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20 **UNITED STATES DISTRICT COURT**
21 **NORTHERN DISTRICT OF CALIFORNIA**

22 CHASE BOURQUE, *individually and on*
23 *behalf of all others similarly situated,*

24 Plaintiff,

25 vs.

26 UNITED STATES OF AMERICA *and*
27 UNITED STATES DEPARTMENT OF
28 STATE,

Defendants.

Case No:

CLASS ACTION COMPLAINT

1 **INTRODUCTION**

2 1. The United States Department of State offers expedited passport processing for a fee, through
3 which it issues or renews a passport faster than through routine processing. Since at least 2018, the
4 State Department has charged \$60 for expedited passport processing.¹ The State Department is
5 authorized to charge a fee for expedited processing covering only the cost it takes to provide this
6 service.² Notwithstanding this limitation, the State Department has repeatedly failed to show, and
7 cannot show, how the cost of providing expedited passport processing justifies its \$60 fee.
8 Accordingly, the State Department has overcharged Americans for expedited passport processing.

9 2. Plaintiff brings this action on behalf of himself and all other similarly situated persons who
10 paid a \$60 expedited passport processing fee. Plaintiff challenges the fee on the grounds that the
11 State Department acted unlawfully when it arbitrarily and capriciously set the fee at \$60. Further,
12 this fee is not in accordance with law and is in excess of the State Department’s statutory authority
13 as it exceeds the amount the State Department was authorized to charge under 31 U.S.C. § 9701.
14 Accordingly, Plaintiff seeks to have this Court declare the State Department’s expedited passport fee
15 unlawfully excessive, in violation of 31 U.S.C. § 9701, and award Plaintiff and the proposed Class
16 recovery of amounts charged in excess of statutory authorization.

17 **PARTIES**

18 3. Plaintiff Chase Bourque is a resident of California and resides in Oakland, California. In
19 2024, Plaintiff submitted an application to renew his passport to the State Department. With his
20 application, Plaintiff paid the State Department’s \$60 expedited processing fee.

21 4. Defendant United States of America, through the Department of State’s Bureau of Consular
22 Affairs (“the Bureau”), issues and renews passports and charges fees for these services, including the
23 expedited passport fee.

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¹ 22 C.F.R. § 22.1 (Sept. 17, 2009).

28 ² 31 U.S.C. § 9701.

1 5. Defendant United States of America Department of State (“State Department”) is the
2 executive department of the United States of America charged with issuing and renewing passports,
3 services for which it charges fees, including the expedited passport fee.

4 **JURISDICTION AND VENUE**

5 6. This Court has subject-matter jurisdiction over this action under 5 U.S.C. § 702, 28 U.S.C. §
6 1346(a), and 28 U.S.C. § 1331. Plaintiff’s individual claims against the Defendants, as well as those
7 of each member of the proposed Class, do not exceed \$10,000.

8 7. Defendants have waived sovereign immunity under 28 U.S.C. § 1346(a) or 5 U.S.C. § 702.

9 8. The Court has personal jurisdiction over all parties to this lawsuit, and venue is proper under
10 5 U.S.C. § 703, 28 U.S.C. § 1391, and 28 U.S.C. § 1402(a).

11 **FACTUAL ALLEGATIONS**

12 9. Government agencies, including the State Department, have the authority to establish user
13 charges, or fees, for goods or services of value, under 31 U.S.C. § 9701, otherwise known as Title V
14 of the Independent Offices Appropriations Act of 1952, or the “IOAA”.³

15 10. Under 31 U.S.C. § 9701, these “user charges” are meant to 1) ensure that goods and services
16 provided by a government agency to a specific recipient are self-sustaining, and 2) “promote
17 efficient allocation of the [United States’] resources” by recouping the costs to the government of
18 providing these goods and services.⁴

19 11. User charges, including those authorized by 31 U.S.C. § 9701, cannot exceed the cost
20 incurred by the government agency to provide the value conferred to the fee payor through the
21 service. Additionally, if the service the agency charges for provides distinct benefits to an
22 identifiable beneficiary and to the public, then the agency must prorate its costs: the agency cannot
23 charge the individual beneficiary for costs attributable to the public benefit.

24
25 ³ 31 U.S.C. § 9701. *See also* Schedule of Fees for Consular Services, Department of State and
26 Overseas Embassies and Consulates, 62 Fed. Reg. 63478-01 (Dec. 1, 1997) (to be codified at 22
27 C.F.R. §§ 22, 51, 53); Fee for Expedited Passport Processing, 59 Fed. Reg. 48998-01 (Sept. 26,
1994) (to be codified at 22 C.F.R §§ 22, 51).

28 ⁴ Off. of Mgmt. & Budget, Exec. Off. of the President, OMB Circular A-25 Revised,
Transmittal Memorandum #1 - User Charges (1993).

1 12. The State Department’s expedited passport processing fee is a user charge established under
 2 31 U.S.C. § 9701 to recover the cost of providing expedited processing to those passport applicants
 3 who request it.⁵

4 **I. In 1994, the State Department First Established a Fee to Cover the Cost of**
 5 **Expedited Passport Processing.**

6 13. Until 1994, the State Department provided expedited passport processing for no additional
 7 charge for applicants who could demonstrate urgent travel needs. The 1994 Appropriations Act,
 8 however, permitted the State Department to retain the receipts from an expedited passport processing
 9 fee as an offsetting collection rather than to be paid into the Treasury.⁶

10 14. One month after passage of the 1994 Appropriations Act, the State Department noticed its
 11 proposed expedited passport processing rule and fee.⁷ The new expedited processing regulation
 12 contemplated a 3-day processing time frame and a \$30 fee for the expedited services.⁸

13 15. The State Department’s justification for the \$30 fee at that time was to “ensure that the costs
 14 of processing passports on an expedited basis, as reflected in the [State] Department’s 1991 consular
 15 fees cost study, are borne by those who receive that service and that the State Department recovers
 16 additional costs associated with implementing this fee and eliminating the separate charge for
 17 overtime work. (As noted by Congress, for example, [at the time] up to 60% more time is required to
 18 process a passport application on an expedited basis than to provide normal processing services.)”⁹

19
 20
 21 _____
 22 ⁵ See Schedule of Fees for Consular Services, Department of State and Overseas Embassies and
 Consulates, 62 Fed. Reg. 63478-01. See also Dep’t of State, 8 Foreign Affairs Manual § 602.2-1(d),
Passport Fees (2023).

23 ⁶ Compare Pub. L. 103–317 (codified as 22 U.S.C. § 214 Note) (specifying “[t]hat hereafter all
 24 receipts received from a new charge from expedited passport processing shall be deposited in this
 account as an offsetting collection and shall be available until expended”) with 22 U.S.C. § 214(a)(1)
 25 (establishing that “[t]here shall be collected and paid into the Treasury of the United States a
 fee...for the filing of each application for a passport ... and a fee... for executing each such
 26 application”).

27 ⁷ Fee for Expedited Passport Processing, 59 Fed. Reg. 48998-01.

28 ⁸ *Id.*

⁹ *Id.*

1 **II. The State Department Repeatedly Raised the Expedited Processing Fee Without**
2 **Justifying the Increase.**

3 16. On December 1, 1997, the State Department proposed increasing the expedited passport
4 processing fee from \$30 to \$35 to “recover the costs of guaranteeing a maximum turn-around time of
5 three business days to qualified users.”¹⁰

6 17. While the State Department generally explained that a number of its consular service fees
7 were changing based on a cost-of-service study conducted from September 1995 to September 1996,
8 there was no breakdown of the specific costs included in the expedited processing fee or how the
9 State Department determined the amount of each cost. Though, the notice of the proposed fee
10 change did suggest more detailed information from the cost-of-service study could be obtained from
11 the Bureau of Consular Affairs.¹¹

12 18. On March 28, 2002, the State Department proposed revisions to a number of its consular
13 service fees based on a cost-of-service study conducted from September 1999 to October 2001.¹² In
14 proposing these fees, the State Department publicly reiterated that its fees are “designed to recover
15 some or all—but not more than— actual fully allocated costs the State Department expects to incur .
16 . . .”¹³

17 19. As part of its 2002 fee revisions, the State Department proposed raising the expedited
18 passport processing fee from \$35 to \$60.¹⁴ The proposed rule asserted the fee “pays for all of the
19 additional costs associated with expediting the processing and issuance of an applicant's passport at a
20 U.S. Passport Agency, so that the applicant can receive a passport in three days or less,” but it did
21

22 ¹⁰ Schedule of Fees for Consular Services, Department of State and Overseas Embassies and
23 Consulates, 62 Fed. Reg. 63478-01 (Dec. 1, 1997). This fee increase was set forth as a final rule at
24 Schedule of Fees for Consular Services, Department of State and Overseas Embassies and
25 Consulates, 63 Fed. Reg. 5098-01 (Jan. 30, 1998) (to be codified at 22 C.F.R. § 22.1).

26 ¹¹ Schedule of Fees for Consular Services, Department of State and Overseas Embassies and
27 Consulates, 62 Fed. Reg. 63478-01.

28 ¹² Schedule of Fees for Consular Services, Department of State and Overseas Embassies and
Consulates, 67 Fed. Reg. 14895-01 (Mar. 28, 2002) (to be codified at 22 C.F.R. § 22).

¹³ *Id.*

¹⁴ *Id.*

1 not specify what those “additional costs” were or how those costs were calculated.¹⁵ The increase to
2 the expedited processing fee was adopted.

3 20. In 2009, the State Department amended its expedited passport processing regulation to
4 change the processing timeline from three business days to the amount of time specified on its
5 website.¹⁶

6 21. The State Department “aims to update [its] Schedule of Fees biennially”.¹⁷

7 22. This aim accords with federal policy established by the Office of Management and Budget,
8 which makes agencies responsible for reviewing user charges biennially.¹⁸ Agencies are to discuss
9 the results of their biennial review in the Chief Financial Officers Annual Report.¹⁹

10 23. The expedited passport processing fee remains set at \$60.²⁰

11 24. Expedited passport processing times, however, are now weeks not days. The expedited
12 processing time for applications submitted between November 6, 2023 and December 17, 2023 was
13 three to five weeks; the expedited processing time for applications submitted after December 18,
14 2023 has been two to three weeks, as of September 2024.²¹

15 25. The fee does not cover “any costs of mailing above the normal level of service,” which must
16 be covered separately by the applicant.²²

17 26. The State Department has never provided a sufficient justification for setting the expedited
18 passport processing fee at \$60.

19
20 ¹⁵ *Id.*

21 ¹⁶ Passport Procedures - Amendment to Expedited Passport Processing Regulation, 74 Fed. Reg.
22 47726-01 (Sept. 17, 2009).

23 ¹⁷ Schedule of Fees for Consular Services - Nonimmigrant and Special Visa Fees, 88 Fed. Reg.
24 18243-01 (March 28, 2023) (to be codified at 22 C.F.R. pt. 22).

25 ¹⁸ Off. of Mgmt. & Budget, Exec. Off. of the President, OMB Circular A-25 Revised,
26 *Transmittal Memorandum #1 - User Charges* (6)(a)(2)(a) (1993).

27 ¹⁹ *Id.*

28 ²⁰ 22 C.F.R. § 22.1 (Sept. 17, 2009).

²¹ Bureau of Consular Affs., U.S. Dep’t of State, *Get Your Processing Time*, Travel.State.Gov
(last modified June 28, 2024), <https://travel.state.gov/content/travel/en/passports/how-apply/processing-times.html> (last visited Sept. 6, 2024).

²² 22 C.F.R. § 51.56(c) (Nov. 19, 2007).

1 **III. The State Department Cannot Justify the Amount Charged for the Expedited**
2 **Processing Fee.**

3 27. Sources both within and outside the State Department have asserted that the expedited
4 passport processing fee cannot be justified based on an acceptable, cost-recovery basis. These
5 sources include a former senior government official the State Department’s Office of the Inspector
6 General (OIG), through its independent auditor Kearney & Company, and the U.S. Government
7 Accountability Office (GAO).

8 A. A former senior government official believes the expedited processing fee cannot be
9 justified.

10 28. Confidential Witness (“CW”) is a former senior government official at the Bureau of
11 Consular Affairs, which oversees the passport issuance and renewal process.

12 29. According to CW, when the expedited passport fee went through a regular, periodic review
13 process in or around 2017, there was a desire within the Bureau to raise the fee due to a predicted
14 increase in demand for passport renewals, among other reasons.

15 30. During this review, however, CW learned that the Bureau of Consular Affairs’ comptroller
16 and analysts believed that the Bureau could not justify even the current expedited processing fee of
17 \$60, let alone an increase, because the cost to the State Department for providing the service was
18 significantly less.

19 31. Analysis of the costs at the time showed the additional cost to provide expedited passport
20 processing, compared to normal processing, was closer to \$30 or \$35, according to CW.

21 32. That the fee charged to the public for passport expedition approached double the cost to the
22 State Department for providing this service was documented and confirmed through internal studies
23 and email correspondence discussing the results of such studies.

24 33. Despite this analysis, the State Department did not reduce the expedited fee to reflect the cost
25 incurred by the State Department.

26 34. Given the information CW learned from the Comptroller’s office and other policymakers
27 about the calculation and justification for the expedited passport fee, CW concluded at the time that
28 the expedited passport fee of \$60 was unjustified and unjustifiable.

1 35. Accordingly, CW believed at the time and continues to believe the State Department
2 knowingly charges the American public more than is permissible for expedited passport processing.

3 *B. A 2017 audit of the Bureau found that the State Department failed to follow appropriate*
4 *guidelines when setting its fees.*

5 36. In 2017, Kearney & Company, acting on behalf of OIG, performed an independent audit of
6 the Bureau of Consular Affairs to ensure the Bureau collected fees in accordance with Office of
7 Management and Budget Circular A-25 (“OMB Circular A-25”) and with fee-governing statutes.²³

8 37. OMB Circular A-25 provides guidance to federal departments and agencies on compliance
9 with user charge authorizing statutes, in particular 31 U.S.C. § 9701.

10 38. OMB Circular A-25 states that “user charges will be sufficient to recover the full cost to the
11 Federal Government . . . of providing the service.”²⁴ Accordingly, agencies must set charges so that
12 they recover the cost of providing the related service.

13 39. OIG's audit revealed that the Bureau “did not fully comply with OMB Circular A-25 or
14 Federal statutes that allow [the Bureau] to charge and retain certain fees at the cost of providing
15 those services.”²⁵ In FYs 2014 and 2015, the Bureau collected revenue from consular fees of \$3.7
16 billion and \$4.1 billion, though the costs of services both years were approximately \$3.3 billion.²⁶
17 OIG wrote that at least some of this excess revenue was unlawful because it was the result of
18 unacceptable fee-setting.²⁷

19 40. Further, the Bureau had insufficient records showing how it determined the cost of a given
20 service in order to set its fees. The auditors observed that the Bureau failed to maintain
21 documentation of how it collected and modified the data used in its cost-of-service model.²⁸

22
23 ²³ See generally Off. of the Inspector Gen., U.S. Dep’t of State, AUD-FM-17-53, *Audit of the*
Bureau of Consular Affairs Fee-Setting Methodology for Selected Consular Services (2017).

24 ²⁴ Off. of Mgmt. & Budget, Exec. Off. of the President, OMB Circular A-25 Revised,
Transmittal Memorandum #1 - User Charges (6)(a)(2)(a) (1993).

25 ²⁵ Off. of the Inspector Gen., U.S. Dep’t of State, AUD-FM-17-53, *Audit of the Bureau of*
Consular Affairs Fee-Setting Methodology for Selected Consular Services 5 (2017).

26 ²⁶ *Id.*

27 ²⁷ *Id.*

28 ²⁸ *Id.* at 16-19.

1 41. OIG concluded that “[b]ecause [the Bureau] is not complying with the OMB Circular A-25
2 requirement to cover the full cost of services, [the Bureau] cannot ensure that consular fees are
3 reasonable.”²⁹

4 42. OIG reiterated that “the Bureau does not have the legal authority to charge more than the
5 estimated cost for providing each specific consular service.”³⁰

6 C. A 2022 GAO report concluded that the State Department could be overcharging
7 Americans.

8 43. After the 2017 audit found that the State Department had failed to ensure its compliance with
9 a fee authorizing statute, the State Department did not address the flaws in its fee-setting
10 methodology.

11 44. The GAO observed, in a 2022 report, that the State Department’s lack of methodology risks
12 fee increases “that do not align with actual needs” and that “[a]s a result, State could collect consular
13 fees in excess of its costs for some services, thereby over-charging visa or passport applicants.”³¹

14 45. Despite the lack of documentation supporting the State Department’s fee-setting, the State
15 Department continues to propose increases to its consular fees.

16 **PLAINTIFF’S EXPERIENCES**

17 46. On July 15, 2024, Plaintiff mailed his application to renew his passport to the State
18 Department via the United States Postal Service.

19 47. With his application he paid the \$130 application fee.

20 48. In addition, he paid the \$60 fee for expedited passport processing.

21 49. Plaintiff received his passport with a date of issue of July 31, 2024.

22 50. Plaintiff’s passport will expire on July 30, 2034, when he will need to renew his passport and
23

24 _____
25 ²⁹ *Id.* at 19-20.

26 ³⁰ Off. of the Inspector Gen., U.S. Dep’t of State, AUD-FM-17-53, *Audit of the Bureau of*
27 *Consular Affairs Fee-Setting Methodology for Selected Consular Services*, at *What Was Found 1*
28 *(2017)*.

27 ³¹ U.S. Gov’t Accountability Off., GAO-22-104424, *Consular Affairs: State May Be Unable to*
28 *Cover Projected Cost if Revenues Do Not Quickly Rebound to Pre-Pandemic Levels*, at *What GAO*
Found 2 (2022).

1 again have to pay an unlawful and excessive fee to receive the State Department's expedited
2 passport processing service.

3 **CLASS ALLEGATIONS**

4 51. Pursuant to Rules 23(b)(1), 23(b)(2), and/or 23(b)(3) of the Federal Rules of Civil Procedure,
5 Plaintiff brings this action on behalf of himself and the following proposed Class:

6 All persons who paid the expedited passport processing fee from October 4, 2018 to
7 the present.³²

8 52. **Numerosity**. The State Department has processed millions of expedited passports in the past
9 two decades. Members of the proposed Class are thus too numerous to practically join in a single
10 action. Class members may be notified of the pendency of this action by mail, supplemented by
11 published notice (if deemed necessary or appropriate by the Court).

12 53. **Commonality and Predominance**. Common questions of law and fact exist as to all
13 proposed Class members and predominate over questions affecting only individual Class members.
14 These common questions include, but are not limited to:

- 15 a. Does the expedited passport fee exceed the amount it costs the government to provide
16 expedited passport processing?
17 b. Did the State Department exceed its authority when it set and maintained the
18 expedited passport processing fee at \$60?

19 54. **Typicality**. Plaintiff's claims are typical of the claims of members of the proposed Class.
20 Plaintiff and the members of the proposed Class all paid the expedited passport processing fee to the
21 State Department for expedited passport processing during the class period, giving rise to
22 substantially the same claims.

23 55. **Adequacy**. Plaintiff is an adequate representative of the proposed Class because his interests
24 do not conflict with the interests of the members of the Class Plaintiff seeks to represent. Plaintiff
25 has retained counsel competent and experienced in complex class action litigation and will prosecute
26

27 ³² Excluded from the proposed Class are counsel in this action; anyone employed by Plaintiff's
28 counsel in this action; any judge to whom this case is assigned, his or her spouse; and members of
the judge's staff.

1 this action vigorously on Class members' behalf.

2 56. **Superiority.** A class action is superior to other available means for the fair and efficient
3 adjudication of this dispute. The injury suffered by each Class member, while meaningful on an
4 individual basis, is not of such magnitude as to make the prosecution of individual actions against
5 Defendants economically feasible. Even if Class members themselves could afford such
6 individualized litigation, the court system could not. Individualized litigation increases the delay and
7 expense to all parties and the court system presented by the legal and factual issues of the case. By
8 contrast, a class action presents far fewer management difficulties and provides the benefits of single
9 adjudication, economy of scale, and comprehensive supervision by a single court.

10 57. Moreover, in addition to the burden and expense of managing many actions arising from the
11 same issues, the prosecution of separate actions by the individual members of the proposed Class
12 would create a risk of inconsistent adjudications, which could establish incompatible standards of
13 conduct for Defendants.

14 58. Additionally, Defendants have acted or refused to act on grounds generally applicable to the
15 proposed Class, thereby making appropriate final and injunctive relief with respect to the members
16 of the proposed Class as a whole.

17 **COUNT ONE**

18 **Arbitrary, Unlawful, and Unauthorized Fee in Excess of Authority**

19 59. Plaintiff realleges and incorporates paragraphs 1-58.

20 60. The State Department is an "agency" within the meaning of 5 U.S.C. § 701(1).

21 61. Setting the amount of the expedited passport processing fee is an "agency action" within the
22 meaning of 5 U.S.C. § 551(13).

23 62. The State Department committed an arbitrary and unlawful agency action under 5 U.S.C.
24 § 706(2) by charging plaintiff a \$60 fee for expedited passport processing, in excess of what the
25 State Department was authorized to charge by law.

26 63. The State Department acted arbitrarily, capriciously, and otherwise not in accordance with
27 law in charging the expedited passport processing fee for at least the following reasons:

28 a. The State Department set the expedited passport processing fee, and twice increased

1 the fee, without specifying how it determined the rate to be charged, including not
2 specifying the costs included in the fee calculation nor how those costs were
3 calculated.

4 b. Even though it knew the rate charged was impermissibly high the State Department
5 repeatedly failed to adjust the expedited passport processing fee to align with the cost
6 incurred by the State Department in providing the service.

7 c. The expedited passport processing fee exceeds the reasonable cost the State
8 Department incurred to provide the service.

9 64. Additionally, the State Department acted in excess of its statutory authority by charging an
10 expedited passport processing fee that was more than the reasonable cost the State Department
11 incurred to provide the service.

12 65. Plaintiff and the members of the proposed Class are entitled to a judgment declaring that the
13 State Department arbitrarily and unlawfully set, increased, and failed to adjust the expedited passport
14 processing fee, in excess of its statutory authority and that the State Department continues to act
15 unlawfully and in excess of its authority by charging a \$60 expedited passport processing fee.

16 66. Plaintiff and the members of the proposed Class are also entitled to the return or refund of all
17 expedited passport processing fees unlawfully and arbitrarily charged during the class period, plus
18 reasonable interest.

19 **COUNT TWO**

20 **Illegal Exaction Through Fee in Excess of Authority Granted in 31 U.S.C. § 9701**

21 67. Plaintiff realleges and incorporates paragraphs 1-58.

22 68. Plaintiff is entitled to money from the United States through an illegal exaction claim.
23 Plaintiff's right to bring an illegal exaction claim is the necessary implication of a fee-authorizing
24 statute and the government's collection of a fee in excess of that statutory grant, here 31 U.S.C.
25 § 9701. The remedy for the government's violation of a fee-authorizing statute is the return of any
26 money unlawfully exacted.

27 69. An agency is authorized to charge a person for a service or thing of value under 31 U.S.C.
28 § 9701. The charge must be based on the lesser of the cost to the government to provide the service

1 or value conferred on the recipient.

2 70. The State Department is an “agency” within the meaning of 31 U.S.C. § 101.

3 71. Expedited passport processing is a “service or thing of value provided by [an] agency” within
4 the meaning of 31 U.S.C. § 9701.

5 72. The State Department overcharged Plaintiff and members of the proposed Class for
6 expedited passport processing in excess of its statutory authorization provided by 31 U.S.C. § 9701.

7 73. Plaintiff and members of the proposed Class have been overcharged for at least the following
8 reasons:

9 a. The expedited processing fee does not reasonably reflect cost of the services
10 performed by the State Department in violation of 31 U.S.C. § 9701.

11 b. The calculation of the expedited processing fee impermissibly includes costs that are
12 attributable to a public benefit.

13 74. To the extent it included impermissible costs, each charge of the \$60 expedited passport
14 processing fee was an illegal exaction by the State Department.

15 75. Plaintiff and members of the proposed Class are entitled to a judgment declaring that the fee
16 they were each charged for expedited passport processing was excessive.

17 76. Plaintiff and members of the proposed Class are entitled to the monetary damages equivalent
18 to the overcharge illegally exacted during the class period through the excessive expedited passport
19 processing fee, plus interest.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, the Plaintiff, on behalf of himself and the proposed Class, requests the following
22 relief:

23 a. Certification of the Class under Federal Rule of Civil Procedure 23;

24 b. A judgement declaring that the State Department arbitrarily, unlawfully, and capriciously set
25 and continues to charge an excessive expedited passport processing fee;

26 c. A judgment declaring that the State Department unlawfully charged an expedited passport
27 processing fee in excess of the State Department’s authority;

28 d. Restitution or return of any expedited passport processing fees collected by the State

- 1 Department that are found to exceed the amount authorized by law, plus reasonable interest;
- 2 e. A judgment declaring that the State Department must revise its expedited passport processing
- 3 fee to reflect the actual costs of providing the expedited processing;
- 4 f. An award to the plaintiff of his costs, expenses, and attorney fees under 28 U.S.C. § 2412;
- 5 g. Any further remedy the Court may deem just and proper.
- 6

7 Dated: October 4, 2024

By: /s/ Geoffrey Graber
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27 *Proposed Class*

28