

**CLAIM FOR DAMAGE,  
INJURY, OR DEATH**

**INSTRUCTIONS:** 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:

United States House of Representatives

2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code.

Stefan C. Passantino

3. TYPE OF EMPLOYMENT

MILITARY  CIVILIAN

4. DATE OF BIRTH

08/12/1966

5. MARITAL STATUS

Married

6. DATE AND DAY OF ACCIDENT

See additional pages

7. TIME (A.M. OR P.M.)

See additional pages

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 additional pages.

9. **PROPERTY DAMAGE**

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

None.

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).

Financial including loss of past and future earnings and/or revenue; attorney fees and expenses; court costs; legal expenses

10. **PERSONAL INJURY/WRONGFUL DEATH**

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.

Compensatory damages including but not limited to lost past and future earnings/revenue, emotional distress, lost opportunities for representation, attorney fees/expenses and court costs indelivering against invasion of privacy and false light publications.

11. **WITNESSES**

NAME

ADDRESS (Number, Street, City, State, and Zip Code)

See additional pages.

12. (See instructions on reverse).

**AMOUNT OF CLAIM** (in dollars)

12a. PROPERTY DAMAGE

0

12b. PERSONAL INJURY

\$67,000,000.00

12c. WRONGFUL DEATH

0

12d. TOTAL (Failure to specify may cause forfeiture of your rights).

\$67,000,000.00

**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.**

13a. SIGNATURE OF CLAIMANT (See instructions on reverse side).



13b. PHONE NUMBER OF PERSON SIGNING FORM

703-888-1943

14. DATE OF SIGNATURE

4/10/23

**CIVIL PENALTY FOR PRESENTING  
FRAUDULENT CLAIM**

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).

**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT  
CLAIM OR MAKING FALSE STATEMENTS**

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).

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.

Passantino

v.

United States House Select Committee on the January 6th Attack

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**6. and 7. Date and Time of Accident**

On or about December 19, 2022, Stefan Passantino received a call from CNN asking for a comment on the story they were running regarding allegations the United States House Select Committee on the January 6th Attack were soon to levy publicly against Mr. Passantino pertaining to his representation of Cassidy Hutchinson. Prior to this date and continuing thereafter, the Committee acted against him in an effort to destroy his reputation and career in support of a pre-ordained political and legal narrative against the forty-fifth President of the United States, Donald J. Trump.

Also prior to this date, members of the Committee, including Representative Liz Cheney, and others, manufactured and promoted a false narrative against Mr. Passantino without ever contacting him, interviewing him, or providing him with notice of the claims against him. Further, the Committee did not provide even elementary due process afforded to every American citizen as they did not provide Mr. Passantino with an opportunity to respond to these allegations.

Also prior to this date, on or about May 17, 2022, the Committee exceeded its constitutional authority by conducting an “interview” under false pretenses concealed from Mr. Passantino. To accomplish its objectives, the Committee purposely and maliciously interfered in the attorney-client relationship between Mr. Passantino and his client Cassidy Hutchinson, communicated with his client without his consent, generated a false narrative about that attorney-client relationship and the legal advice he gave his client, and, in concert with news organizations including the CNN News Network and its commentators including Alyssa Farah Griffith, promoted that false narrative to further a political agenda in complete disregard of Mr. Passantino’s rights as a private American citizen.

These actions have caused Mr. Passantino injuries, which continue to the present day.

## 8. Basis of Claim

### INTRODUCTION

1. In or around December of 2022, the United States House Select Committee on the January 6th Attack (the “Committee”), through its members and staff, chose to bring the full weight and credibility of Congressional or Legislative authority against a private citizen lawyer to destroy his reputation and career. The Committee did so without ever contacting the lawyer, without ever interviewing him, without ever providing him with notice of the claims against him, and without providing him with an opportunity to respond. This was in violation of law and the due process that should be afforded every American citizen and for the purpose of promoting a pre-ordained political and legal narrative against the forty-fifth President of the United States, Donald J. Trump.
2. To promote its political and legal objectives, the Committee purposely and maliciously interfered in the attorney-client relationship between attorney Stefan Passantino and one of his clients, communicated with his client without his consent, generated a false narrative about that attorney-client relationship and the legal advice he gave his client, and, in concert with news organizations, published private information and promoted that false narrative.
3. Without undertaking any meaningful effort to verify the veracity of the highly inflammatory charges leveled against Mr. Passantino, the Committee conspired with the CNN News Network, Alyssa Farah Griffith, a highly compensated CNN political commentator, and possibly others to create a narrative that would injure Mr. Passantino. The Committee, which has proven itself time and time again to have a bias against anyone associated with President Trump, had a deliberate goal to ruin Mr. Passantino because of a false assumption about his involvement in 2020 post-election activities, the role that he played as the chief ethics lawyer in President Trump’s White House, and as an attorney for several former administration and campaign staff before the Committee.
4. The Committee, through a backchannel directly to Mr. Passantino’s client, in total disregard for the attorney-client relationship and Committee Member and staff’s own ethical obligations as members of the bar, convinced Mr. Passantino’s client to sit for additional interviews and give incredible testimony that could then be peddled by national news media friendly to the Committee to damage Mr. Passantino.
5. Without providing any notice to Mr. Passantino or even contacting him to discern the veracity of the allegations lodged against him, the Committee,

through its members or staff or both, leaked information to the Cable News Network (“CNN”), and possibly other news media, pertaining to Mr. Passantino and his representation of witnesses before the Committee. These leaks, which were wholly outside the Committee’s constitutional and legal jurisdiction or any individual member’s official legislative functions, resulted in serious personal damage to Mr. Passantino.

6. The Committee told an outrageous tale to media sources, such as CNN and possibly others, about Mr. Passantino’s non-existent efforts to obstruct their investigation by impacting the testimony of their “star” witness, Cassidy Hutchinson. The Committee, however, undertook no effort to contact Mr. Passantino, interview him, or otherwise seek to verify the truth of the allegations lodged against him before it released this information in support of a political narrative about President Donald J. Trump and the lawyers perceived to be working for him. The Committee knew or should have known that this was not only not true but also that it was non-public information in which the public had no legitimate interest. Instead, the Committee deliberately violated Mr. Passantino’s privacy and caused him significant economic, reputational, and emotional harm.

## **BACKGROUND**

7. From January 2017 until August 2018, Mr. Passantino served as Deputy White House Counsel focusing on federal compliance and government ethics. Following his time in the White House, Mr. Passantino returned to private practice at the firm Michael Best & Friedrich, LLP where he led the firm’s Political Law group. In total, Mr. Passantino has been a lawyer for over 30 years, with extensive experience handling sensitive ethical, political, and legal issues for high profile clients.
8. After clerking for a judge on the U.S. District Court for the District of Maryland—who also served by designation on the U.S. Court of Appeals for the Fourth Circuit—Mr. Passantino worked at several prominent law firms. Chambers USA identified him as one of the leading political lawyers in the country. He is a co-author of the Handbook on Corporate Political Activity and other works relating to political compliance matters. After leaving his position as Deputy White House Counsel and joining the Michael Best law firm, Mr. Passantino helped form the law firm Elections, LLC.
9. Throughout his professional career, Mr. Passantino has been passionate about the legal profession and its ethics, and the Committee’s lies that he acted unethically are a direct contradiction to Mr. Passantino’s actions in the Cassidy

Hutchinson matter and to the legal and political reputation he had built over three decades.

10. Mr. Passantino represented several witnesses before the United States House Select Committee on the January 6th Attack, including Cassidy Hutchinson. Mr. Passantino represented each of his witnesses honorably, ethically, and fully consistent with his legal and ethical obligations. In fact, there are no allegations from any other of his current and former clients that he obstructed the investigation.
11. In total, Mr. Passantino represented multiple clients before the Committee spanning many hours of testimony, including representing Ms. Hutchinson in three extended interviews amounting to approximately 20 hours.
12. During Mr. Passantino's representation of Ms. Hutchinson, the Committee repeatedly thanked Mr. Passantino for his clarifying questions and for keeping Ms. Hutchinson on track during her interviews. Moreover, a review of Ms. Hutchinson's three transcripts when Mr. Passantino represented her makes it clear that Mr. Passantino was not attempting to obstruct her testimony or shape it in any way. In fact, Mr. Passantino made it clear on multiple occasions to Ms. Hutchinson that he did not care what her testimony was as long as it was the truth.<sup>1</sup>
13. Despite having made numerous public references to Mr. Passantino's conduct in defending Cassidy Hutchinson, the Committee only publicly made available the actual transcripts of Mr. Passantino's representation of Ms. Hutchinson on a single day, December 31, before those transcripts were removed. The Committee has never made publicly available the video recordings of Mr. Passantino representing any of his clients before the Committee.

#### *The Committee Seeks Cassidy Hutchinson's Testimony*

14. The Select Committee first sought Ms. Hutchinson's testimony through a subpoena issued on or about November 9, 2021, and she was served on or about January 26, 2022, with a return date for documents in mid-February 2022.
15. Upon information and belief based upon the sworn testimony of Ms. Hutchinson, Ms. Hutchinson reached out to numerous lawyers but was worried

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<sup>1</sup> These transcripts can be located at: <https://www.govinfo.gov/content/pkg/GPO-J6-TRANSCRIPT-CTRL0000050113/pdf/GPO-J6-TRANSCRIPT-CTRL0000050113.pdf>, <https://www.govinfo.gov/content/pkg/GPO-J6-TRANSCRIPT-CTRL0000051189/pdf/GPO-J6-TRANSCRIPT-CTRL0000051189.pdf>, and <https://www.govinfo.gov/content/pkg/GPO-J6-TRANSCRIPT-CTRL0000930041/pdf/GPO-J6-TRANSCRIPT-CTRL0000930041.pdf>.

about how she could afford to retain counsel. She sought assistance to pay for legal counsel from multiple sources, including from Save America PAC.

16. Through Ms. Hutchinson's outreach, she was connected with individuals who were responsible, in part, for vetting the use of Save America PAC funds. Specifically, Ms. Hutchinson was connected with Liz Horning, who reached out to representatives for Save America PAC, who then connected Ms. Hutchinson with Mr. Passantino, through his law partners.
17. Mr. Passantino treated Ms. Hutchinson as any other client. He engaged in proper protocols to ensure that there were no conflicts of interest. Mr. Passantino did not perceive Ms. Hutchinson to have an adverse interest to any other of his clients; Ms. Hutchinson was merely a fact witness providing testimony. At the time of Mr. Passantino's first meeting with Ms. Hutchinson, he was aware and operating upon the knowledge that Ms. Hutchinson had contacted Save America PAC in the hopes the PAC would retain counsel on her behalf. Mr. Passantino was further aware and operating upon the knowledge that members of his own firm had engaged in communications with Ms. Hutchinson about Save America PAC's agreement to pay the fees associated with his representation of her.
18. Mr. Passantino made it clear in his first meeting with Ms. Hutchinson that despite the fee arrangement, he was her lawyer and owed her a duty and that the only people he could talk to about her case were his law firm partners unless he had first received her consent. All of Mr. Passantino's statements to any other third party were authorized by his client, Ms. Hutchinson.
19. Ms. Hutchinson never told Mr. Passantino that she wanted a "non-Trump" lawyer or that she had any sensitivity about Mr. Passantino's previous work in the Trump White House. She did not express reservations to Mr. Passantino about him being paid by a Trump-related PAC; instead, she had solicited that funding herself. Ms. Hutchinson advised that she did not want to provide any information that was harmful to President Trump.
20. Mr. Passantino gave Ms. Hutchinson standard lawyering instructions for a witness at a deposition or recorded interview, including but not limited to instructions about not speculating, speaking only from direct knowledge, not seeking out extraneous information in preparation for the deposition or interview, and not stating that she had recollection of facts she did not recall.
21. Mr. Passantino informed Ms. Hutchinson that she must limit her testimony to her personal knowledge.

22. Mr. Passantino repeatedly reminded Ms. Hutchinson that she should not speculate about things that she did not know. Mr. Passantino specifically informed Ms. Hutchinson not to assume parts of conversations of which she could only hear part.
23. Further, Mr. Passantino encouraged Ms. Hutchinson to comply with the subpoenas and to testify truthfully.
24. Mr. Passantino instructed Ms. Hutchinson to answer questions truthfully and honestly but not to concoct “probable answers” to questions to which she could not know or recall the answers, or which called for expert opinion evidence.
25. Ms. Hutchinson testified that “Stefan never told me to lie. He specifically told me ‘I don’t want you to perjure yourself.’” She further testified that Mr. Passantino cautioned her that she could not say that she didn’t recall events if she did recall them. She reiterated: “he didn’t tell me to lie. He told me not to lie.”
26. Therefore, Mr. Passantino did NOT advise her that she could or should state that she does not recall in response to any questions where she does not recall all the details. Rather, Mr. Passantino gave her standard lawyering instructions that she should testify honestly to what she recalls and nothing else.
27. Given Ms. Hutchinson’s youth and inexperience in legal matters, it is perhaps not surprising that she may not have precisely recalled the instructions that she was given.
28. Mr. Passantino also instructed Ms. Hutchinson not to answer a question immediately when he objected, but rather to think a moment, so as to give her the opportunity to think about the question (such as “calls for speculation”, “calls for revelation of attorney-client privileged communications”, or “calls for information protected by Executive Privilege”).
29. Further, contrary to prior allegations, Mr. Passantino did not improperly leverage his effort to assist with Ms. Hutchinson’s search for a job in any way to shape her testimony. At no time was this job search in any way connected with Mr. Passantino’s representation of Ms. Hutchinson. In fact, Mr. Passantino has worked to assist multiple former Trump administration staffers to find work after the administration because of the difficult employment environment faced by those who served in the Trump Administration.



30. Additionally, regarding the payment of Ms. Hutchinson's legal fees, this assistance in searching for a job was provided separately from any decisions made regarding Ms. Hutchinson's subpoena, testimony, or legal decision-making. It was always made clear to Ms. Hutchinson that Mr. Passantino was her lawyer and Ms. Hutchinson's best interests came first.

*The Committee Established a Backchannel Behind Mr. Passantino's Back*

31. Despite all of this, during Mr. Passantino's representation of Cassidy Hutchinson, the Committee took actions against Mr. Passantino that injured his property and person. Specifically, the Committee interfered with Mr. Passantino's representation of his client and leaked private information to news agencies in order to harm Mr. Passantino and advance a preordained political and legal narrative. These actions invaded Mr. Passantino's privacy by publicizing private information, resulting in significant damage to his personal and business relationships as well as causing him significant emotional trauma.
32. Upon information and belief based upon the sworn testimony of Ms. Hutchinson, following Ms. Hutchinson's second voluntary interview, a member of the House of Representatives communicated directly with Ms. Hutchinson, knowingly bypassing her lawyer Mr. Passantino. According to Ms. Hutchinson, the representative told her that because Mr. Passantino was being paid by a Trump-affiliated third-party he would not be advancing her interests and instead would be advancing those of former President Trump and his allies.
33. Ms. Hutchinson and the representative concealed their communication from Mr. Passantino. This communication unjustifiably undermined Ms. Hutchinson's trust in Mr. Passantino and improperly disrupted their attorney-client relationship.
34. Thereafter, upon information and belief based upon the sworn testimony of Ms. Hutchinson, Ms. Hutchinson, Congresswoman Liz Cheney, and Counsel Dan George of the Select Committee established a "backchannel" of communication. Either directly or through an intermediary, Ms. Hutchinson provided information to the Committee and arranged for the Committee to summon her for a third interview.
35. At all times during this backchannel, the Committee was aware that it was communicating with Ms. Hutchinson, a represented party, without going through her counsel of record, and the Committee concealed these communications from Mr. Passantino.

36. On May 12, 2022, Mr. Passantino accompanied Ms. Hutchinson to a third appearance before Congresswoman Liz Cheney and Senior Investigative Counsel Dan George of the Committee. Counsel for the Committee participated in this appearance even though it was the fruit of an improper, illegal, and unethical surreptitious backchannel communications between Ms. Hutchinson and the Committee (which at all times was represented by counsel and was conducted by Congresswoman Liz Cheney who is a member of the bar herself).
37. Following the May 12, 2022, interview, Dan George, Senior Investigative Counsel for the Committee, denied responsibility for leaking information about the May 12 interview and admitted that only he, Congresswoman Liz Cheney, and a few staff members knew it had occurred at the time. Mr. George advised Mr. Passantino that other members of the Committee had been unaware of the May 12, 2022, interview at the time it took place.
38. After the third interview, Ms. Hutchinson engaged new counsel. Thereafter, she worked with the Committee to arrange for a public appearance on June 28, 2022, broadcast live by all major national cable news organizations and reported prominently by all major national media outlets.
39. Following her public appearance, Ms. Hutchinson sat for additional Committee interviews on September 14 and 15, 2022.
40. Following these interviews, the transcripts of Ms. Hutchinson's September interviews were leaked by the Committee to the news media without Mr. Passantino ever having been interviewed, notified of the allegations made against him, or given an opportunity to respond and defend his reputation and conduct.

## **ALLEGATIONS**

41. Mr. Passantino reincorporates herein the allegations contained in all preceding paragraphs and headings.
42. On December 19, 2022, Pam Brown and Katelyn Polantz, reporters with CNN, called Mr. Passantino and informed him that CNN was going to be publishing a piece about his representation of Ms. Hutchinson. Ms. Brown informed Mr. Passantino that she was in possession of the transcript of Ms. Hutchinson's testimony and believed that the Committee would allege he had counseled Ms. Hutchinson to not answer the Committee's questions fully and honestly.
43. The only way that Ms. Brown and Ms. Polantz could have obtained the transcript of Ms. Hutchinson's testimony is from a member or a staffer of the Committee. The Committee had not, at that time, officially released the

transcripts of Ms. Hutchinson's testimony. Therefore, it is clear that a member of the Committee or a staffer for the Committee or both had leaked this transcript to CNN to ensure maximum damage was done to Mr. Passantino's reputation and his existing and future legal, political, and business clients.

44. As has been found previously, a member of Congress or their staff or both are acting outside of the scope of their legislative function when they leak non-public investigative information to the media because such action is not tied to the official actions of Congress in any way.
45. On Monday, December 19, 2022, the Committee released the executive summary of its final report. In this summary, the Committee stated "[t]he Committee has substantial concerns regarding potential efforts to obstruct its investigation, including by certain counsel (some paid by groups connected to the former President) who may have advised clients to provide false or misleading testimony to the Committee."
46. A member of the Committee, a staffer, or both leaked the transcripts to CNN with the intent that CNN determine that Mr. Passantino was the counsel that was mentioned in the summary without specifically identifying Mr. Passantino. CNN took the bait and reached out to Mr. Passantino.
47. Mr. Passantino informed Ms. Brown that she was mistaken. He had never advised Ms. Hutchinson or any other client to be anything less than truthful in their testimony. Despite Mr. Passantino's comments, CNN went forward with publishing the information leaked from a member and/or staffer of the Committee.
48. On or about December 20, 2022, and thereafter, Mr. Passantino became aware that CNN was in possession of various communications between Ms. Hutchinson and others which might serve to verify Mr. Passantino's version of events. Notwithstanding CNN's possession of this information, CNN refused Mr. Passantino's repeated requests to include information in its possession in its reporting to ensure CNN's reporting was balanced and accurate. Ms. Polantz notified Mr. Passantino and his counsel that CNN had determined not to include this information in its reporting because it was not "newsworthy".
49. CNN's determination that the full and accurate truth was not newsworthy is pertinent because it highlights what an egregious invasion of privacy it was for the Committee and its members and staff to strategically leak this information. The Committee leaked information in order to cause a damaging news story, despite its lack of truth. CNN has admitted that the true story is not

newsworthy, or in other words not something in which the public would have an interest.

50. On December 21, 2022, CNN ran an article titled “Exclusive: Trump’s former White House ethics lawyer told Cassidy Hutchinson to give misleading testimony to January 6 committee, sources say.” In this article, CNN stated that the Committee had “made a startling allegation on Monday, claiming it had evidence that a Trump-backed attorney urged a key witness to mislead the committee about details they recalled.”
51. In the same article, CNN went on to claim, “Stefan Passantino, the top ethics attorney in the Trump White House, is the lawyer who allegedly advised his then-client, former White House aide Cassidy Hutchinson, to tell the committee that she did not recall details that she did, sources familiar with the committee’s work tell CNN.” This tip to CNN was untrue and was leaked by the Committee, either by a member or members of the Committee, or a staffer or staff of the Committee.
52. This is evidenced by the fact that after Ms. Hutchinson returned to the Committee for her third confidential interview, it was quickly leaked to the media that this interview occurred.
53. These interviews were, therefore, wholly private, yet were somehow leaked to media, nonetheless.
54. Moreover, the transcripts for interviews were not released until after the final report was released by the Committee. Therefore, only a member or staffer of the Committee or both would be able to leak the transcript to CNN.
55. As the transcripts of Ms. Hutchinson’s testimony make clear, she confirmed under oath that Mr. Passantino did not advise her to lie to the Committee or to perjure herself. Rather, Mr. Passantino gave her standard advice that she could respond that she did not recall information unless she actually recalled the information requested by a question. As Ms. Hutchinson put it, in her own testimony, on September 14, 2022, “*Stefan never told me to lie.*” (emphasis added).
56. At all times, Mr. Passantino advised Ms. Hutchinson to respond to the Select Committee’s questions truthfully and fully, even when Ms. Hutchinson expressed reluctance to do so. Ms. Hutchinson herself testified: “Stefan never told me to lie. He specifically told me ‘I don’t want you to perjure yourself.’” She further testified that Mr. Passantino cautioned her that she could not say that she didn’t recall events if she did recall them. She reiterated: “he didn’t tell me to lie. He told me not to lie.”

57. The CNN article went on to claim, “Trump’s Save America political action committee funded Passantino and his law firm Elections, LLC, including paying for his representation of Hutchinson, other sources tell CNN. The committee report notes the lawyer did not tell his client who was paying for the legal services.” This is also untrue.
58. Ms. Hutchinson admitted in her testimony that she had applied for funding from Mr. Trump’s PACs. Ms. Hutchinson testified that she had been in touch with multiple organizations within and without, as she put it, “Trump World,” seeking financial assistance in dealing with her subpoena. During this time, she was connected with a representative of Save America PAC, who connected her with Mr. Passantino.
59. On February 4, 2021, Ms. Hutchinson emailed a senior aide to Former President Trump who was connected with a Pro-Trump Political Action Committee, the Save America Leadership PAC (the “PAC”). In that email she wrote that the return date for her subpoena was just days away and that she had been unable to retain counsel.
60. She explained that she and her family were struggling financially and requested a referral to potential counsel as well as “financial assistance.”
61. Mr. Passantino had represented several other former aides who had been subpoenaed by the Committee and agreed to take Ms. Hutchinson on as a client. The fees for Ms. Hutchinson and several other former junior aides represented by Mr. Passantino were paid by Save America PAC. Save America PAC also paid for the legal fees of many other former aides who were represented by other law firms unaffiliated with Mr. Passantino and his firms.
62. In addition to Ms. Hutchinson’s applications, as outlined above, several witnesses can affirm that Ms. Hutchinson was made aware of the source of funding for her legal representation. Moreover, Ms. Hutchinson never expressed any concerns to Mr. Passantino concerns about who was paying her legal costs.
63. In a statement to CNN before its publication, Mr. Passantino said he didn’t advise Ms. Hutchinson to mislead the Committee. “I believed Ms. Hutchinson was being truthful and cooperative with the Committee throughout the several interview sessions in which I represented her.”
64. Despite this statement, which clearly outlines the issues with the leak and the story itself, CNN chose to run the story, likely because it was given to CNN by

the Committee, a member of the Committee, or a staffer of the Committee; a source that CNN considered to be beyond reproach.

65. As detailed above, these allegations were untrue based on Ms. Hutchinson's own testimony that she offered to the Committee prior to the leak ending up in the news.
66. The Committee's action in leaking these private facts resulted in significant reputational, emotional, and economic damage to Mr. Passantino due to the publication of information in which the public had no interest. The only possible interest the public could have had in this information comes from the sensational version of events concocted by the Committee and CNN.
67. The Committee deliberately leaked information to news media, immediately before it would have quietly become public, in order to bring attention to private facts and, in doing so, damage Mr. Passantino.
68. The Committee's damaging actions in leaking this information had their intended effect. Mr. Passantino separated from one of his firms, Michael Best, due to the allegations in the news media. In addition, Mr. Passantino is now defending himself against bar complaints brought by third parties seeking funding and attention for themselves but having no particular knowledge of the facts and apparently no regard for fundamental legal notions of due process or presumption of innocence. Mr. Passantino's loss of an otherwise exemplary reputation has caused him immediate and severe reputational, emotional, and economic damages.
69. This is all a result of the Committee's unjustifiable, outrageous, and malicious leaks of private information and interference in Mr. Passantino's representation of his clients.
70. Further, the Committee conspired with outside media sources to damage Mr. Passantino. Such actions are far outside the protection of any privilege for legislators.
71. Mr. Passantino, therefore, seeks restitution from the United States for the damage done to him by the Committee and its members and staff pursuant to the Federal Tort Claims Act. Mr. Passantino is entitled to be fully compensated for each and every one of his pecuniary and non-pecuniary losses resulting from the Committee's conduct against him.

## 11. Witnesses

The following is a non-exclusive list of the potential witnesses in this case:

1. Liz Horning
2. Susie Wiles
3. Alyssa Farah
4. Dan George
5. Cassidy Hutchinson
6. Alex Cannon
7. Pam Brown
8. Katelyn Polantz
9. Members of the United States House Select Committee on the January 6th Attack