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

XIAOXING XI, QI LI, and JOYCE XI,	
Plaintiffs,	CIVIL ACTION
v.	No. 17-cv-2132
UNITED STATES OF AMERICA, FBI SPECIAL AGENT ANDREW HAUGEN, and JOHN DOE(s), :	JURY TRIAL DEMANDED
Defendants. :	
ORDER	
AND NOW, this day of	, 2017, upon
consideration of Plaintiffs' Second Unopposed Motion f	For Leave to Amend the Complaint, IT IS
ORDERED that Plaintiffs' Unopposed Motion is GRAN	NTED and the Second Amended
Complaint attached to the Motion shall be docketed.	
	BY THE COURT:
	R. BARCLAY SURRICK, J.

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

XIAOXING XI, QI LI, and JOYCE XI,

Plaintiffs, : CIVIL ACTION

:

:

JURY TRIAL DEMANDED

v. : No. 17-cv-2132

UNITED STATES OF AMERICA, FBI SPECIAL AGENT ANDREW HAUGEN, and JOHN DOE(s),

:

Defendants.

PLAINTIFFS' SECOND UNOPPOSED MOTION FOR LEAVE TO AMEND THE COMPLAINT

Plaintiffs Xiaoxing Xi, Qi Li, and Joyce Xi, through undersigned counsel, respectfully move the Court for leave to file the attached Second Amended Complaint, and, in support thereof, asserts as follows:

- 1. Plaintiff Xiaoxing Xi filed his Complaint in this matter on May 10, 2017. The Complaint alleged constitutional claims against defendant FBI Special Agent Andrew Haugen and John Doe defendants pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). Plaintiff completed service of the Complaint on defendant Haugen under Fed. R. Civ. P. 4(i) as of May 16, 2017.
- 2. On July 7, 2017, without opposition from the defendants, Professor Xi moved to amend the Complaint to add claims against the United States under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 1346(b)(1), 2671-2680 (2012), and to add his wife, Qi Li, and his oldest daughter, Joyce Xi, as plaintiffs. These FTCA claims were not included in the original

Complaint because the exhaustion of administrative remedies under the FTCA had not yet been completed. *See* 28 U.S.C. § 2675(a). The Court granted Professor Xi's motion to amend and the Amended Complaint was filed on the docket on July 7, 2017.

- 3. Upon stipulation of all parties, the Court set a September 25, 2017 deadline for defendants' responsive pleadings. Defendants Haugen and United States filed motions to dismiss on September 25, 2017.
- 4. Upon an October 5, 2017 stipulation by the parties, the Court allowed plaintiffs until October 31, 2017, to file a second amended complaint. Defendants represented that they would not oppose a motion to file a second amended complaint.
- 5. Under Fed. R. Civ. Pr. 15(a)(2), the Court should "freely give leave" to amend the complaint "when justice so requires." Amendment is appropriate for reasons stipulated to by the parties on October 5, 2017. Plaintiffs seek to make the proposed amendments in response to some of the defendants' arguments raised in the motions to dismiss and permitting this amendment could serve to narrow the areas of contention for the Court to resolve.
- 6. Paul Werner, counsel for the defendants, does not oppose plaintiffs' request for leave to amend.
 - 7. The proposed Second Amended Complaint is attached to this motion.

WHEREFORE, for the foregoing reasons, plaintiffs respectfully request that the Court grant the motion and order that the Second Amended Complaint attached to this motion be entered on the docket.

Respectfully submitted,

DATE: 10/31/2017

/s/ Susan M. Lin
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Susan M. Lin, hereby certify that the foregoing Second Unopposed Motion for Leave to Amend the Complaint was on October 31, 2017, filed via the Court's CM/ECF system and, as such, was served upon the below counsel:

Paul E. Werner, Esq.
Trial Attorney
U.S. Department of Justice, Civil Division
Constitutional & Specialized Tort Litigation
P.O. Box 7146
Washington, DC 20044

Counsel for Defendants United States and Haugen

/s/ Susan M. Lin Susan M. Lin