquisition and deployment of space systems through enhancements in estimating costs, technological risk and maturity, and industrial base capabilities;
  - Reduce programmatic risk through improved management of requirements and by taking advantage of cost-effective opportunities to test high-risk components, payloads, and technologies in space or relevant environments;
  - Embrace innovation to cultivate and sustain an entrepreneurial U.S. research and development environment; and
  - Engage with industrial partners to improve processes and effectively manage the supply chains.
- **Strengthen Interagency Partnerships.** Departments and agencies shall improve their partnerships through cooperation, collaboration, information sharing, and/or alignment of common pursuits. Departments and agencies shall make their capabilities and expertise available to each other to strengthen our ability to achieve national goals, identify desired outcomes, leverage U.S. capabilities, and develop implementation and response strategies.

International Cooperation

Strengthen U.S. Space Leadership. Departments and agencies, in coordination with the Secretary of State, shall:

- Demonstrate U.S. leadership in space-related fora and activities to: reassure allies of U.S. commitments to collective self-defense; identify areas of mutual interest and benefit; and promote U.S. commercial space regulations and encourage interoperability with these regulations;
- Lead in the enhancement of security, stability, and responsible behavior in space;
- Facilitate new market opportunities for U.S. commercial space capabilities and services, including commercially viable terrestrial applications that rely on government-provided space systems;
- Promote the adoption of policies internationally that facilitate full, open, and timely access to government environmental data;

- Promote appropriate cost- and risk-sharing among participating nations in international partnerships; and
- Augment U.S. capabilities by leveraging existing and planned space capabilities of allies and space partners.

Identify Areas for Potential International Cooperation. Departments and agencies shall identify potential areas for international cooperation that may include, but are not limited to: space science; space exploration, including human space flight activities; space nuclear power to support space science and exploration; space transportation; space surveillance for debris monitoring and awareness; missile warning; Earth science and observation; environmental monitoring; satellite communications; GNSS; geospatial information products and services; disaster mitigation and relief; search and rescue; use of space for maritime domain awareness; and long-term preservation of the space environment for human activity and use.

The Secretary of State, after consultation with the heads of appropriate departments and agencies, shall carry out diplomatic and public diplomacy efforts to strengthen understanding of, and support for, U.S. national space policies and programs and to encourage the foreign use of U.S. space capabilities, systems, and services.

Develop Transparency and Confidence-Building Measures. The United States will pursue bilateral and multilateral transparency and confidence-building measures to encourage responsible actions in, and the peaceful use of, space. The United States will consider proposals and concepts for arms control measures if they are equitable, effectively verifiable, and enhance the national security of the United States and its allies.

Preserving the Space Environment and the Responsible Use of Space

Preserve the Space Environment. For the purposes of minimizing debris and preserving the space environment for the responsible, peaceful, and safe use of all users, the United States shall:

- Lead the continued development and adoption of international and industry standards and policies to minimize debris, such as the United Nations Space Debris Mitigation Guidelines;
- Develop, maintain, and use space situational awareness (SSA) information from commercial, civil, and national security sources to detect, identify, and attribute actions in space that are contrary to responsible use and the long-term sustainability of the space environment;
- Continue to follow the United States Government Orbital Debris Mitigation Standard Practices, consistent with mission requirements and cost effectiveness, in the procurement and operation of spacecraft, launch services, and the conduct of tests and experiments in space;
- Pursue research and development of technologies and techniques, through the Administrator of the National Aeronautics and Space Administration (NASA) and the Secretary of Defense, to mitigate and remove on-orbit debris, reduce hazards, and increase understanding of the current and future debris environment; and

- Require the head of the sponsoring department or agency to approve exceptions to the United States Government Orbital Debris Mitigation Standard Practices and notify the Secretary of State.

Foster the Development of Space Collision Warning Measures. The Secretary of Defense, in consultation with the Director of National Intelligence, the Administrator of NASA, and other departments and agencies, may collaborate with industry and foreign nations to: maintain and improve space object databases; pursue common international data standards and data integrity measures; and provide services and disseminate orbital tracking information to commercial and international entities, including predictions of space object conjunction.

Effective Export Policies

Consistent with the U.S. export control review, departments and agencies should seek to enhance the competitiveness of the U.S. space industrial base while also addressing national security needs.

The United States will work to stem the flow of advanced space technology to unauthorized parties. Departments and agencies are responsible for protecting against adverse technology transfer in the conduct of their programs.

The United States Government will consider the issuance of licenses for space-related exports on a case-by-case basis, pursuant to, and in accordance with, the International Traffic in Arms Regulations, the Export Administration Regulations, and other applicable laws, treaties, and regulations. Consistent with the foregoing space-related items that are determined to be generally available in the global marketplace shall be considered favorably with a view that such exports are usually in the national interests of the United States.

Sensitive or advanced spacecraft-related exports may require a government-to-government agreement or other acceptable arrangement.

Space Nuclear Power

The United States shall develop and use space nuclear power systems where such systems safely enable or significantly enhance space exploration or operational capabilities.

Approval by the President or his designee shall be required to launch and use United States Government spacecraft utilizing nuclear power systems either with a potential for criticality or above a minimum threshold of radioactivity, in accordance with the existing interagency review process. To inform this decision, the Secretary of Energy shall conduct a nuclear safety analysis for evaluation by an ad hoc Interagency Nuclear Safety Review Panel that will evaluate the risks associated with launch and in-space operations.

The Secretary of Energy shall:

- Assist the Secretary of Transportation in the licensing of space transportation activities involving spacecraft with nuclear power systems;
- Provide nuclear safety monitoring to ensure that operations in space are consistent with any safety evaluations performed; and

- Maintain the capability and infrastructure to develop and furnish nuclear power systems for use in United States Government space systems.

Radiofrequency Spectrum and Interference Protection

The United States Government shall:

- Seek to protect U.S. global access to, and operation in, the radiofrequency spectrum and related orbital assignments required to support the use of space by the United States Government, its allies, and U.S. commercial users;
- Explicitly address requirements for radiofrequency spectrum and orbital assignments prior to approving acquisition of space capabilities;
- Seek to ensure the necessary national and international regulatory frameworks will remain in place over the lifetime of the system;
- Identify impacts to government space systems prior to reallocating spectrum for commercial, federal, or shared use;
- Enhance capabilities and techniques, in cooperation with civil, commercial, and foreign partners, to identify, locate, and attribute sources of radio frequency interference, and take necessary measures to sustain the radiofrequency environment in which critical U.S. space systems operate; and
- Seek appropriate regulatory approval under U.S. domestic regulations for United States Government earth stations operating with commercially owned satellites, consistent with the regulatory approval granted to analogous commercial earth stations.

Assurance and Resilience of Mission-Essential Functions

The United States shall:

- Assure space-enabled mission-essential functions by developing the techniques, measures, relationships, and capabilities necessary to maintain continuity of services;
  - Such efforts may include enhancing the protection and resilience of selected spacecraft and supporting infrastructure;
- Develop and exercise capabilities and plans for operating in and through a degraded, disrupted, or denied space environment for the purposes of maintaining mission-essential functions; and
- Address mission assurance requirements and space system resilience in the acquisition of future space capabilities and supporting infrastructure.

Sector Guidelines

United States space activities are conducted in three distinct but interdependent sectors: commercial, civil, and national security.

Commercial Space Guidelines

The term "commercial," for the purposes of this policy, refers to space goods, services, or activities provided by private sector enterprises that bear a reasonable portion of the investment risk and responsibility for the activity, operate in accordance with typical market-based incentives for controlling cost and optimizing return on investment, and have the legal capacity to offer these goods or services to existing or potential nongovernmental customers. To promote a robust domestic commercial space industry, departments and agencies shall:

- Purchase and use commercial space capabilities and services to the maximum practical extent when such capabilities and services are available in the marketplace and meet United States Government requirements;
- Modify commercial space capabilities and services to meet government requirements when existing commercial capabilities and services do not fully meet these requirements and the potential modification represents a more cost-effective and timely acquisition approach for the government;
- Actively explore the use of inventive, nontraditional arrangements for acquiring commercial space goods and services to meet United States Government requirements, including measures such as public-private partnerships, hosting government capabilities on commercial spacecraft, and purchasing scientific or operational data products from commercial satellite operators in support of government missions;
- Develop governmental space systems only when it is in the national interest and there is no suitable, cost-effective U.S. commercial or, as appropriate, foreign commercial service or system that is or will be available;
- Refrain from conducting United States Government space activities that preclude, discourage, or compete with U.S. commercial space activities, unless required by national security or public safety;
- Pursue potential opportunities for transferring routine, operational space functions to the commercial space sector where beneficial and cost-effective, except where the government has legal, security, or safety needs that would preclude commercialization;
- Cultivate increased technological innovation and entrepreneurship in the commercial space sector through the use of incentives such as prizes and competitions;
- Ensure that United States Government space technology and infrastructure are made available for commercial use on a reimbursable, noninterference, and equitable basis to the maximum practical extent;

- Minimize, as much as possible, the regulatory burden for commercial space activities and ensure that the regulatory environment for licensing space activities is timely and responsive;
- Foster fair and open global trade and commerce through the promotion of suitable standards and regulations that have been developed with input from U.S. industry;
- Encourage the purchase and use of U.S. commercial space services and capabilities in international cooperative arrangements; and
- Actively promote the export of U.S. commercially developed and available space goods and services, including those developed by small- and medium-sized enterprises, for use in foreign markets, consistent with U.S. technology transfer and nonproliferation objectives.

The United States Trade Representative (USTR) has the primary responsibility in the Federal Government for international trade agreements to which the United States is a party. USTR, in consultation with other relevant departments and agencies, will lead any efforts relating to the negotiation and implementation of trade disciplines governing trade in goods and services related to space.

Civil Space Guidelines

Space Science, Exploration, and Discovery

The Administrator of NASA shall:

- Set far-reaching exploration milestones. By 2025, begin crewed missions beyond the moon, including sending humans to an asteroid. By the mid-2030s, send humans to orbit Mars and return them safely to Earth;
- Continue the operation of the International Space Station (ISS), in cooperation with its international partners, likely to 2020 or beyond, and expand efforts to: utilize the ISS for scientific, technological, commercial, diplomatic, and educational purposes; support activities requiring the unique attributes of humans in space; serve as a continuous human presence in Earth orbit; and support future objectives in human space exploration;
- Seek partnerships with the private sector to enable safe, reliable, and cost-effective commercial spaceflight capabilities and services for the transport of crew and cargo to and from the ISS;
- Implement a new space technology development and test program, working with industry, academia, and international partners to build, fly, and test several key technologies that can increase the capabilities, decrease the costs, and expand the opportunities for future space activities;
- Conduct research and development in support of next-generation launch systems, including new U.S. rocket engine technologies;
- Maintain a sustained robotic presence in the solar system to: conduct scientific investigations of other planetary bodies; demonstrate new technologies; and scout locations for future human missions;
- Continue a strong program of space science for observations, research, and analysis of our Sun, solar system, and universe to enhance knowledge of the cosmos, further our understanding

of fundamental natural and physical sciences, understand the conditions that may support the development of life, and search for planetary bodies and Earth-like planets in orbit around other stars; and

- Pursue capabilities, in cooperation with other departments, agencies, and commercial partners, to detect, track, catalog, and characterize near-Earth objects to reduce the risk of harm to humans from an unexpected impact on our planet and to identify potentially resource-rich planetary objects.

Environmental Earth Observation and Weather

To continue and improve a broad array of programs of space-based observation, research, and analysis of the Earth's land, oceans, and atmosphere:

- The NASA Administrator, in coordination with other appropriate departments and agencies, shall conduct a program to enhance U.S. global climate change research and sustained monitoring capabilities, advance research into and scientific knowledge of the Earth by accelerating the development of new Earth observing satellites, and develop and test capabilities for use by other civil departments and agencies for operational purposes.
- The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA) Administrator, and in coordination with the NASA Administrator and other appropriate departments and agencies, shall, in support of operational requirements:
  - Transition mature research and development Earth observation satellites to long-term operations;
  - Use international partnerships to help sustain and enhance weather, climate, ocean, and coastal observation from space; and
  - Be responsible for the requirements, funding, acquisition, and operation of civil operational environmental satellites in support of weather forecasting, climate monitoring, ocean and coastal observations, and space weather forecasting. NOAA will primarily utilize NASA as the acquisition agent for operational environmental satellites for these activities and programs.
- The Secretary of Commerce, through the NOAA Administrator, the Secretary of Defense, through the Secretary of the Air Force, and the NASA Administrator shall work together and with their international partners to ensure uninterrupted, operational polar-orbiting environmental satellite observations. The Secretary of Defense shall be responsible for the morning orbit, and the Secretary of Commerce shall be responsible for the afternoon orbit. The departments shall continue to partner in developing and fielding a shared ground system, with the coordinated programs operated by NOAA. Further, the departments shall ensure the continued full sharing of data from all systems.

Land Remote Sensing

The Secretary of the Interior, through the Director of the United States Geological Survey (USGS), shall:

- Conduct research on natural and human-induced changes to Earth's land, land cover, and inland surface waters, and manage a global land surface data national archive and its distribution;

- Determine the operational requirements for collection, processing, archiving, and distribution of land surface data to the United States Government and other users; and
- Be responsible, in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, for providing remote sensing information related to the environment and disasters that is acquired from national security space systems to other civil government agencies.

In support of these critical needs, the Secretary of the Interior, through the Director of the USGS, and the NASA Administrator shall work together in maintaining a program for operational land remote sensing observations.

The NASA and NOAA Administrators and the Director of the USGS shall:

- Ensure that civil space acquisition processes and capabilities are not unnecessarily duplicated; and
- Continue to develop civil applications and information tools based on data collected by Earth observation satellites. These civil capabilities will be developed, to the greatest extent possible, using known standards and open protocols, and the applications will be made available to the public.

The Secretary of Commerce, through the Administrator of NOAA, shall provide for the regulation and licensing of the operation of commercial sector remote sensing systems.

National Security Space Guidelines

The Secretary of Defense and the Director of National Intelligence, in consultation with other appropriate heads of departments and agencies, shall:

- Develop, acquire, and operate space systems and supporting information systems and networks to support U.S. national security and enable defense and intelligence operations during times of peace, crisis, and conflict;
- Ensure cost-effective survivability of space capabilities, including supporting information systems and networks, commensurate with their planned use, the consequences of lost or degraded capability, the threat, and the availability of other means to perform the mission;
- Reinvigorate U.S. leadership by promoting technology development, improving industrial capacity, and maintaining a robust supplier base necessary to support our most critical national security interests;
- Develop and implement plans, procedures, techniques, and capabilities necessary to assure critical national security space-enabled missions. Options for mission assurance may include rapid restoration of space assets and leveraging allied, foreign, and/or commercial space and nonspace capabilities to help perform the mission;
- Maintain and integrate space surveillance, intelligence, and other information to develop accurate and timely SSA. SSA information shall be used to support national and homeland

security, civil space agencies, particularly human space flight activities, and commercial and foreign space operations;

- Improve, develop, and demonstrate, in cooperation with relevant departments and agencies and commercial and foreign entities, the ability to rapidly detect, warn, characterize, and attribute natural and man-made disturbances to space systems of U.S. interest; and
- Develop and apply advanced technologies and capabilities that respond to changes to the threat environment.

The Secretary of Defense shall:

- Be responsible, with support from the Director of National Intelligence, for the development, acquisition, operation, maintenance, and modernization of SSA capabilities;
- Develop capabilities, plans, and options to deter, defend against, and, if necessary, defeat efforts to interfere with or attack U.S. or allied space systems;
- Maintain the capabilities to execute the space support, force enhancement, space control, and force application missions; and
- Provide, as launch agent for both the defense and intelligence sectors, reliable, affordable, and timely space access for national security purposes.

The Director of National Intelligence shall:

- Enhance foundational intelligence collection and single- and all-source intelligence analysis;
- Develop, obtain, and operate space capabilities to support strategic goals, intelligence priorities, and assigned tasks;
- Provide robust, timely, and effective collection, processing, analysis, and dissemination of information on foreign space and supporting information system activities;
- Develop and enhance innovative analytic tools and techniques to use and share information from traditional and nontraditional sources for understanding foreign space-related activities;
- Identify and characterize current and future threats to U.S. space missions for the purposes of enabling effective protection, deterrence, and defense;
- Integrate all-source intelligence of foreign space capabilities and intentions with space surveillance information to produce enhanced intelligence products that support SSA;
- Support national defense and homeland security planning and satisfy operational requirements as a major intelligence mission;
- Support monitoring, compliance, and verification for transparency and confidence-building measures and, if applicable, arms control agreements; and
- Coordinate on any radiofrequency surveys from space conducted by United States Government departments or agencies and review, as appropriate, any radiofrequency surveys from space conducted by licensed private sector operators or by state and local governments.

JS 44 (Rev. 08/16)

CIVIL COVER SHEET

1:17cv163 (LMB/IDD)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

ORBITAL ATK, INC. and SPACE LOGISTICS LLC

(b) County of Residence of First Listed Plaintiff Loudoun
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Billy B. Ruhling, II, DiMuroGinsberg, PC, 1101 King Street, Suite 610
Alexandria, VA 22314; 703-684-4333

DEFENDANTS

DR. STEPHEN H. WALKER and DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

County of Residence of First Listed Defendant Arlington
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☒ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
5 U.S.C. 706

Brief description of cause:
Injunctive Relief under APA enjoining DARPA Decision in Violation of National Space Policy

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See Instructions): JUDGE _____ DOCKET NUMBER _____

DATE
02/07/2017

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44 Reverse (Rev. 08/16)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. Origin. Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.