



<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>		<b>INSTRUCTIONS:</b> Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.			FORM APPROVED OMB NO. 1105-0008	
1. Submit to Appropriate Federal Agency:  Federal Bureau of Prisons; United States Department of Justice; Executive Office of the President.				2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code.  See addendum.		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN		4. DATE OF BIRTH 02/16/1971	5. MARITAL STATUS Single	6. DATE AND DAY OF ACCIDENT 01/17/2020 (approx.) Friday		7. TIME (A.M. OR P.M.) 7 P.M. (approx.)
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).  See addendum.						
<b>9. PROPERTY DAMAGE</b>						
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).  n/a						
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side).  n/a						
<b>10. PERSONAL INJURY/WRONGFUL DEATH</b>						
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.  Claimant suffered personal injuries, pain and suffering, severe mental anguish, emotional distress, humiliation, indignities and embarrassment, degradation, damage to reputation, and loss of natural psychological development, all of which continue to date and are likely to continue into the future.						
<b>11. WITNESSES</b>						
NAME			ADDRESS (Number, Street, City, State, and Zip Code)			
Donald J. Trump  William Barr  See Attached.			725 Fifth Ave., New York, NY 10022-2519  U.S. Dept. of Justice, 950 Pennsylvania Ave., NW Washington, DC 20530			
12. (See instructions on reverse). <span style="float: right;"><b>AMOUNT OF CLAIM</b> (in dollars)</span>						
12a. PROPERTY DAMAGE		12b. PERSONAL INJURY		12c. WRONGFUL DEATH		12d. TOTAL (Failure to specify may cause forfeiture of your rights).
		94,000,000				94,000,000
<b>I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.</b>						
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side). 				13b. PHONE NUMBER OF PERSON SIGNING FORM 		14. DATE OF SIGNATURE 01/12/2022
<b>CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM</b>				<b>CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS</b>		
The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).				Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident Insurance?  Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number.  No

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible?  Yes  No 17. If deductible, state amount.

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts). n/a.

19. Do you carry public liability and property damage insurance?  Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code).  No

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filled by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

- (a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.
(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.
(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.
(d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. Authority: The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

- B. Principal Purpose: The information requested is to be used in evaluating claims.
C. Routine Use: See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.
D. Effect of Failure to Respond: Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

**ADDENDUM  
to Standard Form 95**

**2. NAME, ADDRESS OF CLAIMANT, AND CLAIMANT'S PERSONAL REPRESENTATIVES**

**Claimant:**

Michael John Avenatti



**Claimant's Personal Representatives:**

Zachary Margulis-Ohnuma, Esq.  
Benjamin Notterman, Esq.  
ZMO Law PLLC  
260 Madison Avenue, Fl. 17  
New York, NY 10016

Daniel McGuinness, Esq.  
Law Offices of Daniel McGuinness P.C.  
260 Madison Avenue, Fl. 17  
New York, NY 10016

## 8. BASIS OF CLAIM

Since early 2018, Claimant, a prominent trial lawyer, has been an outspoken critic of former President Donald J. Trump. In March 2018, Claimant filed several lawsuits against President Trump on behalf of his client, Stephanie Clifford (a/k/a Stormy Daniels). These lawsuits gave Claimant a platform to expose President Trump's misconduct, corruption and mendacity. Major television networks interviewed Claimant hundreds of times about the legal proceedings and President Trump. President Trump fixated on Claimant as a burgeoning threat to his presidency and re-election campaign. Beginning in 2019, federal prosecutors aggressively pursued charges against Claimant in California and New York.

On the evening of January 14, 2020, Claimant was arrested and taken into custody by federal agents during a recess in a bar disciplinary hearing in Los Angeles, California. They did so only hours before Claimant was scheduled to take a commercial flight to New York to meet with his lawyers and prepare for an upcoming trial scheduled to start less than one week later. The following day, in the matter of *United States v. Avenatti* (19-cr-061(JVS)), United States District Court Judge James V. Selna revoked Claimant's bail and remanded him into custody for allegedly violating the terms of his release. Claimant was held in solitary confinement at Santa Ana Jail in Orange County, California, from January 14 to January 17. He was not permitted to shower or leave his cell. On the morning of January 17, United States Marshalls transported Claimant from the Santa Ana Jail to John Wayne Airport, where he was flown to Teterboro Airport in New Jersey and then transported to Metropolitan Correctional Center ("MCC") in Manhattan, New York.

Upon arriving at MCC on January 17, 2020, Claimant met with Associate Warden Lee Plourde ("Plourde"), a prison psychologist, and other prison officials. Claimant requested placement in the general population. Instead, he was placed in "10 South," the most restrictive part of the facility, which is comprised of six to seven cells designed to hold the nation's most dangerous criminals who allegedly pose significant threats to the interests of the United States. He was placed in a cell previously used to hold Joaquín "El Chapo" Guzmán, the notorious most wanted international drug kingpin. He was housed alongside four accused terrorists and a former CIA employee accused of treason; the United States Attorney General had directed these individuals to be held in 10 South under "special administrative measures," typically reserved for people who pose threats to national security. There was no plausible security reason for housing Claimant in 10 South. He had never been convicted of any crime, had no history of violence and was not informed of any threat made against him by other inmates. Rather, Claimant's confinement to 10 South was retaliation for Claimant's criticism of President Trump and other federal government employees, including the Attorney General.

The brutal conditions at 10 South included 24-hour solitary confinement. Prison officials monitored Claimant through two cameras in his cell and forbade him from communicating with other inmates or covering himself while using the bathroom. A guard was stationed outside his cell 24 hours a day. Guards falsified sign-in sheets and did not conduct regular walk-throughs as required. The frosted windows of Claimant's cell allowed almost no sunlight. Temperatures at night were frigid. He was restricted from speaking with friends or family. He was not provided

fresh air or recreation. When Claimant requested reading material, he was initially refused, and then provided one book, “The Art of the Deal,” purportedly co-written by Donald J. Trump. Claimant filed several grievances with the Bureau of Prisons but received no responses, nor was he afforded any hearing or process.

On one occasion in approximately February 2020, a senior-level MCC employee escorted Claimant from a legal visit to his cell. The employee, a tall, stocky African-American man, paused in a breezeway, where the two were alone, and asked Claimant if he understood why he was being housed in 10 South. The employee explained that the orders came from the Attorney General.

When United States District Court Judge Selna denied Claimant’s initial request for release to home confinement due to risks associated with Covid-19 in March 2019, President Trump tweeted, “Gee, that’s too bad. Such a fine guy. Presidential aspirations you know!” Judge Selna later granted Claimant’s subsequent request for home confinement in April 2020. By the time of his release, Claimant had been held in solitary confinement or under locked-down status for approximately 94 days. He was permitted to see the sky one time.

Through the actions of its employees, the United States is liable for the torts of intentional infliction of emotional distress, negligent infliction of emotional distress, false imprisonment, false arrest, prima facie tort, negligence, negligent supervision, negligent hiring, and violations of Claimant’s rights under the United States Constitution and New York State Constitution to due process, exercise of free speech, and equal protection under the law, for which New York law provides private causes of action.

## **11. WITNESSES**

### **Donald J. Trump**

725 Fifth Ave.  
New York, NY 10022-2519

### **William Barr**

U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

### **Marti Licon-Vitale**

Metropolitan Correction Center  
150 Park Row  
New York, NY 10017

### **Lee Plourde**

Metropolitan Correction Center  
150 Park Row  
New York, NY 10017

### **Nicole McFarland**

Metropolitan Correction Center  
150 Park Row  
New York, NY 10017

### **Kathleen Hawk Sawyer**

Federal Bureau of Prisons  
320 First St., NW  
Washington, DC 20534

### **Michael Carvajal**

Federal Bureau of Prisons  
320 First St., NW  
Washington, DC 20534

### **John and Jane Does # 1-10**

Addresses unknown.