

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

RADIYA BUCHANAN., *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

No. 20-01469 (DLF) LEAD

No. 20-01542 (DLF) (Consolidated)

NOTICE OF SUBSTITUTION

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 2679(d), the United States is hereby substituted for the individual defendant, Donald J. Trump, with respect to the plaintiffs' state law claims for relief in Civil Action No. 20-01542. The grounds for this substitution are:

1. The plaintiffs allege violations of District of Columbia law committed by this defendant while he was serving as the 45th President of the United States of America and that the plaintiffs were damaged as a result of the former President's actions. Plaintiffs further allege that former President "Trump ordered law enforcement officers to take the actions described herein in order to forcibly drive protesters from Lafayette Park." Second Amended Complaint ("SAC") (ECF No. 208) ¶ 56.

2. The plaintiffs' third cause of action asserts a claim for assault under District of Columbia common law. ECF No. 208 ¶¶ 144-149. Plaintiffs' fifth cause of action asserts a claim for battery under District of Columbia common law. *Id.* ¶¶ 157-161. Plaintiffs' seventh cause of action asserts a claim for intentional infliction of emotional distress under District of Columbia common law. *Id.* ¶¶ 170-174. Plaintiffs' eighth cause of action asserts a claim under the D.C. First Amendment Assemblies Act (D.C. Code § 5-331.04(c)). *Id.* ¶¶ 175-184. Plaintiffs' ninth

cause of action alleges that the former President's actions gave rise to liability under the doctrine of negligence *per se*." *Id.* ¶ 189. All of these claims for relief arise under District of Columbia law.

3. The Federal Tort Claims Act, 28 U.S.C. §§ 1346(b); 2671-2680 (2012) ("FTCA"), as amended by the Federal Employees Liability Reform and Tort Compensation Act of 1988 § 5, Pub. L. No. 100-694, 102 Stat. 4563 (1988), provides that a suit against the United States shall be the exclusive remedy for persons with claims for damages resulting from the negligent or wrongful acts or omissions of federal employees taken within the scope of their office or employment. *See* 28 U.S.C. § 2679(b)(1).

4. The FTCA also provides that upon certification by the Attorney General that a federal employee was acting within the scope of his office or employment at the time of the incident out of which the plaintiff's claim arose, any civil action or proceeding commenced upon such a claim and arising under state law shall be deemed an action against the United States, and the United States shall be substituted as the defendant with respect to those claims. 28 U.S.C. § 2679(d)(1), (2). Certification authority has been delegated to the United States Attorneys and the Directors of the Civil Division's Torts Branch. 28 C.F.R. § 15.4.

5. James G. Touhey, Jr., Director of the Torts Branch, Civil Division, United States Department of Justice, has certified that defendant Donald J. Trump was an employee of the government acting in the scope of office or employment at the time of the incident out of which the plaintiffs' claims arose.

For the foregoing reasons, the United States has been substituted as the defendant with respect to the state law claims for relief alleged in the complaint. The Court is respectfully referred to the Certification of Scope of Employment filed along with this notice. An order

amending the caption of this case to reflect the substitution of the United States has been tendered for the Court's convenience.

Dated: August 19, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Attorney General
Civil Division

MATTHEW M. GRAVES
United States Attorney

JAMES G. TOUHEY, JR.
Director, Torts Branch

KIRSTEN L. WILKERSON
Deputy Director, Torts Branch

s/ Gessesse Teferi

GESSESSE TEFERI

MD19234

Trial Attorney

U.S. Department of Justice

Civil Division, Torts Branch

P.O. Box 888

Washington, D.C. 20044-0888

Tel: (202) 307-2098

Fax: (202) 616-5200

gessesse.teferi@usdoj.gov

Counsel for Defendant United States of America

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2024, the foregoing **Notice of Substitution** was filed electronically through ECF/CM.

s/ Gessesse Teferi

GESSESSE TEFERI

MD19234

Trial Attorney

U.S. Department of Justice

Civil Division, Torts Branch

P.O. Box 888

Washington, D.C. 20044-0888

Tel: (202) 307-2098

Fax: (202) 616-5200

gessesse.teferi@usdoj.gov

Counsel for Defendant United States of America