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**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA.

Plaintiff,

v.

OMAROSA MANIGAULT NEWMAN,

Defendant.

Case No.:

COMPLAINT

COMPLAINT

1. This is an action brought pursuant to the Ethics in Government Act, 5 U.S.C. app. 4 § 101 *et seq.* (2006), (“EIGA”), by the United States of America against Omarosa Manigault Newman

for civil penalties for knowingly and willfully failing to file the required public financial disclosure report after her employment terminated with the Executive Office of the President.

JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 5 U.S.C. app. 4, § 104(a) and 28 U.S.C. §§ 1331 and 1345.

3. Venue is proper pursuant to 5 U.S.C. app. 4, § 104(a) and 28 U.S.C. § 1391(b).

PARTIES

4. Plaintiff is the United States of America.

5. Defendant Omarosa Manigault Newman is the former Director of Communications for the Office of Public Liaison in the White House, within the Executive Office of the President.

STATUTORY BACKGROUND

6. The EIGA requires individuals who occupy covered positions to file a final public financial disclosure report on or before the thirtieth day after leaving their position, unless they have accepted another covered position. 5 U.S.C. app. 4 § 101(e).

7. Among the positions covered by section 101 are “employee[s] in the [E]xecutive [B]ranch” whose “basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.” 5 U.S.C. app. 4 § 101(f)(3).

8. Section 104(a) of the EIGA authorizes the Attorney General to bring a civil action in federal district court against any individual “who knowingly and willfully fails to file or report any information that such individual is required to report” under the EIGA. 5 U.S.C. app. 4 § 104(a).

9. The EIGA provides that the court may assess a civil penalty of up to \$50,000 against an individual who knowingly and willfully fails to file a public financial disclosure report required under the EIGA. *See* 5 U.S.C. app. 4 § 104(a)(1).

FACTUAL BACKGROUND

10. Beginning January 20, 2017, Ms. Manigault Newman was the Director of Communications in the Office of Public Liaison in the White House, a position within the Executive Branch.

11. Her salary was greater than 120 percent of \$103,672, which was the minimum rate of basic pay payable for GS-15 of the General Schedule in 2017. *See* 5 U.S.C. app. 4 § 101(f)(3); United States Office of Personnel Management, Salary Table 2017-GS, effective January 2017, *available at* <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/GS.pdf>.

12. Ms. Manigault Newman filed the new entrant financial disclosure report required under the EIGA.

13. On or before December 19, 2017, Ms. Manigault Newman received a post-government employment briefing in which she was advised of her obligation under the EIGA to file a termination financial disclosure report by January 18, 2018.

14. Ms. Manigault Newman's employment as Director of Communications in the Office of Public Liaison in the White House terminated effective December 19, 2017.

15. Ms. Manigault Newman did not accept another government position covered by section 101 of the EIGA after the termination of her employment with the White House.

16. On December 29, 2017, an ethics attorney in the White House Counsel's Office sent Ms. Manigault Newman an email reminding her of her obligation to file her termination financial

disclosure report by January 18, 2018. Although the email address used was the personal email address provided by Ms. Manigault Newman to the White House Counsel's Office (hereinafter "provided email address"), she did not respond.

17. On January 3, 2018, an ethics attorney in the White House Counsel's Office sent Ms. Manigault Newman another email to the provided email address reminding her of her obligation to file her termination financial disclosure report by January 18, 2018. The email included as an attachment her post-government employment memorandum, which memorialized the briefing that Ms. Manigault Newman received before leaving the White House.

18. On January 12, 2018, an ethics attorney in the White House Counsel's Office sent Ms. Manigault Newman an email to the provided email address asking whether she had any questions regarding filing her termination financial disclosure report.

19. On January 18, 2018, Ms. Manigault Newman failed to file the required termination financial disclosure report due that date.

20. The following day, an ethics attorney in the White House Counsel's Office sent Ms. Manigault Newman an email to the provided email address advising her that her termination financial disclosure report was overdue and that she might be assessed a \$200 late filing fee.

21. On February 6, 2018, an ethics attorney in the White House Counsel's Office sent Ms. Manigault Newman another email to the provided email address and to a second email address for Ms. Manigault Newman asking whether she had any questions regarding filing her termination financial disclosure report.

22. On March 26, 2018, an ethics attorney in the White House Counsel's Office sent Ms. Manigault Newman another email to the provided email address and to the second email address reminding her that her termination financial disclosure report was past due. This time, shortly

after the email was sent, Ms. Manigault Newman responded by calling the ethics attorney to discuss the overdue termination financial disclosure report.

23. Later that day, on March 26, 2018, Stefan Passantino, then-Deputy Counsel to the President, sent Ms. Manigault Newman an email to the provided email address and to the second email address reminding her of her obligation to file her termination financial disclosure report. Ms. Manigault Newman responded to Mr. Passantino's email that same day using the provided email address but thereafter did not file the overdue termination financial disclosure report.

24. Pursuant to the regulations of the Executive Office of the Government Ethics, 5 C.F.R. § 2634.701, the Executive Office of the President referred this matter to the Department of Justice for commencement of an action authorized by 5 U.S.C. app. 4 § 104(a), and the action was authorized on March 17, 2019.

COUNT I

25. Plaintiff repeats and realleges Paragraphs 1 through 24 as if fully stated herein.

26. Ms. Manigault Newman has been aware since on or before December 19, 2017 that she was subject to the EIGA and was required to file a termination financial disclosure report within thirty days of the termination of her employment within the Executive Branch.

27. White House ethics counsel repeatedly informed Ms. Manigault Newman both orally and in writing of her obligation to file her termination financial disclosure report.

28. Notwithstanding the numerous attempts to obtain her compliance, Ms. Manigault Newman has not filed her termination financial disclosure report even though her employment within the Executive Branch ended, as of this filing, more than 180 days ago.

29. Ms. Manigault Newman violated the Ethics in Government Act, 5 U.S.C. app. 4 § 104, by knowingly and willfully failing to file her termination financial disclosure report within the time required by the EIGA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff the United States of America prays that this Court issue a decision and order:

- (1) Requiring Ms. Manigault Newman to file her termination financial disclosure report;
- (2) Assessing a civil penalty under Count I of up to \$50,000; and
- (3) Granting Plaintiff such further relief as the Court deems just and proper.

Dated: June 25, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

JAMES J. GILLIGAN
Acting Director

JACQUELINE COLEMAN SNEAD
Assistant Branch Director

/s/ Ashley A. Cheung
ASHLEY A. CHEUNG
Trial Attorney
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Federal Programs Branch
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Washington, D.C. 20005
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Fax: (202) 616-8470
Email: ashley.cheung@usdoj.gov

Attorneys for Plaintiff

CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

<p>I. (a) PLAINTIFFS United States of America</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p>DEFENDANTS Omarosa Manigault Newman</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT 88888 (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p>																								
<p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Ashley A. Cheung U.S. Department of Justice, Civil Div., 1100 L Street N.W. Washington, D.C. 20005 (202) 616-8267</p>	<p>ATTORNEYS (IF KNOWN)</p>																								
<p>II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)</p> <p><input checked="" type="radio"/> 1 U.S. Government Plaintiff <input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
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<p><input checked="" type="radio"/> E. General Civil (Other) OR <input type="radio"/> F. Pro Se General Civil</p>			
<p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent – Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p>	<p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks & Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p>	<p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p> <p><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Civil penalty action pursuant to the Ethics in Government Act, 5 U.S.C. app. 4 § 101 et seq. (2006)

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F R C P 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: 6/25/19	SIGNATURE OF ATTORNEY OF RECORD /s/ Ashley A. Cheung
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

UNITED STATES OF AMERICA

Plaintiff(s)

v.

OMAROSA MANIGAULT NEWMAN

Defendant(s)

Civil Action No. 19-cv-1868

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Ms. Omarosa Manigault Newman
3796 Biggin Church Road W
Jacksonville, Florida 32224

12620 Beach Boulevard, Suite 3-200
Jacksonville, FL 32246

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Ashley A. Cheung
United States Department of Justice
1100 L Street, N.W.
Washington, D.C. 20005

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 19-cv-1868

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: