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

| | | |
|---|---|---|
| CAMPAIGN LEGAL CENTER<br>1411 K Street, NW, Suite 1400<br>Washington, DC 20005,<br><br>Plaintiff,<br><br>v.<br><br>FEDERAL ELECTION COMMISSION<br>999 E Street, NW<br>Washington, DC 20463,<br><br>Defendant. | ) | Case No. 1:18-cv-00053 |

**MEMORANDUM IN SUPPORT OF GEO CORRECTIONS HOLDINGS, INC. MOTION TO DISQUALIFY ADAV NOTI AS COUNSEL FOR PLAINTIFF IN THIS ACTION**

**INTRODUCTION**

Plaintiff Campaign Legal Center filed this action against Defendant Federal Election Commission to seek this Court's assistance in forcing the Defendant to take action against GEO Corrections Holdings, Inc. ("GEO") more quickly. Plaintiff seeks a speedier resolution to an administrative complaint it filed on or about November 1, 2016. At the time this administrative complaint was filed, Plaintiff's lead counsel, Adav Noti, was serving as Associate General Counsel in Defendant's Office of General Counsel. Mr. Noti had access to confidential information about Plaintiff's administrative complaint while he was employed by the Defendant. The present lawsuit filed by Plaintiff alleges a violation of law by the Defendant which the Plaintiff alleges accrued while Mr. Noti was still employed by Defendant. GEO seeks the disqualification of Mr. Noti as counsel to Plaintiff in this matter

due his prior employment with Defendant, which allowed him access to confidential materials pertaining to the underlying administrative complaint.

**STATEMENT OF FACTS**

On or about November 1, 2016, the Plaintiff in this matter filed an administrative complaint with the Defendant in this matter, the Federal Election Commission. Plaintiff's administrative complaint alleged that GEO Corrections Holdings, Inc. violated provisions of the Federal Election Campaign Act when it contributed to Rebuilding America Now, an independent expenditure-only committee. This complaint triggered the FEC's enforcement process, and caused an enforcement matter designated Matter Under Review (MUR) 7180 to be opened at the FEC.

From 2007 through late April or early May 2017, counsel for Plaintiff in this matter, Adav Noti, was an employee of the Federal Election Commission (FEC), where he served as an attorney in the agency's Office of General Counsel. From 2013-2017, Mr. Noti served as Associate General Counsel for Policy, which is a high-ranking, senior staff position in the Office of General Counsel. Before that, he served as Acting Assistant General Counsel, another high-ranking position. The FEC announced Mr. Noti's departure on April 21, 2017.[1]

Upon leaving employment with the FEC, Mr. Noti joined Defendant Campaign Legal Center. His title with the Campaign Legal Center is Senior Director, Trial Litigation & Strategy. We believe Mr. Noti began his employment with the Campaign Legal Center in late April or early May 2017.

[1] *See* Federal Election Commission, Weekly Digest (Week of April 17 – April 21, 2017), April 21, 2017, https://www.fec.gov/updates/week-april-17-april-21-2017/.

On June 15, 2017, the Campaign Legal Center filed a lawsuit against the Department of Justice alleging Freedom of Information Act violations. According to a Campaign Legal Center press release, the "Campaign Legal Center (CLC) filed a lawsuit demanding that the Department of Justice (DOJ) turn over documents relating to the private prison company GEO Group and a super PAC that spent hundreds of thousands of dollars to influence the 2016 presidential election."[2] The Campaign Legal Center's lawsuit against the Department of Justice concerns the exact same underlying facts at issue in the administrative complaint filed with the FEC. The Campaign Legal Center's lawsuit against the Department of Justice is signed by three attorneys, one of whom is Adav Noti.

In a press release announcing the Campaign Legal Center's lawsuit against the Department of Justice, Mr. Noti is quoted discussing the pending FEC matter:

> "GEO made illegal contributions to influence the election, and now DOJ is refusing to release the documents that might show whether the Administration rewarded GEO for its illegal spending," said Adav Noti, senior director, trial litigation and strategy at CLC, a former associate general counsel for policy at the FEC. "While we continue to wait for the FEC to hold GEO accountable, GEO seems to be reaping benefits from its illegal contribution, receiving a $110 million prison contract from the very same administration that is unlawfully withholding these documents."[3]

Mr. Noti also spoke to reporters about the filing, and discussed the related administrative complaint that was still pending before the Federal Election Commission. The day after the Campaign Legal Center lawsuit against the DOJ was announced, Mr. Noti spoke to a reporter with the *Courthouse News Service* and again publicly commented on the

---

[2] Campaign Legal Center Press Release, *CLC Lawsuit Demands DOJ Provide Documents Relating to Private Prison Company GEO and Trump Super PAC*, June 15, 2017, http://www.campaignlegalcenter.org/news/press-releases/clc-lawsuit-demands-doj-provide-documents-relating-private-prison-company-geo.

[3] *Id*.

confidential enforcement matter pending before the FEC. Specifically, Mr. Noti said: "The reason that federal contractors have been prohibited for 75 years from making political contributions is for exactly this reason." Mr. Noti was referring to the facts underlying the FEC complaint that was filed while he was still an FEC attorney, and which remained an open matter. The *Courthouse News Service* reported on June 16, 2017: "The Campaign Legal Center's Noti emphasized that the election commission's investigation of its November request is ongoing — and that his group could technically sue over that delay."[4]

On January 10, 2018, the Campaign Legal Center filed the present lawsuit against the Federal Election Commission. This lawsuit was filed and signed by Mr. Noti as counsel to plaintiff Campaign Legal Center. In this lawsuit, the Campaign Legal Center alleges that the FEC is in violation of 52 U.S.C. § 30109(a)(8)(A) for failure to act on the Campaign Legal Center's administrative complaint (MUR 7180) within 120 days. Under the Campaign Legal Center's theory of the case, the FEC was legally obligated to act on the complaint (MUR 7180) within 120 days after it was filed. The Campaign Legal Center filed their complaint against GEO Corrections Holdings, Inc. on November 1, 2016, and their alleged cause of action against the FEC accrued 120 days later, on March 1, 2017. As noted above, Mr. Noti served as an Associate General Counsel in the FEC's Office of General Counsel until late April or early May 2017, meaning Mr. Noti has now filed a lawsuit that alleges a violation of the law by the FEC which occurred while Mr. Noti was an employee of the FEC and in a position to know or have access to confidential information pertaining to the subject matter at hand.

---

[4] Britain Eakin, *Private-Prison Turnaround Triggers DOJ Records Hunt*, Courthouse News Service, June 16, 2017, https://www.courthousenews.com/private-prison-turnaround-triggers-doj-records-hunt/.

The Campaign Legal Center's complaint appears to have been replaced with a new filing that that does not include Mr. Noti's name. The original docket stamped filing remains available, including on the Plaintiff's website, along with Mr. Noti's public statements about the matter. Whatever the reason for this replacement, Mr. Noti filed a notice of appearance in this matter on January 24, 2018. There can be no doubt that Mr. Noti was involved in preparing and filing this lawsuit. The *Courthouse News Service*, to whom Mr. Noti previously spoke in 2017 about the underlying matter, reported on January 10, 2018, that the Plaintiff's complaint was "written by in-house attorneys Adav Noti and Mark Gaber."[5]

## ARGUMENT

### I. Mr. Noti's Representation of Plaintiff Violates Applicable Ethics Rules, Agency Confidentiality Requirements, and Other Statutory Requirements

#### A. District of Columbia Rules of Professional Conduct

Mr. Noti's participation in the Campaign Legal Center's lawsuit against the Federal Election Commission, in light of his prior employment at the FEC, is a violation of professional ethical requirements.

"The District of Columbia Rules of Professional Conduct govern the practice of law — and the qualification of counsel — in this District." *Ambush v. Engelberg*, 2017 U.S. Dist. LEXIS 167247, *6 (D.D.C. Oct. 10, 2017). The District of Columbia's Rules of Professional Conduct provide that "[a] lawyer shall not accept other employment in connection with a matter which is the same as, or substantially related to, a matter in which the lawyer participated

[5] Britain Eakin, *Watchdog Demands Response to Complaint Over Trump PAC Donation*, Courthouse News Service, Jan. 10, 2018, https://www.courthousenews.com/watchdog-demands-response-to-complaint-over-trump-pac-donation/.

personally and substantially as a public officer or employee." D.C. Rules of Professional Conduct, Rule 1.11. The comments to this rule explain that "Paragraph (a)'s absolute disqualification of a lawyer from matters in which the lawyer participated personally and substantially carries forward a policy of avoiding both actual impropriety and *the appearance of impropriety* that is expressed in the federal conflict-of-interest statutes and was expressed in the former Code of Professional Responsibility." D.C. Rules of Professional Conduct, Rule 1.11, Comment 5 (emphasis added). The Board on Professional Responsibility has previously identified several purposes served by Rule 1.11, explaining:

> It provides assurance to the public that government lawyers will not skew their conduct of official business to gain advantage in subsequent private employment. Similarly, it prevents individuals from seeking to profit at the public's expense by using their government positions to further their private interests later. The rule also ensures that the government as a former client will enjoy the same loyalty and confidentiality to which private clients are entitled. *See generally Brown v. District of Columbia Board of Zoning Adjustment*, 486 A.2d 37, 44-47 (D.C. 1984) (en banc) (discussing DR 9-101(B)); D.C. Bar Op. No. 16 (1976) (same); ABA Formal Opinion No. 409 (1997) (discussing Model Rule 1.11).[6]

The District of Columbia Court of Appeals discussed the origins of the "substantially related" test found in Rule 1.11 in ***Brown v. District of Columbia Board of Zoning Adjustment*, 486 A.2d 37 (D.C. App. 1984) (en banc). The court explained:**

> The first significant case to consider a revolving door disqualification was *United States v. Standard Oil Company*, 136 F. Supp. 345 (S.D.N.Y. 1955) (Kaufman, J.). The court not only invoked old Canons 6 and 37 (avoiding conflicts of interest and preserving client confidences) but also applied the revolving door rule of old Canon 36: "A lawyer, having once held public office

[6] Report and Recommendation of the Board on Professional Responsibility, *In the Matter of L. Sandra White*, Bar Docket No. 292-04 (Aug. 20, 2009), http://www.dcbar.org/discipline/bpr_report/LSaundraWhite29204.pdf.

> or having been in the public employ, should not after his retirement accept employment in connection with any matter which he has investigated or passed upon while in such office or employ." The court stressed that the purpose of Canon 36 "was to clarify the duties in Canon 6 as related to government attorneys," *id.* at 361, with a view to preventing "even the appearance that the government servant may take a certain stand in the hope of later being privately employed to uphold or upset what he had done." *Id.* at 359 (footnote omitted).
>
> While recognizing this preventive purpose, the *Standard Oil* court imported into Canon 36 the same "substantially related" test used to evaluate private side-switching and thus the same focus on preventing misuse of confidential information. *Id.* at 353-55
>
> (citing *T.C. Theatre Corp.*). The court expressly recognized "it is doubtful if the Canons of Ethics are intended to disqualify an attorney who did not actually come into contact with materials substantially related to the controversy at hand when he was acting as attorney for a former client now adverse to his position." *Id.* at 364. The court added, however, that a **"complainant need only show *access* to such *substantially related* material and the inference that defendant received these confidences will follow."** *Id.* at 354 (emphasis in original) (footnote omitted); *see supra* note 5. Moreover, **"where there is a close question as to whether particular confidences of the former client will be pertinent to the instant case, an attorney should be disqualified to avoid the appearance if not the actuality of evil.**" *Id.* at 364.

*Brown v. District of Columbia Bd. of Zoning Adjustment*, 486 A.2d at 43-44 (emphasis added).

Pursuant to Rule 7(m) discussion with counsel, Mr. Noti stated, "I had no involvement with or knowledge of this matter at the Commission." Email correspondence of Adav Noti to Jason Torchinsky, Jan. 26, 2018. GEO does not contend that Mr. Noti was the attorney assigned to MUR 7180. However, whether Mr. Noti was personally involved in any substantive consideration of MUR 7180 while employed at the Federal Election Commission or not, as an Associate General Counsel in the FEC's Office of General Counsel, he certainly had "access" to information pertaining to MUR 7180 as well as information pertaining to the Federal Election Commission's handling of that matter. As the *Brown* court noted:

> Courts and the bar have called it fundamentally unfair for a former government attorney, newly in private practice, to use "specific information

> obtained by the exercise of government power" -- information that otherwise would not be available to his or her client -- to the prejudice of opposing private party litigants.

*Brown v. District of Columbia Bd. of Zoning Adjustment*, 486 A.2d at 45. For instance, the Defendant is known to maintain information detailing the length of time that has passed since a complaint was received, both for tracking the applicable statute of limitations, and also to monitor the agency's efficiency in considering enforcement matters.[7] Federal Election Commission Directive 68 (effective Dec. 31, 2009) requires the Office of General Counsel to "circulate the Status of Enforcement on a quarterly basis to the Commission." This information is directly relevant to the Plaintiff's cause of action in this matter.

The *Brown* court identified two other concerns of great relevance to the present matter: (1) "after leaving the government, an attorney may make use of expertise -- special knowledge of *agency policies, practices, and procedures* acquired while on the government payroll -- to the advantage of private clients" and; (2) "after leaving the government, an attorney may make use of government contacts (old friends) to gain special advantage for private clients." *Brown v. District of Columbia Bd. of Zoning Adjustment*, 486 A.2d 37, 46 (emphasis added). These two concerns, the court observed, are not addressed by the "substantially related" standard, but instead, are addressed by the Ethics In Government Act of 1978. *See id*.

**B. Ethics In Government Act of 1978**

Mr. Noti's actions may be in violation of 18 U.S.C. § 207, which imposes restrictions on former executive branch employees making communications or appearances with the

[7] *See*, *e.g.*, Memorandum from Chairman Walther re: Scheduling on Pending Enforcement Matters Awaiting Reason-to-Believe Consideration, Aug. 12, 2016, https://www.fec.gov/resources/updates/agendas/2016/mtgdoc_16-33-a.pdf.

intent to influence a department, agency, or court in connection with matters that came before the former employee while employed by the government.

18 U.S.C. § 207 imposes either a permanent ban, a two-year or a one-year representation restriction on former government employees, depending on the circumstances. The permanent ban applies to:

> Any person who is an officer or employee (including any special Government employee) of the executive branch of the United States (including any independent agency of the United States), or of the District of Columbia, and who, after the termination of his or her service or employment with the United States or the District of Columbia, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States or the District of Columbia, on behalf of any other person (except the United States or the District of Columbia) in connection with a particular matter--
>
> > (A) in which the United States or the District of Columbia is a party or has a direct and substantial interest,
> >
> > (B) in which the person participated personally and substantially as such officer or employee, and
> >
> > (C) which involved a specific party or specific parties at the time of such participation, shall be punished as provided in section 216 of this title [18 USCS § 216].

18 U.S.C. § 207(a)(1).

The two-year representation restriction applies to:

> Any person subject to the restrictions contained in paragraph (1) who, within 2 years after the termination of his or her service or employment with the United States or the District of Columbia, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States or the District of Columbia, on behalf of any other person (except the United States or the District of Columbia), in connection with a particular matter--
>
> > (A) in which the United States or the District of Columbia is a party or has a direct and substantial interest,

> (B) which such person knows or reasonably should know was actually pending under his or her official responsibility as such officer or employee within a period of 1 year before the termination of his or her service or employment with the United States or the District of Columbia, and
>
> (C) which involved a specific party or specific parties at the time it was so pending, shall be punished as provided in section 216 of this title [18 USCS § 216].

18 U.S.C. § 207(a)(2).

Finally, the one-year representation restriction applies, "[i]n addition to the restrictions set forth in subsections (a) and (b)," to:

> [A]ny person who is an officer or employee (including any special Government employee) of the executive branch of the United States (including an independent agency), who is referred to in paragraph (2), and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title [18 USCS § 216].

18 U.S.C. § 207(c)(1). (If Mr. Noti was subject to this latter restriction as a result of his government "pay grade," the one-year period has expired.)

The *Brown* court concluded that the applicable Rules of Professional Responsibility do not apply so broadly as "to require disqualification solely on the basis of unseemly appearances," which certainly exist here, but instead address "only three improprieties": "The lawyer: (1) may disclose confidential information to the prejudice of the government client; (2) may use information obtained through the exercise of government power to the prejudice of opposing private litigants; and (3) while in government, may have initiated,

structured, or neglected a matter in the hope of using it later for private gain." *Brown v. District of Columbia Bd. of Zoning Adjustment*, 486 A.2d 37, 47-48.

GEO, of course, fears a form of the second impropriety, that Mr. Noti "may use information obtained through the exercise of government power to the prejudice of opposing private litigants." GEO is not a party to this litigation, but the Plaintiff's lawsuit seeks to compel the Defendant to take action with respect to GEO. Mr. Noti's participation in this matter on behalf of Plaintiff is an "unseemly appearance" at a bare minimum, and as noted herein possibly a violation of federal statutes.

### C. Federal Election Commission Confidentiality Requirements

Finally, Mr. Noti's comments to the media (and to his current employer, as well) about a pending Federal Election Commission enforcement matter were in clear violation of federal law requiring confidentiality of such proceedings. In the Campaign Legal Center's press release of June 15, 2017, Mr. Noti stated unequivocally, "GEO made illegal contributions." We do not know if this statement represented an interest group's press release bluster, or whether Mr. Noti was revealing confidential information about conclusions reached within the Federal Election Commission. The Plaintiff's press release specifically identifies Mr. Noti as "a former associate general counsel for policy at the FEC," which clearly signals to the press release's recipients that Mr. Noti is knowledgeable about this matter. Mr. Noti was also quoted saying, "we continue to wait for the FEC to hold GEO accountable," which, coming from a former employee of the agency, suggests that the Federal Election Commission, or individuals within the Federal Election Commission may, in fact, be seeking to "hold GEO accountable."

Mr. Noti then spoke with the *Courthouse News Service*, which reported: "The Campaign Legal Center's Noti emphasized that the election commission's investigation of its November request is ongoing — and that his group could technically sue over that delay."[8] The mere existence of any "investigation," along with any other details pertaining to the status of the Campaign Legal Center's complaint, are part of the FEC's confidential enforcement proceedings, and protected from disclosure by federal law. Mr. Noti was legally barred from disclosing the existence of a pending "investigation." Pursuant to 52 U.S.C. § 30109(a)(12)(A),

> Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

Neither GEO Corrections Holdings, Inc., nor any of its affiliates, issued any such written consent.

Mr. Noti's statement to media in June 2017 "that his group could technically sue over that delay" indicates that Mr. Noti was aware, mere weeks after leaving the FEC, that the agency had not "act[ed] on such complaint during the 120-day period beginning on the date the complaint is filed." It appears almost certain that when Mr. Noti left employment with the Defendant, he was aware that the agency had not taken any substantive action with respect to MUR 7180. A substantive action includes the Commissioners' confidential reason-to-believe vote, which are most often held at closed Executive Session meetings attended by

[8] Britain Eakin, *Private-Prison Turnaround Triggers DOJ Records Hunt*, Courthouse News Service, June 16, 2017, https://www.courthousenews.com/private-prison-turnaround-triggers-doj-records-hunt/.

Office of General Counsel staff. The Plaintiff would not have been aware of whether the Defendant had taken a reason-to-believe vote as of June 2017 independent of Mr. Noti.

A person who violates 52 U.S.C. § 30109(a)(12)(A) "shall be fined not more than $2,000," and "[a]ny such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than $5,000." 52 U.S.C. § 30109(a)(12)(B). FEC regulations at 11 C.F.R. § 111.21 provide that:

> [N]o complaint filed with the Commission, nor any notification sent by the Commission, nor any investigation conducted by the Commission, nor any findings made by the Commission shall be made public by the Commission or by any person or entity without the written consent of the respondent with respect to whom the complaint was filed, the notification sent, the investigation conducted, or the finding made.

Additionally, 11 C.F.R. § 7.7 provides:

Commission employees are subject to criminal penalties if they discuss or otherwise make public any matters pertaining to a complaint or investigation under 52 U.S.C. 30109, without the written permission of the person complained against or being investigated. Such communications are prohibited by 52 U.S.C. 30109(a)(12)(A).

Mr. Noti's prior public statements are evidence of violations of these provisions. In addition, Mr. Noti's comment to the *Courthouse News Service* in mid-June 2017 that "his group could technically sue over [the Federal Election Commission's] delay," clearly demonstrates that Mr. Noti was aware of the existence of the cause of action brought in the present matter around the time he left the Federal Election Commission.

## II. The Court Should Order Mr. Noti's Disqualification

"A motion to disqualify counsel is committed to the sound discretion of the district court." *Ambush v. Engelberg*, 2017 U.S. Dist. LEXIS 167247, *6 (D.D.C. Oct. 10, 2017). "In considering a motion to disqualify counsel, the district court must conduct a two-step inquiry: first, it must determine 'whether a violation of an applicable Rule of Professional Conduct has occurred or is occurring,' and second, 'if so, whether such violation provides sufficient grounds for disqualification.' *Id*. at *7 *quoting Headfirst Baseball LLC v. Elwood*, 999 F. Supp. 2d 199, 204-05 (D.D.C. 2013).

> Courts examine "whether two matters are 'substantially related'" by:
>
> > [L]ook[ing] to "both the facts and the legal issues involved." Brown, 486 A.2d at 49 (D.C. 1984). In doing so, courts engage in a three-step analysis. The court must first "'make a factual reconstruction of the scope of the prior legal representation.'" Id. (citation omitted). Second, "[i]f the factual contexts overlap, the court then has to determine 'whether it is reasonable to infer that the confidential information allegedly given would have been given to a lawyer representing a client in those [prior] matters.'" Id. (citation omitted). Third, "if such information apparently was available to counsel in the prior representation, the court has to determine whether it 'is relevant to the issues raised in the litigation pending against the former client.'" Id. (citation omitted).

*Headfirst Baseball LLC v. Elwood*, 999 F. Supp. 2d 199, 210.

As explained above, it is reasonable to infer that confidential information about the Defendant's consideration of MUR 7180 "apparently was available to counsel in the prior representation," and there is no question that any information about the Defendant's consideration of MUR 7180 "is relevant to the issues raised in the litigation pending against the former client." "[A] court may draw 'conclusion[s] about the possession of such information . . . based on the nature of the services the lawyer provided the former client and the information that would in ordinary practice be learned by a lawyer providing such services.' D.C. R. Prof'l Conduct 1.9, cmt. 3." *Headfirst Baseball LLC v. Elwood*, 999 F. Supp. 2d

199, 211. The standard for finding a "substantial relationship" between Mr. Noti's previous representation of Defendant and his current representation of Plaintiff is met here.

The D.C. Circuit has granted a motion to disqualify in circumstances where "the most concrete danger in [the] case is the appearance of impropriety which may affect the perceived integrity of the agency." *Kessenich v. Commodity Futures Trading Com*., 684 F.2d 88, 97 (D.C. Cir. 1982). In *Kessenich*, the court observed that "[i]t is not at all difficult to imagine that [the former government attorney] may have gained some advantage from his former connection with the case, even though its exact outlines have not been articulated." *Id*. The D.C. Circuit further stressed the critical importance of "[t]he integrity, both actual and apparent, of the agency's dispute resolution mechanism is essential to the regulatory enforcement scheme created by Congress." *Id*. at 98. Similarly, the Second Circuit Court of Appeals observed that disqualification is warranted in two types of cases, one of which is "where the attorney is at least potentially in a position to use privileged information concerning the other side through prior representation … thus giving his present client an unfair advantage." *Board of Education v. Nyquist*, 590 F.2d 1241, 1246 (2d Cir. 1979). The same considerations are present here where the integrity of the Federal Election Commission's confidential enforcement process has been brought into question.

This Court should find a violation of Rule 1.11 and require Mr. Noti's disqualification.

**CONCLUSION**

GEO has no objection to Mr. Noti's practice of federal campaign finance law on behalf of Plaintiff and does not seek to prevent him from engaging in all matters involving the Defendant. GEO seeks only to prevent Mr. Noti from participating in *this* matter, which began while Mr. Noti was an employee of the Defendant, and which Mr. Noti now accuses of

violating the law while he was still an employee of the Defendant. Mr. Noti's participation in *this* matter threatens GEO's ability to receive the same fair and evenhanded treatment that all other persons and organizations receive from the Defendant. These other persons and organizations are *not* subjected to outside interference by former Federal Election Commission attorneys now in the employ of interest groups seeking to force the Defendant to do its job differently, and basic notions of fair play and due process demand that GEO not be the victim of this unseemly, unethical, and improper behavior.

For the foregoing reasons, GEO hereby requests that the Court order that Adav Noti be disqualified and withdraw as counsel for the Plaintiff in this action.

Respectfully submitted,

/s/ Jason Torchinsky
Jason Torchinsky (D.C. Bar No. 976033)
jtorchinsky@hvjlaw.com
J. Michael Bayes (D.C. Bar No. 501845)
jmbayes@hvjlaw.com
HOLTZMAN VOGEL JOSEFIAK TORCHINSKY PLLC
45 North Hill Drive, Suite 100
Warrenton, VA 20186
Tel: (540) 341-8808
Fax: (540) 341-8809

*Counsel for GEO Corrections Holdings, Inc.*

Dated: January 29, 2018