



FOR IMMEDIATE RELEASE

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Washington, DC—The SBTC filed a motion for leave in Federal District Court, District of Columbia, today to amend its previously filed complaint in the matter of SBTC v. USDOT et al (CIVIL ACTION NO. 20-883/CKK).

In this latest motion and iteration of the trade group's complaint, SBTC clarifies relief requested to be confined to a declaratory judgment and injunction, updates the court on new violations of law, withdraws stale allegations, and provides further evidence of a long-term pattern of discrimination over the past decade by FMCSA against the SBTC and its Executive Director.

In terms of causes of action, the complaint alleges:

*Failure To Adhere To Procedures Required By Law;
Arbitrary and Capricious Action;
Action Unlawfully Withheld Or Unreasonably Delayed; and
Purposeful Discrimination Against Members of a Lawful Organization Exercising their First Amendment Right to Petition the Government for Redress of Grievances in violation of 42 U.S. C. § 1983*

SBTC is now seeking the following **relief** by asking the Court to:

- a. *Declare the Defendants' failure to render a decision on the SBTC's ELD Exemption Application within 180 days unlawful in violation of the APA and 49 U.S.C § 31315(b)(7);*
- b. *Declare the Defendants' failure to publish the SBTC's Transportation Intermediary Bond Exemption Application "upon receipt" an unlawful violation of the APA and 49 U.S.C. § 31315(b)(6)(A);*
- c. *Declare the Defendants' failure to render a decision on the SBTC's Transportation Intermediary Bond Exemption Application within 180 days unlawful in violation of the APA and 49 U.S.C § 31315(b)(7);*

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- d. *Declare the Defendants' failure to render a decision on the SBTC's Class Exemption Application for Drivers Traveling in Interstate Commerce with Domestic Animals within 180 days unlawful in violation of the APA and 49 U.S.C § 31315(b)(7);*
- e. *Declare the Defendants' failure to make timely decisions on the SBTC's December 13, 2019 Petition for Motor Vehicle Safety Standards and Enforcement violates 49 U.S. Code § 30162.*
- f. *Declare the Defendants' failure to make timely decisions on the March 8, 2021 Petition for Motor Vehicle Safety Standards and Enforcement violates 49 U.S. Code § 30162.*
- g. *Declare the Defendants' purposeful discrimination of SBTC and its membership a violation of 42 U.S.C. § 1983 and the First Amendment to the U.S. Constitution.*

SBTC points to FMCSA **maliciously, unethically and unlawfully targeting** its Executive Director over the past decade here:

On January 8, 2018, SBTC Executive Director James Lamb's personal attorney James Bopp deposed retired FMCSA Investigator Robert Lee Thomasson in another matter. Mr. Bopp quoted Mr. Thomasson referring to James Lamb as stated on page 134 which shows FMCSA has a deep hatred for Lamb and has been disappointed and frustrated because they have failed to find something they can prosecute him on:

01:48:57 4 Q -- "and has been on our radar for
01:48:59 5 years."
01:48:59 6 And then the next sentence, "He stays
01:49:01 7 on -- "he stays on just on the edge but we have
01:49:05 8 not yet found prosecutable data; OIG is very much
01:49:14 9 in the loop."
01:49:15 10 A Yes, sir. See Exhibit F.

In the Spring of 2020, Plaintiff received information that an employee of FMCSA, Joseph DeLorenzo, Acting Associate Administrator of Enforcement, told a trucking association member that SBTC Executive Director James Lamb's petitions will never be heard by FMCSA because FMCSA does not like him.

*In December of 2016, Lamb's attorneys filed a Freedom of Information request to investigate the nature of FMCSA's discriminatory practices against Lamb. FMCSA still has not complied with their request despite bipartisan inquiries from Florida U.S. Congressman **Ted Deutch** (D) and Senator **Marco Rubio** (R-FL).*

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SBTC is now seeking an **injunction** from the Court as follows:

- h. Enjoin the Defendants from further violating the APA, 49 U.S.C. § 31315(b)(6)(A) and 49 U.S.C. §31315(b)(7) by failing to publish in the Federal Register exemption applications “upon receipt,” failing to commence the required notice and comment period through publication in the Federal Register, failing to render decisions on said applications within 180 days.
- i. Enjoin the Defendants from further violating the APA, 49 U.S.C. § 31315(b)(6)(A) and 49 U.S. Code § 30162 by failing to process petitions for Motor Vehicle Safety Standards and Enforcement within 120 days.
- j. Enjoin the Defendants from discriminating against SBTC, its officers, and directors and order Defendants to give SBTC and its members the same level of access to petition the FMCSA on issues and regulations that affect them and equal protection of the law.

Interested parties may download the complete motion and second amended complaint from the www.truckers.com home page.

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