



of Congress, the Executive Office of the President, the U.S. Office of Personnel Management and its Inspector General's office to impede and obstruct investigations of high level federal officials, and intimidating Plaintiff Scott Bloch and his office in the execution of its statutorily-authorized law-enforcement duties for the United States. As grounds, Plaintiff alleges as follows:

### **JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action because the acts complained of herein were done in Virginia at the home of Plaintiff in Alexandria, Fairfax County, Virginia, or were done with knowledge of their harmful effects in Alexandria, Virginia, through publication in press, television, radio, internet, and other ways that were foreseeable and expected and intended to harm Plaintiff in Virginia in a way that all defendants purposefully available themselves of the courts of the state of Virginia. Some of the Defendants are residents of the State of Virginia and on information and belief, planned, executed, or carried out illegal actions in Virginia.

2. Venue is proper in this district because the acts complained of occurred in part in Alexandria, Fairfax County, Virginia.

### **PARTIES**

3. Plaintiff is an individual and residents of the Commonwealth of Virginia and citizen of the United States. From December 2003 and until December 2008, Plaintiff served as the Special Counsel at the U.S. Office of Special Counsel, an independent agency of the U.S. Government.

4. Defendant Byrne acted in his individual and official capacities as Deputy Special Counsel of the U.S. Office of Special Counsel. Defendant Patrick McFarland is Inspector General and also a member of the Integrity Committee of the President's Council on Integrity and Efficiency and served on that with Special Counsel Scott Bloch, and during that time, misused his position on the Integrity Committee and as Inspector General to disrupt Plaintiff Scott Bloch, interfere with his role on the Integrity Committee, seek to thwart the will of the Integrity Committee by leaking information outside the committee to staff members of Congress, third parties, officials of other agencies, to harm other Inspectors' General, and to use his position to disrupt Plaintiff as Special Counsel in his investigations and to further the efforts of Clay Johnson and Defendant Byrne among others at the Office of the President to thwart Bloch and get him out of office, and conspired with others to harm Plaintiff in their business, professional and personal lives, in violation of ethics and law and using improper and fraudulent means including defamation, intimidation, false rumors, internet, and other devices and artifices.

#### **STATEMENT OF FACTS**

5. The U.S. Office of Special Counsel ("OSC") is an independent federal agency charged with investigating and prosecuting Executive Branch misconduct. In order to insure its independence from political pressures, OSC has independent hiring, investigative, and prosecutorial authority.

7. OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisals for whistleblowing, committed by Executive Branch officials. OSC's basic authorities come from

four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment and Re-employment Rights Act (“USERRA”).

8. If OSC concludes that an Executive Branch official has committed a prohibited personnel practice against a federal employee, former federal employee, or applicant for federal employment, OSC may seek remedies for injuries suffered by the employee, former employee, or applicant, including an award of back pay or reinstatement, by negotiating with the responsible official’s agency or by initiating litigation at the Merit Systems Protection Board (“MSPB”). OSC also may file complaints at the MSPB seeking disciplinary action against Executive Branch officials who commit prohibited personnel practices. Under USERRA, OSC has additional independent litigation authority before federal courts.

9. OSC also is charged with receiving and reviewing complaints against Executive Branch officials accused of violating a law, rule or regulation, gross mismanagement, gross waste of funds, abuse of authority, or causing a substantial and specific danger to public health or safety.

10. As established by statute, OSC is headed by the Special Counsel, an individual appointed by the President, by and with the advice and consent of Senate, for a term of five years. Also by statute, the Special Counsel shall be an attorney who, by demonstrated ability, background, training, or experience, is especially qualified to carry out the duties and responsibilities of the office.

11. In order to maintain the independence of the office and to protect it from political

and other pressures, the Special Counsel may be removed by the President only for inefficiency in office, neglect of duty, or malfeasance in office. 5 U.S.C. § 1211(b).

12. On June 26, 2003, President George W. Bush nominated Plaintiff to serve as Special Counsel in the U.S. Office of Special Counsel. The U.S. Senate unanimously confirmed Plaintiff on December 9, 2003. On January 5, 2004, Plaintiff was sworn in to serve a five-year term.

13. Plaintiff is an attorney and brought over 17 years of experience to OSC, including experience litigating employment disputes, enforcing attorney ethics matters in referrals from a disciplinary agency, and various other complex cases before state and federal courts and administrative tribunals. He has briefed and argued cases before state and federal appellate courts and is admitted to practice before the United States Supreme Court.

14. From 2001-2003, Plaintiff served initially as Associate Director and then as Deputy Director and Counsel to the Task Force for Faith-based and Community Initiatives at the U.S. Department of Justice (“Justice Department”), where he worked on First Amendment cases, regulations, intergovernmental outreach, and programmatic initiatives. Before serving in the Justice Department, Plaintiff was a partner at the law firm of Stevens & Brand, LLP in Lawrence, Kansas, where he practiced in complex litigation, civil rights, employment law, and legal ethics.

**Plaintiff’s Discretionary Decisions, Whistleblowing, and Retaliation For Them**

15. Upon taking office, Plaintiff initiated a comprehensive review of OSC operations, including OSC’s legal and policy interpretations, organizational structure, staffing, and caseload.

As a result of this review, and in consultation with his staff, Plaintiff concluded that his predecessor had erroneously determined that one of the key statutory provisions enforced by OSC, 5 U.S.C. § 2302, provided broad protection against discrimination on the basis of sexual orientation. In early 2004, Plaintiff thus directed that OSC's website, educational, and press materials no longer assert that sexual orientation was a special class protected by the statute while the agency studied the issue. Importantly, Plaintiff did not determine that persons seeking to remedy discrimination on the basis of sexual orientation had no legal remedy at OSC. Indeed, Plaintiff concluded at the end of the legal review that such discrimination claims could be processed by OSC to the extent they alleged discrimination based on conduct not adversely affecting job performance. Plaintiff's determination in no way affected other types of remedies for discrimination based on sexual orientation, such as remedies afforded by the U.S. Equal Employment Opportunity Commission.

16. In March of 2004, the Deputy White House Counsel ("DWHC") met with Plaintiff, and also had made several phone calls personally or at his direction with Bloch's subordinates, and threatened Plaintiff with termination if he did not reverse his decision (described in the preceding paragraph) and place the materials on sexual orientation back on the OSC website and in promotional materials of OSC. When Plaintiff resisted taking orders from the DWHC and informed the counsel's office that he was the head of an independent agency that had prosecutorial discretion and the right to make determinations about the law independent of White House control or threats, the DWHC scoffed and asked, "What does independent mean in the executive branch?" Plaintiff was told he would become another victim of ouster like others

who were not Presidentially Appointed, Senate Confirmed persons who could not be terminated under their statutes but for malfeasance, as was true of Plaintiff as Special Counsel of the United States.

17. Also as a result of Plaintiff's comprehensive review of OSC's operations, Plaintiff commenced a reorganization of OSC, which included the creation of a new field office in Detroit, new divisions, and directed the reassignment of twelve employees to different field offices. Under Plaintiff's leadership, OSC resolved outstanding backlogs in all divisions and doubled enforcement levels in various divisions.

18. The reorganization within OSC generated substantial media interest, several congressional inquiries and GAO engagements, and complaints from disgruntled employees, government watch-dog organization, and gay-rights advocacy groups. Based upon malicious and wrongful motives, as alleged in greater detail below, Office of Personnel Management, Office of Inspector General ("OPM-OIG") initiated a wrongful and malicious investigation of Plaintiff.

19. Plaintiff appeared and testified at a hearing of the Senate Committee on Homeland Security and Governmental Affairs, Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia ("Senate Committee") regarding the subject matter of the complaint under investigation by OPM-OIG. Plaintiff also provided relevant documents to the Senate Committee and submitted written answers to post-hearing questions from several senators. The complaint also was the subject of an investigation by the House Committee on Oversight and Government Reform and at least two investigations

by the Government Accountability Office (“GAO”). The conclusion of these Congressional and Executive branch investigations was that Plaintiff had fulfilled his responsibilities efficiently and within the boundaries of the law.

20. One Congressional panel concluded that one of the major allegations of the complaint, that Plaintiff had ordered the dismissal of whistleblower claims and other claims without review, was false. This conclusion was based on a bipartisan investigation by over a dozen Senate and House staff investigators, viewing OSC files and speaking with OSC career employees, and concluding Plaintiff and OSC were doing a “great job for whistleblowers.” See May 17, 2005 letter to Plaintiff from oversight Committee, Congressmen Tom Davis, Jr. and John Porter.

**The Complaint and Unlawful Investigation by Another Agency and its Inspector General**

21. On or about March 3, 2005, an alleged group of “anonymous OSC employees” and an alliance of advocacy groups filed a complaint against Plaintiff at the OSC accusing Plaintiff of committing prohibited personnel practices and other wrongs in connection with the policy review and reorganization Plaintiff had initiated upon entering office. Plaintiff Scott Bloch recused himself from investigating the matter conditioned on the President’s Council on Integrity and Efficiency, Integrity Committee, investigated with its due process protections and independence from the White House or any conflicts of interest. Said committee determined in October of 2005 that it had no jurisdiction over Special Counsel Bloch and no power to investigate and referred it back to the White House Counsel, Harriet Miers, for further action. Miers sent it back to Clay Johnson as head of the President’s Council on Integrity and Efficiency



who, without obtaining consent from Bloch or having any jurisdiction, referred to Office of Personnel Management Director Linda Springer for her to oversee the investigation of Bloch and to have OPM Inspector General Office enter into a legal agreement with Bloch and OSC to have OPM-IG being contractual investigator of the complaint by outside groups under OSC's procedures and due process protections, and under the supervision of the Deputy Special Counsel and under the Economy Act.

22. Plaintiff Scott Bloch in his capacity as Special Counsel and acting through his Deputy Special Counsel refused to allow OPM or its IG to conduct any investigation because of profound conflicts of interest OPM had to do any such investigation, including structural and substantive-subject matter conflicts of interest, and because OPM had no jurisdiction over OSC to conduct any such investigation of the Special Counsel. Bloch sent memos to the White House, Clay Johnson, Linda Springer, and General Counsel to OPM with memoranda of law and fact explaining the conflicts of interest.

23. Bloch wrote to Clay Johnson on January 5, 2006 explaining in detail the problems with the White House trying to have an Inspector General from another agency conducting an unbiased investigation with such conflicts of interest and appearances of conflict, as well as structural conflicts.

24. Plaintiff had only recused himself from an investigation he was authorizing the Integrity Committee of the President's Council on Integrity and Efficiency to conduct, even though it was clear that the executive orders authorizing those committees did not have power over OSC or Plaintiff to investigate him for official actions in discharge of his duties at OSC.

Plaintiff was the Special Counsel over an independent administrative investigative, quasi-legislative, and prosecutorial agency. The authorizing statute, 5 U.S.C. § 1211 limited the President's power to remove Plaintiff during his five year term, and one-year holdover term if no person was confirmed to the position for that year (effectively a six-year term), except for "malfeasance, neglect of duty, or inefficiency in office."

25. This purported investigation was the result of White House Counsel Harriet Miers ordering Clay Johnson to have Plaintiff investigated by an Inspector General. Clay Johnson responded by asking the Deputy Special Counsel, James Renne what he thought about the complaint made against Plaintiff, and whether to appoint an Inspector General outside OSC. James Renne was no longer Deputy Special Counsel, was leaving the agency, and was on a military leave pending his last official days at OSC. The Acting Deputy Special Counsel was then James McVay. Apparently, Clay Johnson decided on his own to appoint OPM-O IG and ordered the Director of OPM to conduct an investigation of Plaintiff using the Economy Act, which requires the head of an agency to make a finding "that it is in the best interests of the United States" to enter into an agreement with another agency to hire out on contract employees of that agency. The Economy Act does not authorize an agency to hire out the authority of another agency to suddenly have authority over a sister agency. It does not authorize another agency to attempt to usurp the powers of that sister agency or agency head, and even if an agreement attempted to be signed under the Economy Act it would be void as an attempt to usurp Congress' role in the creation of subordinate offices within the Executive Branch, and

would be a violation of the United States' Constitution, Article II and Article I, and would violate the Separation of Powers.

26. There is no authority for the orders issued (as described in the preceding paragraph). OSC is independent of OPM. Each Inspector General answers to the agency head, is a representative of his agency, and has authority limited to conduct of investigations and audits of matters and persons within their own agency's authority or related to their programs and funds. See 5 U.S.C. 1 et seq. and Inspector General Deskbook and cases cited therein. Case law makes it clear that Inspectors General answer to their agency head. They can be removed by the President for any reason (when they are presidentially appointed), but that reason must be articulated to the Senate. The letter authorizing the investigation by Johnson to OPM was also directed to Linda Springer, Director of OPM, and former confidante and employee of Clay Johnson, directing her to oversee the investigation, receive the findings of the OPM-IG and then make recommendations to Clay Johnson on any corrective action for employees and any disciplinary action for Plaintiff. Clay Johnson also directed that OPM-IG provide the Deputy Special Counsel with a copy of any findings that it was providing to Linda Springer.

27. Nevertheless, Clay Johnson ordered it, and Plaintiff objected because of the conflicts of interest in having OPM, its director, and the OPM-IG over OSC in an investigation of its head, and that head's exercise of discretion. The gravamen of the complaint filed by outside interest groups and anonymous employees of OSC was that Plaintiff had unlawfully removed references to "sexual orientation" discrimination from OSC's website and promotional materials, and had unlawfully found that OSC's laws do not permit Plaintiff or OSC to bring

corrective action or disciplinary action investigations or complaints based on the term “sexual orientation” discrimination. This was an interpretation that for the first time was applied to OSC’s enforcement statutes under the CSRA, in 1999 by Defendant Elaine Kaplan. She concluded that due to an Executive Order by President Clinton, and the OSC’s statutory power to enforce discrimination on the basis of “conduct that does not adversely affect” the job of a federal executive branch employee, that Kaplan had the power to enforce “sexual orientation” discrimination as a status protection, not based on conduct as required by OSC’s statutes. OPM worked closely with Kaplan to fashion a new statement about “sexual orientation” discrimination and placed it on OPM’s website as “Guidance on Sexual Orientation Discrimination” and purported to refer any complainants over to OSC for prosecution under 5 U.S.C. 2303(b)(10), thus implying that this statute was the legal authority for OPM and OSC to enforce sexual orientation discrimination complaints and bring them before the court, MSPB, and after appeal, to the Federal Circuit Court and the United States Supreme Court. Yet, Congress had twice rejected coverage for Sexual Orientation discrimination under ENDA by vote of the Senate. The MSPB had ruled in a case in which a federal employee complained of “sexual orientation” discrimination, that it was not covered under Title VII and OSC’s categories for special protections for status, not conduct, 5 U.S.C. 2302(b)(1). See *Morales v. Dept. of Justice*, (1998). Plaintiff’s reading of the statute and case law was affirmed in *Mahaffey v. Dept. of Agriculture*. There is no countervailing authority binding OSC that has ever ruled differently, that does not require some evidence of conduct in a claim involving a federal employee’s sexual conduct or statement of sexual identity or preferences. There is nothing in the statute or its

history that mentions sexual orientation or sexual preference. Thus, both due to its transactional conflict of interest, and because it had the power to deny Plaintiff an appeal after its investigation and any action before the court, OPM and its IG had fatal conflicts of interest, even assuming the White House had the power to simply tell an Inspector General with authority only in his own agency, to investigate the head of another agency.

28. At all times, the investigation sanctioned by Harriet Miers, and then Clay Johnson, was illegal, without authority, biased, ultra vires, and done with the intent to drive Plaintiff from office and impede, impair, interfere with, and prevent his execution of duties of office. Plaintiff objected publicly, to Congress, to OPM and its IG, and received a letter from the General Counsel of OPM, Mark Robbins, stating in February 2006 that OPM had no conflicts of interest but did not address the issues raised by Plaintiff's letter and legal memorandum of conflict, which was also copied to Clay Johnson.

29. Under threat of firing by President Bush's longtime friend and confidante, Clay Johnson, by letter dated February 8, 2006, and OSC subsequently entered into an agreement with the Office of Personnel Management, Office of the Inspector General ("OPM-OIG") by which OPM-OIG would investigate the allegations of the complaint pursuant to the Economy Act, 31 U.S.C. § 1535. OPM-OIG commenced its investigation on or about March 8, 2006. The investigation of this complaint remains pending before OPM-OIG. In perversion of law and in violation of the agreement allowing OPM-OIG to investigate this claim against OSC, OPM and OPM-OIG morphed its investigation of civil claims for prohibited personnel practices into a criminal matter with FBI—all in excess of its lawful jurisdiction if it ever had any,

and was done in an effort to cover up its own wrongdoing, illegality, mishandling of the investigation, unauthorized assumption of powers, and on orders from Davis, Doan, Fielding, Johnson, and unknown other intermediaries, staffers or members of Congress, placing pressure on individuals in the U.S. Department of Justice, the U.S. Attorneys Office of the District of Columbia, the FBI, and the OPM-IG and Executive Office of the President (EOP). Plaintiff wrote

28. Plaintiff was informed in the letter from Johnson threatening firing if he did not comply that he could of course object to anything Bloch felt he needed to object to concerning the investigation. OPM-IG communicated in writing and verbally to James McVay, Deputy Special Counsel, their intention to violate OSC's laws in conducting the investigation, assume powers OSC did not have, and violate those powers OSC did. They had agreed in writing to conduct the investigation pursuant to OSC's laws, regulations, policies and procedures, but then recanted after signing the Economy Act Agreement.

29. From the outset until this day, OPM-IG and OPM has acted lawlessly, has attempted to destroy Plaintiff's ability to do his job, interfered with his duties, attempted to sway his employees against him, attempted to stray from the complaint it was attempting to investigate, violated OSC's laws, required employees to violate OSC's laws, and worked consistently with outside interest groups, complainants, and Congress to illegally publish and willfully violate Plaintiff's privacy rights in leaking materials from the investigation, to imply that objections to the investigation lodged by Deputy Special Counsel were actually manifest evidence of Plaintiff obstructing the investigation.

30. OPM and OPM-IG determined that the substance of the complaint was just a

foothold for constructing a base from which to assert criminal jurisdiction, and from there to find obstruction of justice by Plaintiff early on, and OPM-IG repeatedly exceeded their jurisdiction and met objections from the Deputy Special Counsel with threats, and they attempted to find a way to argue Plaintiff had obstructed their investigation. This included stating so to Deputy Special Counsel James Byrne and then causing that information to leak to the Washington Post and third party interest groups in February of 2007 just days after Deputy Special Counsel Byrne told Plaintiff he wanted to fire OPM-IG from the investigation and declare it over, due to OPM not properly doing any investigation, conducting an illegal investigation, and trying to harm Plaintiff. Following that meeting where OPM –IG in front of Clay Johnson stated that they were being obstructed in their investigation, a Washington Post article appeared stating that Special Counsel Bloch was obstructing the investigation. See *Washington Post* Feb. 2007.

**The Rove Hatch Act Complaints and Another White House Attempt to Oust Plaintiff**

31. In the Fall of 2005, Plaintiff's office received two complaints under OSC's jurisdiction over Hatch Act violations. These were against Karl Rove, the White House, and the Office of Political Affairs, and came from an individual who is associated with the Green Party. These allegations were related to two different claims: (1) allegations of Karl Rove's misuse of funds in overseeing the reelection of President Bush and governors and Congressmen and Senators during 2004 while he was being paid by the U.S. Treasury as Deputy Chief of Staff of the President and head of the Office of Political Affairs and the Office of Strategic Initiatives in the White House's West Wing; and (2) the misuse of Air Force One as well as other travel abuses during the Presidential election campaign of 2004.

32. Plaintiff authorized an investigation into these complaints (“Rove Complaints”), and in late 2005, the White House identified a violation of the Hatch Act in Rove’s use of Air Force One for a purely political speech, and presented the records of that to OSC and Plaintiff as well as proof that as of that date, December 2005, or January 2006, they had reimbursed the Treasury as required by the Hatch Act regulations. OSC has exclusive jurisdiction to investigate and prosecute such violations of the Hatch Act.

33. Plaintiff instructed his Hatch Act unit to investigate the Rove Complaints further and look at all travel records for Air Force One for the Presidential Campaign of 2004 now that reasonable grounds existed to believe there might be other misuse of Air Force One, and that it would be important for public confidence in government as well as according to proper legal standards to investigate this further to (1) clear Rove and the White House of any wrongdoing that was not inadvertent, or (2) show it was a deliberate pattern to misuse official agencies or arms of the Executive Office of the President to elect officials, in violation of the Hatch Act, and the regulations pertaining to use of U.S. Treasury funds.

34. The White House Counsel’s office refused to cooperate in investigation of the Rove Complaints. Plaintiff used several means to try to obtain cooperation, including calling Deputy White House Counsel several times, sending letters by telefax and regular mail to the White House Counsel’s office, and having the OSC Hatch Act Unit call their Associate White House Counsel contacts for further cooperation. Despite these efforts in January and February of 2006, the White House was silent and resisted efforts to obtain information and documents. As a result Plaintiff instructed the Hatch Act Unit to prepare and forward to the White House an



administrative demand for documents and interrogatory answers. The White House did not respond and continued to refuse to cooperate in Plaintiff's legally authorized investigations pursuant to two complaints filed with his office.

35. Plaintiff instructed his Hatch Act unit to consider a subpoena which would have to be enforced through the statutes of OSC, ultimately through a federal court of competent jurisdiction. In order to avert a standoff and get the investigation completed, Plaintiff instructed his director of congressional and public affairs to call a contact he had in Karl Rove's Office of Political Affairs, and explain the situation and ask for cooperation so OSC could do its job.

36. Within two days, in early March, 2006, the White House sent an emissary from the West Wing to meet with Plaintiff and explain to him that the White House was unhappy with Plaintiff's letter to Clay Johnson objecting to the OPM-IG investigation as having conflicts of interest, transactional to the complaint against Plaintiff, as well as structural relating to the requirement that Plaintiff would have to get OPM's permission as required by statute to appeal any case before the MSPB if Plaintiff or OSC lost under the complaint. Such appeal to the federal court would be compromised if OPM was involved in any way in the underlying investigation of the Complaint that might end up before MSPB if the aggrieved employees sought to obtain corrective action at MSPB as would be their right if they were not satisfied with the outcome of the investigation.

37. This emissary from the White House also informed Plaintiff that Clay Johnson

and the West Wing of the White House wanted him to leave his job, that nobody wanted an inspector general investigation on their record, and if Plaintiff left quietly, the inspector general investigation would likely fade away as resources tend to get put elsewhere when someone leaves office, and the investigation had not really begun. Plaintiff was further told that the emissary knew of several large law firms where he had contacts and with Plaintiff's background and experience, "gold in this town," he could get a good job. The emissary also said he would go to the White House within six months or so if Plaintiff cooperated, and seek a judgeship for Plaintiff either on the federal circuit or the federal court of claims. This individual made it clear he had spoken with individuals in the West Wing and what he was saying was based on personal knowledge of the White House wanting Plaintiff to leave office now.

38. Plaintiff refused to leave office and insisted on the OPM-IG and OPM Director recusing themselves due to applicable government ethics rules, Inspector General guidelines, and the laws of conflict of interest. They could not and would not fairly, impartially or otherwise properly and lawfully investigate the complaint, and had already made it clear through acts, words, and letters, that they intended to do an investigation of Plaintiff for the White House for the purpose of finding malfeasance, neglect of duty, and inefficiency in office to help the White House oust Plaintiff as it had been trying to do since March of 2004 when Plaintiff caused havoc for the President on his reelection efforts due to Plaintiff's announcement of a legal review to determine the lawfulness of OSC attempting to enforce rights for discrimination on the basis of "sexual orientation," something not in OSC's statutes and already rejected by the court that binds OSC, the MSPB, as described above.

**Attempts by OPM IG to Violate the Law and Impede Plaintiff's Duties by Defendants**

39. The following acts were committed by defendants, in conspiracy with one another during the times of 2007-20010, without limitation, by way of example:

- Intimidation of employees of the U.S. Office of Special Counsel to be disloyal to Plaintiff Scott Bloch
- Conduct of investigations of Plaintiff Scott Bloch and wife Catherine Bloch beyond the scope of any investigations permitted by law, of which there were none permitted, but one that was forced illegally to occur over Scott Bloch's objection and authority to exclude.
- Attempt and actual interference in ongoing PPP and WB disclosure of FAA, Lurita Doan, Rep. Tom Davis, Jr., improper use of government for Republican National Committee races, improper use of government resources to cover up same, and other improper diversion of contracting funds and use of government authority to divert appropriated monies to Lurita Doan and her company to improperly influence investigations against Bloch and to improperly advance RNC races and special interest groups
- Attempts and actual interferences by interest group defendants and their lawyer, Katz and Katz Marshall & Banks, LLP, and cover up of same;
- In spite of being turned down, OPM IG, Jill Maroney, David Cope, and Patricia Marshall, in conjunction with Clay Johnson and Jim Byrne, permitted OPM IG to stray far beyond the complaint for which it had long since violated the Economy Act Agreement with OSC.
- Attempts by Executive Office of President in conspiracy with third parties to disrupt and retaliate against Special Counsel Scott Bloch for his actions in enforcing USERAA and the Veterans benefits Improvement Act of 2006 and the embarrassment Scott Bloch was causing to the White House, Departments of Labor and Defense (DoL and DoD) over and over with publicity and enforcement that the administration did not want.
- Intimidation of staff and attempts to force their way into agency on or about November 5, 2005, without any signed Economy Act Agreement, showing their badges and guns to the personnel at OSC who escorted them from the offices of OSC because of their lack of any authority to proceed.
- Statements by OPM investigators and personnel at outset that OSC was obstructing, all attributed to Plaintiff Scott Bloch on or about November 20, 2005
- Retaliation against Plaintiff including leaks to press, accusations of "obstruction" in 2007 and in 2009, 2010 and 2011
- Falsifying law to the Congress and to the Press

- E mailing employees of the Office of Special Counsel to disrupt business and undermine authority and investigations
- Undermining whistleblowers and their investigations and their awards ceremonies
- Misusing role as lawyers to unethically interfere with OSC business
- Repeating lie after knew utterly false, getting Senate to repeat, causing fraud to be injected into legal process and oversight process.
- OPM IG and OPM working with outside groups, and with Elaine Kaplan to try to disrupt our work and oust me, NTEU HRC, POGO, GAP and PEER
- Misuse by McFarland of role on the Integrity Committee, leaking of confidential information from that committee to investigators in the Senate to discredit another inspector general
- Retaliation against Special Counsel Bloch who stood in McFarland's way from railroading and improperly finding violations of law, rule or regulation of another inspector general in violation of the Integrity Committee rules and procedures, and repeatedly trying to raise the same allegations through third parties  
McFarland was working with outside the Integrity Committee to harm this other Inspector General

41. In January 2006, Rebecca McGinley, Acting Deputy Special Counsel, was the person in charge of monitoring and acting as liaison at OSC regarding the unlawful investigation of Plaintiff, to make sure OPM acted in accordance with the law, the Economy Act agreement, and in conformity with their agreement to perform their investigation timely (within the 12 weeks and the budget outlined in 2006), and according to OSC's laws, rules, regulations, policies and procedures. Yet, OPM and its IG always acted outside the Economy Act agreement, in violation of OSC's laws, rules, regulations, policies and procedures. In 2006, McGinley wrote to Clay Johnson setting forth multiple violations by OPM-IG. Prior to these violations then Deputy Special Counsel James McVay had written by letter, e mail, and by telephone, and informed OPM that it was in violation of the law, its agreement and was conducting the investigation in breach of law, procedure and agreements. These pieces of correspondence set forth intent to find malfeasance by OPM and Inspector General Patrick McFarland, and by Jill Maroney, Agent in

Charge, and her lawyers at OPM, Patricia Marshall and David Cope, setting forth their stated intent to Deputy James McVay and to Rebecca McGinley intent to find neglect of duty, malfeasance and other ways to get Special Counsel Bloch out of office.

**Complaints Filed with OSC Against Rove, Doan, DoJ, and others in the Administration**

42. In addition to the controversy surrounding his reinterpretation of 5 U.S.C. § 2302 and reorganization of OSC, during his tenure at OSC, Plaintiff has overseen several high-profile, politically-charged investigations. *See, e.g.*, Tom Hamburger, “Bush Appointee Turns the Spotlight Inward; Prosecutor Scott Bloch, a Devoted Conservative, Unsettles the GOP With His White House Probe,” *The Los Angeles Times*, May 1, 2007 at A1; Chitra Ragavan, “Putting the Squeeze on: Democrats Widen Their Probes, and a Controversial Bush Insider Chimes In,” *U.S. News & World Report*, May 14, 2007 at 44.

43. Included among the matters Plaintiff oversaw during his tenure at OSC are investigations into whether White House Deputy Chief of Staff Karl Rove and his staff violated the law by giving briefings to agency heads and government employees about Republican electoral prospects (and how the agency could support those prospects) and key congressional races, whether Rove made improper use of Republican party e-mail accounts while working at the White House, and the subsequent disappearance of Rove’s e-mail records, and whether the administration used official authority and resources of agencies to help Republican candidates get elected nationally (such as by using the agencies to deliver pork projects to an electorally vulnerable Congressman).

43. Under Plaintiff’s leadership, OSC also undertook an investigation into the legality

of the firings of U.S. Attorney David Iglesias and seven other U.S. Attorneys.

44. Plaintiff also oversaw an investigation into whether then-National Security Advisor Condoleezza Rice used her official authority for improper purposes in violation of the Hatch Act during the President's 2004 reelection campaign. OSC ultimately found no such misuse of authority by Rice.

45. Also in 2008, Plaintiff oversaw a broad investigation into whistleblower complaints by employees of the Federal Aviation Administration, which lead to significant, adverse public attention to airline safety compliance and the grounding of several thousand airliners for safety inspections. *See, e.g.*, Christopher Conkey, "Special Counsel Has Hands Full with FAA," *The Wall Street Journal*, June 12, 2008 at A4.

46. Also under Plaintiff's leadership in 2008, OSC commenced an investigation into allegations that the Justice Department rejected job candidates because of their political beliefs. *See, e.g.*, Eric Lichtblau, "New Scrutiny of Hiring at Justice Department," *The New York Times*, July 2, 2008 at A13.

47. Plaintiff also had investigated GSA Administrator Lurita Doan for engaging in illegal political activities in violation of the Hatch Act. In June 2007, Plaintiff recommended that Doan be disciplined for her conduct, and, ultimately, Doan was forced to resign on or about April 29, 2008. Upon information and belief, Doan has close ties to Rep. Tom Davis (R-Va.), the Ranking Member of the House Oversight and Government Reform Committee. Rep. Davis had been very supportive of Plaintiff's work as Special Counsel until Plaintiff began investigating

Doan. In or about 2003-04, Doan and her husband gave approximately \$500,000 to the Republican National Committee, George W. Bush for President, and various candidates across the country as directed by Tom Davis for use as chair of the National Republican Congressional Committee to get Republicans elected to Congress in important or hotly disputed races. On information and belief, Davis and his wife were involved in helping Doan to become successful in her business, NMTI, which she sold in or about 2005 for an estimated \$200,000,000.

48. During her time in obtaining government contracts, Doan used her husband's position at the Department of Homeland Security to bid for contracts for her technology company or obtain non-public information, which was contrary to government laws. On information and belief, Defendants Davis, Doan, McFarland, Maroney, Cope, and Fielding knew that Plaintiff was investigating Doan for this, following his explanation to Davis and Fielding that he believed he had to consider making a criminal referral of Doan's utter failure to cooperate in the investigation, and creating extra work on false statements and other acts of obstruction through Davis and Fielding, when they authorized the grand jury investigation, and raid on Plaintiff's home and office, and the very public nature of that raid, in contravention of law.

49. In approximately September 2007, OPM-OIG learned that, in December 2006, Plaintiff Scott Bloch had asked his staff to make arrangements for an outside computer specialist firm, Geeks on Call, to recover as many documents as possible from Plaintiff's malfunctioning laptop computer and to restore the government-issued laptop to working condition remove any remnant of corruption or virus, and preserve on external drives Plaintiff's personal files. All files on the hard drive were preserved by Geeks and placed on an encrypted flash drive. These

documents were not the normal working documents and were personal in nature except for attorney client privileged, work product privileged, LES sensitive investigations of a PCIE/IC directory, and files relating to referral to IC of the complaint against Plaintiff by interest groups and anonymous employees. Plaintiff had made this request after OSC's in-house technical staff was unable to correct the computer problem. The total cost of the work performed by Geeks on Call was less than \$1,200.00. Plaintiff are informed and believe and thereon allege that OPM-OIG obtained records of the work performed by Geeks on Call and maintained these records as part of its investigatory file pertaining to Plaintiff.

50. Also in November 2007, various news organizations, including *The Wall Street Journal*, reported that Plaintiff had hired Geeks on Call to service his government-issued laptop. *See, e.g.*, John R. Wilke, "Head of Rove Inquiry in Hot Seat Himself," *The Wall Street Journal*, November 28, 2007 at A6. On information and belief, OPM-OIG intentionally disclosed information about Plaintiff's hiring of Geeks on Call to members of the media, including *The Wall Street Journal*, and/or to Rep. Davis, in order to discredit Plaintiff by insinuating that he intentionally destroyed documents relevant to the OPM-OIG investigation.

51. Shortly thereafter, Rep. Davis caused the House Committee on Oversight and Government Reform to commence an investigation into the Geeks on Call matter. Plaintiff agreed to give a transcribed interview on or about March 4, 2008.

52. Defendant maintains records pertaining to Plaintiff as part of a system of records. More specifically, Defendant's Office of Inspector General ("OPM-OIG") maintains investigatory records pertaining to Plaintiff as part of a purported investigation of a matter



pending before OSC, the legality and propriety of which investigation and investigative authority Plaintiff contests. Plaintiff are informed and believes and thereon allege that included among OPM-OIG's records pertaining to Plaintiff are records of work performed by an outside computer specialist firm, Geeks on Call, on Plaintiff's malfunctioning, government-issued laptop computer. In approximately mid-November 2007, Defendant intentionally or willfully disclosed records pertaining to Plaintiff and/or the contents of records pertaining to Plaintiff to members of the media, including *The Wall Street Journal*, and/or Rep. Tom Davis (R-Va.) in violation of the Privacy Act and Plaintiff's rights under the Privacy Act.

53. More specifically, in mid- to late-November 2007, a reporter for *The Wall Street Journal* informed Plaintiff that lawyers at OPM-OIG had shown him records from OPM-OIG's purported investigation of Plaintiff, including records of the services performed by the outside computer firm on Plaintiff's laptop computer.

54. On information and belief, officials of Defendant conspired with other persons and/or entities, including but not limited to persons within the Executive Office of the President and or members of Congress, including Rep. Davis, to violate the Privacy Act, cause damage to Plaintiff, and harm Plaintiff's ability to carry out the duties and responsibilities of his office, as the Geeks on Call matter was outside the scope of any investigative authority Defendant may have had under an Economy Act between Defendant and OSC.

55. At no point did Plaintiff consent to Defendant's disclosure(s), in writing or otherwise, of any records pertaining to him. Defendant's intentional and/or willful disclosure(s) resulted in substantial, negative public scrutiny of Plaintiff, including adverse media reports (*see*,

*e.g.*, John R. Wilke, “Head of Rove Inquiry in Hot Seat Himself,” *The Wall Street Journal*, November 28, 2007 at A6; Elizabeth Williamson, “U.S. Special Counsel Says He Won’t Provide Files,” *The Washington Post*, November 30, 2007 at A3) and an investigation of Plaintiff by the House Committee on Oversight and Government Reform.

56. As a proximate result of Defendant’s intentional and/or willful disclosure(s), Plaintiff suffered substantial damages, including but not limited to loss of reputation, emotional distress, and out-of pocket expenses. OSC, OPM IG and OPM’s director, conspired with third parties, including Clay Johnson, Tom Davis, and his staff, to accomplish this accusation that Plaintiff was obstructing the investigation, when such was untrue, and Defendants knew or had reason to know that Plaintiff did not destroy documents using Geeks on Call but rather *preserved* all documents that had almost been lost due to a computer malfunction, and that the vast majority of those documents were personal in nature.

57. Defendants McFarland and Jill Maroney, conspired to unlawfully usurp Plaintiff’s authority to subpoena under Plaintiff’s statutes. It is a power held only by Special Counsel, and cannot be delegated except by express delegation by the Special Counsel. It cannot be redelegated under the Special Counsel’s authorizing statutes, but only delegated by express act of Special Counsel. The Deputy Special Counsel did not and could not delegate OSC’s subpoena power to OPM-IG or any of its employees, and OPM-IG lacked its own subpoena power in OSC because it lacked any statutory authority at OSC. Despite knowing this, and having had such discussions with Deputy Special Counsel, McFarland sent a subpoena on OPM-IG letterhead demanding Plaintiff’s flash drive of documents that had been provided by Geeks on Call, and

also Plaintiff's personal AOL e mail account. This was a result of a hearing in July of 2007 before Davis's committee and the aftermath where Congressmen Davis and Congressman Mica demanded Plaintiff turn over to Congress his private e mail based on Plaintiff sending a personal e mail to over fifty friends, sending articles on Doan and Davis, after Plaintiff had completed the investigation on Doan's violations of the Hatch Act at GSA.

59. Davis made it clear he "had a deal" with the White House that if Doan went the Inspector General Miller would be fired, and informed Plaintiff of that in July, 2009, in order to intimidate him and send a message that he could have heads roll if Plaintiff continued to make a criminal referral or otherwise continue to investigate Doan. He made it clear he had a problem with OSC's findings and wanted Plaintiff to defend those findings the next day at the five-year Reauthorization Hearing before Davis and the House Oversight and Government Reform Committee, subcommittee on Federal Workforce. There was a court reporter in this hearing. Davis attacked Plaintiff with private e mails, then following the hearing, Plaintiff are informed and believes and thereon allege that he and other defendants conspired with McFarland and Maroney to issue a fictitious subpoena on OSC letterhead by McFarland, conspiring with Davis to get personal e mails from Plaintiff, and otherwise sought to interfere with the privacy of Plaintiff, and caused the raid of FBI and OPM agents to occur on May 6, 2008, without authorization, legal authority or proper reasons.

60. On or about May 6, 2008, only days after GSA Administrator Doan was forced to resign and in full view of the media, Plaintiff's office at OSC and Plaintiff's residence were raided by FBI and OPM-OIG personnel executing wide-ranging search warrants for records

concerning the Geeks on Call matters. The media was present as the FBI and OPM-OIG arrived at Plaintiff's residence and place of work, terrifying his wife and small children. The search warrants also sought records concerning Plaintiff's investigations of Secretary Rice and GSA Administrator Doan, and all of the sensitive pending investigations of the White House and the Department of Justice and FAA, among other pending matters.

61. This raid seized sensitive files and investigation materials at Plaintiff's home and office, that pertained to Doan and Davis and their conspiracies aforementioned, including illegal use of public authority to divert appropriated funds for campaigning of RNC and NRCC and the bidding of the White House, Rove, and the RNC generally. Plaintiff are informed and believes and thereon allege that the OPM agents seized materials at Plaintiff's home including information pertaining to strategy for uncovering the ways in which Davis and Doan used the contracting monies Doan obtained to divert to RNC and NRCC races and to help Davis run for Senate and to help Rove and the RNC court Black entrepreneurs for the RNC for further elections.

62. They also seized sensitive investigation materials pertaining to the FAA aviation oversight that had just concluded a couple of weeks before the raid.

63. In 2007 and 2008, Davis and his staff hauled JR Sanchez and Loren Smith and others up to hill, inquired into confidential and private matters that were none of the business of Davis. They conspired with third parties to obtain other confidential information, then asked Sanchez, "Is Bloch planning to sue the President?" "Is Bloch planning to write a book, is he writing a book." Also during this time, after he left the West Wing of the White House as Deputy Chief of

Staff, Karl Rove engaged in a conspiracy with attorneys, press, Congressmen, and Fielding and Johnson to discredit Bloch, cause others to refuse to support him or his tenure in office, and to try in every way possible to drive others from supporting him, and to harm his reputation and cause him to be run out of office.

64. Plaintiff are informed and believe and thereon allege that all of the above persons did the same with Jim Byrne, Jim Mitchell, IG McFarland, Maroney, Johnson, and others conspired with Fred Fielding as set forth below.

#### **Civil Conspiracy with Outside Groups**

67. Plaintiff are informed and believes and thereon allege that the individuals named herein worked with IG McFarland and Davis, and other groups, to try to destroy Plaintiff's standing, his position, and his agency's ability to conduct business, conspired with persons inside OSC to disrupt management of the agency, initiatives and investigations, threatened employees, confidential employees, intimidated employees, corruptly tried to influence the White House, Congress and the OPM and its IG to perform acts that were illegal, improper, and designed to prejudice the process of the investigation and cast Plaintiff into a false light publicly.

68. Additional leaks by Defendants out of OPM Investigation in combination and individually by Defendants include but are not limited to:

- a. An article about a dress code disagreement.<sup>1</sup>
- b. Jeff Ruch of PEER e mailing all at U.S Office of Special Counsel to contact the Inspector General and to complain about Special Counsel Scott Bloch. Ruch and PEER were clients of Katz and her law firm Katz, Marshall & Banks.

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<sup>1</sup> See <http://www.washingtonpost.com/wp-dyn/content/article/2006/09/06/AR2006090601771.html>.

- c. Katz, OPM, Ruch, and Senate Oversight committee working together to interfere in OSC's Leroy Smith whistleblower award ceremony.<sup>2</sup>
- d. OPM, Byrne, Mitchell, McFarland and Johnson, working together to leak out invoices for Geeks on Wheels to John Wilke of the *Wall Street Journal*, Nov. 27, 2007.
- e. Leak of a story by IG of OPM or his agents, and Katz and Katz Marshall & Banks of a story alleging Special Counsel Bloch was obstructing the OPM investigation.
- f. Interference by Katz and Katz Marshall & Banks LLP with the office of Special Counsel employees by calling them and threatening to bring an action against them or the office of special counsel to intimidate them from complaining of religious discrimination by OPM IG investigators
- g. Katz and Katz Marshall & Banks LLP appearing numerous times in the press from 2005 until the present to imply that Plaintiff Bloch was not legitimately pursuing investigations or fulfilling his duties as Special Counsel, and after 2008 accusing him of not having a legitimate right to practice law, and forwarding on list serves all over the country and to members of the Bar in Washington, DC and Virginia that Bloch is not fit to practice law or is falsely holding himself out to be a plaintiff's EEO lawyer, and implying she has special knowledge and her firm has special knowledge and involvement in OPM IG coming out with a report derogatory of Bloch.
- h. Katz and her partners using and misusing Katz Marshall & Banks LLP to interfere with their client's rights to get at Special Counsel Bloch, violating ethical rules and assurances to clients not to try to interfere with their employment with Bloch, and trying to use their lawyer client relationship to intimidate clients into revealing confidential information about their employment with Bloch.
- i. Interactions between Katz, and her law firm of Katz Marshall & Banks with Elaine Kaplan as OPM General Counsel, and previously before she was in OPM as General Counsel, when she was Assistant General Counsel of National Treasury Employee's Union, to use Kaplan's special involvement in and knowledge of issues when she was Special Counsel to try to undermine Bloch's investigations and efficacy as Special Counsel of the United States.

69. On or about July 18, 2008, Plaintiff's Deputy, Defendant James Byrne, resigned from OSC to work for , and, in so doing, on information and belief, provided copies of his resignation letter to the White House and/or the media. On August 1, 2008, Plaintiff was summoned to the White House to meet with Defendant Fred F. Fielding, Counsel to the

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<sup>2</sup> See <http://www.washingtonpost.com/wp-dyn/content/article/2006/09/10/AR2006091000790.html>.

President. At the meeting, Defendant Fielding presented Plaintiff with a letter threatening to remove him from office for “inefficiency and neglect of duty.” *See* Exhibit A (hereafter “August 1st Letter”). In the August 1st Letter, Defendant Fielding wrote: Controversies and allegations during your tenure have distracted the Office of Special Counsel from meeting its most fundamental mission . . . I believe that your conduct in office, reflected in the attached material, constitutes inefficiency and neglect of duty, grounds for removal under 5 U.S.C. § 1211. Accordingly, I am prepared today to recommend to the President your immediate removal from the position of Special Counsel. Defendant Fielding gave Plaintiff three business days to respond.”

70. The attachments to the August 1st Letter consisted primarily of a series of letters written by or on behalf of the disgruntled OSC employees and advocacy groups who are Defendants herein, who filed the March 2005 complaint under investigation by OPM-OIG. These documents are as follows:

- Four letters from attorneys representing the complainants in the matter under investigation by OPM-OIG, including one letter complaining not about Plaintiff, but about OPM-OIG’s failure to conclude its investigation;
- Three letters from the advocacy groups that joined as complainants in the matter under investigation by OPM-OIG;
- A letter from Rep. Henry Waxman, Chairman of the House Committee on Oversight and Government Reform to Plaintiff asking him to resign in light of the resignation of Plaintiff’s deputy;
- A letter from Rep. Davis to Rep. Waxman calling for Plaintiff’s resignation;
- The letter of resignation of Plaintiff’s deputy; and
- Four news articles concerning the May 6, 2008 search of Plaintiff’s office and residence.

71. Not only does the August 1st Letter fail to identify any specific, alleged instances of inefficiency or neglect of duty by Plaintiff, but the underlying matters referenced in the documents attached to the August 1st Letter have never been verified or substantiated in any manner, much less adjudicated before an impartial and unbiased fact finder. As Defendant

Fielding acknowledged in the August 1st Letter, the attachments merely describe “[c]ontroversies and allegations” that are alleged to have “distracted” OSC.

72. Similarly, the August 1st Letter fails to set forth any verified or substantiated facts demonstrating that the “[c]ontroversies and allegations” cited by Defendant Fielding actually have distracted OSC or otherwise undermined Plaintiff’s efficiency or caused him to neglect the duties of his office. Such is demonstrably not the case as reflected by even a cursory review of OSC’s official website. While the statutory authority to remove the Special Counsel rests solely with the President, on information and belief, the President has delegated to Defendant Fielding the obligation to provide Plaintiff with notice of the allegations against him and an opportunity for a full and fair hearing.

73 As demonstrated by the August 1st Letter, Defendant Fielding is not impartial, but already had concluded that Plaintiff should be removed from office before Plaintiff was afforded the opportunity to address the “controversies and allegations” set forth in the attachments to the August 1st Letter.

74. Defendants also failed to afford Plaintiff a sufficient opportunity to respond to his proposed removal. The original deadline of three business days subsequently was extended by a mere two business days.

75. Plaintiff submitted a written response to the August 1st Letter to Defendant Fielding on August 8, 2008. *See* Exhibit B (hereafter “Bloch Letter”).

76. On October, 2008, Defendant Fielding informed Plaintiff’s counsel that “they were going to move on your client” if he would not agree to go on administrative leave.

77. Plaintiff’s statutory five year term as Special Counsel is not due to expire until



January 5, 2009. By statute, Plaintiff can hold over for up to one year until the new administration nominates and the Senate confirms a new Special Counsel. No such person has been nominated as of this date.

78. Plaintiff was managing many sensitive investigations of high-profile and politically charged matters associated with the White House and the Department of Justice, and the aviation industry and the FAA. These investigations were reaching a critical point as the end of the Bush Administration nears. Two task forces had been formed by Plaintiff, and an increase of nearly ten percent in his budget had been granted to deal with these dozens of far-reaching investigations. They were resulting in much press attention.

79. In late October, 2008, Plaintiff was summoned to the White House to meet with the Director of Presidential Personnel who was unknown to Plaintiff. Plaintiff went to the White House and met with her in the West Wing. When Plaintiff entered her office, Defendant Fielding was sitting there. Plaintiff informed him it was inappropriate for him to meet like this without Plaintiff having his counsel present. Defendant Fielding leaned forward and stated that he had called Troutman Sanders that morning and they no longer represented him. Plaintiff informed him that he had other counsel at Judicial Watch and it was not appropriate. Defendant Fielding proceeded to inform Plaintiff that the President had decided to remove Plaintiff unless Plaintiff agreed to administrative leave through the end of the term, which Fielding said was December 12, 2008, not January 5, 2009. Defendant made it clear that Plaintiff's agency had already been forcibly taken over by Federal Protective Service while Plaintiff had come to meet at the White House.

80. The constructive removal of Plaintiff from his office as Special Counsel interfered with and will continue to interfere with these important investigations and has caused and will

continue to cause substantial disruption to these investigations, the independence of the OSC, and Plaintiff's reputation.

81. The removal of Plaintiff from his office as Special Counsel also denied Plaintiff his statutory right to function as Special Counsel until his term expires on January 5, 2009 and deprives him of both his office and his employment.

82. The seizure of the agency by force was wrongful, unlawful, done to impede and obstruct investigations by Plaintiff, and not done pursuant to any statutory finding of malfeasance or neglect of duty. Indeed, Defendant EOP and Fielding took over the agency without any such finding, and only under a threat of making such finding and with the knowledge that the agency had been forcibly taken over, and another person put in Plaintiff's place as Special Counsel, did Plaintiff agree to accept the administrative leave – having no other choice, and having been removed by force and many of his personal belongings kept from him by Federal Protective Service, and still held to this day.

83. EOP and Defendant Fielding agreed that no comment would be made by the White House about being placed on administrative leave, or any other implication that Plaintiff had been forcibly removed, and yet as soon as Plaintiff informed Fielding, the White House became a sieve of information to the press about Plaintiff being forcibly removed and placed on administrative leave.

84. When Plaintiff's attorneys demanded for the second time that OSC and DOJ pay for the defense of Plaintiff because all actions were directly implicating his policy decisions in office, his discretionary administrative and prosecutorial and managerial decisions, all lawful and provided for in statutes and regulations, Defendant Byrne provided the confidential letter to Defendant James Mitchell, who was Plaintiff's confidential political Schedule C appointee, chief

of communications, and a non lawyer who had no business seeing or having any say in whether fees should be reimbursed that had been incurred, or were to be incurred in the future. The letter to Byrne reflected that Byrne on several occasions had approved the hiring of Troutman Sanders LLP to defend Plaintiff in the jurisdiction-less, unlawful and coerced administrative investigation by OPM and its IG, that had been commissions by President Bush's close friend, Clay Johnson, who was also in charge of outreach to the Log Cabin Republicans in the Bush Administration and outside of it. Johnson had demonstrated personal bias and animosity toward Plaintiff.

85. The letter to Byrne also reflected his promise to Troutman Sanders LLP that fees would be covered and that he was ordering a check. This was after over Seventy Thousand Dollars in fees had been incurred because of Byrne's giving the go ahead to hire Troutman Sanders LLP and instructions to Plaintiff to send him the invoices and that they would be paid at the appropriate time. This occurred after numerous phone calls with Byrne and Troutman Sanders LLP explaining that it was authorized and the bills were in line for payment. The Grand Jury Investigation and OPM/FBI joint investigation of Plaintiff was nothing more than a continuation of the OPM investigation, only adding in things that were way beyond the scope of the Complaints of Katz, Kaplan, POGO, HRC, GAP, PEER, and anonymous employees. In fact, OPM IG had been attempting to operate beyond the scope of the Complaint from the outset, and many times had to be reined in by Deputy Special Counsels or by the White House and denied official permission to go beyond the four corners of the Complaint, which OPM never completed the investigation of within the Economy Act contract.

**Leaks out of Grand Jury and OPM Continuing Tainted Investigation**

1. Additional leaks from GJ investigation, and something that shows Katz, and one

of complainants (POGO) in complaint OPM investigating working together with Tom Davis requesting Special Counsel Bloch's ouster – only two days after raid, including:

- a. This story: <http://www.washingtonpost.com/wp-dyn/content/article/2008/05/07/AR2008050703971.html>
- b. Tom Davis was trying to manipulate this to happen all along.
- c. Misconduct by USA and DOJ
- d. Improper disclosure of legal memo regarding sensitive investigations against Bush administration, improperly leaked to POGO, <http://pogoblog.typepad.com/pogo/2008/05/internal-draft.html>, containing attorney client privileged material. <http://pogoarchives.org/m/wi/osc-tf-summary-20080118.pdf>.

2. During the GJ investigation, repeated comments were made by the Defendants evidencing bias, prejudice, vindictive and selective prosecution, including NPR pieces on the Plaintiff Scott Bloch's plans to write a book on corruption in Washington, D.C., as well as many aspects of the investigation including having others place positive comments about Plaintiff's achievements on blogs or in media, and various attempts to place Plaintiff in a false or disparaging light such as purchases under his decorating budget provided by Congress for towels or other items.<sup>3</sup> Many other articles were generated by Defendants in an attempt to impede OSC investigation, discredit Bloch and harm his professional reputation in retaliation for his policies, investigations, and refusal to allow illegal actions by Johnson, Fielding, and others.<sup>4</sup>

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<sup>3</sup> For example, see <http://www.usnews.com/blogs/news-desk/2007/04/27/watchdog-groups-raise-red-flags-over-special.html>; [http://www.nextgov.com/nextgov/ng\\_20080618\\_4680.php](http://www.nextgov.com/nextgov/ng_20080618_4680.php); [http://whistleblower.typepad.com/all\\_things\\_whistleblower\\_/2008/05/fbi-agents-raid.html](http://whistleblower.typepad.com/all_things_whistleblower_/2008/05/fbi-agents-raid.html); [http://whistleblower.typepad.com/all\\_things\\_whistleblower\\_/2008/05/the-morning-aft.html](http://whistleblower.typepad.com/all_things_whistleblower_/2008/05/the-morning-aft.html); [http://whistleblower.typepad.com/all\\_things\\_whistleblower\\_/2008/10/full-speed-ahead.html](http://whistleblower.typepad.com/all_things_whistleblower_/2008/10/full-speed-ahead.html); <http://themoderatevoice.com/19418/fbi-raids-special-counsel-office/>; <http://www.npr.org/templates/story/story.php?storyId=96184109>; <http://www.npr.org/templates/story/story.php?storyId=90223448>

<sup>4</sup> Additional articles include: Bush Shuns Advice To Fire Special Counsel July 18, 2008 ... Special Counsel's office. And in May, dozens of FBI agents stormed Bloch's home and office in a surprise raid. A grand jury has ... By Ari Shapiro <http://www.npr.org/templates/story/story.php?storyId=92671738>; Federal Agents Investigate Whistle-Blower Agency August 29, 2008 ... But spokesman Mitchell said there was no raid in Dallas.

Additionally, the White House, Johnson, Fielding, and Inspector General McFarland, conspired to prevent Bloch from carrying out his duty under Executive Orders to sit on the Integrity Committee of the President's Council on Integrity and Efficiency, and simply excluded him from sitting *ex officio* on said committee, and convening it irregularly and causing the committee to act outside its authority. Bloch wrote a letter to Clay Johnson on August 27, 2008 complaining of this illegal act that was done without any findings, and in which IG McFarland and Fielding participated and made overt acts to accomplish.<sup>5</sup> Further, Defendants engaged in leaks to the press "Bloch is Obstructing" to *The Washington Post* after privacy act protected and confidential meeting at the White House between Defendants Clay Johnson, McFarland, and James Byrne in late January, 2007 or early February, 2007. The Post article stated, "Special Counsel Accused of Intimidation in Probe" and is replete with use of term "obstruction," but not referring to Plaintiff Scott Bloch's actions but those of his deputy, James Byrne. This came from OSC, OPM and EOP.<sup>6</sup>

### **Further Illegal Investigation and Reporting, and Issuance of Kangaroo Report**

3. Defendant OPM continued its "investigation" after Bloch left the Special Counsel job at the termination of his five-year term, and unlawfully violated the Economy Act Agreement by stretching the investigation out for several more years as they wore a different hat and engaged in

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Scott Bloch has been a controversial figure since he started as special counsel in 2004. ... By Ari Shapiro <http://www.npr.org/templates/story/story.php?storyId=90245837>; All Things Considered, Special Counsel Staff Feared Being Seen as 'Disloyal' May 07, 2008 ... Scott Bloch had an autobiography in the works when yesterday's FBI raid took place. The book's working title: "Corruption in the Capital.". ... By Ari Shapiro <http://www.npr.org/templates/story/story.php?storyId=90259932>

<sup>5</sup> In addition to illegally stripping Bloch of duties without any authority to do so, and in violation of law, Defendants OPM, McFarland and others leaked to the press from the beginning implying there was substance to the investigation, talking to the press although this violated the Economy Act Agreement, interacting with outside groups to pressure OSC and leak to the press, and conspiring with Byrne who also leaked information

<sup>6</sup> See <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/15/AR2007021501725.html>.

a joint grand jury investigation with the United States Attorneys' Office for the District of Columbia.

4. Defendants OPM, McFarland, and Maroney utilized their role in this investigation with the FBI and US Attorneys Office to intimidate witnesses into "voluntarily cooperating" with them on the administrative investigation after they had only recently showed up at the witnesses' place of business or homes with the FBI and talking about criminal investigation. By so doing they improperly wrapped themselves in this role thus implying to witnesses on the administrative side that if they did not say things they wanted them to say the FBI would be back.

5. Defendants OPM, McFarland and Maroney thus abused their power and continued their rogue investigation and went back numerous times to try to get MPRI to tell them what they wanted to hear, and finally got an 80 year old retired general who worked for MPRI, five years after his last contact with Bloch, to say Bloch had said things about wanting to get rid of all the homosexuals in his agency, an absurd and well after the fact statement that was never investigated, presented to Bloch or any of the deputies who would have been present for any such meetings. Defendant McFarland and OPM, conspiring with OSC, then published a Kangaroo investigation report some eight years after the events in question purporting to criticize Bloch's tenure as Special Counsel but finding no violations of law or prohibited personnel practices, but touting that Bloch had somehow been guilty of anti-Homosexual bias, thus proving that the entire purpose of the investigation was to try to find such evidence to put around Bloch's neck to satisfy the interest groups who were pressuring the Administration and OPM.

**Byrne's Continuing Conspiracy while at Lockheed Martin**

6. Byrne testified in a proceeding in the District of Columbia, revealing that he was the

one who leaked the information to the Wall Street Journal about his servicing of his computer, breaching his fiduciary duty to OSC and Bloch, and conspiring with Bloch's political appointee, James Mitchell, to entrap Bloch and sabotage him to get him accused of obstruction and thrown out of office. On information and belief, Byrne also had meetings before and after his departure to work in the General Counsel's Office of Lockheed Martin in Maryland, to try to get Bloch's job, meeting with people in Congress about that, and conspiring with James Mitchell once Byrne left Special Counsel's office to upend Bloch.

7. Byrne also, for the six month preceding his departure, sought to undo all that Bloch had created, forcing out of office in violation of the prohibited personnel practices, top civil service employees who were GS-15, heads of Bloch's units he had put in place, and deputy heads, conspiring with other GS-15s to intimidate and force out of their jobs with threats if they did not, but lying to Bloch and others about why these people were leaving. Byrne further induced Bloch's Chief of Staff, a GS-15 political appointee, to leave with threats and scare tactics of bad things that were coming, things that Byne helped to bring about.

8. Byrne also sewed seeds of dissension with staff concerning the task force Bloch created and had Byrne head to look into multiple instances of Hatch Act violations throughout the Bush Administration, which Bloch hoped would uncover the widespread misuse of government resources for a broad strategy to get Republicans elected throughout the United States in state houses, Governor's offices, and in the U.S. Congress. In the final analysis though many within and without OSC questioned the investigations Bloch sanctioned, this turned out to be exactly what had been suspected and a report was issued in late 2010, finding that in fact the Hatch Act

had been violated on a systematic basis by the Office of Political Affairs of the White House in the asset deployment program of Karl Rove to get many Republicans elected.<sup>7</sup>

### COUNT I

(Deprivation of Property Without Due Process of Law -- Fifth Amendment to U.S. Constitution  
– Defendants EOP, OPM and OSC)

9. Plaintiff realleges paragraphs 1 through 87 as if fully stated herein.

10. Plaintiff Scott Bloch enjoyed a property right in his continued tenure and employment as Special Counsel.

11. Defendants have deprived Plaintiff of this property right without due process of law in violation of the Fifth Amendment to the U.S. Constitution. Specifically, Defendants have caused Plaintiff to be removed without adequate notice and an opportunity for a full and fair hearing of the allegations against him before an impartial decision-maker.

12. Defendants have further violated Plaintiff's property right by removing him from office based on allegations that, individually or collectively, are facially insufficient to sustain any finding that Plaintiff's conduct constitutes inefficiency or neglect of duty.

13. Plaintiff has been irreparably harmed by reason of Defendants' violation of his constitutional rights.

### COUNT II

(Declaratory and Injunctive Relief -- Violation of 5 U.S.C. § 1211 – all Defendants)

14. Plaintiff realleges paragraphs 1 through 98 as if fully stated herein.

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<sup>7</sup> See S. Bloch, "Some Bushies Had it Coming," Jan. 26, 2011, *Washington Times*.  
<http://www.washingtontimes.com/news/2011/jan/26/some-bushies-had-it-coming/>



100. Defendants actions to remove Plaintiff Scott Bloch and to investigate him in violation of his statutes, with ongoing investigations and intent to harm his reputation, without any statutory or other authority, using illegal and improper means including fictitious authority, without providing adequate notice and an opportunity for a full and fair hearing before an impartial decision-maker and without proper cause violates 5 U.S.C. § 1211, which provides that Plaintiff can only be removed for cause, as the removal interferes with Plaintiff's statutory-established independence and otherwise harms his ability to carry out the statutorily-mandated duties and responsibilities of his office.

101. Plaintiff has been irreparably harmed by reason of Defendants' violation of his statutory rights. That the actions of Defendants in conspiring to obstruct, interfere and impede Plaintiff in his official duties to destroy the credibility of his investigations against those who brought these actions against Plaintiff should be referred by the Court for an independent prosecutor to looking into charges against Defendants.

102. Plaintiff seeks a writ of mandamus to compel the Office of Personnel Management, Inspector General of Office of Personnel Management, to refrain from any further proceedings, return all papers or copies thereof in its possession to Plaintiff, including all attorney client materials, deliberative process privilege papers, attorney work product papers, and all other papers in its possession, and to refrain from any further proceedings due to the taints, violations of Fifth Amendment Due Process, violations of Plaintiff's powers of office, violation of Separation of Powers, and illegalities of a far reaching nature pending further orders of this court for investigations into the actions of those who sought to defeat Plaintiff's powers in office and to prevent his inquiries into improper and illegal conduct in the United States Department of Justice, White House, and 26 agencies of the Executive Branch, and to further refrain from any

illegalities in conspiring with third parties, and outside interest groups or those who had dealing with these matters prior to government service, pending further order of this court as to whether other misconduct has occurred in the Office of Personnel Management and the Inspector General's Office as well as the Integrity Committee, interference in prosecutorial decisions, staff and former Congressional member interference in OSC decisions, and Office of Personnel Management personnel interference and improper engagement in referrals for prosecution.

### **COUNT III**

(Violation of Separation of Powers Doctrine – Defendant EOP)

103. Plaintiff realleges paragraphs 1 through 102 as if fully stated herein.

104. Plaintiff's removal from office by Defendants without proper cause constitutes political interference with the head of an independent federal agency, contrary to Plaintiff's statutory right to function as Special Counsel as established by Congress. Furthermore, Defendants' actions undermine the independence of OSC and interfere with its proper functioning as mandated by Congress. Defendants' actions constitute a violation of the Separation of Powers Doctrine of the U.S. Constitution.

105. Plaintiff has been irreparably harmed by reason of Defendants' violation of the Separation of Powers Doctrine.

### **COUNT IV**

(Violation of the Privacy Act, 5 U.S.C. § 552a – Defendants EOP, OPM, OSC, Byrne, McFarland, and Maroney)

106. Plaintiff realleges paragraphs 1 through 105 as if fully stated herein.

107. Defendant maintains records pertaining to Plaintiff as part of a system of records. On information and belief, Defendants disclosed Privacy Act-protected records pertaining to Plaintiff and/or the contents of such records to members of the media and/or Rep. Davis without

obtaining Plaintiff's prior written consent or other lawful authorization. The disclosure of other records, and outcomes of investigations by OPMIG, Davis' committee, and the Grand Jury, together with unauthorized disclosure by OSC, Davis, OPMIG or others of confidential legally privileged memoranda of the Task Force investigating Doan, Davis, the U.S. Department of Justice, the White House, Karl Rove, and others highly placed, was designed to thwart, embarrass and interfere with Plaintiff's execution of the duties of his office and prevent him from continuing to make progress in findings against the Bush Administration, and to unlawfully reveal privacy protected information to deter others from cooperating with OSC, Plaintiff, and the ongoing investigations, and to discredit those that had been occurring for over two years of Rove, the White House, the actions of the Office of Political Affairs, the President and Vice President during the 2004 election, and other highly sensitive and productive investigations.

108. Defendant's disclosure(s) violated 5 U.S.C. § 552a(b).

109. Plaintiff has suffered adverse effects, including but not limited to loss of reputation, emotional distress, and out-of-pocket expenses, as a proximate result of Defendant's unlawful disclosure(s).

110. Defendant acted in a manner that was intentional and/or willful.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendants: (1) declaring Defendant's conduct to be in violation of the Privacy Act, 5 U.S.C. § 552a; (2) enjoining Defendants from continuing to disclose Privacy Act-protected information about Plaintiff in the future; (3) awarding Plaintiff actual, compensatory damages, reasonable attorney fees, and the costs of this action; and (4) granting any and all other relief that the Court deems just and proper.

**COUNT V**

(RICO and Conspiracy to Commit RICO, 18 U.S.C. § 1961 et seq. – all Defendants)

111. Plaintiff realleges paragraphs 1 through 110 as if fully stated herein.

112. Defendants engaged in a RICO enterprise and conspired with one another using wire, mail, and other means, including commission of illegal acts, fraud, and other acts constituting predicate acts under RICO. On information and belief, these actions included but were not limited to:

- a. Violating Plaintiff's constitutional rights to religious liberty, trashing their personal property in their home including religious articles;
- b. Converted Plaintiff's personal property that was outside the scope of any investigation and outside of subpoenas issued by court having jurisdiction over Virginia residents;
- c. Misused official authority to interfere with official acts of a federal officer to vindicate rights of whistleblowers, and conspired to violate U.S. and Virginia Statutes against defamation, whistleblower rights, and other statutory provisions of law requiring particular conduct or refraining from particular conduct;
- d. Knowingly violating U.S. Statutes, Appropriations laws, and other laws;
- e. Committing fraud, perjury, and iterations of forgeries of subpoenas and official documents using telephone, telefax, wire, U.S. mail and property of the U.S. Government.
- f. Attempting to obstruct investigations into improper use of government funds, and government power to advance RNC and other political groups.
- g. Intimidation of witnesses.
- h. Violations of the Whistleblower Protection Act.
- i. Violations of the Privacy Act.

j. Violations of VA Code §§ 18.2-499 through -501.

113. Through these, and other illegal and improper actions, in conspiracy, Defendants did acquire and/or maintain, directly or indirectly, an interest in or control of a RICO *enterprise* of individuals who were associated in fact and who did engage in, and whose activities did affect, interstate and foreign commerce, all in violation of 18 U.S.C. §§ 1961(4), (5), (9), and 1962(b). The enterprise and RICO violations have been continuous since 2007 to the present and are based on a scheme to defraud and mislead the public and harm Plaintiff and the U.S. Government, the Aviation Industry, and United States Citizens who fly in public aviation and who have an interest in their government being run without private political motives and misuse of power and appropriated taxpayer money.

114. Defendants did cooperate jointly and severally in the commission of two (2) or more of the RICO predicate acts that are itemized in the RICO laws at 18 U.S.C. §§ 1961(1)(A) and (B), and did so in violation of the RICO law at 18 U.S.C. 1962(b) including wire and mail fraud by using telephone and e mail to misrepresent to injured parties and the DOL and commit crimes under the DBA by denying claims using fraud and misrepresentation.

115. Plaintiff further alleges that all Defendants did commit two (2) or more of the offenses itemized above in a manner which they calculated and premeditated intentionally to threaten continuity, *i.e.* a continuing threat of their respective *racketeering activities*, also in violation of the RICO law at 18 U.S.C. 1962(b) *supra*.

116. Defendants did associate with a RICO *enterprise* of individuals who were associated in fact and who engaged in, and whose activities did affect, interstate and foreign commerce under the government contracts and appropriated monies used to carry out these acts.

117. Defendants did conduct and/or participate, either directly or indirectly, in the

conduct of the affairs of said RICO *enterprise* through a *pattern of racketeering activity*, all in violation of 18 U.S.C. §§ 1961(4), (5), (9), and 1962(c).

118. Plaintiff further alleges that all Defendants did commit two (2) or more of the offenses itemized above in a manner which they calculated and premeditated intentionally to threaten continuity, *i.e.* a continuing threat of their respective *racketeering activities*, also in violation of the RICO law at 18 U.S.C. 1962(c) *supra*.

119. Defendants did conspire to acquire and maintain an interest in a RICO *enterprise* engaged in a *pattern of racketeering activity*, in violation of 18 U.S.C. §§ 1962(b) and (d).

120. Defendants did also conspire to conduct and participate in said RICO *enterprise* through a *pattern of racketeering activity*, in violation of 18 U.S.C. §§ 1962(c) and (d). 18 U.S.C. §§ 1961(4), (5) and (9).

121. In all the actions described in this complaint, defendants acted through their agents, officers, attorneys, representatives, through their officers, agents, attorneys and managers, which were acting in the course and scope of employment or agency or representation for Defendants and the RICO enterprise described herein, and which defendant companies ratified all of the acts described in this complaint.

122. As a direct and proximate result of Defendants' racketeering violations, Plaintiff was damaged, including having to engage attorneys and incur expenses and economic loss in excess of \$2,000,000.00.

123. Under RICO, Plaintiff is entitled to damages, treble damages, and attorneys fees and costs herein.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against

Defendants: (1) declaring Defendants' conduct to be in violation of RICO; (2) enjoining Defendants from continuing in such racketeering activity in the future; (3) awarding Plaintiff actual, compensatory damages, treble damages, economic loss, and reasonable attorney fees, and the costs of this action; and (4) granting any and all other relief that the Court deems just and proper.

### COUNT VI

(Conspiracy to Interfere, Hinder Execution of Duties of Office, and to defeat Civil Rights of Whistleblowers and of Plaintiff, 42 U.S.C. § 1985 – all Defendants)

124. Plaintiff realleges paragraphs 1 through 123 as if fully stated herein.

125. Defendants acted in a manner intended to and having the effect of interfering with and hindering Plaintiff Scott Bloch in executing the duties of his office as a federal officer with a statutory charge and oath of office, and a law enforcement badge with law enforcement powers, in violation of 42 U.S.C. § 1985 which provides:

#### **(1) Preventing officer from performing duties**

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

126. Defendants either through force, intimidation, threat, or inducement through other means, did hinder and prevent Plaintiff Scott Bloch from lawfully discharge the duties of his office, and because of his discharge of the duties of office as set forth herein, did injure his property, molest, interrupt, hinder, or impede him in discharging his duties of office and also sought to and did drive him from office.

127. Defendants retaliated repeatedly against Plaintiff's legitimate rights and exercise of those rights, due to Plaintiff Scott Bloch's exercise of discretion and proper exercise of his duties. Barred him from continuing in his duties as Special Counsel in his investigations, his role on the Integrity Committee, and his oversight of the Office of Special Counsel, and retaliated against him and his wife and their family and molested them repeatedly in their property, contracts, employment, personal lives, and privacy because of Scott Bloch's execution of his duties and oath as a law enforcement officer of the United States who was protecting the constitutional, whistleblower, and other rights of individuals throughout the United States, including David Iglesias, U.S. Attorney, Anne Whiteman, FAA whistleblower, Bobby Boutris and Douglas Peters, FAA whistleblowers, and numerous others. .

128. Defendants have continued in their molestation and hindrance of 's, to the present day and are illegally continuing to prevent exercise of civil rights. To suppress the truth, and to assert a right to file false, defamatory and nefarious reports of Plaintiff's activities as Special Counsel to the degradation of the rights of Whistleblowers Bloch protected and is continuing to protect through his efforts in this suit, writings, and his defense of actions in the Office of Special Counsel

129. Defendants refused, and continue to refuse to prevent the molestation of a federal officer in the discharge of his duties to help defend and vindicate the civil rights of whistleblowers and others he championed, and these defendants are all culpable, jointly and severally for their refusal to prevent the wrongs by the Executive Office of the President and the Office of Personnel Management, Office of Special Counsel and Inspector General of the Office of Personnel Management. Each of the individual defendants had the power to help prevent said wrongs and refused to do so, and in many cases, perpetrated the wrongs, enhanced them, and



made certain that the civil rights of individuals including Plaintiff, their employees, and whistleblowers and complainants to the Office of Special Counsel were hindered in vindication of their civil rights.

130. As a direct and proximate result of Defendants' racketeering violations, Plaintiff was damaged, including having to engage attorneys and incur expenses and economic loss in excess of \$200,000,000.00.

131. The actions of Defendants in violating this statute are improper, illegal, malicious, fraudulent, and willful, and justify an award of punitive damages.

132. Plaintiff is entitled to damages, punitive damages, and attorneys fees and costs herein.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendants: (1) declaring Defendants' conduct to be in violation of 42 U.S.C. § 1985; (2) for damages in accordance with 42 U.S.C. § 1986; (3) enjoining Defendants from continuing in such activity in the future; (3) awarding Plaintiff actual, compensatory damages, treble damages, economic loss, and reasonable attorney fees under 42 U.S.C. § 1988(b) and expert witness costs and other costs under 42 U.S.C. § 1988(c), and the costs of this action; and (4) granting any and all other relief that the Court deems just and proper.

#### **COUNT VII**

(Bivens action for violations of Fifth Amendment Due Process, First Amendment Right of Free Speech, Petition of Congress, Freedom of Religion, Freedom of Association and Viewpoint, and Conspiracy to Commit violations of Fifth Amendment, First Amendment, Fourth Amendment violations, and attempts to Destroy Plaintiff's Reputation – Bivens Plus, Vindictive Referral for Prosecution, Selective referral for Prosecution, Misuse of Grand Jury, Intimidation and Misconduct – Defendants EOP, OPM, OSC, McFarland, Maroney, and Byrne)

133. Plaintiff reallege paragraphs 1 through 132 as if fully stated herein.

134. Plaintiff has a constitutionally protected Fourth, Fifth and First Amendment right to be free of unreasonable searches and seizures, to have his property rights interfered with or taken away without due process, and to be free from retaliation for making statements or having perceived religious views, religious beliefs, viewpoints, or expressions of understanding of law and viewpoints, even as a federal employee.

135. Defendants acted in a manner intended to and having the effect of interfering with

136. and hindering Plaintiff Scott Bloch in exercising their constitutional rights under the Virginia and United States Constitutions of freedom of speech, association, and religious expression, and violated his rights to due process in investigating him, expanding the investigation without warrant or right or law in violation of law, retaliating by bringing federal investigation and potential prosecution for destruction of evidence and unlawful investigations when such was false, and known to be false by the Defendants or in the exercise or ordinary diligence would have been seen to be without any basis or probable cause

137. Plaintiff lacks a statutory cause of action or available cause of action provides no monetary compensation to Plaintiff.

138. There are no special factors that suggest the court should decline to provide a judicial cause of action and remedy. No appropriate immunity exists for Defendants to raise.

139. Defendants did either through force, intimidation, threat, or inducement through other means, and through fraud, artifice and misuse of power, or through forgeries and perjuries, sought to raid Plaintiff's home and invade their family life, seize their personal property, trash their religious articles, make innuendo and false and defamatory statements to the press, public and in the presence of Plaintiff's wife and children, held them up to ridicule before their

neighbors, peers, and employees, and children, and otherwise interfered with contracts and committed illegalities designed to harm Plaintiff in the exercise of their rights.

140. Defendants EOP, OPM, OSC, Byrne, Maroney and McFarland, in retaliation for Bloch's ongoing investigations of the White House and 26 agencies of government and his causing disruption of the Air Traffic through FAA investigations, sought to have him investigated and prosecuted wrongfully, to shut down his investigation and to get him removed from office and to disrupt the lawful operations of the Special Counsel under his law enforcement duties by law.

141. Defendants' conduct was not privileged or otherwise authorized, and they knew it to be in violation of well known rights and law.

142. Defendants intended to and did harm Plaintiff's reputation and enjoyment of privacy.

143. Defendants harmed Plaintiff's property rights in Scott Bloch's position as Special Counsel, and his employability as well as professional and personal reputation, harming their friendships and social network.

144. As a direct and proximate result of Defendants' racketeering violations, Plaintiff were damaged, including having to engage attorneys and incur expenses and economic loss in excess of \$2,000,000.00.

145. The actions of Defendants in violating this statute are improper, illegal, malicious, fraudulent, and willful, and justify an award of punitive damages. Plaintiff is entitled to damages, punitive damages, and attorneys fees and costs herein.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against

Defendants: (1) declaring Defendants' conduct to be in violation of constitutional rights of Plaintiff; (2) enjoining Defendants from continuing in such activity in the future; (3) awarding Plaintiff actual, compensatory damages, treble damages, economic loss, and reasonable attorney fees, and the costs of this action; and (4) granting any and all other relief that the Court deems just and proper.

### **COUNT VIII**

(Civil Conspiracy to Interfere with Contract and Property Rights, Prospective Business Relations, and to Invade Plaintiff's Privacy – all Defendants)

146. Plaintiff realleges paragraphs 1 through 145 as if fully stated herein.

147. Defendants committed a civil conspiracy in a manner intended to and having the effect of interfering with and hindering Plaintiff's right to his reputation, business and employment rights, in violation of VA, Code §§ 18.2-499 through -501 whose acts are continuing in nature to this day.

148. Defendants intended to and did harm Plaintiff's reputation and enjoyment of privacy.

149. Defendants' harmed Plaintiff's property rights in Scott Bloch's position as Special Counsel, and his employability, as enjoyment of his family's reputation untrammelled by Defendants' fraud and improper misconduct, stigmatization through the wrongful invasion of their home by Defendants and the press, and other means of harm effected on Plaintiff's enjoyment of quiet family life.

150. As a direct and proximate result of Defendants' violations, Plaintiff was damaged, including having to engage attorneys and incur expenses and economic loss in excess of \$2,000,000.00.

151. The actions of Defendants in violating this statute are improper, illegal, malicious,

fraudulent, and willful, and justify an award of punitive damages.

152. Plaintiff is entitled to damages, treble damages under the statute, punitive damages, and attorneys fees and costs herein.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendants: (1) declaring Defendants' conduct to be in violation of this Virginia statute; (2) enjoining Defendants from continuing in such activity in the future; (3) awarding Plaintiff actual, compensatory damages, treble damages, economic loss, and reasonable attorney fees, and the costs of this action; and (4) granting any and all other relief that the Court deems just and proper.

#### **COUNT IX**

(Defamation per se and Conspiracy to commit same – all Defendants)

153. Plaintiff realleges paragraphs 1 through 152 as if fully stated herein.

154. Defendants actions in leaking information to the press, making public statements, and otherwise harming publicly the family and personal names and reputations of Plaintiff constitutes defamation, slander and libel per se.

155. In addition to the above, Defendants conspired with each other to publish false and defamatory remarks injurious to Plaintiff Scott Bloch as a lawyer, including but not limited to remarks in internet and press articles, releases, and other false and defamatory remarks referring in a contemptible, ridiculing, or professionally injurious way toward Plaintiff Scott Bloch, including the following: (1) repeated statements on NPR, Washington Post, Federal Times, Government Executive, The Hill, Politico, and other papers around Virginia and the country, tending to imply Plaintiff Scott Bloch is not a plaintiff's employment attorney; (2) statements referring to plaintiff possibly not informing the Bar of the District of Columbia about his Grand Jury investigation, which was known to be false; (3) implying knowledge of or

influence over a continuing intent to issue a report from OPM IG “scathing” toward Scott Bloch; (4) scurrilous information in blogs and throughout the internet concerning the employment of Plaintiff, and attempting to harm him among peers in the legal profession, and otherwise attempting to harm plaintiff in his right to privacy from these slanderous and defamatory attacks. This included sending out list serve communications casting aspersions on Bloch’s ability to practice law or his veracity in holding himself out as a plaintiff’s EEO or employment attorney, and implying inside knowledge and influence on the intent of OPM to issue a report about Bloch after the Grand Jury matter was concluded, which defamatory and libelous communications continue to the date of the filing of this Complaint.

156. Defendants acted with knowledge of the falsity or with reckless disregard for the falsity of such publications and communications verbally and in writing, and made agreements and over acts among themselves toward accomplishing the Defamation.

157. As a direct and proximate result of Defendants’ violations, Plaintiff was damaged, including having to engage attorneys and incur expenses and economic loss in excess of \$100,000,000.00.

158. The actions of Defendants in violating this statute are improper, illegal, malicious, fraudulent, and willful, and justify an award of punitive damages.

159. Plaintiff is entitled to damages, punitive damages, and attorneys fees and costs herein.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendants: (1) declaring Defendants’ conduct to be in violation of the rights of Plaintiff; (2) enjoining Defendants from continuing in such activity in the future; (3) awarding Plaintiff actual, compensatory damages, economic loss, and reasonable attorney fees, and the costs of this action

in excess of \$100,000,000; (4) punitive damages of \$100,000,000; and (4) granting any and all other relief that the Court deems just and proper.

**COUNT X**

(Whistleblower retaliation, retaliatory actions, discharge, threats, take over of agency without justification or lawful findings, Implied inducements and Attempts to force out of Office, conspiracy to do so – Defendants EOP, Johnson, Springer, Byrne, Fielding)

160. Plaintiff realleges paragraphs 1 through 159 as if fully stated herein.

161. Defendants attacked Plaintiff Scott Bloch for blowing the whistle and bringing to light the violations brought to light by other whistleblowers, that revealed the corrupt behavior of administration officials regarding misuse of appropriated funds as well as improper cover up of illegalities, and FAA violations of public safety as well as other whistleblower rights.

162. Defendants intended to and did harm Plaintiff's reputation and enjoyment of Privacy because of Plaintiff Scott Bloch's blowing of the whistle and protecting whistleblower disclosures and rights. Both he and his wife are entitled to the protections of whistleblowers and to be free from retaliation.

163. Defendants' harmed Plaintiff's property rights in his position as Special Counsel, and his employability, and enjoyment of his family's reputation untrammelled by Defendants' fraud and improper misconduct.

164. As a direct and proximate result of Defendants' violations, Plaintiff has been damaged, including having to engage attorneys and incur expenses and economic loss in excess of \$2,000,000.00.

165. The actions of Defendants in violating this statute are improper, illegal, malicious, fraudulent, and willful, and justify an award of punitive damages.

166. Plaintiff is entitled to damages, punitive damages, and attorneys fees and costs

herein.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendants: (1) declaring Defendants' conduct to be in violation of the rights of Plaintiff; (2) enjoining Defendants from continuing in such activity in the future; (3) awarding Plaintiff actual, compensatory damages, economic loss, and reasonable attorney fees, and the costs of this action; and (4) granting any and all other relief that the Court deems just and proper.

#### COUNT XI

(Against OSC, Rove, James Byrne, and other unknown individuals for aiding and abetting breach of fiduciary duty, inducement to breach fiduciary duty, for payment of attorneys fees expended in all investigations, loss of reputation, loss of employment opportunity, reliance damages, conversion of property, conspiracy to deprive Special Counsel the rights and emoluments of office, interference in Attorney Client Privilege)

167. Plaintiff realleges paragraphs 1 through 166 as if fully stated herein.

168. Defendant Byrne owed a fiduciary duty to Plaintiff as Special Counsel as it was his specifically described role as Deputy Special Counsel to serve the Special Counsel and carry out the Special Counsel's policy, directives, and remain loyal to the Special Counsel, disclosing in good faith all matters material to Special Counsel's policy, role as head of agency and any other matter important to carrying out his role as Special Counsel.\

169. James Mitchell owed a fiduciary duty to Plaintiff as Special Counsel and was in fact hired as a confidential Schedule C employee who served at the pleasure of the Special Counsel, and his role was to carry out the directives and policy of the Special Counsel in a confidential capacity, owing the highest obligation of good faith and disclosure to the Special Counsel.



170. Defendant Byrne, EOP, OSC, OPM, Maroney and McFarland, were aware or should have been aware of the fiduciary duties of Byrne and Mitchell to Plaintiff as Special Counsel while they worked for him and the agency.

171. Defendant Byrne was admonished on more than one occasion to reign in Mitchell who appeared to be operating counter to Special Counsel's directives and policy on a number of matters, including stirring up trouble for their old boss, Stuart Bowen, the SIGIR Inspector General. In addition, Bloch had to admonish Byrne about talking with Mitchell about the question of Bloch being paid his attorneys fees by OSC, and Byrne agreed that his taking that matter to Mitchell was an interference with the confidential relationship between Special counsel and his Schedule C employee.

172. Defendant Byrne breached his fiduciary duty to Plaintiff by lying to him frequently, failing to tell him about his intention to and actual referral of a supposed "crime" the OPM investigators, knowing this was a violation of his duties, and also ultra vires as only the Special Counsel has the power to make such a referral under the statute and such was no delegated.

173. He further breached his fiduciary duty to Plaintiff by constructing an ambush with James Mitchell under the guise of having the Wall Street Journal Reporter John Wilke come in to do a favorable story, and supplied Wilke with private documents that were privacy protected, with Bloch's name on them, referring to invoices to have work done on computer or computers, without obtaining Bloch's permission or informing him of it.

174. He further breached his fiduciary duty by providing those private agency documents or knowledge of them, to an outside person, who had a direct conflict of interest – namely, Mark Paoletta, a Republican operative and lawyer who represented Scott Jennings

adverse to the Office of Special Counsel in OSC's ongoing investigation of Laurita Doan, and the Executive Office of the President, Office of Political Affairs, including Jennings and Rove, which then was expanded into a task force investigation. Byrne revealed the protected information in violation of the attorney client privilege, fiduciary duties, and the Privacy Act., with the intention that it would be publicly disseminated to frame Bloch into looking as though he had destroyed documents during an official investigation, when in fact he only sought to preserve personal documents not on an agency server and destroyed no documents whatsoever, as would have been obvious through any reasonable investigation or questioning of Bloch, and in which both Byrne and Mitchell already knew was a fact – that there was no destruction of documents, but the outside company was hired only to preserve documents from being lost. He acted outside his official capacity when going outside the agency on his private time to try to harm Special Counsel Bloch with persons outside the agency.

175. Defendants OSC and individuals in OSC, including Deputy James Byrne, James Mitchell, as well as Defendants in conspiracy with them, attacked Plaintiff Scott Bloch for blowing the whistle and bringing to light the violations brought to light by other whistleblowers, that revealed the corrupt behavior of administration officials regarding misuse of appropriated funds as well as improper cover up of illegalities, and FAA violations of public safety as well as other whistleblower rights.

176. Defendants intended to and did harm Plaintiff's reputation and enjoyment of Privacy because of Plaintiff Scott Bloch's blowing of the whistle and protecting whistleblower disclosures and rights. Both he and his wife are entitled to the protections of whistleblowers and to be free from retaliation.

177. Defendants Byrne and Mitchell deliberately ran off important employees of the

Office of Special Counsel in violation of their fiduciary duties to Special Counsel Bloch and turned other employees against him, while misrepresenting to him what had happened, and interfering with those employees' rights to continued employment. Defendants Byrne and Mitchell also concealed their attempts to get themselves appointed as Byrne as Special Counsel and Mitchell as Deputy Special Counsel and misrepresenting their actions to Special Counsel Bloch who then found out through third parties they were going to the Hill and the to the White House to . Conspiring with each other and others in and out of Office of Special Counsel to have their boss removed and themselves put in his place, and conspiring with each other to renege on the obligation to cover the attorneys fees of Special Counsel Bloch due to investigations into his official conduct as head of the U.S. Office of Special Counsel.

178. The above constituted aiding and abetting of breach of fiduciary duty by all Defendants.

179. On information and belief, defendant Byrne continued his aiding and abetting of breach of fiduciary duty after he left the Office of Special Counsel by conspiring with Mitchell who remained behind to try to have Bloch unseated as Special Counsel and to be removed, and to have him and/or Mitchell step into that position. On information and belief, Byrne met with individuals on Capitol Hill in Congress to further this aiding and abetting of breach of fiduciary duty. Byrne's fiduciary duties remained toward Bloch once he left OSC in so far as he knew of matters he was trying to use against Special Counsel Bloch, by himself and in conspiracy with others that he knew were private, protected and improper for him to reveal. He acted outside of his official capacity at that point.

180. Defendants' harmed Plaintiff's property rights in Scott Bloch's position as Special

Counsel, and his employability, as well as Catherine Bloch's rights to employment and enjoyment of her and her family's reputation untrammelled by Defendants' fraud and improper misconduct.

181. Defendants further seized Plaintiff's property, attorney client privileged materials known to be between him and his private attorney, and refused to this day to turn them over, acted in furtherance of the conspiracy of other defendants to oust Plaintiff Scott Bloch from office and bar him from communicating with his employees or from carrying out the duties of his office, subjecting him to great ridicule and contempt publicly and made comments to the press that violated their duties of loyalty, their oaths of office, and their fiduciary duties, which caused great damage to Plaintiff Scott Bloch.

182. As a direct and proximate result of Defendants' violations, Plaintiff was damaged, including having to engage attorneys and incur expenses and economic loss in excess of \$2,000,000.00.

183. The actions of Defendants in violating this statute are improper, illegal, malicious, fraudulent, and willful, and justify an award of punitive damages.

184. Plaintiff is entitled to damages, punitive damages, and attorneys fees and costs herein.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendants: (1) declaring Defendants' conduct to be in violation of the rights of Plaintiff; (2) enjoining Defendants from continuing in such activity in the future; (3) awarding Plaintiff actual, compensatory damages, economic loss, and reasonable attorney fees, and the costs of this action; and (4) granting any and all other relief that the Court deems just and proper.

## COUNT XII

(Intentional and Negligent Misrepresentation – Defendants EOP, McFarland, Maroney, OPM, OSC and Byrne)

185. Plaintiff realleges paragraphs 1 through 184 as if fully stated herein.

186. Defendants misrepresented their actions, failed to disclose matters they should have disclosed and negligently and intentionally misrepresented their actions to the present, in the following particulars:

- OPM IG McFarland, Agent Jill Maroney, Patricia Marshal, and David Cope misrepresenting their intention to comply with OSC laws and regulations and the Economy Act in performing the entire investigation of the complaint of Katz, and Katz Marshall & Banks and Human Rights Campaign, PEER, POGO, GAP, and NTEU, against Bloch
- Misusing the investigation to go into areas not covered by the investigation and Economy Act Agreement, and in breach of all agreements, knowing they were not going to perform in accordance with their promises, or in the time lines and costs promised
- Intentional or negligent Misrepresentation of Defendant Byrne who authorized Special Counsel Bloch to hire Roscoe Howard as attorney and for OSC to pay for it, and after Bloch had incurred substantial fees, and after proising Howard he would provide a check, renege on his promises and obligations.
- Intentional or negligent misrepresentation of Byrne and Mitchell in having employees fired from OSC and trying to themselves installed in Bloch's place, while at the same time representing to him they remained loyal and were trying to further his official agenda as was their obligation.
- Misusing and misrepresenting the status as investigator and attorneys representing complainants to make political attacks on Bloch while implying there was a legal basis for representing Human Rights Campaign, NTEU, PEER, POGO and GAP before OSC
- Misusing and misrepresenting the status as investigator and attorneys to try to mislead the public that Special Counsel Bloch had destroyed any documents when he hired Geeks to transfer his c: drive files from the hard drive to the flash drive before the wipe of the computer was performed; and purposely implying to the public that he was obstructing the investigation by hiring Geeks to destroy documents.
- All named defendants misrepresented the facts concerning the use of Geeks to destroy documents when they in fact had been hired to transfer documents from one medium to another more secure medium.
- Misrepresenting to White House Counsel, Fred Fielding, in a letter in July or August, 2008, that IG McFarland and OPM were through with any investigation or action against Bloch, and that the matter was entirely in the hands of the U.S. Attorney, FBI and Grand Jury, and conspiring with Fielding and Johnson to

misrepresent that with no intent of complying with that representation or the Economy Act requirements, agreements and reliance on them by Plaintiff.

187. Plaintiff reasonably relied upon these misrepresentations by Defendants to their detriment; which misrepresentations have been perpetuated by Defendants into this very time of the filing of this Complaint, and include the actions of all Defendants in perpetuating this misrepresentation.

188. As a direct result of the misrepresentations and omissions, Plaintiff has been damaged in their property, person and finances, including pecuniary, compensatory, pain and suffering, by the misrepresentations of Defendants in excess of \$100,000,000.00.

189. Defendants' actions were wanton, willful and malicious or done with reckless disregard for the harm they would cause and did cause to Plaintiff, and expected that Plaintiff would be so harmed, justifying an award of punitive damages in excess of \$100,000,000.00.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendants: (1) for damages for fraud and misrepresentation in excess of \$100,000,000.00; (2) for punitive damages in excess of \$100,000,000.00 to punish the malicious and wanton conduct of Defendants, and to deter others from like conduct; (3) costs of the action; and (4) granting any and all other relief that the Court deems just and proper.

### **COUNT XIII**

(Civil Conspiracy and Breach of Fiduciary Duty – Defendants Byrne, McFarland, EOP, OPM and OSC)

190. Plaintiff realleges paragraphs 1 through 189 as if fully stated herein.

191. Defendants conspired with each other and with others outside the government, to commit the acts aforesaid against the Plaintiff. Their acts amount to a civil conspiracy to defraud the public and harm Plaintiff. It is also a conspiracy to act in violation of the law and deprive

Plaintiff of their property rights, religious freedom, First Amendment freedom of expression, and their privacy. It is also a conspiracy to commit fraud. It is also a conspiracy to breach contracts with employees and induce breach of fiduciary duty.

192. Defendants intentionally inflicted harm on Plaintiff and their families, which caused special damages including loss of property, loss of consortium, loss of savings, loss of income, loss of credit, reputation, and other special damages. This conduct by Defendants was without justification, which would otherwise be lawful, and constitutes a prima facie tort, and conspiracy to commit a tort.

193. Defendants made agreements to commit the harm and engage in the schemes aforementioned, including making over acts among each other and communicating and cooperating in order to bring said conspiracy and civil wrongs about. The conspiracy to commit these torts, breaches of duty, and prima facie tort actually caused the damages set forth herein.

194. In all the actions described in this complaint, defendants acted through their agents, officers, attorneys, representatives, insurance carriers through their officers, agents, attorneys and insurance adjustors and managers, which were acting in the course and scope of employment or agency or representation for defendant contracting companies and insurance carriers, and which defendant companies ratified all of the acts described in this complaint.

195. Plaintiff has been damaged in their persons, property, and out of pocket expenses, and attorneys fees.

196. The conduct of Defendants was wanton, willful, malicious, oppressive, intentional, fraudulent, and beyond the bounds of acceptable behavior in a civilized society, justifying an award of punitive damages to punish this conduct and deter others from doing the same in the future.

197. Defendants should be restrained from continuing in their improper actions as aforementioned and required to comply with the law to the extent any defendants still occupy an office of the United States.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendants: (1) for damages in excess of \$200,000,000, and (2) declaring Defendants' conduct to be unlawful; (3) enjoining Defendants from continuing in such activity in the future; (4) and referring the matter for further investigation to the Attorney General of the State of Virginia; and (5) granting any and all other relief that the Court deems just and proper.

#### **COUNT XIV**

(Civil Conspiracy and Intentional and Negligent Infliction of Mental and Emotional Distress – all individual Defendants)

198. Plaintiff repeats and incorporates by reference each and every allegation set out in paragraphs 1 through 198 as if fully set out herein.

199. Defendants intended to inflict emotional and mental distress on Plaintiff, or knew or should have known that emotional distress was likely to result from their conduct.

200. Defendants conduct was extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized community.

201. The actions of the defendants were the cause of Plaintiff's distress.

202. Emotional and mental distress suffered by the plaintiff was severe and of such a nature that no reasonable person could be expected to endure it.

203. In all the actions described in this complaint, defendants acted through their agents, officers, attorneys, representatives, insurance carriers through their officers, agents, attorneys and insurance adjustors and managers, which were acting in the course and scope of employment or agency or representation for defendant contracting companies and



insurance carriers, and which defendant companies ratified all of the acts described in this complaint.

204. The conduct of Defendants was wanton, willful, malicious, oppressive, intentional, fraudulent, justifying an award of punitive damages to punish this conduct and deter others from doing the same in the future.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendants: (1) for damages in excess of \$200,000,000, and (2) declaring Defendants' conduct to be unlawful; (3) enjoining Defendants from continuing in such activity in the future; (4) and referring the matter for further investigation to the Attorney General of the State of Virginia; and (5) granting any and all other relief that the Court deems just and proper.

#### **COUNT XV**

(Writ of Mandate and Mandatory Injunctive Relief – all Defendants)

205. Plaintiff realleges paragraphs 1 through 204 as if fully stated herein.

206. Defendants should be restrained from continuing in their improper actions as aforementioned and required to comply with the law to the extent any defendants still occupy an office of the United States.

207. Defendants should be restrained and required to comply with the law and cease violating Virginia and United States Statutes.

208. Defendants OPM and OPM IG, Patrick McFarland, Jill Maroney, should be enjoined from any further statement, press release, investigation, report, or other activity related to Plaintiff Scott Bloch or his home, profession, activities as Special Counsel, and an injunction should issue against their being permitted in any fashion to comment on these matters in their official capacity. A writ of mandate should issue requiring them to refrain from doing their jobs

in any way that offends the constitution of the United States, the Commonwealth of Virginia, or the statutes of the United States and Virginia as aforementioned.

209. An injunction should issue requiring a finding that Plaintiff acted at all time within the bounds of his job as Special Counsel with all the discretion and privileges that entails, and that when Geeks came and performed the service for OSC computer used by Bloch in his offices in Washington, D.C., the Geeks technician preserved all documents on the hard drive and that none were destroyed by Geeks; and that Geeks was requested to preserve said documents on an encrypted flash drive, and that they did transfer all said documents and had Bloch confirm such had occurred, such that no documents of which Geeks was aware were ever destroyed by hiring Geeks.

210. All defendants should be enjoined from any further attempts to harm the professional or personal reputations of Plaintiff, including continuing to perpetuate OPM and OPM IG fraudulent authority to investigate Special Counsel Bloch or cause raids of plaintiff's home or investigate or report on their religious or private views or any other matter they had no right or legal authority to do.

211. In spite of the violation of the Economy Act, Defendants OPM, Maroney, IG McFarland, continued in their illegal investigation and desire to harm Bloch and his reputation and to justify their expenditure of millions of dollars on a wayward investigation, and conspired to issue a false report which they published through OSC.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendants: (1) declaring Defendants' conduct to be unlawful; (2) enjoining Defendants from continuing in such activity in the future; (3) and referring the matter for further investigation to

the Attorney General of the State of Virginia and of the United States; and (4) granting any and all other relief that the Court deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against

Defendants:

(1) for damages as proved, in the amount of \$100,000,000.00.

(2) for punitive damages in the amount of \$100,000,000.00 to punish unlawful

conduct and deter it in the future, and prevent further harm to the public interest;

(3) for economic and out of pocket loss of \$2,000,000.00. and for costs of this action;

(4) for an injunction declaring Defendants' conduct to be unlawful;

(5) for an injunction enjoining Defendants from continuing in such activity in the

future, and specifically enjoining any further activity, investigation, reporting or press releases or discussion by OPM or OPM IG;

(6) and referring the matter for further investigation to the Attorney General of the

State of Virginia; and

(7) granting any and all other relief that the Court deems just and proper.

Dated: September 29, 2015

Respectfully submitted,

SCOTT J. BLOCH

Pro se

A handwritten signature in black ink, appearing to read 'Scott J. Bloch', is written over a horizontal line. The signature is stylized and somewhat cursive.

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**JURY TRIAL DEMANDED**

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