

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JOHN PAUL MAC ISAAC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
CABLE NEWS NETWORK, INC., ADAM	)	
BENNETT SCHIFF, POLITICO LLC,	)	
ROBERT HUNTER BIDEN, AND BFPCC,	)	
INC.,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

The United States, by and through its undersigned attorneys, hereby removes the above-captioned action to the United States District Court for the District of Delaware pursuant to 28 U.S.C. § 2679(d)(2), and respectfully gives notice as follows:

1. Representative Adam Schiff is a named defendant in an action filed in the Superior Court of the State of Delaware, County of Sussex, Miscellaneous Civil Action No. S22C-10-012-RHR. A copy of the amended complaint in that action is attached hereto as Exhibit A.
2. This Notice of Removal is supported by 28 U.S.C. § 2679(d)(2).
3. The Federal Tort Claims Act (“FTCA”), as amended by the Federal Employees Liability Reform and Tort Compensation Act of 1988 (the “Westfall Act”), codified in relevant part at 28 U.S.C. § 2679, provides that suit against the United States shall be the exclusive remedy for claims for damages for the negligent or wrongful act or omission of an employee of the government occurring within the scope of their office or employment. 28 U.S.C. § 2679(b)(1).

4. Section 2679(d)(2) states that “[u]pon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place in which the action or proceeding is pending.”

5. The Attorney General delegated his authority to issue such a certification to the Director of the Torts Branch. 28 C.F.R. § 15.4.

6. James G. Touhey, Jr., the Director of the Torts Branch within the Civil Division of the Department of Justice, certified that the defendant employee, Representative Schiff, was acting within the scope of his office or employment at the time of the incident out of which the claim arose. This certification covers the plaintiff’s claims except to the extent those claims may fall within 28 U.S.C. § 2679(b)(2). A copy of this certification is attached as Exhibit B.

7. Because Representative Schiff was acting within the scope of his office or employment at the time of the incident out of which the plaintiff’s claims arose, the United States intends to file a motion to substitute itself for Representative Schiff in this action for all claims for which the FTCA provides the exclusive remedy, 28 U.S.C. §§ 2679(b)(1), (d)(2), and to dismiss for lack of subject-matter jurisdiction.

8. Pursuant to 28 U.S.C. § 1446, written notice of this Notice of Removal is being provided to plaintiff, co-defendants, and a copy is being filed with the Superior Court of the State of Delaware.

9. In accordance with 28 U.S.C. § 1446(a) a copy of all process, pleadings, and

orders served on Representative Schiff are attached hereto as Exhibit C.<sup>1</sup>

10. All affirmative defenses are reserved until such time as a responsive pleading is due from the United States in this action.

WHEREFORE, pursuant to 28 U.S.C. § 2679(d)(2), the aforesaid action is removed from the Superior Court of the State of Delaware, County of Sussex, to the United States District Court for the District of Delaware.

Respectfully submitted,

BRIAN BOYNTON  
Principal Deputy Assistant Attorney General  
Civil Division

JAMES G. TOUHEY, JR.  
Director, Torts Branch

/s/ Stephen R. Terrell  
STEPHEN R. TERRELL (Cal. Bar No. 21004)  
Attorney  
Torts Branch  
United States Department of Justice  
P.O. Box 888  
Washington, DC 20044  
(202) 353-1651  
Stephen.Terrell2@usdoj.gov

*Counsel for the United States*

Dated: March 7, 2023

---

<sup>1</sup> The United States will separately lodge the available state court docket entries.