

VIRGINIA: IN THE CIRCUIT COURT FOR LOUDOUN COUNTY

JASON FRIEDMAN,
Plaintiff,

v.

PRO-FOOTBALL, INC., D/B/A
THE WASHINGTON COMMANDERS,
21300 Coach Gibbs Drive
Ashburn, VA 20147,

Serve: Corporation Service Co.
100 Shockoe Slip Fl. 2
Richmond, VA, 23219

and

JOHN L. BROWNLEE
c/o Holland & Knight, LLP
1650 Tysons Blvd.
Tysons, VA 22102,
Defendant.

Civil Action No. CL23-4039

TESTE: _____ D.C.
CIRCUIT COURT
CLERK'S OFFICE
LOUDOUN COUNTY, VA
2023 JUL -7 P 2:18
FILED

COMPLAINT

Plaintiff Jason Friedman (“Mr. Friedman” or “Plaintiff”), represented by his counsel Katz Banks Kumin, LLP, alleges as follows of Defendant Pro-Football, Inc., d/b/a the Washington Commanders, previously known as the Washington Football Team, previously known as the Washington Redskins (hereinafter “Defendant Commanders,” “Team,” or “Washington Commanders”), and Defendant John L. Brownlee (“Defendant Brownlee” or “Mr. Brownlee”):

NATURE OF CLAIMS

1. Plaintiff Jason Friedman brings this civil action against Defendant Washington Commanders and Defendant Brownlee for declaratory, injunctive, and monetary relief for injuries

he sustained as a result of Defendants' defamation of Plaintiff after he testified before Congress about his observations and actions while an employee of the Team.

2. Mr. Friedman worked in ticket sales for the Team for over 24 years, from 1996 to 2020, most recently serving as its Vice President of Sales and Customer Service.

3. In the summer of 2020, *The Washington Post* reported on serious allegations of sexual harassment in the Washington Commanders' workplace, going back approximately two decades. Shortly thereafter, the NFL oversaw an investigation into the allegations, which was conducted by attorney Beth Wilkinson (the "Wilkinson Investigation"). The NFL did not release the findings of the Wilkinson Investigation, choosing instead to produce a summary conclusion and impose discipline on the Washington Commanders in the form of a monetary fine and the placement of the owner's wife temporarily in charge of day-to-day operations of the Team.

4. Eventually, and following public outcry about the lack of transparency of the Wilkinson Investigation's findings and the dearth of meaningful consequences for the Team, the United States House of Representatives Committee on Oversight and Reform ("Oversight Committee") launched an investigation into the Team and the allegations of decades of sexual harassment and abuse, as well as the NFL's failure to reveal the findings of the Wilkinson Investigation.

5. The Oversight Committee requested that Mr. Friedman participate in a closed-door transcribed interview, and he agreed. On March 14, 2022, Mr. Friedman testified before the Committee about his experiences working for the Team. In response to questions from Congress, Mr. Friedman provided, among other things, a detailed description of financial improprieties committed by or at the direction of senior executives of the Team.

6. The Team responded to Mr. Friedman's allegations of financial improprieties by repeatedly and publicly calling him a liar, accusing him of committing the federal crime of perjury, and falsely implying that he was terminated as part of the Team's sexual harassment scandal that was being widely reported widely in the press.

7. The Team's false statements about Mr. Friedman, which it has repeated or caused to be repeated in various public forums, have devastated him personally and professionally: he suffers from severe anxiety and depression, will require ongoing medical treatment, and has been unable to find a comparable job due to the Team's deliberate and malicious destruction of his reputation.

JURISDICTION AND VENUE

8. The Circuit Court for Loudoun County has general jurisdiction over this dispute pursuant to Virginia Code § 17.1-513 because it is a civil case involving a dispute worth more than \$100.00.

9. This Court has specific and personal jurisdiction over Defendants pursuant to Virginia Code § 8.01-328.1 because, *inter alia*, Defendants transact business in this Commonwealth and caused tortious injury to Plaintiff by acts or omissions that occurred within this Commonwealth.

10. Venue is proper in this Court pursuant to Virginia Code § 8.01-262 because the Washington Commanders has its principal place of business in Loudoun County, Virginia; because Defendants regularly conduct substantial business activity in Loudoun County; and because this cause of action arose in substantial part based on statements issuing from the Team's Loudoun County headquarters.

PARTIES

11. Plaintiff Jason Friedman worked in ticket sales for the Team for over 24 years, from 1996 to 2020, most recently serving as its Vice President of Sales and Customer Service. Mr. Friedman is a resident of the Commonwealth of Virginia.

12. Defendant, the Washington Commanders, is a professional football team playing under the authority of the National Football League (“NFL” or “League”) with its headquarters located in Loudoun County, Virginia.

13. Defendant John L. Brownlee is an attorney at Holland & Knight, LLP, a firm with offices in Washington, D.C. and the Commonwealth of Virginia, who represents or represented the Washington Commanders.

FACTS

14. On October 21, 2021, the House Oversight Committee launched an investigation into allegations of a decades-long pattern of sexual harassment and abuse at the Washington Commanders, the NFL’s handling of its own investigation relating to the Commanders, and the NFL’s role in setting and enforcing workplace standards across the League.

15. In the course of reviewing more than 80,000 pages of documents and interviewing dozens of witnesses, the Oversight Committee’s investigation eventually expanded to focus on allegations of financial improprieties by the Team.

Mr. Friedman Testifies Before Congress

16. At the Oversight Committee’s request, on March 14, 2022, Mr. Friedman appeared as a witness and testified in a closed-door session about, among other things, his experiences with the Team’s improper withholding of revenue from the NFL, and its failure to return security deposits to many season ticket holders despite a contractual obligation to do so.

17. Mr. Friedman was not under oath, but was subject to 18 U.S.C. § 1001, which, *inter alia*, makes it a felony to offer false testimony to Congress.

18. In response to questions by Oversight Committee staff, Mr. Friedman gave truthful testimony based on his 24-year career with the Team.

19. In response to questions from the Oversight Committee, Mr. Friedman provided testimony that the Team knowingly and deliberately retained funds from season ticket holder security deposits, instead of returning that money to the season ticket holders automatically at the end of the seat lease, as it was contractually required to do.

20. In response to questions from the Oversight Committee, Mr. Friedman provided testimony about the Team's efforts to knowingly and deliberately mischaracterize certain revenue such that it would not have to be shared with the NFL under the League's revenue sharing policy.

21. Mr. Friedman's testimony to Congress, including but not limited to his testimony about the financial issues identified in paragraphs 19 and 20 above, was truthful and based directly upon his personal knowledge and experience working with the Team. He testified about, among other things, actions he himself took at the direction of his supervisors.

22. Upon information and belief, Mr. Friedman was the only witness to provide information to the Oversight Committee in March 2022 about the Team's financial improprieties.

23. Mr. Friedman is not a public figure. He testified before the Oversight Committee at the Committee's request, as a private citizen, and in a closed session. Any and all information Mr. Friedman provided to the Committee was done privately.

24. Although Mr. Friedman's testimony came during a closed-door session, numerous congressional staff were present, and word soon spread that he had participated as a witness, and that the Team was facing allegations of financial improprieties. On March 31, 2022, *The*

Washington Post reported generally that Congress was investigating allegations of financial improprieties but did not offer details.

25. On April 2, 2022, *Front Office Sports*, a sports news website, broke the news that the Oversight Committee had received information alleging that the Commanders withheld ticket revenue that it was required to share with other NFL teams.

April 4 “Perjury” Statement

26. Two days later, on April 4, 2022, the Team, through its spokesperson, released a three-sentence statement to various news outlets: “There has been absolutely no withholding of ticket revenue at any time by the Commanders. Those revenues are subject to independent audits by multiple parties. Anyone who offered testimony suggesting a withholding of revenue has committed perjury, plain and simple.”

27. It was clear that the “anyone” the Team referred to in the April 4 statement was Mr. Friedman, as he had offered the only testimony to the Committee at that time that the Team had withheld revenue from the NFL. Numerous news outlets reported on the Team’s statement and by the early afternoon of April 4, at least two sports news outlets – *The Athletic* and *Pro Football Talk* – identified Mr. Friedman as the person who provided the information to the Committee.

28. Perjury is a felony under 18 U.S.C. § 1621 and is considered a crime of moral turpitude. Similarly, offering false testimony to Congress is a felony under 18 U.S.C. § 1001 and is considered a crime of moral turpitude. The Team’s accusation that Mr. Friedman had lied to Congress and committed perjury in his testimony to the Oversight Committee imputed upon Mr. Friedman the commission of a crime of moral turpitude for which a person may be convicted and imputed a lack of integrity in the performance of Mr. Friedman’s job duties, and prejudiced Mr. Friedman in his profession or trade.

29. The Team's April 4 statement was shared outside of any privileged context: the Team issued a press statement that was designed to be and was repeated by multiple media outlets. Each republication of the Team's April 4 statement caused Mr. Friedman additional and foreseeable harm.

April 18 "Serial Liar" Letter to FTC

30. On April 12, 2022, the House Oversight Committee sent a letter to the Federal Trade Commission ("FTC"), and made it public, about evidence it obtained indicating the Team "may have engaged in a troubling, long-running, and potentially unlawful pattern of financial conduct that victimized thousands of team fans and the National Football League." The Oversight Committee also sent its letter to the Attorneys General of Virginia, Maryland, and the District of Columbia, and the Commissioner of the NFL, Roger Goodell.

31. Upon information and belief, the FTC did not respond to the letter from the House Oversight Committee, respond to press inquiries for comment, or give any indication that it intended to open an investigation or otherwise take any action in response to the letter.

32. On April 18, 2022, the Team submitted a letter to the FTC, identifying Mr. Friedman by name and making several false and defamatory statements about him, including:

- a. "Friedman's testimony to the Committee was a lie from the beginning;"
- b. "Friedman is . . . a serial liar;"
- c. "[T]he Committee's Letter – which relies solely on the uncorroborated, false testimony of a single disgruntled former employee – sets forth easily and fully rebuttable allegations;" and
- d. "[T]he uncorroborated and implausible allegations of a single disgruntled former employee, especially one with such notable impairments to his credibility as set forth below."

33. Offering false testimony to Congress is a felony under 18 U.S.C. § 1001 and is considered a crime of moral turpitude. The Team's accusation that Mr. Friedman had lied to Congress in his testimony to the Oversight Committee imputed upon Mr. Friedman the commission of a crime of moral turpitude for which a person may be convicted, imputed a lack of integrity in the performance of Mr. Friedman's job duties, and prejudiced Mr. Friedman in his profession or trade.

34. Upon information and belief, after submitting the April 18 letter to the FTC, the Team publicized it to media outlets, caused it to be publicized to media outlets, and/or was negligent in allowing it to be publicized to media outlets. As a result of the publication of the letter to media outlets, the Team's statements about Mr. Friedman were reported widely.

35. But for the Team's publication of the April 18 letter to media outlets, such submissions to the FTC would ordinarily be private and not available to the public. The Team's publication and republication of the April 18 letter to the FTC caused Mr. Friedman additional and foreseeable harm.

36. The allegations in the April 18 Letter to the FTC were so damning that Representative James Comer (R-KY) requested the then-Chair of the Oversight Committee to refer Mr. Friedman to the United States Department of Justice for a criminal investigation.

John Brownlee's October 17 Radio Statement

37. Defendant Brownlee, an attorney acting as an agent for the Team, spoke multiple times on television and radio in October 2022 about, *inter alia*, Mr. Friedman's testimony regarding the Team's financial improprieties.

38. On October 17, 2022, during an appearance on the sports radio station *106.7 The Fan*, Mr. Brownlee stated that the Team terminated Mr. Friedman “because he became the very toxic work environment that the Team was trying to rid itself [of].”

39. By asserting that Mr. Friedman was terminated because he had become “the very” toxic environment the Team was then battling, Mr. Brownlee’s October 17 statement attempted to tie Mr. Friedman directly to the serious and very public allegations of sexual harassment and assault at the Team that had been revealed by *The Washington Post* (and discussed in numerous other publications), were the subject of ongoing high-profile investigations, and had resulted in the termination of several high-level executives of the Washington Commanders.

40. Mr. Brownlee’s statement was false. Mr. Friedman has never been accused of sexually harassing or assaulting anyone, either in his 24-year career with the Washington Commanders or otherwise. He was not fired for sexual harassment or as a result of the Wilkinson Investigation.

41. At the time he was terminated in October 2020, a Team representative told Mr. Friedman that the decision was based on anonymous surveys that said he was “heavy handed” and “abrasive,” and also because ticket sales were down. He was told more than once by the Team representative that his termination had nothing to do with the Wilkinson investigation.

42. The clear and intended implication of Mr. Brownlee’s false public statement on October 17 – that Mr. Friedman was one of several male executives implicated in the sexual harassment scandal and terminated by the Team as a result – caused irreparable harm to Mr. Friedman’s reputation.

43. The Defendants’ statements, individually and in combination, have caused Mr. Friedman emotional distress, including humiliation, mortification, and injury to reputation and

professional standing. Because of the Defendants' repeated false statements attacking his character and credibility, Mr. Friedman has found it impossible to find comparable employment.

CAUSES OF ACTION

COUNT I:

DEFAMATION BY DEFENDANT WASHINGTON COMMANDERS

44. Plaintiff hereby incorporates as though restated each of the factual allegations set forth in paragraphs 1 through 43 above.

45. The Team made a statement on April 4, 2022, that was about or concerning Plaintiff.

46. The April 4 statement made by the Team about Plaintiff was false, was published with knowledge of its falsity, and/or with reckless disregard for the truth of the statement.

47. The Team published its April 4 statement to the media, knowing and intending that the statement would be reported on widely by the media.

48. The April 4 statement caused harm to Plaintiff when published and republication of the statement, which was foreseeable, caused further harm to Plaintiff.

49. The Team's April 4 statement was defamatory *per se* as it imputed to Mr. Friedman the commission of a crime of moral turpitude for which a person may be convicted, imputed a lack of integrity in the performance of Mr. Friedman's job duties, and prejudiced Mr. Friedman in his profession or trade.

50. The Team's April 4 statement is not protected by any privilege.

51. The Team made various statements about Plaintiff in a letter to the FTC on April 18, 2022, that identified him by name.

52. The statements contained in the Team's April 18 letter to the FTC were false, and were published with knowledge of their falsity and/or with reckless disregard for the truth of the statements.

53. The Team published its April 18 letter to the FTC by providing it to media outlets, by causing it to be provided to media outlets, and/or by negligently allowing it to be provided to media outlets.

54. The April 18 letter to the FTC caused harm to Plaintiff when published and republication of the statement, which was foreseeable, caused further harm to Plaintiff.

55. The statements made by the Team in its April 18 Letter to the FTC were defamatory *per se* as they imputed to Mr. Friedman the commission of a crime of moral turpitude for which a person may be convicted, imputed a lack of integrity in the performance of Mr. Friedman's job duties, and prejudiced Mr. Friedman in his profession or trade.

56. The statements made by the Team in its April 18 letter to the FTC, which the Team caused to be made public, are not protected by any privilege.

57. As a result of the Team's defamatory statements, Mr. Friedman has suffered reputational, emotional, and professional harm, including great humiliation, shame, vilification, exposure to public infamy, scandal, and disgrace.

58. When the Team made the above-referenced defamatory statements, it knew these statements to be false or acted so recklessly as to amount to a willful disregard of the truth.

59. When the Team made the above-referenced defamatory statements, it did so with malice, ill will, and spite.

COUNT II:

**DEFAMATION BY DEFENDANT WASHINGTON COMMANDERS
AND DEFENDANT JOHN L. BROWNLEE**

60. Plaintiff hereby incorporates as though restated each of the factual allegations set forth in paragraphs 1 through 59 above.

61. Defendant Brownlee, acting on behalf of and/or at the direction of Defendant Washington Commanders, made a statement on October 17, 2022, during a radio broadcast, that identified Plaintiff by name.

62. The October 17 statement made by Defendant Brownlee, acting on behalf of and/or at the direction of Defendant Washington Commanders, during a radio broadcast was false, was published with knowledge of its falsity, and/or with reckless disregard for the truth of the statement.

63. The October 17 statement made by Defendant Brownlee, acting on behalf of and/or at the direction of Defendant Washington Commanders, during a radio broadcast was false on its face and/or by virtue of a clear implication affirmatively intended by Defendants.

64. The October 17 statement made by Defendant Brownlee, acting on behalf of and/or at the direction of Defendant Washington Commanders, was published widely through a popular sports talk radio show.

65. The October 17 statement made by Defendant Brownlee, acting on behalf of and/or at the direction of Defendant Washington Commanders, during a radio broadcast was defamatory *per se* as it imputed to Mr. Friedman the commission of a crime of moral turpitude for which a person may be convicted, imputed a lack of integrity in the performance of Mr. Friedman's job duties, and prejudiced Mr. Friedman in his profession or trade.

66. The October 17 statement made by Defendant Brownlee, acting on behalf of and/or at the direction of Defendant Washington Commanders, during a radio broadcast is not protected by any privilege.

67. As a result of the Defendants' defamatory statements, Mr. Friedman has suffered reputational, emotional, and professional harm, including great humiliation, shame, vilification, exposure to public infamy, scandal, and disgrace.

68. When Defendants made the above-referenced defamatory statements, they knew these statements to be false or acted so recklessly as to amount to a willful disregard of the truth.

69. When the Team made the above-referenced defamatory statements, it did so with malice, ill will, and spite.

REQUESTED RELIEF

WHEREFORE, Plaintiff prays this Court for the following relief:

1. Enter a judgment in Mr. Friedman's favor and against Defendant Washington Commanders and Defendant Brownlee for defamation;
2. Order Defendants to retract their defamatory statements;
3. Award Mr. Friedman compensatory damages for economic and emotional harm in the amount of \$7,500,000;
4. Award Mr. Friedman punitive damages in the amount of \$350,000, the maximum allowed by Virginia law;
5. Award Mr. Friedman prejudgment and post-judgment interest;
6. Award Mr. Friedman reasonable attorneys' fees, litigation expenses, and costs; and
7. Award Mr. Friedman all other relief permitted under the above causes of action, or which this Court deems just and proper.

JURY DEMAND

Plaintiff Jason Friedman requests trial by jury as to all issues in this case.

Respectfully submitted,



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Date: July 7, 2023