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APPENDIX A

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 21-1399

LORI D. MCCLAUGHLIN,
Plaintiff - Appellant,

v.

MERRICK B. GARLAND, in his official capacity
as United States Attorney General,
Defendant - Appellee.

ADAM H. FARRA,
Court-Assigned Amicus Counsel.

Appeal from the United States District Court for the
Middle District of North Carolina, at Greensboro. Cath-
erine C. Eagles, District Judge. (1:20-cv-00230-CCE-JEP)

Submitted: September 30, 2022

Decided: November 30, 2022

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Before WILKINSON and NIEMEYER, Circuit Judges,
and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Meredith C. Neely, Adam H. Farra, GILBERT LLP, Washington, D.C., for Court-Assigned Amicus Counsel. Adair F. Boroughs, United States Attorney, Columbia, South Carolina, Andrew R. de Holl, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lori McLaughlin appeals the district court's dismissal of her employment discrimination and retaliation claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2000e-17, and the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. §§ 621-634. We affirm.

I.

Prior to her filing this lawsuit, McLaughlin was employed as a criminal investigator in the Greensboro office of the Bureau of Alcohol, Tobacco, Firearms and

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Explosives (“ATF”), an agency of the United States Department of Justice (“DOJ”). On August 16, 2017, she filed a lawsuit in the Middle District of North Carolina alleging employment discrimination and retaliation by ATF management officials. *See McLaughlin v. Sessions*, No. 1:17-cv-759 (M.D.N.C. 2017).¹ The DOJ determined that, to avoid any appearance of a conflict of interest if its employees were called as witnesses, McLaughlin should not conduct criminal investigations for ATF in North Carolina pending resolution of the lawsuit. On October 16, 2017, McLaughlin was re-assigned to the Crime Gun Intelligence Center (“CGIC”), over her objections. In March 2018, McLaughlin was temporarily relocated, again over her objections, to the Charlotte ATF office.

On June 8, 2018, the district court dismissed McLaughlin’s lawsuit. ATF, however, did not reassign McLaughlin to her prior criminal investigator position. Instead, ATF assigned McLaughlin to the National Center for Explosives Training and Research (“NCETR”), with an effective date of July 8, 2018. On June 29, 2018, McLaughlin asked her supervisor, Wayne Dixie, why she was being reassigned to NCETR. Dixie told her that it was “because the USAO would not prosecute [her] criminal investigations.” J.A. 88. McLaughlin

¹ As noted by the district court, McLaughlin has filed multiple administrative charges and lawsuits against the DOJ alleging sex and race discrimination, as well as an EEO-related whistleblower appeal. *See, e.g., McLaughlin v. Merit Systems Prot. Bd.*, 853 F.App’x 648 (Fed. Cir. 2021); *McLaughlin v. Barr*, No. 19-cv-318 (M.D.N.C. 2019); *McLaughlin v. Holder*, 1:11-cv-01868 (D.D.C. 2011); *McLaughlin v. Mukasey*, No. 1:08-cv-1256 (D.D.C. 2008).

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stated that she “immediately recognized this decision to be ‘retaliation.’” *Id.* After McLaughlin objected to her reassignment from CGIC to NCETR, it was rescinded. But McLaughlin was still not reassigned back to her previous criminal investigator position, as she demanded. She remained in her CGIC assignment.

On March 11, 2020, McLaughlin filed the instant lawsuit, alleging that ATF’s reassignment of her to CGIC was an adverse employment action based on her race, sex, and age. McLaughlin additionally alleged that the reassignment was in retaliation for her EEO activities in January 2018 (which led up to the filing of this complaint) and for her filing a separate complaint with the Office of Special Counsel in April 2018, which culminated in an Individual Rights Petition with the Merit Systems Protection Board. The district court dismissed the lawsuit because McLaughlin had failed to timely contact an EEO counselor following the challenged personnel decisions, rendering her claims administratively unexhausted. In the alternative, the district court dismissed all the claims as implausible, noting that:

In [her] complaint, as well as in her previous paper writings, Ms. McLaughlin claims that the ATF and the Department of Justice are full of people at all levels who are and have been for many years corrupt, bigoted, or incompetent, and who have routinely disregarded and continue to disregard the rules. Of course prosecutors would have doubts about her judgment as an investigator, not to mention the Pandora’s box that could result should she

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testify. She does not allege discriminatory remarks were made to her or in her presence or any other facts that would directly support a discrimination claim, and the record establishes legitimate non-discriminatory reasons for prosecutorial decisions that cannot plausibly be attributed to discriminatory or retaliatory motives.

J.A. 498-99. This appeal followed.

II.

Federal employees bringing discrimination claims must exhaust their administrative remedies within their federal agency before filing suit in federal court. *See* 29 C.F.R. §§ 1614.105-.110; *Stewart v. Iancu*, 912 F.3d 693, 699 (4th Cir. 2019). Absent grounds for equitable tolling, the regulations require employees to consult an EEO counselor “within 45 days of the date of the matter alleged to be discriminatory or, in the case of personnel action, within 45 days of the effective date of the action.” 29 C.F.R. § 1614.105(a)(1). “Requiring exhaustion of administrative remedies serves twin objectives: protecting agency authority in the administrative process and promoting efficiency in the resolution of claims.” *Stewart*, 912 F.3d at 699 (cleaned up).

McLaughlin first contacted an EEO counselor on January 8, 2019. She filed her formal administrative complaint on March 26, 2019, challenging ATF’s decisions to remove her from her criminal investigator’s position, relocate her to Charlotte, N.C., and to not

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reassign her to her prior position after the 2017 lawsuit was concluded. In her administrative complaint, McLaughlin alleged that the most recent discriminatory action took place on July 8, 2018. On October 30, 2019, the EEOC dismissed McLaughlin’s administrative complaint as untimely because McLaughlin “failed to initiate timely EEO contact” within 45 days of the effective dates of the personnel actions taken by the ATF, J.A. 40, and “presented no persuasive arguments or evidence warranting an extension of the time limit for initiating EEO Counselor contact with respect to [her] claims,” J.A. 41. McLaughlin knew on October 17, 2017, that the agency had reassigned her from her criminal investigator position; knew on March 15, 2018, that the agency required her to work from Charlotte, North Carolina; and knew by June 29, 2018, that she was being reassigned from the CGIF to the NCETR *because* the USAOs would not prosecute her criminal investigations. However, McLaughlin did not initiate EEO counselor contact until January 8, 2019, well more than 45 days after the challenged personnel actions.

III.

We review a district court’s grant of a motion to dismiss for failure to state a claim *de novo*. *See Rockville Cars, LLC v. City of Rockville*, 891 F.3d 141, 145 (4th Cir. 2018). When considering a Rule 12(b)(6) motion to dismiss, “we must accept the factual allegations of the complaint as true and construe them in the light most favorable to the nonmoving party.” *Id.* We may

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also “consider documents attached to the complaint or the motion to dismiss so long as they are integral to the complaint and authentic.” *Id.* (cleaned up). “To survive a 12(b)(6) motion to dismiss, the complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Id.* (cleaned up). To be plausible, the complaint must contain sufficient factual allegations to “allow the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Paradise Wire & Cable Defined Benefit Pension Plan v. Weil*, 918 F.3d 312, 317 (4th Cir 2019) (cleaned up).

We find no error in the district court’s opinion. McLaughlin’s August 2017 lawsuit was dismissed on June 8, 2018, and she did not appeal. Accepting as true McLaughlin’s allegation that she was told that the reassignment would be temporary pending resolution of the lawsuit, McLaughlin found out no later than June 29, 2017, that she would be reassigned to the NCETR as of July 8, 2018, instead of back to her criminal investigator position. She was also told that this reassignment was made *because* the USAOs in North Carolina informed ATF that they would not prosecute her cases. Like the EEOC, the district court found that the 45-day period ran from the date that McLaughlin was informed that the USAOs would no longer prosecute cases that she had investigated. But McLaughlin did not contact the EEO counselor until January 8, 2019.

To get around her untimely consultation, McLaughlin argues that the 45-day period should instead run

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from December 18, 2018, the date that Wayne Dixie executed a declaration in connection with the Individual Rights Petition that she had filed with the MSPB. In the declaration, Dixie discusses McLaughlin's reassignments. He also explains that the decision was made to reassign McLaughlin to the NCETR because the United States Attorneys were not willing to accept cases investigated by McLaughlin due to the disparaging remarks that McLaughlin had made against officials with the DOJ, ATF, and USAOs, impeaching evidence that they believed would have to be disclosed to defense counsel, *see Giglio v. United States*, 405 U.S. 150 (1972), and would likely harm prosecutions of her investigations. Dixie's declaration changes nothing. As the district court correctly observed, McLaughlin did not exhaust a separate, timely claim that the declaration somehow created a new *Giglio-based* personnel decision. But even if she had exhausted such a claim, as she argues, Dixie's declaration did not create a new employment action and McLaughlin's argument is inconsistent with her admission that she knew in June 2018 that she was being reassigned from CGIC to NCETR, *because* the U.S. Attorneys would not prosecute her cases. The declaration does not change what McLaughlin was told in June 2018 or, more importantly, the fact that the latest, adverse personnel decision—ATF's decision *not* to reassign her from her position at CGIF back to her criminal investigator position—occurred no later than July 8, 2018.

Accordingly, we affirm the district court's dismissal of McLaughlin's discrimination and retaliation

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claims as time-barred because she did not exhaust her administrative remedies. We also affirm the district court's dismissal of McLaughlin's claims as implausible, for the reasons stated by the district court. To the extent McLaughlin has raised claims on appeal not included in her complaint in district court, we dismiss them as improperly raised. We have dispensed with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.²

AFFIRMED

² McLaughlin proceeded *pro se* in this appeal. In her informal brief, she did not challenge the district court's dismissal of her discrimination claims as implausible and, therefore, abandoned them. *See* 4th Cir. R. 34(b) ("The Court will limit its review to the issues raised in the informal brief."). The court subsequently appointed amicus counsel to brief the issues in support of McLaughlin.

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FILED: November 30, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1399
(1:20-cv-00230-CCE-JEP)

LORI D. MCLAUGHLIN

Plaintiff - Appellant

v.

MERRICK B. GARLAND, in his official capacity
as United States Attorney General

Defendant - Appellee

ADAM H. FARRA,

Court-Assigned Amicus Counsel.

JUDGMENT

In accordance with the decision of this court, the
judgment of the district court is affirmed.

This judgment shall take effect upon issuance of
this court's mandate in accordance with Fed. R. App. P.
41.

/s/ PATRICIA S. CONNOR, CLERK

APPENDIX B

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF NORTH CAROLINA**

LORI D. McLAUGHLIN,)	
)	
Plaintiff,)	
)	
v.)	1:20-CV-230
)	
WILLIAM B. BARR,)	
In His Official Capacity)	
as United States)	
Attorney General,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

(Filed Nov. 23, 2020)

Catherine C. Eagles, District Judge.

The plaintiff, Lori McLaughlin, brought this suit alleging that her supervisors at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and others in the Department of Justice discriminated against her based on her race, age, and sex and retaliated against her for bringing previous discrimination claims, all in violation of Title VII and the ADEA. Because Ms. McLaughlin's discrimination claims are based on actions that she did not timely bring to the attention of the Equal Employment Office, her claims are time-barred, and the defendant's motion to dismiss will be granted.

Background

For the limited purpose of resolving the motion to dismiss for failure to state a claim, the Court considers the allegations in the complaint as true. As to dates when administrative claims were made in connection with the defendant's motion to dismiss based on exhaustion, the Court accepts the allegations of the complaint, as supplemented by attachments to Ms. McLaughlin's complaints in this case and her previous cases, along with other documents related to timing that appear to be undisputed.¹

Ms. McLaughlin, an African-American woman, has worked for ATF since 1989. Doc. 1 at ¶¶ 3, 7. At all times relevant here, she was assigned to the Charlotte Field Division of ATF. *Id.* at ¶ 3. Ms. McLaughlin has filed multiple administrative charges against the ATF, at least two previous lawsuits, and an EEO-related whistleblower appeal. *See id.* at 75; *McLaughlin v. MSPB*, No. 19-1997 (Fed. Cir. 2019); *McLaughlin v. Barr*, No. 1:19-cv-318, 2020 WL 869914 (M.D.N.C. Feb. 21, 2019); *McLaughlin v. Sessions*, No. 1:17-cv-759-CCE-JEP (M.D.N.C. 2017); *McLaughlin v. Holder*, 828

¹ Courts generally do not consider matters outside the pleadings when ruling on a motion to dismiss. *Am. Chiropractic Ass'n v. Trigon Healthcare, Inc.*, 367 F.3d 212, 234 (4th Cir. 2004). A court may, however, consider documents outside the pleadings without converting a motion to dismiss into one for summary judgment if those documents are "integral to and explicitly relied on in the complaint" and their authenticity is unchallenged. *Copeland v. Bieber*, 789 F.3d 484, 490 (4th Cir. 2015).

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F. Supp. 2d 230 (D.D.C. 2011); *McLaughlin v. Mukasey*, No. 1:08-cv-1256 (D.D.C. 2008).

When she filed her 2017 lawsuit in this district, No. 1:17-cv-759-CCE-JEP, Ms. McLaughlin was a criminal investigator in the Greensboro ATF office. Doc. 1 at ¶¶ 7, 9–10. On or about October 16, 2017, shortly after filing the lawsuit, Ms. McLaughlin was reassigned to the Crime Gun Intelligence Center in Charlotte. *Id.* at ¶¶ 8–10; Doc. 12-7 at 36 (Plaintiff's EEO Declaration and Exhibits). Ms. McLaughlin believed the reassignment was temporary and that she would return to her criminal investigator position in Greensboro at the conclusion of the suit. Doc. 1 at ¶¶ 10, 14.

But when the suit concluded in June 2018, ATF management instead attempted to reassign Ms. McLaughlin to the National Center for Explosives Training and Research (NCETR). *Id.* at ¶¶ 14–15. On June 29, 2018, Ms. McLaughlin asked her supervisor, Wayne Dixie, why she was being reassigned, and he told her that the U.S. Attorney's Office "would not prosecute [her] cases." Doc. 12-7 at 37. Soon thereafter, ATF rescinded the reassignment. Doc. 1 at ¶ 15. In December 2018, Agent Dixie stated in a sworn declaration filed with the Merit Systems Protection Board that all three North Carolina U. S. Attorneys advised him they would not prosecute any criminal investigations conducted by Ms. McLaughlin. *Id.* at ¶ 20. Ms. McLaughlin remains at the Crime Gun Intelligence Center in Charlotte. *Id.* at ¶ 14; Doc. 12-6.

As is relevant here, Ms. McLaughlin contacted an EEO counselor on January 8, 2019. Doc. 12-1 at 2. She raised several matters with this counselor, including a complaint that the three North Carolina United States Attorneys were refusing to prosecute cases investigated by her. *Id.* at 2–3.

She filed a formal administrative complaint on March 26, 2019, alleging three adverse actions. *Id.* at 2. Specifically, Ms. McLaughlin complained that (1) the three United States Attorneys’ offices in North Carolina refused to prosecute any of her criminal investigations, without notice;² (2) she was removed from her field position without any official notification; and (3) she was transferred to Charlotte based on complaints filed against her by co-workers in the Greensboro office, again without notice. *Id.* at 3. Her administrative complaint was ultimately denied, and in this pending lawsuit, Ms. McLaughlin alleges that these three adverse actions were the result of race, sex, and age discrimination, as well as retaliation for an earlier lawsuit against her employer, all in violation of Title VII, 42 U.S.C. § 2000e *et seq.*, and the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* See Doc. 1 at ¶¶ 51-83.

Ms. McLaughlin alleges that ATF management and the United States Attorneys “conspired” to discriminate against her, *id.* at ¶¶ 53, 62, 69, 79, but

² Ms. McLaughlin refers to this adverse action in her complaint as placement into “giglio” status, presumably a reference to *Giglio v. United States*, 405 U.S. 150, 155 (1972) (holding impeachment material of a government witness must be turned over to the defense). See generally Doc. 1.

conspiracy is not an element of a Title VII or ADEA claim nor is there a separate cause of action for conspiracy to violate those statutes. Because she proceeds *pro se*, *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the Court liberally construes her complaint to allege violations of Title VII and the ADEA, not independent conspiracy claims.

Legal Framework

Federal employees bringing discrimination claims must exhaust administrative remedies within their federal agency before filing suit in federal court. *See* 29 C.F.R. §§ 1614.105-1614.110; *Stewart v. Iancu*, 912 F.3d 693, 699 (4th Cir. 2019). The applicable regulations require federal employees to consult an Equal Employment Opportunity counselor within 45 days of the alleged discriminatory acts. 29 C.F.R. § 1614.105(a)(1). Absent grounds for equitable tolling not asserted here, *see Lorenzo v. Rumsfeld*, 456 F. Supp. 2d 731, 738 (E.D. Va. 2006), failure to do so is grounds for dismissing the employee's discrimination claim or disregarding acts committed before that period. At the end of the counseling period, the employee has 15 days to file a discrimination charge with the agency. 29 C.F.R. §§ 1614.105(d–e), 1614.106(b). If a plaintiff has not timely exhausted her administrative remedies, her complaint is subject to dismissal when failure to exhaust is raised by the employer. *See Fort Bend Cnty. v. Davis*, 139 S. Ct. 1843, 1851-52 (2019); *Laber v. Harvey*, 438 F.3d 404, 428-29 & n.25 (4th Cir. 2006).

A Title VII federal lawsuit may include “any kind of discrimination like or related to allegations contained in the charge and growing out of such allegations during the pendency of the case before the agency.” *Stewart*, 912 F.3d at 705. The same is true of age discrimination claims. *See, e.g., Smith v. Potomac Elec. Power Co.*, No. TDC-19- 1764, 2020 WL 1904707, at *6 (D. Md. Apr. 17, 2020) (allowing an ADEA hostile workplace claim to proceed from an EEO charge that alleged age discrimination). But the Court may not consider wholly new, unrelated claims. *See Sydnor v. Fairfax Cnty.*, 681 F.3d 591, 593-94 (4th Cir. 2012) (noting that the “scope of the plaintiff’s right to file a federal lawsuit is determined by the charge’s contents.”).

Analysis

As is relevant here, Ms. McLaughlin made first contact with an EEO counselor on January 8, 2019. Doc. 12-1 at 2. As a result of the applicable 45-day rule, any claim based on conduct that predates November 25, 2018, is untimely.³ 29 C.F.R. § 1614.105(a)(1); *Greenblatt v. Nat’l Pork Bd.*, No. CV ELH-15-00054, 2015 WL 6549578, at *7 (D. Md. Oct. 27, 2015).

Ms. McLaughlin does not specify dates for the alleged adverse actions in either the initial EEO charge

³ Ms. McLaughlin does not specifically assert a hostile work environment claim in her complaint, but she makes a passing assertion that she “was also unlawfully harassed constituting a hostile work environment.” Doc. 1 at ¶ 1. To the extent Ms. McLaughlin pursues a claim of hostile work environment, that claim is dismissed for failure to plead sufficient supporting facts.

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or the complaint, but the dates are apparent from exhibits, and she does not dispute them in her brief. As the EEOC held in dismissing her charges for untimeliness, Doc. 12-4 at 3, the record shows that all of the alleged adverse actions occurred before November 25, 2018.

Ms. McLaughlin alleges she was removed from her field position and transferred to Charlotte in violation of Title VII and the ADEA. But she admits that the agency reassigned her from field criminal investigator on or about October 16, 2017, Doc. 1 at ¶¶ 9-10; Doc. 12-6; Doc. 12-7 at 36, over a year before she sought EEO assistance. She also admits that she found out in June 2018 that she would not be reassigned to the Greensboro office and was told soon thereafter that she would remain at the Crime Gun Intelligence Center in Charlotte. *See* Doc. 1 at ¶ 14; Doc 12-7 at 37. The decision not to reassign Ms. McLaughlin to her field investigator position in the Greensboro office was made months before November 25, 2018. Her claims based on this conduct are untimely.

Ms. McLaughlin's remaining claim relates to the allegation that her ATF supervisors and two U.S. Attorneys discriminated against her by "conspir[ing] with one another to place [her] into a 'giglio' status." Doc. 1 at ¶¶ 53, 62, 69, 79; Doc. 12-1 at 3.⁴ Ms. McLaughlin

⁴ Ms. McLaughlin alleged in her EEO charge that all three North Carolina U.S. Attorneys discriminated against her. In her complaint, she is only specific as to two of the three prosecutors, though she does make references to the third in her factual allegations.

admits that on June 29, 2018, Agent Dixie informed her that “the USAO would not prosecute [her] cases.” Doc. 12-7 at 37. But she did not raise this issue with the EEO office for over five months. This claim is also untimely.

Ms. McLaughlin contends that she did not become aware of the decisions by the U.S. Attorneys until December 18, 2018, when she read Agent Dixie’s declaration submitted in the MSPB proceeding. Doc. 1 at ¶ 20; Doc. 17 at 15-16. As previously noted, this is inconsistent with her assertion that she was told in June that the U.S. Attorneys would not prosecute her cases. Thus, on the facts alleged, the 45-day limit was triggered no later than her June 2018 conversation with Agent Dixie.⁵ Ms. McLaughlin makes no argument

⁵ The Fourth Circuit has held in an unpublished opinion that the time limit in §1614.105(a)(1) does not begin when a complainant first learns of the alleged discrimination behind an action, but “within forty-five days of the effective date of the personnel action” itself. *Young v. Barnhart*, 52 F. App’x 191, 193 n.4 (4th Cir. 2002) (unpublished) (relying on *Hamilton v. 1st Source Bank*, 928 F.2d 86, 87-88 (4th Cir. 1990) (en banc)); see also *D’Antonio v. Napolitano*, No. 1:11-cv-1295 (AJT/TRJ), 2012 WL 1580091, at *5 (E.D. Va. May 4, 2012) (explaining *Young*). For non-personnel actions, the EEOC has adopted a “reasonable suspicion standard” as opposed to a “supportive facts” standard to determine when the 45-day time limit is triggered. See *Howard v. Dep’t of the Navy*, EEOC Request No. 05970852, 1999 WL 91430, at *2 (Feb. 11, 1999). Thus, the time limitation is triggered when a complainant reasonably suspects discrimination, not necessarily when all the facts that support a charge of discrimination become apparent. See *McLoughlin v. Dep’t of the Treasury*, EEOC Request No. 05A01093, 2003 WL 2010850, at *2 (Apr. 24, 2003); see also *Bar-kley v. Potter*, No. 06-C-0002, 2006 WL 1389113, at *2 (E.D. Wis. May 15, 2006). Under either standard, Ms. McLaughlin’s claim

that her claims are subject to equitable tolling, *see generally* Doc. 17, and alleges no facts to support such tolling in her complaint. *See generally* Doc. 1.

Finally, and in any event, it is not plausible to claim that U.S. Attorneys in different districts each decided not to prosecute her cases because of age, race, and sex discrimination and not because of other appropriate reasons obvious from the record. Certainly, “a well-pleaded complaint may proceed even if it strikes a savvy judge that actual proof of those facts is improbable,” or “that a recovery is very remote and unlikely.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556 (2007). But courts are not required to put aside reason and common sense in evaluating whether a complaint states a plausible claim for relief; in fact, a court should “draw on its experience and common sense” in making a context-specific evaluation of whether a claim is merely conceivable or rises to the level of plausibility. *Ashcroft v. Iqbal*, 556 U.S. 662, 663–64 (2009).

In the complaint, as well as in her previous paper writings, Ms. McLaughlin claims that the ATF and the Department of Justice are full of people at all levels who are and have been for many years corrupt, bigoted, or incompetent, and who have routinely disregarded and continue to disregard the rules.⁶ Of course prosecutors

based on a decision made before June 29, 2018 and communicated to her that day is time-barred.

⁶ *See, e.g.*, Doc 1 at ¶ 5 (alleging the EEO investigator failed to investigate; that the ATF “maliciously” terminated the EEO investigation in order to shield management from liability; and that no one from “DOJ/EEO, EEOC, OSC, or GAO” acted when

would have doubts about her judgment as an investigator, not to mention the Pandora's box that could result should she testify. *See id.* at 22, 24. She does not allege discriminatory remarks were made to her or in her presence or any other facts that would directly support a discrimination claim, and the record establishes legitimate, non-discriminatory reasons for prosecutorial decisions that cannot plausibly be attributed to discriminatory or retaliatory motives. Ms. McLaughlin's claim that federal prosecutors discriminated against her based on her age, sex, and race is not plausible; dismissal of this claim is appropriate even if it were timely.

Ms. McLaughlin includes many other allegations of adverse actions occurring well before November 2018, including many details about events in 2011, 2013, and 2015. Doc. 1 at ¶¶ 31-45. To the extent she

she reported the U.S. Attorney's failure to cooperate); at 8 (alleging past "unethical conduct by DOJ attorneys" and admitting that she filed a court motion accusing DOJ attorneys of misrepresenting facts); at ¶ 10 (accusing her supervisor of making false and malicious statements in order to remove her); at ¶ 12 (alleging the Acting U.S. Attorney in one district failed to take action to remedy false conflict of interest accusations); at ¶ 29 (accusing a U.S. Attorney of basing decisions on "several unfair/bias misconduct investigations conducted by ATF"); at ¶ 36 (alleging an IAD investigator maliciously terminated a tape recording device during an interview with her); at ¶ 45 (alleging corruption at ATF and by OPRSO personnel); Doc. 12-1 at 4 (requesting prompt attention to her EEO complaint "[g]iven the ongoing corruption inside [the] EEO Office"). While these citations are only to her current complaint, she made similar allegations and claims in the complaints and briefs she filed in her previous lawsuits, of which the Court takes judicial notice.

asserts discrimination claims based on these distant events, those claims are time-barred.

Ms. McLaughlin also alleges that she was suspended for eight days in 2019 in retaliation for “comparing the U.S. Attorneys to criminals” for placing her “in a ‘giglio’ status,” *id.* at ¶¶ 47-50, but this conduct was not mentioned in her agency complaint presented to the EEO counselor in January 2019, was not investigated by the agency, and involved a different ATF manager. Doc. 12-1 at 3. As this claim has not gone through the necessary administrative process, it is barred for failure to exhaust administrative remedies.

Finally, to the extent she contends that the U.S. Attorneys refused to cooperate with the administrative process, that she did not receive notice of the various personnel decisions, or that the ATF terminated an EEO investigation without just cause, *see, e.g.*, Doc. 1 at ¶ 5, those are not adverse employment actions within the scope of Title VII or the ADEA. *Nielsen v. Hagel*, 666 F. App’x 225, 230-31 (4th Cir. 2016) (unpublished) (holding that allegations of procedural deficiencies in the administrative process are not cognizable as “stand-alone” claims under Title VII); *accord Wriglesworth v. Speer*, No. 5:17-CV-252-D, 2018 WL 1950432, at *3 (E.D.N.C. Apr. 25, 2018).

In her brief, Ms. McLaughlin contends that her constitutional rights were violated in various ways. *See* Doc. 17 at 2. But these allegations are not in the complaint, and a complaint cannot be amended in a brief. *S. Walk at Broadlands Homeowner’s Ass’n, Inc. v.*

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OpenBand at Broadlands, LLC, 713 F.3d 175, 184 (4th Cir. 2013).

Conclusion

The complaint and referenced exhibits establish that Ms. McLaughlin did not timely raise her current discrimination claims with the EEO office. Her claims are untimely and will be dismissed. To the extent she raises other claims outside the scope of the relevant EEO charge, those claims will be dismissed for failure to exhaust her administrative remedies.

It is **ORDERED** that the defendant's motion to dismiss, Doc. 11, is **GRANTED**. Judgment forthcoming as time permits.

This the 23rd day of November, 2020.

/s/ [Illegible]

UNITED STATES
DISTRICT JUDGE

APPENDIX C
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
INFORMAL BRIEF

No. 21-1399, Lori McLaughlin v. Merrick Garland
1:20-cv-00230-CCE-JEP

1. Declaration of Inmate Filing

An inmate's notice of appeal is timely if it was deposited in the institution's internal mail system, with postage prepaid, on or before the last day for filing. Timely filing may be shown by:

- a postmark or date stamp showing that the notice of appeal was timely deposited in the institution's internal mail system, with postage prepaid, or
- a declaration of the inmate, under penalty of perjury, of the date on which the notice of appeal was deposited in the institution's internal mail system with postage prepaid. To include a declaration of inmate filing as part of your informal brief, complete and sign the declaration below:

Declaration of Inmate Filing

Date NOTICE OF APPEAL deposited in institution's mail system: N/A

I am an inmate confined in an institution and deposited my notice of appeal in the institution's internal mail system. First-class postage was prepaid either by me or by the institution on my behalf.

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I declare under penalty of perjury that the foregoing is true and correct (see 28 U.S.C. § 1746; 18 U.S.C. § 1621).

Signature: _____ Date: _____

[Note to inmate filers: If your institution has a system designed for legal mail, you must use that system in order to receive the timing benefit of Fed R. App. P. 4(c)(1) or Fed R. App. P. 25(a)(2)(A)(iii).]

2. Jurisdiction

Name of court or agency from which review is sought:
Middle District/NC

Date(s) of order or orders for which review is sought:
March 11, 2021

3. Issues for Review

Use the following spaces to set forth the facts and argument in support of the issues you wish the Court of Appeals to consider. The parties may cite case law, but citations are not required.

Issue 1. See Attachment A.

ATTACHMENT A

**Case No. 21-1399,
Lori McLaughlin v. Merrick Garland**

3. Issues for Review:

**Issue 1 – Did the appellant contact the agency’s
EEO Office in a timely manner.**

The court noted in its original order, the 45-day time limit to report discrimination is triggered, at the latest, when the complainant reasonably suspects discrimination and not necessarily when all the facts that support a charge of discrimination become apparent. In the second order, the court states “Agent Dixie told her she was being reassigned to a new division because the USAO would not prosecute her criminal investigations, and that she immediately recognized this decision to be retaliation. According to the court, the aforementioned statement was made in the appellant’s EEO Declaration.

For clarification purposes, this statement was never made in the EEO Declaration. It was made inside a document that was attached to the EEO Declaration as an exhibit. (**Exhibit 1, Summary of Retaliation, page 2**) Most importantly, the court has clearly taken this statement out of context inside the court order. The court is attempting to convey that the USAO decision to not prosecute the criminal investigations was the retaliatory act. When in fact, the appellant was clearly referring to the ATF decision to transfer the appellant to the NCETR as the retaliatory act. This is further supported, as the appellant immediately

emailed the Office of Special Counsel regarding the retaliatory reassignment to NCETR. **(Exhibit 2, Email from S/A Lori McLaughlin/July 5, 2018, page 1)**

Moreover, the court states “it is undisputed that Ms. McLaughlin did not contact an EEO counselor about this retaliation within 45 days of her conversation with Agent Dixie”. There was absolutely no reason for the appellant to contact any EEO counselor after her conversation with SAC Wayne Dixie on June 29, 2018. First of all, the “retaliatory” reassignment to NCETR was filed with the Merit Systems Protection Board (MSPB) and not the EEO Office. Further, the MSPB does not require the appellant to contact an EEO counselor. Secondly, the decision for the USAO to not prosecute the appellant’s criminal investigations based on the “conflict of interest” with the appellant’s civil lawsuit was made in October 2017. **(Exhibit 3, Memorandum from Ernesto Diaz/October 13, 2017)**

The three (3) U.S. Attorneys named inside the civil action were not appointed to their positions with the USAO until January 2018, under the Trump Administration. Therefore, the appellant had no reason to believe or even allege that these U.S. Attorneys were discriminating or retaliating against the appellant with regards to a decision made in October 2017. As, these U.S. Attorneys were not involved in the decision to not prosecute the appellant’s criminal investigations in October 2017. In addition, the aforementioned decision was also filed with the Merit Systems Protection Board and not a subject in the civil action.

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Based on court records, the appellant learned of her “giglio” status and her permanent removal from her “field” position by reading the sworn declaration written by SAC Wayne Dixie on December 18, 2018. In support, the Defendant has failed to produce any witness testimony or documentary evidence to prove that any DOJ/ATF management official ever gave notification to the appellant regarding her “giglio” status and her permanent removal from her “field” position. Therefore, the 45-day requirement did not start to run until the appellant read the sworn declaration on December 18, 2018. Thus, the appellant made timely contact by requesting EEO Informal Counseling from the agency’s EEO Office on January 8, 2019. **(Exhibit 4, Email from Robynn Ferguson-Russ/January 29, 2019, page 2)**

Issue 2 – Did the appellant exhaust the administrative remedies regarding the “Giglio” issue.

The court ruled that “she did not mention this “giglio” decision in her formal complaint. The court also stated, “as to any claim that the alleged “giglio” impairment is a separate discriminatory act, there was no administrative opportunity to investigate that *contention* and it is barred for failure to exhaust”. The court also states, “she has not alleged that the decision to place her into permanent “Giglio” status occurred within 45 days of her first EEO counselor contact in January 2019.

29 C.F.R. 1614.105, states that the aggrieved person must initiate counselor contact within 45 days of the

matter alleged to be discriminatory. This time limit shall be extended where the aggrieved person shows that he or she did not know that the discriminatory matter occurred. On January 8, 2019, the appellant requested EEO Informal Counseling from the agency's EEO Office. In her email, the appellant stated "the USAO and ATF management officials have terminated my criminal investigator's career and placed me into a "Giglio" status without any "due process rights" to defend myself or communications regarding the matter". (REFERENCE: Exhibit 4, Email from Robynn Ferguson-Russ/January 29, 2019) In addition, several ATF management officials and the ATF Giglio Official (Barry Orlow) were interviewed by the EEO Counselor regarding the "information" that prevented the appellant from testifying in Federal court. (**Exhibit 5, Case #ATF-2019-00324, EEO Counseling Report, page 3-4**)

On March 26, 2019, the appellant filed her formal complaint with the EEO Office. Specifically, the formal complaint stated, "three (3) United States Attorney's Office located in the state of North Carolina decided not to prosecute any criminal investigations conducted by S/A Lori McLaughlin based on "information" without giving her any official notification or "due process rights" to defend against the "information". Although the appellant did not use the word "Giglio", clearly any "information" that prevents the appellant from conducting criminal investigations is considered "Giglio" material. (**Exhibit 6, Case #ATF-2019-00324, EEO Formal Complaint, page 2**) Given that SAC Wayne

Dixie had a reputation for making false statements and the U.S. Attorneys refused to cooperate with the EEO Informal Counseling process, the appellant did not confirm her “giglio” status until she read the EEO Sworn Declarations given by the U.S. Attorneys during the official EEO investigation. As further evidence, all government witnesses were also interviewed by the EEO Investigator regarding the “information” that prevented the appellant from testifying in Federal court, including the ATF Giglio Official. Thus, the appellant has exhausted the administrative remedies with respects to the “Giglio” issue.

Issue 3 – Did the Defendant hinder the appellant’s ability to frame the EEO issues inside her formal complaint by refusing to enforce the EEO policy with the full cooperation of government witnesses in the EEO Informal Counseling process?

During the EEO counseling process, the appellant rightfully requested to know the “information” that prevented her from testifying in Federal court. However, the three (3) U.S. Attorneys failed to cooperate with the administrative process and refused to identify the aforementioned “information” in violation of EEO policy. (*REFERENCE: Court Docket # 17, Plaintiff’s Response Brief, Exhibit # 16, Email from EEO Counselor Brenda Bryant/March 7, 2019*) In fact, the EEO Office took no steps to gain compliance with DOJ/ATF policy requiring employees to cooperate with the EEO administrative process. Again, the appellant reported

this noncompliance to DOJ/EEO, EEOC, OSC, and GAO with negative results. (*REFERENCE: Court Docket # 17, Plaintiff's Response Brief, Exhibit # 17, Email, Request to Extend EEO Counseling/March 18, 2019*) In an effort to continue railroading the appellant's complaint, the three (3) U.S. Attorneys were refusing to cooperate with the EEO investigator regarding the same complaint. (*REFERENCE: Court Docket # 17, Plaintiff's Response Brief, Exhibit # 18, Emails, Status of EEO Investigation/June 20, 2019*)

In order to conduct a fair and impartial investigation, the EEO investigator requested an extension regarding the EEO investigation. (*REFERENCE: Court Docket # 17, Plaintiff's Response Brief, Exhibit # 19, Email, EEO Investigator's Request for Extension/June 22, 2019*) Again, ATF maliciously and without "just cause" terminated the appellant's EEO investigation in order to shield DOJ/ATF management officials from the appellant's complaint. Most importantly, the appellant reported this unethical conduct to DOJ/EEO, EEOC, and OIG with negative results. (*REFERENCE: Court Docket # 17, Plaintiff's Response Brief, Exhibit # 20, Email, Request for Extension of EEO Investigation/June 26, 2019*) Somehow, the appellant had participated in the full extent of the ATF "administrative process" and the appellant was still clueless regarding the "information" that prevented her from testifying in Federal court. As such, the appellant could only use the information available, inside the sworn declaration (MSPB Appeal) written by SAC Wayne Dixie in order to draft the issues for her formal complaint. Thus, the three (3)

U.S. Attorney's violated the EEO Policy with their failure to cooperate with the EEO Informal Counseling process.

Issue 4 – Did ATF management officials violate OPM regulations with their failure to provide the appellant with any notification of the change in the conditions of her employment?

The primary reason the appellant did not know of her "Giglio" status was the agency's failure to adhere to the notification guidelines set by the Office of Personnel Management (OPM). Specifically, OPM requires the agency to furnish written notice of any personnel action taken against employees. According to OPM, the agency has the obligation to inform its employees when a change has occurred in their condition of employment. The agency may not transfer this obligation to the employee requiring employees to ask whether or not a personnel action has been affected. Moreover, the notification must be capable of being printed. The notice may or may not be a paper document. If it is not, however, the employee must have the option of printing the notice. In addition, the notice must be an official issuance. It may be electronically or by paper document. (*REFERENCE: Court Docket # 21, Plaintiff's Motion for Reconsideration, Exhibit # 1, The Guide to Processing Personnel Actions, Office of Personnel Management*) Thus, ATF management officials violated OPM regulations with their failure to provide notification to the appellant regarding her "Giglio" status.

Issue 5 – Did DOJ Attorneys violate the DOJ Giglio Policy with their review of the appellant’s ATF misconduct files?

In 2018, USA Matthew G.T. Martin and USA Andrew Murray violated the “giglio” policy issued by the U.S. Department of Justice. According to the ATF Giglio Policy, **“DOJ’s Giglio Policy does not authorize USAOs to initiate a general record check of special agents or other personnel in a field division or other ATF offices. Requests must be individualized, in writing, and must concern potential affiants or witnesses in a specific investigation or case.** As noted in the Attorney General’s memorandum (5-12-2014), much of the information in the giglio system of records is sensitive information which if released or reviewed without a case-related need could negatively impact the privacy and reputation of the agency-employee to whom it relates, and could violate the Privacy Act”. (*REFERENCE: Court Docket # 17, Plaintiff’s Response Brief, Exhibit # 27, ATF Order 9410.1A, Giglio Policy, page 10, paragraph c-d*)

In violation of the DOJ Giglio Policy, USA Matthew G.T. Martin states, “would the giglio policy allow us to do a giglio request to ATF – to see what else may be there?” The answer to his question should have been absolutely not, as the appellant was not occupying a testifying position and the appellant was already barred from participating in any criminal investigations based on the memorandum issued on October 13, 2017. There was no legitimate reason, as USA Matthew G.T. Martin did not have a “case-related need” to

read or seek any information concerning the appellant. Yet, he states, “I know we have discussed the disciplinary issues with Agent McLaughlin in the past”. Based on the ATF Giglio Policy, the USAOs and ATF management officials should have never participated in a “giglio” search of the appellant’s ATF misconduct records in violation of her privacy rights. Also, USA Matthew G.T. Martin states, “the reason I ask is that I understand we may need to have business with her”. (*REFERENCE: Court Docket # 17, Plaintiff’s Response Brief, Exhibit # 28, Email from Matthew G.T. Martin/October 3, 2018*)

During the EEO investigation, U.S. Attorney Andrew Murray stated “given the pro se allegations of Special Agent McLaughlin in the lawsuit against Attorney General Sessions, and the fact that those allegations were not substantiated by the court, that I could not foresee any circumstances where I would be willing to voluntarily call her as a government witness at trial”. (*REFERENCE: Court Docket # 17, Plaintiff’s Response Brief, Exhibit # 22, Affidavit of Andrew Murray, page 3, question 4*) While USA Andrew Murray was conspiring with SAC Wayne Dixie, he failed to follow DOJ/ATF protocol for involving the ATF Giglio Official in the “giglio” process. Specifically, DOJ Attorney Barry Orlow told the Bureau’s EEO Office that he never had any communication with the USAO regarding the appellant not being able to conduct criminal investigations. Moreover, the DOJ Giglio Official (Barry Orlow) was unaware of what “information” the USAO based their decision. Even though, the ATF Giglio Official is the

custodian of “giglio” records. Thus, DOJ Attorneys violated the DOJ Giglio Policy with their unauthorized review of the appellant’s ATF misconduct files.

Issue 6 – Did Acting U.S. Attorney Sandra Hairston failed to prevent the appellant’s wrongful removal from her “field” criminal investigator’s position in October 2017?

In October 2017, the Department of Justice recused the United States Attorney’s Office (USAO) for the Middle District of North Carolina (MDNC) from defending the appellant’s civil action lawsuit to avoid the appearance of a “conflict of interest”. Most suspicious, the “official” DOJ memorandum did not have any signatures or date on the memorandum. Most importantly, the “official” DOJ memorandum was not printed on any standard DOJ or government letterhead paper. (*REFERENCE: Court Docket # 17, Plaintiff’s Response Brief, Exhibit # 1, DOJ Recusal Memorandum*) Nevertheless, the Department of Justice transferred the civil action lawsuit to the Western District of North Carolina (WDNC). Furthermore, the USAO decided that the appellant could not conduct any criminal investigations or have any contact with the MDNC. On October 11, 2017, the written instructions were forwarded to ATF management officials (i.e. SAC C.J. Hyman, RAC Jason Walsh, etc.) by Acting United States Attorney Sandra Hairston. (*REFERENCE: Court Docket # 17, Plaintiff’s Response Brief, Exhibit # 2, Email from Sandra Hairston/October 11, 2017*)

As a result, ATF notified the appellant that it was temporarily reassigning her criminal cases and/or investigations to another criminal investigator pending the conclusion of the civil action lawsuit. In retaliation, ASAC Ernie Diaz and RAC Jason Walsh falsely represented a “conflict of interest” with the Eastern District of North Carolina (EDNC) and the Western District of North Carolina (WDNC) in order to maliciously remove the appellant from her “field” criminal investigator’s position in the ATF Greensboro Field Office. (*REFERENCE: Court Docket # 17, Plaintiff’s Response Brief, Exhibit # 3, Memorandum from Ernie Diaz/October 13, 2017*) During the official meeting, the appellant informed both ASAC Ernie Diaz and RAC Jason Walsh that she had never indicted any criminal investigations in the EDNC. Based on this fact, the USAO could not support any “conflict of interest” with the appellant in the EDNC. Therefore, the ATF could request the transfer of the civil action lawsuit to the EDNC in order to allow the appellant to continue conducting criminal investigations in her assigned counties in the WDNC without removing the appellant from her “field” criminal investigator’s position. At a minimum, ATF could have allowed the appellant to conduct criminal investigations in the EDNC.

On October 16, 2017, the appellant immediately forwarded the ATF memorandum containing the false “conflict of interest” accusations to Acting United States Attorney Sandra Hairston. Later, she acknowledged receiving the appellant’s email but Acting United States Attorney Sandra Hairston failed to take

any appropriate actions to remedy the matter. Even though, Acting United States Attorney Sandra Hairston also served as the Professional Responsibility Officer and the Ethics Advisor in the MDNC. In addition, the appellant emailed the ATF memorandum to AUSA James Sullivan in the WDNC, while he was representing the Defendant in the lawsuit with the same lack of action. (*REFERENCE: Court Docket # 17, Plaintiff's Response Brief, Exhibit # 5, Email from AUSA James Sullivan/October 27, 2017*) Both DOJ attorney's had a moral obligation and a professional responsibility to contact ATF management officials to correct this malfeasance in order to prevent the damages to the appellant's professional career and the filing of this lawsuit. Thus, the USAO was conspiring with ATF management officials to remove the appellant from her "field" criminal investigator's position.

During the EEO investigation, AUSA Sandra Hairston finally admitted that she never gave ATF management officials any directive or had any discussions regarding the appellant's assignments in the EDNC or WDNC. (*REFERENCE: Court Docket # 17, Plaintiff's Response Brief, Exhibit # 6, Supplemental Affidavit of Sandra Hairston, page 1, question 4*) Meaning, the ATF did not have "just cause" to remove the appellant from her "field" criminal investigator's position, as the appellant could have conducted criminal investigations in the EDNC or WDNC in October 2017. Given that the USAO and ATF have repeatedly refused to correct this malfeasance, the appellant has been wrongfully barred from conducting criminal investigations for almost

four (4) years. Yet, AUSA Sandra Hairston is currently serving as the “Acting United States Attorney” under the new Biden Administration.

Issue 7 – Did Judge Catherine Eagles continue her bias toward the appellant with her erroneous plausibility ruling?

The court determined that Ms. McLaughlin’s allegation that three United States Attorneys conspired against a single ATF agent was entirely implausible. Unfortunately, Judge Catherine C. Eagles has a pattern of railroading legitimate complaints filed against the Department of Justice. As, Judge Catherine C. Eagles has made the same “implausible” rulings in previous complaints (i.e. Case No. 1:17-cv-00759-CCE-JEP, Case No. 1:19-cv-00318-CCE-JEP, etc.) filed by this appellant in the Middle District of North Carolina. In fact, the appellant filed an official misconduct complaint with this court regarding her abuse of discretion with negative results. The lack of accountability has only served to embolden Judge Catherine C. Eagles to continue the abuse of her discretion.

However, Judge Catherine C. Eagles is not alone in her efforts to railroad complaints filed against the Department of Justice. In the Seventh Circuit, the appeals court strongly suggested the removal of the MSPB administrative judge (AJ Dorothy L. Moran) from another ATF/DOJ case. Thus, the court found that the Board acted arbitrarily, capriciously, and contrary to law. **(Exhibit 7, Adam Delgado vs. DOJ, Case # 19-2239)**

When a judge acts intentionally and knowingly to deprive a person of his constitutional rights he exercises no discretion or individual judgment; he acts no longer as a judge, but as a “minister” of his own prejudices. (*Pierson v. Ray*, 386 U.S. 547, 568) The presence of malice and the intention to deprive a person of his civil rights is wholly incompatible with the judicial function.

In 2021, Judge Catherine C. Eagles believes that it is “implausible” for U.S. Attorneys to retaliate against a law enforcement officer for reporting unethical conduct committed by their colleagues. The appellant would remind Judge Catherine C. Eagles that peaceful protesters were tear gassed in June 2020, as Attorney General William Barr witnessed the violation of their constitutional rights without taking any appropriate actions. Furthermore, these U.S. Attorneys had front row seats, as their supervisor (Attorney General William Barr) made countless decisions that were contrary to the rule of law. Not to mention, Attorney General William Barr’s misrepresentation of Special Counsel Robert Mueller’s report. Yet, Judge Catherine C. Eagles believes that it is “implausible” for U.S. Attorneys to follow the direction of their leadership inside the White House and the Department of Justice.

The Government Accountability Office (GAO) has long determined that Members of Congress and other third-party stakeholders believe that DOJ’s processes for investigating and disciplining professional misconduct are not transparent and prevent attorneys from being held accountable for their actions. (*REFERENCE:*

GAO Report # 15-156, DOJ Professional Misconduct, page 11) In 2000, the Seventh Circuit directed Assistant United States Attorney Lori Lightfoot to show cause why she should not be disciplined for conduct unbecoming a member of the bar of the court. Later, the court stated “we are more troubled by the attitudes and behavior of the Justice Department”. The U.S. Attorney for the Northern District of Illinois in his brief and in his oral statement at the disciplinary hearing emphasized the importance of hierarchy in the Justice Department. The court further stated, “the inference we draw is not the intended one, but that the more serious misconduct in this matter was institutional rather than personal”. (*Attorney Lori E. Lightfoot, No. D-00-0002 (7th Cir. 2000)*)

In the Southern District of Texas, Judge Andrew S. Hanen issued a 28-page order slamming DOJ attorney’s for intentionally lying to the court. In 2016, he also stated that “prosecutors often abuse their powers in run-of-the-mill cases”. Further, Judge Andrew S. Hanen concluded that “this is a constitutional challenge with major consequences for the separation of powers, and the deceit must have required the participation and coordination of dozens of political appointees and career attorneys. That suggests a serious institutional failure, not mere rogue actors”. (**Exhibit 8, New Article, Judicial Review, May 23, 2016**)

Again, Judge Catherine C. Eagles believes that it is “implausible” for U.S. Attorneys to retaliate against a law enforcement officer for reporting unethical conduct committed by their colleagues. In the past, Judge

Henry F. Floyd (Fourth Circuit) offered a rare public rebuke of federal prosecutors in North Carolina, who, the court found, has engaged in a pattern of misconduct. “Yet, the United States Attorney’s Office in this district seems unfazed by the fact that discovery abuses violate constitutional guarantees and misrepresentations erode faith that justice is achievable”, he added. “Something must be done”. In this case, the Fourth Circuit panel said it would present its concerns to U.S. Attorney General Eric Holder and the Department of Justice’s Office of Professional Responsibility. (*United States v. Bartko*, 728 F.3d 327 (4th Cir. 2013))

Given the unethical conduct demonstrated by the U.S. Attorney’s in the appellant’s case, it is very clear that nothing was done. Over the past few years, the appellant has reported a pattern of misconduct by federal prosecutors to the Middle District of North Carolina. However, Judge Catherine C. Eagles has even failed to mention the misconduct in her decisions, more less address any misconduct by federal prosecutors. Based on the long history of misconduct by federal prosecutors and ATF management officials, it is premature for Judge Catherine C. Eagles to render a “plausibility” ruling without giving the appellant the opportunity for discovery. There is a real possibility that other ATF special agents were also removed from their “field” criminal investigator’s position in the same manner as the appellant. Thus, the termination of the appellant’s law enforcement career should be based on a “plausibility” ruling that bears the full weight of the evidence in her case.

Issue 8 – Did the Middle District of North Carolina violate the constitutional rights of the criminal defendants who were investigated by the appellant with a known “Giglio” impairment?

During the EEO investigation, USA Matthew G.T. Martin stated “based upon the Agent McLaughlin’s actions and disciplinary record related to the ATF Internal Affairs Division investigations, which would have to be disclosed if Agent McLaughlin were to serve as a case agent and witness in a criminal prosecution, I informed SAC Dixie that our office would not be able to prosecute cases that she presented for prosecution. (REFERENCE: Court Docket # 17, Plaintiff’s Response Brief, Exhibit # 24, Affidavit of Matthew G.T. Martin, page 4, question 4)

In fact, the appellant’s last suspension, which was also associated with her last internal affairs investigation, occurred on May 20, 2016. (REFERENCE: Court Docket # 17, Plaintiff’s Response Brief, Exhibit # 26, S/A Lori McLaughlin’s SF-50, Notification of Personnel Action) A year later, the Middle District of North Carolina was still prosecuting the appellant’s criminal investigations (i.e. ATF #17-0025, Shemar ANDERSON, Jalen HAIRSTON, Marcus MCINTOSH, Anthony STEELE; #17-0031, Christopher JACKSON; #17-0046, Christopher LEACH; #17-0048, Rick THOMPSON; #17-0050, Diangelo STRONG; #17-0081, Mandrail WOODBERRY; #17-0090, Jesse BUCHANAN; #17-0092, Kalio JOHNSON). Given the sworn testimony of USA Matthew G.T. Martin and USA Andrew Murray, the

defense attorneys in the above cases should have been notified of the appellant's "giglio" status, as these cases were all prosecuted after the ATF Internal Affairs investigations. In the interest of justice, the court should order a full review of the aforementioned criminal cases for possible constitutional right violations, as the government never disclosed the appellant's misconduct investigations.

/s/ Lori D. McLaughlin
Lori D. McLaughlin
(05-05-2021)

4. Relief Requested

Identify the precise action you want the Court of Appeals to take:

Remand the case back to district court.

Removal of Judge Catherine C. Eagles from case.

5. Prior appeals (for appellants only)

A. Have you filed other cases in this court? Yes [] No [X]

B. If you checked YES, what are the case names and docket numbers for those appeals and what was the ultimate disposition of each?

Lori D. McLaughlin
Signature
[Notarization Not Required]

Lori D. McLaughlin
[Please Print Your Name Here]

CERTIFICATE OF SERVICE

I certify that on 05-06-21 I served a copy of this Informal Brief on all parties, addressed as shown below:

U.S. Attorney's Office
1441 Main Street, Suite 500
Columbia, SC 29201-2692

Lori D. McLaughlin

Signature

NO STAPLES, TAPE OR BINDING PLEASE

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

DISCLOSURE STATEMENT

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.

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- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 21-1399 Caption: Lori McLaughlin v. Merrick Garland

Pursuant to FRAP 26.1 and Local Rule 26.1,

Lori D. McLaughlin

(name of party/amicus)

who is appellant, makes the following disclosure:
(appellant/appellee/petitioner/respondent/amicus/
intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity? ☐YES ☒NO
2. Does party/amicus have any parent corporations? ☐YES ☒NO
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity? ☐YES ☒NO
If yes, identify all such owners:

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4. Is there any other publicly held corporation or other publicly held entity that has a financial interest in the outcome of the litigation? ☐YES ☒NO
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question) ☐YES ☒NO
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding? ☐YES ☒NO
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim? ☐YES ☒NO
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that

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information can be obtained through due diligence.

Signature: Lori D. McLaughlin Date: 05-03-21
Counsel for: Pro Se

Print to PDF for Filing

APPENDIX D

McLaughlin, Lori D.

From: Neely, Meredith <neelym@gilbertlegal.com>
Sent: Monday, July 18, 2022 10:32 AM
To: McLaughlin, Lori D.
Cc: Farra, Adam
Subject: [EXTERNAL] RE: McLaughlin v. Garland - Amicus Brief
Attachments: 2022.07.15 Dkt. 21 Brief of Court-Appointed Amicus Curiae Supporting Brief 4863-6315-3705 v.1.pdf

Of course, please see attached.

GILBERT LLP

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Washington, DC 20003

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This email and any attachments may contain confidential information that is privileged at law. If you are not a named recipient or have received this communication by error, please notify the sender immediately and destroy this email and its attachments, and all copies thereof, without further distributing or copying them.

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From: McLaughlin, Lori D. <Lori.D.McLaughlin@usdoj.gov>
Sent: Sunday, July 17, 2022 9:33 PM
To: Neely, Meredith <neelym@gilbertlegal.com>
Cc: Farra, Adam <farraa@gilbertlegal.com>
Subject: RE: McLaughlin v. Garland – Amicus Brief
Hello –

I hope that all is well. Can you please email me a copy of the brief that was filed in my case on last Friday? My attorney is filing a brief in my MSPB case on next Monday. Therefore, we would like to review your brief ASAP. In addition, mailing a certified copy of your brief is not necessary. The Clerk of Court will mail me a copy via regular mail, as it is very difficult to retrieve certified mail from my local post office during their business hours and outside of my work hours. Please advise.

Thanks a million!

From: McLaughlin, Lori D.
Sent: Tuesday, June 28, 2022 12:02 PM
To: Neely, Meredith <neelym@gilbertlegal.com>
Cc: Farra, Adam <farraa@gilbertlegal.com>;
McLaughlin, Lori D. <Lori.McLaughlin@atf.gov>
Subject: RE: McLaughlin v. Garland – Amicus Brief
Hello –

I greatly appreciate your below offer. However, I am forced to terminate my communications with your firm based on my conversations with Mr. Adam Farra. Given the circumstances of his appointment, I now view his role in my case as that of a “government

informant” and I do not trust him. It is very clear that Mr. Adam Farra is working a specific agenda at the direction of the court and in defense of the Federal Government. Despite my decision to proceed as a “pro se” litigant, the court inserted Mr. Adam Farra into my case in order to cover-up the unethical conduct of DOJ attorneys. Most importantly, the court only made this appointment to avoid responding to the issues identified inside the Informal Brief. In support, I have spoken to other Federal employees in my same position, including ATF Special Agent Adam Delgado. These appellants were allowed to provide input and review their **Amicus Brief** prior to the filing of the brief in their cases. Thus, I find the actions of Mr. Adam Farra and the court to be highly inappropriate and very suspicious given the unethical conduct committed by the U.S. Attorney’s Office in my case.

In addition, your email incorrectly states that I am eager for my case to proceed. Based on many years of fighting the corruption in our government, I am keenly aware of the courts maliciously and intentionally delaying cases for appellants who challenge their actions/decisions. This is a common retaliation tactic used by our Federal judges. Nevertheless, the only thing that I am eager to do, is expose ALL the corruption associated with my case. Again, my appeal associated with my MSPB case lasted for two (2) years and I’ve still been waiting for approximately 1.5 years for my merit-based hearing at the MSPB. Coincidentally, the MSPB judge has order two (2) settlement conferences with negative results. Yet, the MSPB judge has continued to

deny my “due process rights” to a merit-based hearing in order to continue protecting DOJ Attorneys. Therefore, this court following the path of the MSPB will only strengthen my argument. Furthermore, this court delaying my case will not discourage or deter me from exposing the corruption in our justice system.

For the official record, I was told the following :

- 1.) Your firm did not represent me.
- 2.) I did not have any control over the arguments made inside a brief filed in my case.
- 3.) I did not have any attorney-client privileges when assisting you with my case.
- 4.) I could not review the brief before you filed the brief in my case.

Thanks!

From: Neely, Meredith <neelym@gilbertlegal.com>
Sent: Friday, June 24, 2022 3:59 PM
To: McLaughlin, Lori D. <Lori.McLaughlin@atf.gov>;
Farra, Adam <farraa@gilbertlegal.com>
Subject: [EXTERNAL]
RE: McLaughlin v. Garland - Amicus Brief

Lori,

Thank you for advising us of your current plan to file your motion after we submit our brief. Our hope is that you will find your motion unnecessary after you have had a chance to review the arguments we will make in support of your appeal.

We also want to advise you that we are planning to ask the Court for an extension of time to file our brief until July 12. While we appreciate that you are eager for

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your case to proceed, we believe that this additional time will allow us to present the strongest, clearest arguments for reversal of the District Court, taking into account the additional facts and context that we discussed on Tuesday and Thursday.

As Adam indicated this morning, we are not able to provide you with our draft brief before we file. However, in the interest of ensuring that our brief will not adversely affect your MSPB case, we can do two things. First, we can provide you with a draft outline of our arguments next week, which will allow you to raise any potential points of concern. Second, we will suggest that you share that outline with the attorney representing you in your MSPB case, and invite them to contact us with any concerns. Of course, if you or your MSPB attorney already has any specific concerns in mind, we remain available in the meantime to discuss them.

Best regards,
Meredith

GILBERT LLP

Meredith Neely
neelym@gilbertlegal.com
O 202.772.2285
C 240.215.5433

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Suite 400
Washington, DC 20003
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From: McLaughlin, Lori D. <Lori.D.McLaughlin@usdoj.gov>
Sent: Friday, June 24, 2022 2:25 PM
To: Farra, Adam <farraa@gilbertlegal.com>
Cc: Neely, Meredith <neelym@gilbertlegal.com>
Subject: RE: McLaughlin v. Garland - Amicus Brief
Hello –

I wanted to ensure that we're all on the same page. Today, I spoke with the court regarding the mishandling of my case. As a result, I will file a motion for the official court record after your brief is filed with the court. Thanks!

From: McLaughlin, Lori D.
Sent: Friday, June 24, 2022 10:08 AM
To: Farra, Adam <farraa@gilbertlegal.com>
Cc: Neely, Meredith <neelym@gilbertlegal.com>
Subject: RE: McLaughlin v. Garland - Amicus Brief

Actually, we don't need to talk today. I will contact the appeals court regarding their attempts to railroad my case. For your information, I will be requesting the court to render a decision in my case based on the record and informal briefs. As, this is what was stated inside their initial letter to me in December 2021. Therefore, your office should not file any brief today. Thanks

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From: Farra, Adam <farraa@gilbertlegal.com>
Sent: Friday, June 24, 2022 10:03 AM
To: McLaughlin, Lori D. <Lori.McLaughlin@atf.gov>
Cc: Neely, Meredith <neelym@gilbertlegal.com>
Subject: [EXTERNAL] RE: McLaughlin v. Garland -
Amicus Brief

Great, why don't we talk at 3:30PM. I will send a call-in.

That's what we need to discuss – why we should not share the brief with you before filing it, because it is our confidential attorney work product. But we may be able to find a solution given your concern. Talk to you later today.

Adam

GILBERT LLP

Adam Farra

farraa@gilbertlegal.com

O 202.772.2301

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Suite 400

Washington, DC 20003

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From: McLaughlin, Lori D. <Lori.D.McLaughlin@usdoj.gov>
Sent: Friday, June 24, 2022 10:00 AM
To: Farra, Adam <farraa@gilbertlegal.com>
Cc: Neely, Meredith <neelym@gilbertlegal.com>
Subject: RE: McLaughlin v. Garland - Amicus Brief

Yes, we can talk anytime this afternoon. However, I would like to read the brief before we speak today. Can you please forward the brief ASAP? Thanks!

From: Farra, Adam <farraa@gilbertlegal.com>
Sent: Friday, June 24, 2022 9:55 AM
To: McLaughlin, Lori D. <Lori.McLaughlin@atf.gov>;
Neely, Meredith <neelym@gilbertlegal.com>
Subject: [EXTERNAL] RE: McLaughlin v. Garland - Amicus Brief

Hi Lori – Thanks for your email. Do you have some time to chat over the phone today? Perhaps after 2:30PM?

Adam

GILBERT LLP

Adam Farra
farraa@gilbertlegal.com
O 202.772.2301

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destroy this email and its attachments, and all copies thereof, without further distributing or copying them.

From: McLaughlin, Lori D. <Lori.D.McLaughlin@usdoj.gov>

Sent: Friday, June 24, 2022 9:52 AM

To: Neely, Meredith <neelym@gilbertlegal.com>

Cc: Farra, Adam <farraa@gilbertlegal.com>

Subject: RE: McLaughlin v. Garland - Amicus Brief

Good morning –

Given that I have the same claims pending with the Merit Systems Protection Board (MSPB), I would like to read the contents of your brief before anything is filed in my Federal case. Most importantly, I would like to ensure that your brief does not jeopardize any future arguments with my two (2) MSPB appeals. Please forward the brief ASAP.

Thanks!

From: Neely, Meredith <neelym@gilbertlegal.com>

Sent: Thursday, June 16, 2022 2:18 PM

To: McLaughlin, Lori D. <Lori.McLaughlin@atf.gov>

Cc: Farra, Adam <farraa@gilbertlegal.com>

Subject: [EXTERNAL] RE: McLaughlin v. Garland - Amicus Brief

Hello, thank you for your response and no problem at all. I am sorry to hear about your loss.

I am also generally available next week after 1 p.m. Monday through Wednesday. I will go ahead and send you a Zoom invite for 1 p.m. Tuesday, which you can feel free to join by video or phone, and please also let me know if any other time would be better.

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Looking forward to speaking with you soon.

Best regards,
Meredith

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Meredith Neely

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From: McLaughlin, Lori D. <Lori.D.McLaughlin@usdoj.gov>

Sent: Thursday, June 16, 2022 1:12 PM

To: Neely, Meredith <neelym@gilbertlegal.com>

Subject: RE: McLaughlin v. Garland - Amicus Brief

Hello –

Sorry for the delay, but I was dealing with a death in my family. I would greatly appreciate the opportunity to discuss my case. Such that, I am available any day next week, after 1 p.m. Please advise. Thanks!

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From: Neely, Meredith <neelym@gilbertlegal.com>
Sent: Thursday, June 9, 2022 10:41 AM
To: McLaughlin, Lori D. <Lori.McLaughlin@atf.gov>
Cc: Farra, Adam <farraa@gilbertlegal.com>
Subject: [EXTERNAL] McLaughlin v. Garland -
Amicus Brief

Ms. McLaughlin,

As you are aware, my colleague Adam Farra has been appointed amicus counsel to submit a brief in your Fourth Circuit appeal in support of reversal of the District Court's order dismissing your case. I am assisting him in that regard. While we are not your attorneys, the Federal Rules of Appellate Procedure encourage coordination between amicus counsel and the party whose position they support. *See* FRAP 29(c)(5) advisory committee's note (2010).

Because we intend to support your position, we would welcome the opportunity to discuss with you the key points of your appeal. Please let us know if you have any interest in that regard and, if so, when you are available to discuss.

Best regards,
Meredith

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C 240.215.5433

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APPENDIX E

[LOGO] Gmail

Lori McLaughlin <lorimack5503@gmail.com>

Response to Government Brief

6 messages

Lori McLaughlin <lorimack5503@gmail.com>

Mon, Sep 12, 2022 at 10:57 AM

To: "Neely, Meredith" <neelym@gilbertlegal.com>

Hello -

I hope that all is well. Last week, I reviewed the Government's Brief and I had a few concerns. Therefore, I was advised to prepare and submit my own reply to the brief. Most of the documents mentioned are filed on the court docket. Please advise, if I need to forward any supporting documentation for your review.

Thanks!

[icon] **ResponseByLoriMcLaughlin.pdf**
750K

Neely, Meredith <neelym@gilbertlegal.com>

Mon, Sep 12, 2022 at 12:32 PM

To: Lori McLaughlin <lorimack5503@gmail.com>

Hi Lori, thanks for forwarding – confirming receipt. I am reviewing the government's opposition and your reply, and wonder if I can get back to you by Friday with any requests for more information?

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So far it looks straightforward but I would like to make sure I have time to consider the points you raise.

Best regards,
Meredith

GILBERT LLP

Meredith Neely

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C 240.215.5433

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Suite 400

Washington, DC 20003

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[Quoted text hidden]

Lori McLaughlin <lorimack5503@gmail.com>

Mon, Sep 12, 2022 at 12:37 PM

APPENDIX F

Lori D. McLaughlin's

Response to Brief of Appellee

After McLaughlin's 2017 suit ended on June 8, 2018, ATF did not return McLaughlin to her field criminal investigator position and continued her assignment to the CGIC. (page 7)

In June 2018, Lori McLaughlin did not seek a transfer from the CGIC because she advised ATF management officials that she would be refiling her lawsuit in the Middle District of North Carolina. Thus, the "conflict of interest" with the old lawsuit (Court Docket # 1:17-CV-759) would still be an issue with the new lawsuit (Court Docket # 19-CV-318) refiled on March 20, 2019. (SEE: Court Docket # 19-CV-318, Civil Complaint, page 12)

In addition, the Defendant also understood that Lori McLaughlin would be refiling her lawsuit. As evidence, the Defendant stated in their motion that "Plaintiff simply does not seem to recognize, and does not acknowledge, that the Court has dismissed her Complaint without prejudice to her beginning anew". (SEE: Court Docket # 1:17-CV-759, Federal Defendant's Response in Opposition to Plaintiff's Motion for Reconsideration Filed on April 23, 2018, page 2) Therefore, it was very clear to all parties that the lawsuit would be refiled and did not end on June 8, 2018.

In support, Deputy Assistant Director Peter Forcelli forwarded Lori McLaughlin an email regarding the matter on July 23, 2018. Specifically, DAD Peter

Forcelli stated that “once the District Court case has concluded, you will return to your normal duties unless the USAO advises ATF otherwise.

McLaughlin has been assigned to the CGIC since October 2017 – as reflected in the SF-50 ATF issued her in October 2017. (page 8)

Due to their unethical conduct, ATF **never** issued Lori McLaughlin any SF-50 in October 2017. In fact, Lori McLaughlin filed another court motion detailing unethical conduct by DOJ/ATF officials on January 25, 2018. (SEE: Court Docket # 1:17-CV-759, Plaintiff’s Response to Defendant’s Motion to Dismiss or, in the Alternative, For Summary Judgment)

In order to correct their violation of OPM regulations, ATF back-dated the SF-50 to October 15, 2017. However, ATF could not alter the computer-generated date of January 28, 2018, which is the official date that the SF-50 was created in the database (Electronic Official Personnel File). Coincidentally, the SF-50 was generated only 3-days after the aforementioned motion was filed in the Middle District of North Carolina. (SEE: Computer Printout, EOPF Database)

Martin, however, testified he had no knowledge of any negative information related to the White/Male agent. (page 17)

In his sworn declaration, USA Matthew Martin did state that he was not aware of any negative information regarding S/A Paul Johnson. Yet, USA Matthew Martin

did acknowledge in his interview with the EEO investigator that “MDNC currently prosecutes criminal investigations conducted by S/A Paul Johnson, ATF Greensboro Field Office, **who is currently subject to a Giglio Order**”. (SEE: EEO Report of Investigation, Investigative Summary, page 12) Clearly, S/A Paul Johnson would not be subject to a Giglio Order without any negative information against him.

McLaughlin alleged she has been placed in a Giglio status or impairment, but she does not offer any facts to support this bare assertion. (page 17)

In December 2018, S/A Lori McLaughlin learned that she was placed in a “Giglio” status by reading the MSBP Sworn Declaration signed by SAC Wayne Dixie. However, ATF management officials failed to provide any official notification regarding the matter. As a result, S/A Lori McLaughlin requested Informal EEO Counseling regarding her Giglio status and no government witness denied her “Giglio” impairment in January 2019. On May 7, 2019, S/A Lori McLaughlin requested official written notification from ASAC Benjamin Gibbons via email (Subject: Giglio Information RE: Lori D. McLaughlin) with negative results. Thus, ASAC Benjamin Gibbons had the authority and opportunity to clear up any misunderstandings regarding the Giglio status. On June 28, 2019, S/A Lori McLaughlin informed ASAC Benjamin Gibbons of the LIES told by the U.S. Attorney’s Office and ATF management officials to wrongfully remove her from a “field” position and he failed to take any corrective action or seek any

official misconduct investigation in accordance with ATF policy. For his support of the ATF retaliatory culture, ASAC Benjamin Gibbons was promoted to SAC, Internal Affairs Division, Office of Professional, Responsibility and Security Operations.

Furthermore, S/A Lori McLaughlin has written numerous correspondence to DOJ/ATF management officials in her chain-of-command regarding her wrongfully removal from her “field” criminal investigator’s position, including AG Merrick Garland (03-01-2022), DAG Lisa Monaco (05-28-2021), AD Marvin Richardson (02-16-2021) and DAD Mickey Leadingham (0501-2020) without the benefit of any corrective action or official DOJ/ATF misconduct investigation. In fact, AG Merrick Garland and DAG Lisa Monaco never replied or instructed anyone from their DOJ staff to contact S/A Lori McLaughlin. In addition, S/A Lori McLaughlin filed two (2) formal complaints with the DOJ/OIG and IG Michael Horwitz refused to investigate the egregious misconduct committed by DOJ/ATF management officials.

According to Bureau’s EEO Policy, “ATF will take swift and appropriate corrective action and/or disciplinary action when employees are found to have engaged in discrimination, retaliation, or harassment, including sexual harassment, which are prohibited by ATF policy regardless of whether the discrimination, retaliation, or harassment violates federal law”. **(SEE: ATF Equal Employment Opportunity Policy)** Similarly, the DOJ policy also calls for “swift and appropriate corrective action and/or disciplinary action when employees

are found to have engaged in discrimination, retaliation, or harassment”. **(SEE: DOJ Equal Employment Opportunity Policy)** Most importantly, DOJ Policy Memorandum #2015-04 states, “the policy directs managers and supervisors to take immediate and appropriate corrective action to address all allegations of harassment and retaliation and to be accountable for failure to do so. Furthermore, this policy states, “disciplinary action will be taken against supervisors and managers who either condone or fail to act promptly to report or correct harassing conduct brought to their attention. **(SEE: DOJ Policy Memorandum/Prevention of Harassment in the Workplace)**

Lastly, the Appellee admits inside their brief that SAC Wayne Dixie reached out to the USAO about prosecuting cases from Lori McLaughlin. In turn, the USAO stated that “they would not because they had concluded they would have to give defense counsel **GIGLIO** information that would hinder prosecution. (page 30) Given that this information prevents Lori McLaughlin from testifying in Federal court, the “Giglio” information created a Giglio impairment for Lori McLaughlin.

To further support a claim of retaliation, ATF management officials reassigned Lori McLaughlin back into an “enforcement or field” group effective July 3, 2022. Most importantly, this reassignment was made by ATF management officials with the exact same conditions that were present in October 2017. Specifically, Lori McLaughlin was removed from the “enforcement” group

(ATF Greensboro Field Office) because of the “Giglio” information and the pending civil lawsuit. Five (5) years later, both conditions are still present in 2022 and now Lori McLaughlin is assigned to an “enforcement” group (Charlotte Group II). If Lori McLaughlin can be assigned to an “enforcement” group in 2022, she could have maintained her assignment in the ATF Greensboro Field Office in October 2017. In short, any adjustments made to Lori McLaughlin’s duty assignments in 2022, could have been implemented and authorized by ATF management officials in 2017.

In his declaration, Dixie says that once McLaughlin’s 2017 suit ended (in June 2018) he attempted to find her a position that would avoid the conflict. (page 30)

Based on the factual record, SAC Wayne Dixie was attempting to transfer Lori McLaughlin well before the lawsuit ended in June 2018. Assistant Director Marino Vidoli testified that “shortly after becoming the ADFO in February 2018, I was approached by Deputy Assistant Director Ken Croke (SAC Dixie’s 1st Line Supervisor) who was trying to find a suitable position for Ms. McLaughlin outside of the Charlotte Field Division”. Even though, Lori McLaughlin was the top-producing special agent in the ATF Greensboro Field Office prior to her removal in October 2017. It is very uncommon for a supervisor to seek the transfer of their top-producing employee.

SAC Wayne Dixie also wanted to resolve complaints he had received from others about McLaughlin's behavior in the Greensboro field office. (page 30)

This is simply another false statement in the "smear campaign" by SAC Wayne Dixie that should be considered another pretext for retaliation and discrimination. During the EEO investigation, ATF failed to produce a single employee complaint filed against Lori McLaughlin. Most importantly, the EEO investigator interviewed the four (4) ATF management officials in her chain-of-command, and they all testified under oath that they were unaware of any employee complaints filed against Lori McLaughlin. In fact, the interviews included DAD Peter Forcelli and AD Marino Vidoli, who were the 1st and 2nd line supervisors for SAC Wayne Dixie.

Most telling, RAC Jason Walsh was the supervisor of the ATF Greensboro Field Office and the supervisor of the employees who supposedly made the complaints against Lori McLaughlin. Likewise, RAC Jason Walsh also gave testimony denying any knowledge of complaints filed against Lori McLaughlin by his employees.

Given that Dixie's declaration shows the USAOs notified him of the problem before he requested those materials . . . (page 31)

During the EEO investigation, USA Matthew Martin was asked – did you or anyone under your supervision ever inform SAC Wayne Dixie that your office would

not prosecute any criminal investigations conducted by Lori McLaughlin. In response, USA Martin stated under oath that “on August 8, 2018, ATF Supervising Agent in Charge Wayne Dixie **sent me an email attaching documents related to Lori McLaughlin** and indicating that he wanted to discuss them with me”. Furthermore, USA Martin states that “**SAC Dixie was inquiring** whether Agent McLaughlin’s actions and the resulting ATF discipline would impact Agent McLaughlin’s ability to testify in criminal prosecutions”. (SEE: EEO Declaration, Question #4) Therefore, the USAO did not notify SAC Wayne Dixie because SAC Dixie was the initiator of all communications related to Lori McLaughlin. In fact, USA Matthew Martin told the EEO investigator that “in regard to **information** preventing Complainant from testifying in Federal Court, he never informed former SAC Dixie that he had such information”.

McLaughlin suspected she had a Giglio issue as early as March 2018, when she contended that other agents with such issues were being treated differently. (page 33)

Lori McLaughlin never had any reason to suspect a Giglio issue because she has never committed any integrity violation. In March 2018, Lori McLaughlin was simply making a comparison of her treatment as a “non-giglio” special agent with that of a special agent with a Giglio impairment. For almost five (5) years, ATF has failed to present any allegations, formal complaints or official investigations regarding an integrity

violation that prevents Lori McLaughlin from testifying in Federal court. The Appellee has failed to discuss, disclose or merely mention any integrity violation committed by S/A Lori McLaughlin. Likewise, the Appellee has failed to discuss, disclose or mention any issues with S/A Lori McLaughlin's integrity or credibility as a criminal investigator.

As previously noted in the Government's motion to dismiss, Plaintiff's allegations are "replete with signs that up to and including 2019 several managers and supervisors were dissatisfied with her work. (page 40)

The Government's motion to dismiss makes absolutely no mention of any managers and supervisors being dissatisfied with Lori McLaughlin's work. (SEE: Court Docket No. 1:20-cv230-CCE-JEP, Defendant's Motion to Dismiss or, in the Alternative, For Summary Judgment) This is simply another false statement in the "smear campaign" by SAC Wayne Dixie that should be considered another pretext for retaliation and discrimination. The Appellee has not "named" any such managers/supervisors or identified any specific incidents regarding problems with Lori McLaughlin's work performance. Furthermore, ATF policy requires managers/supervisors to **communicate** poor work performance to ATF employees. Specifically, the policy states that "rating officials should conduct formal and informal performance progress reviews throughout the annual performance appraisal period, and must, at a minimum, conduct an individual performance progress review with each employee, approximately midway

through the appraisal cycle. (SEE: ATF Order 2400.8A, Performance Management and Recognition) The Appellee has failed to produce any documentation to support any meetings (performance reviews) or their allegations of poor work performance by Lori McLaughlin.

For example, Plaintiff received a suspension in 2016; a letter of caution of a verbal altercation in 2011; a three-day suspension for violating the Privacy Act; a five-day suspension for another verbal altercation; and a proposed ten-day suspension in 2019. (page 40)

Lori McLaughlin has worked for the Federal government for over twenty (20) years without any disciplinary issues or misconduct investigations against her. On July 31, 2017, Senator Charles Grassley wrote a letter requesting a GAO investigation into retaliatory investigations and disciplinary action at the ATF. Specifically, the letter states that “whistleblowers have alleged that one of the primary tools of retaliation is the use of internal affairs investigations and disciplinary action by managers to punish employees who report wrongdoing”. Given that Lori McLaughlin had experienced four (4) such retaliatory misconduct investigations, she and other ATF employees volunteered to be interviewed by GAO with negative results. Most importantly, Lori McLaughlin also reported the ATF misconduct associated with her retaliatory investigations to DOJ/OIG and IG Michael Horwitz refused to conduct any official investigation.

Summary of Misconduct Investigations:

Letter of Caution - In February 2011, S/A Lori McLaughlin spoke with congressional officials in support of ATF Whistleblowers assigned to the ATF Phoenix Field Division regarding the "Fast and Furious" investigation. ATF management officials quickly learned that special agents (Phoenix GRIT/Detail assignment) around the country were being contacted to support the whistleblowers. As a result, G/S Timothy Gabourie called S/A Lori McLaughlin into his office and instructed her not to speak with any congressional officials about the "Fast and Furious" investigation. S/A Lori McLaughlin informed her supervisor that she had already given a statement in support of the whistleblowers, as she would not stand silent and allow ATF management officials to label these special agents as troublemakers, disgruntled employees and liars to cover-up the gross mismanagement inside the ATF.

On February 24, 2011, Lori McLaughlin received an email advising that she was the subject of a misconduct investigation (Verbal Altercation/Refusal to Identify as LEO). Based on her experience as both an EEO/Personnel Specialist, Lori McLaughlin knew that the allegation was consider a minor infraction under ATF policy and should have been referred to the management staff at the Dallas Field Division. Nevertheless, Lori McLaughlin denied the allegations and video surveillance did not support the allegations. OPRSO failed to interview two (2) eyewitnesses and refused to produce the video surveillance, after being requested by her attorney.

Three (3) Day Suspension - On March 18, 2013, Lori McLaughlin's attorney filed a Motion in Limine in connection with a Federal civil lawsuit (Civil Action No. 08-CV-1256-RMC) in Washington, DC. The motion outlined several incidents whereby DOJ/ATF management officials were misrepresenting evidence before the court. Lori McLaughlin provided the necessary documentation to support her allegations, including computer printouts from an official database. On March 20, 2013, DOJ attorneys filed a misconduct complaint against her alleging violations of the Privacy Act, violation of EEO Stipulated Protective Order and Endangering the Life of a Special Agent. Subsequently, Lori McLaughlin received a three (3) day suspension for violation of the Privacy Act in releasing the computer printouts. Given that an EEO Administrative Judge disagreed with the violation of the EEO Stipulated Protective Order, OPSRO completely dropped this allegation from their official investigation and repeatedly refused to "clear" Lori McLaughlin of the violation on the official record. Likewise, OPRSO dropped the last violation (Endangering the Life of a Special Agent) from the official investigation, after Lori McLaughlin produced evidence that DOJ attorneys had committed the same violation against Lori McLaughlin by identifying her as an undercover agent inside their court motion. Again, OPRSO repeatedly refused to "clear" Lori McLaughlin of the violation on the official record. In June 2014, Lori McLaughlin filed an administrative grievance regarding the three (3) day suspension in accordance with ATF policy. Due to the misconduct committed by DOJ attorneys, ATF management officials

have refused to address Lori McLaughlin's administrative grievance as of today. Even after, Lori McLaughlin repeatedly reported the matter to DOJ Attorney Melissa Anderson and Acting Director Regina Lombardo on April 23, 2019.

Five (5) Day Suspension - On March 13, 2015, Lori McLaughlin forwarded a memorandum to the supervisor of SAC Wayne Dixie via her chain-of-command in the Charlotte Field Division. The memo outlined the hostile work environment, countless integrity violations and sexual misconduct committed by RAC Darren Hampton. As a result, Assistant Director Ronal Turk removed RAC Darren Hampton from the ATF Fayetteville Field Office effective June 14, 2015. Due to his refusal to take any action, SAC Wayne Dixie was very upset with Lori McLaughlin for going outside the division to address the hostile work environment.

On June 17, 2015, Lori McLaughlin was advised that she was the subject of another misconduct investigation. In retaliation, the misconduct complaint was filed by RAC Darren Hampton regarding the Misuse of a GOV and a Verbal Altercation. Again, Lori McLaughlin immediately suspected retaliation because RAC Hampton was accusing her of misusing a GOV that Lori McLaughlin had repeatedly reported mechanical problems to RAC Hampton. After towing the GOV on several occasions, RAC Hampton still refused to assign Lori McLaughlin a reliable GOV. Yet, RAC Hampton accused her of misusing a GOV that wasn't operating properly. It was clear that the Charlotte Field Division was using the Misuse of GOV to "boot scrap" and

support another alleged verbal altercation (minor infraction) that should have been another management referral. Nevertheless, the Misuse of GOV was **unfounded**, and Lori McLaughlin received a five (5) day suspension for the verbal altercations. Again, Lori McLaughlin denied the verbal altercation and OPRSO failed to secure or produce video surveillance that did not support their allegation. In fact, OPRSO investigators terminated the official recording device during the interview, when Lori McLaughlin began to discuss the retaliation by DOJ/ATF management officials.

Eight (8) Day Suspension - In May 2019, Lori McLaughlin contacted congressional officials regarding the egregious misconduct committed by the U.S. Attorney's Office and ATF management officials. As evidence, Lori McLaughlin provided documentation to support her allegations, including documents whereby she called the U.S. Attorney's "criminals" for their criminal-like conduct of retaliating and labeling her "Giglio" without any integrity violation. On June 6, 2019, Representative Mark Walker (Republican) forwarded all documentation regarding the egregious misconduct committed by the U.S. Attorney's (Republicans) to ATF management officials. On June 28, 2019, Lori McLaughlin was notified about the Proposed Ten (10) Day Suspension by ASAC Benjamin Gibbons. During the same meeting, Lori McLaughlin verbally notified ASAC Benjamin Gibbons about the LIES told by the U.S. Attorney's and ATF management officials in connection with her wrongful removal from her "field" criminal investigator's position. This conversation occurred in the presence of

G/S David Ford, who is the immediate supervisor of Lori McLaughlin. On August 5, 2019, Lori McLaughlin was issued a Eight (8) Day Suspension in retaliation for calling the U.S. Attorney's "criminals" for criminal-like conduct against an American citizen. Yet, SAC Vincent Pallozzi and ASAC Benjamin Gibbons failed to take any appropriate actions to reassign S/A Lori McLaughlin back into her "field" criminal investigator's position. In reward, both SAC Vincent Pallozzi and ASAC Benjamin Gibbons were later promoted by ATF management officials and Lori McLaughlin remained out of her position for almost five (5) years based on LIES.

That single report, which involves a position McLaughlin contends she had improperly been required to take and keep as a result of discrimination and retaliation, is insufficient to overcome the many disciplinary issues she acknowledges she has. (page 41)

Lori McLaughlin has never acknowledged disciplinary issues, but she has repeatedly acknowledged retaliatory issues with DOJ/ATF management officials. Prior to her removal in October 2017, Lori McLaughlin was the top-producing special agent in the ATF Greensboro Field Office. In fact, the CGIC supervisor (G/S Shawn Arthur) testified that he considered S/A Lori McLaughlin to be a team player and willing to assist other CGIC employees with the overall CGIC mission. In support, G/S Shawn Arthur gave Lori McLaughlin a performance rating of 6 with the highest being a 7 rating. In 2018, G/S Chad Nesbit gave Lori McLaughlin a performance

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rating of 4 with the highest being a 5 rating. In 2019, G/S David Ford also gave Lori McLaughlin a performance rating of 4 with the highest being a 5 rating.

NOTE: The ATF Performance Rating System changed in 2018.

Due to the input of ASAC Debbie Bullock, the last performance evaluation that Lori McLaughlin received in the ATF Fayetteville Field Office was a performance rating of 6 with the highest being a 7 rating. Prior to reporting the sexual misconduct against RAC Darren Hampton, Lori McLaughlin also received a performance rating of 6 with the highest being a 7 rating. The “performance problems” only surfaced after Lori McLaughlin reported the sexual misconduct to the Charlotte Field Division. Upon departure, AUSA Joanna McFadden sent email communications to Lori McLaughlin on June 18, 2015. AUSA Joanna McFadden stated that she was sorry that Lori McLaughlin would no longer be covering Lee County. She further stated to Lori McLaughlin that “your hard work has made a real difference and it has been a pleasure working with you”.

Likewise, the last performance evaluation that Lori McLaughlin received in the ATF Dallas Field Office was a performance rating of 6 with the highest being a 7 rating. In 2012, ASAC Charlie Smith stated that “your tireless work ethic and dedication has not gone unnoticed – I have personally witnessed you on several occasions staying late either on the firing range or in the office making sure the job was done”. ASAC Charlie

Smith wished Lori McLaughlin good luck on her new assignment in the Fayetteville Field Office.

A plaintiff must allege facts that the proposed comparators are not just similar in some respects, but similarly situated in all respects. (Page 41)

USA Matthew Martin acknowledged in his interview with the EEO investigator that “MDNC currently prosecutes criminal investigations conducted by S/A Paul Johnson (White/Male), ATF Greensboro Field Office, **who is currently subject to a Giglio Order**”. Thus, S/A Paul Johnson is outside the protected class and similarly situated in all other respects (i.e., position, location, Giglio status, etc.) to S/A Lori McLaughlin.

Any decision that her issues made prosecution of her cases inadvisable was based on that fact; no USAO declined her cases to get back at her for filing a lawsuit in 2017. (page 45)

For five (5) years, DOJ/ATF has failed to articulate any “Giglio” information identified inside the ATF misconduct investigative files. Given that the USAO continued to prosecute criminal investigations conducted by Lori McLaughlin after these misconduct investigations, USA Matthew Martin has a moral obligations and professional responsibility to identify his “Giglio” information. After discussions with ATF Counsel, USA Robert Higdon testified that he did not make any decision to not prosecute criminal investigations conducted

by Lori McLaughlin. If the “Giglio” information prevents Lori McLaughlin’s testimony in the Middle District of North Carolina, it should also prevent her testimony in the Eastern District of North Carolina.

Moreover, AUSA Terry Meinecke also advised Lori McLaughlin that the misconduct investigations were not “Giglio” material and AUSA Meinecke continued to prosecute criminal investigations conducted by Lori McLaughlin in the Middle District of North Carolina. This conversation occurred prior to the appointment of USA Matthew Martin. In fact, Lori McLaughlin has several email communications supporting that she worked directly with former USA Ripley Rand, Middle District of North Carolina on criminal investigations in Chatham County, North Carolina.

Most importantly, DAD Peter Forcelli (Senior Executive Service) gave compelling testimony regarding a pattern of retaliation by the U.S. Attorney’s Offices. Specifically, he states that “I was reassigned from Phoenix after the U.S. Attorney’s Office decided they would not work with me anymore after I testified in front of the U.S. Congressional Committee on Oversight and Government Reform and spoke about their involvement in the Fast and Furious case”. He also states that “similar decisions were made against Special Agents John Dodson, Lee Casa and Larry Alt in that matter”. Lastly, DAD Peter Forcelli states that “they were also reassigned to other offices based on the fact that they couldn’t work in Arizona US Attorney’s Office”. Given that Lori McLaughlin supported the aforementioned special agents with her statement

corroborating their testimony to congressional officials, she is highly confident that these special agents will testify in Lori McLaughlin's lawsuit. (SEE: EEO Sworn Declaration, Page 5, Question # 26)

In closing, S/A Lori McLaughlin immediately forwarded the ATF memorandum containing the false "conflict of interest" accusations to Acting United States Attorney Sandra Hairston. Later, she acknowledged receiving S/A Lori McLaughlin's email, but Acting United States Attorney Sandra Hairston failed to take any appropriate actions to prevent the destruction of Lori McLaughlin's professional career, reputation, integrity, and credibility.

/s/ Lori D. McLaughlin
Lori D. McLaughlin
(9.12.22)

APPENDIX G

[LOGO] Gmail

Lori McLaughlin <lorimack5503@gmail.com>

Additional Input for Reply Motion

6 messages

Lori McLaughlin <lorimack5503@gmail.com>

Wed, Sep 14, 2022 at 10:15 PM

To: "Neely, Meredith" <neelym@gilbertlegal.com>

Cc: Elvenia Latson <elvenialatson@gmail.com>, Lori
McLaughlin <lorimack5503@gmail.com>

Hello -

I received the attached evidence from another ATF
Whistleblower (S/A Adam Delgado), who is more
than willing to testify in my case.

Summary:

S/A Adam Delgado reported to ATF management
officials that S/A Chris Labno (White/Male) had com-
mitted PERJURY during a Federal criminal trial.
The USAO and ATF management officials failed
to conduct any official investigation into his alle-
gations. Instead, ATF management officials destroyed
the professional career of S/A Adam Delgado (Mex-
ican American/Male) for reporting the misconduct.
Remember, I was investigated and suspended for
five (5) days for a mere Verbal Altercation.

Somehow, a defense attorney learned of the
aforementioned PERJURY allegations against
Undercover Agent Chris Labno and filed a Brady

Violation. (U.S. vs. Hillard) The Government misrepresented to the court that the allegations were investigated and UNFOUNDED. However, S/A Adam Delgado will testify that no investigation was ever conducted by DOJ/ATF because he was never interviewed by any government official. In fact, S/A Adam Delgado reported the allegation to the DOJ/OIG without the benefit of any OIG investigation. Based on S/A Adam Delgado's evidence, the 7th Circuit ruled that "other special agents also contradicted the testimony of S/A Chris Labno". Nevertheless, USAO still allowed S/A Chris Labno to testify in Federal criminal investigations. Most importantly, S/A Chris Labno was never suspended or disciplined like S/A Lori McLaughlin.

Thanks!

P.S. Please confirm receipt.

4 attachments

[icon] **7th Circuit CA 2020-10-29 Delgado vs. DOJ.pdf**
200K

[icon] **Labno testimony.pdf**
756K

[icon] **Labano Closing Statements.pdf**
255K

[icon] **United States v. Hilliard.pdf**
235K

App. 82

Neely, Meredith <neelym@gilbertlegal.com>

Thu, Sep 15, 2022 at 11:51 AM

To: Lori McLaughlin <lorimack5503@gmail.com>

Cc: Elvenia Latson <elvenialatson@gmail.com>

Received, thanks very much.

GILBERT LLP

Meredith Neely

neelym@gilbertlegal.com

O 202.772.2285

C 240.215.5433

700 Pennsylvania Ave., SE

Suite 400

Washington, DC 20003

GilbertLegal.com

This email and any attachments may contain confidential information that is privileged at law. If you are not a named recipient or have received this communication by error, please notify the sender immediately and destroy this email and its attachments, and all copies thereof, without further distributing or copying them.

[Quoted text hidden]

Lori McLaughlin <lorimack5503@gmail.com>

Mon, Sep 19, 2022 at 9:05 PM

To: "Neely, Meredith" <neelym@gilbertlegal.com>

Hello -

Do you have a date and time for our meeting to discuss my input for the Reply Motion? FYI. I am

App. 83

not available on Wednesday, as I already have a medical procedure that requires sedation. Please advise ASAP.

Thanks

[Quoted text hidden]

2 attachments

GILBERT LLP image429480.png
5K

GILBERT LLP image429480.png
5K

Lori McLaughlin <lorimack5503@gmail.com>

Fri, Sep 23, 2022 at 2:45 PM

To: "Neely, Meredith" <neelym@gilbertlegal.com>

Hello -

Do you have a date and time to discuss my input for the Reply Motion? Please advise. Thanks

[Quoted text hidden]

Neely, Meredith <neelym@gilbertlegal.com>

Fri, Sep 23, 2022 at 3:42 PM

To: Lori McLaughlin <lorimack5503@gmail.com>

Hi Lori, apologies for the delay. I am generally available until 5 today if you have some time, and can also talk Monday from 9-9:30, 10:30-12:30, 1-2,

App. 84

or after 3:30. Please let me know when and at
what number I should call you.

Thanks,

Meredith

APPENDIX H

U.S. Department of Justice

[SEAL]

[SEAL]

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Director

JAN 06 2023

www.atf.gov

Ms. Lori D. McLaughlin
6606 Jockey Club Drive
Whitsett, North Carolina 27377

Dear Ms. McLaughlin:

On behalf of your many friends and colleagues throughout the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), congratulations on your retirement and thank you for more than 33 years of distinguished Government service.

From your first tour of duty as a student intern and then an Equal Employment Opportunity Specialist in the Equal Employment Office (EEO), to your final days as a Special Agent in the Charlotte Field Division, you demonstrated an eagerness to learn new skills and an inspiring dedication to the Bureau and your work. These qualities were the foundation of your success as you followed a varied career path, leaving EEO to become a Personnel Specialist (Recruiter) in the newly formed Recruitment Branch in 1998, before reporting to the Alcohol and Tobacco Directorate in 1999, as a Program Analyst.

App. 86

After another brief stint as a Special Agent Recruiter, you joined the ranks of Special Agents in 2001, and in 2002, transitioned to the Tampa Field Division's Orlando Field Office. Over the next six years, you put your new abilities to good use by investigating crimes involving firearms trafficking, arson, and explosives, while also supporting multiple investigations as an undercover operative. One great accomplishment was your investigation of the 2007 pipe bomb explosion at Disney World. As case agent, you skillfully secured confessions from two suspects and meticulously gathered evidence that led to three Federal convictions.

In addition to managing a busy caseload, you also volunteered many hours while serving as a member of the 2005 detail to assist communities devastated by Hurricane Katrina and as a mentor for the Department of Justice's (DOJ) Drug Education for Youth Program. In this mentorship role, you educated Orlando's youth about the benefits of a healthy, drug-free life, sharing a wealth of leadership and life skills to prepare them to overcome any future challenges. You also made an impact on Orlando communities as a member of the DOJ Weed and Seed Program steering committee.

Your successful tour of duty in Orlando was followed by an equally successful four-year tenure in the Dallas Field Division. As a member of the High Intensity Drug Trafficking Area Group and the Drug Enforcement Administration Task Force, you conducted numerous investigations of armed drug trafficking rings, tracking down some of the most violent criminals in Dallas and putting them behind bars for their crimes.

App. 87

Your previous experience working arson and explosives cases also came into play in 2010, when you and other members of the East Texas church arson task force identified the arsonists responsible for burning 10 houses of worship and sent both to prison for life.

In 2012, you headed back to the east coast, reporting to the Charlotte Field Division, where your extensive work in complicated trafficking conspiracies quickly made you a great resource for colleagues. In the following decade, you spent time in the Fayetteville and Greensboro Field Offices, the Crime Gun Intelligence Center, and Charlotte Group II. In each office, your expertise and guidance were relied on by your teams, who will miss you as you depart for retirement.

As you look forward to leaving the snow behind and heading back to Florida, know that the determination that guided you on the path from intern to Special Agent was inspiring, as was your genuine care for the welfare of everyone around you, and especially those in need. Your many ATF friends and colleagues join me in wishing you many wonderful trips and hikes, along with some great Cowboys football. Good luck in your plans to volunteer with the Florida Innocence Project and thank you again for the many years of outstanding service you have given to the Bureau and our Nation.

Sincerely yours

/s/ Steven M. Dettelbach
Steven M. Dettelbach
Director

App. 88

[Thanks for your deep dedication to ATF & your outstanding career furthering its mission. All over the country & through the decades, you have given it your all to make Americans safe & the ATF better. Congratulations and all the best on a well earned next chapter. /s/ sk]
