

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

JAMES BLASSINGAME, et al.,

Plaintiffs,

vs.

DONALD J. TRUMP,

Defendant.

Case No. 1:21-cv-00858-APM

**NOTICE OF SUBSTITUTION**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 2679(d) the United States is hereby substituted for the individual defendant Donald J. Trump with respect to the plaintiffs' state law claims for relief. The grounds for this substitution are:

1. The plaintiffs allege violations of District of Columbia law committed by defendant while he was President of the United States and that the plaintiffs were damaged as a result of the defendant's actions.

2. Count One alleges the direction of assault and battery. Doc. 3 (Am. Compl.) ¶¶ 150-62. Count Two alleges aiding and abetting assault and battery. *Id.* ¶¶ 163-68. Count Four alleges violations of D.C. Code § 22-1322. *Id.* ¶¶ 180-89. Count Five alleges violations of D.C. Code § 22-1321(a)(1), (a)(2), and (b). *Id.* ¶¶ 190-207. All of these claims for relief arise under District of Columbia law. On February 18, 2022, the Court dismissed Count Three (intentional infliction of emotional distress), Count Six (punitive damages), and Count Eight (civil conspiracy in violation of common law). Doc. 37 (Mem. Op. & Order) at 111-12.

3. The Federal Tort Claims Act, 28 U.S.C. §§ 1346(b); 2671-2680 (2012) ("FTCA"), as amended by the Federal Employees Liability Reform and Tort Compensation Act of 1988 § 5, Pub. L. No. 100-694, 102 Stat. 4563 (1988), provides that a suit against the United

States shall be the exclusive remedy for persons with claims for damages resulting from the negligent or wrongful acts or omissions of federal employees taken within the scope of their office or employment. *See* 28 U.S.C. § 2679(b)(1). The District of Columbia law claims alleged in the plaintiffs' Amended Complaint fall within this provision. The two exceptions to this exclusive remedy provision do not apply to these claims. *See* § 2679(b)(2).

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

5. C. Salvatore D'Alessio, Jr., Director of the Torts Branch, Civil Division, United States Department of Justice, has certified that the defendant Donald J. Trump was acting in the scope of office or employment at the time of the incidents out of which the plaintiffs' claims arose.

For the foregoing reasons, the United States has been substituted as the defendant with respect to the remaining state law claims for relief alleged in the Amended Complaint. The Court is respectfully referred to the Certification of Scope of Employment filed along with this notice. An order amending the caption of this case to reflect the substitution of the United States has been tendered for the Court's convenience.

Dated: March 20, 2025

Respectfully submitted,

YAAKOV ROTH  
Acting Assistant Attorney General  
Civil Division

C. SALVATORE D’ALESSIO, JR.  
Director  
Torts Branch, Civil Division

ANDREA W. MCCARTHY  
Deputy Director  
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/s/ Jonathan R. Myers  
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*Attorneys for United States of America*

**CERTIFICATION OF SERVICE**

I hereby certify that on March 20, 2025, the foregoing Notice of Substitution was filed electronically through ECF/CM.

/s/ Jonathan R. Myers  
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**CERTIFICATION**

I, C. Salvatore D'Alessio, Jr., Director, Torts Branch, Civil Division, United States Department of Justice, acting pursuant to the provisions of 28 U.S.C. § 2679(d), and by virtue of the authority vested in me by 28 C.F.R. § 15.4, hereby certify that I have read the Amended Complaint in this action. On the basis of the information now available with respect to the claims set forth therein, I find that Donald J. Trump was acting within the scope of federal office or employment at the time of the incidents out of which the plaintiffs' claims arose.

Dated: March 20, 2025



C. Salvatore D'Alessio, Jr.  
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C. Salvatore D'Alessio, Jr.  
Director, Torts Branch, Civil Division  
United States Department of Justice

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**ORDER**

The Attorney General's designee having certified that the individual defendant, Donald J. Trump, was acting within the scope of federal office or employment at the time of the incidents out of which the plaintiffs' claims arose, and the United States having thereby been substituted as a party under 28 U.S.C. § 2679(d), it is hereby:

ORDERED that pursuant to the provisions of 28 U.S.C. § 2679(b)(2) and § 2679(d), the state law claims set forth in Counts One, Two, Four, and Five of the Amended Complaint (Doc. 3) are dismissed with respect to the individual defendant Donald J. Trump.

It is further ORDERED that the caption of this action shall be amended to reflect the substitution of the United States as a defendant as to the above claims.

DATED: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE