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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

17 ALLISON M. GILL,
18 Plaintiff,

19 v.

20 UNITED STATES DEPARTMENT OF
21 JUSTICE; TODD BLANCHE, *in his*
22 *official capacity as Acting Attorney*
23 *General*; ANTI-WEAPONIZATION
24 FUND; and UNITED STATES OF
25 AMERICA,
26 Defendants.

Case No: _____

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

**Administrative Procedure Act,
5 U.S.C. § 706**

1 1. Plaintiff Allison M. Gill brings this action against Defendants United
2 States Department of Justice (DOJ), Acting Attorney General Todd Blanche, the Anti-
3 Weaponization Fund, and the United States of America seeking a judgment setting
4 aside Defendants’ establishment of a \$1.776 billion program referred to as the “Anti-
5 Weaponization Fund” (the Fund), with the power to issue apologies and pay
6 compensation to claimants who present claims of “Lawfare” and “Weaponization,”
7 and an injunction to prevent Defendants from reestablishing the Fund without
8 complying with the requirements of the Administrative Procedure Act (APA).

9 2. Defendants have stated that they established the Fund to implement the
10 terms of an agreement that DOJ entered into to settle a federal lawsuit brought by
11 President Donald J. Trump, two of his children, and the Trump Organization, LLC,
12 against the Department of the Treasury and the Internal Revenue Service, as well as
13 to settle two administrative claims made by President Trump under the Federal Tort
14 Claims Act (the Trump Settlement). The Trump Settlement is not incorporated into a
15 consent decree, judgment, or other court order, and is therefore contractual in nature.

16 3. Defendants’ implementation of the Trump Settlement’s terms requires
17 the issuance of rules for the Fund’s creation and operation. Defendants have begun to
18 issue such rules, including establishing a \$1.776 billion fund to pay approved claims,
19 creating a five-member commission to adjudicate claims, and setting a December
20 2028 sunset date for the Fund’s operations. In doing so, however, Defendants have
21 failed to meet the APA’s requirement that a federal agency may promulgate
22 legislative rules only after publishing notice of the proposed rule in the Federal
23 Register and providing interested parties an opportunity to comment. A settlement
24 agreement cannot modify the APA’s procedural requirements or authorize federal
25 agencies to deprive third parties of their statutory rights.

26 4. Plaintiff has been the subject of actions taken by the federal government
27 that could constitute “Lawfare” or “Weaponization” and may be entitled to
28 compensation and an apology from the Fund. Plaintiff thus has an interest in the

1 were investigated by the VA in August of 2019. Ms. Gill believes that she is eligible
2 to file a claim for compensation with the Fund.

3 8. Defendant DOJ is an agency of the United States headquartered in
4 Washington, DC.

5 9. Defendant Todd Blanche is the Acting Attorney General of the United
6 States, whose principal office is located in Washington, DC. He is named a defendant
7 in his official capacity.

8 10. Defendant The Anti-Weaponization Fund is, on information and belief,
9 an entity within the Department of Justice, consisting of five members appointed by
10 the Attorney General.

11 11. The United States is named as a defendant pursuant to 5 U.S.C. § 702.

12 **STATEMENT OF FACTS**

13 **The Florida Litigation and Settlement**

14 12. On January 29, 2026, President Trump, Donald J. Trump, Jr., Eric
15 Trump, and the Trump Organization, LLC, filed a complaint in federal district court
16 in Florida against the Department of the Treasury and the Internal Revenue Service
17 seeking over \$10 billion in damages from the federal government related to the
18 unauthorized disclosure of their tax returns by an IRS contractor between 2018 and
19 2020 (the Florida Lawsuit).

20 13. President Trump also filed two administrative claims pursuant to the
21 Federal Tort Claims Act seeking damages from the federal government for prior DOJ
22 investigations of his conduct.

23 14. On May 18, 2026, President Trump, Donald J. Trump, Jr., Eric Trump,
24 and the Trump Organization, LLC, voluntarily dismissed the Florida Lawsuit with
25 prejudice.

26 15. That same day, DOJ announced that it had settled the Florida Lawsuit
27 and the administrative claims brought by President Trump.

28

1 16. On May 18, 2026, attorneys for President Trump and the other plaintiffs
2 in the Florida Lawsuit, an Associate Attorney General of DOJ, and the Chief
3 Executive Officer of the Internal Revenue Service executed a Settlement Agreement,
4 captioned *Trump v. IRS*. See <https://www.justice.gov/opa/media/1441201/dl>.

5 17. The Settlement Agreement asserts that the federal government’s conduct
6 alleged in President Trump’s judicial and administrative claims “is representative of
7 the sustained use of the levers of government power by Democrat elected officials,
8 political and career federal employees, contractors, and agents in order to target
9 individuals, groups, and entities for improper and unlawful political, personal, and/or
10 ideological reasons.” The Settlement Agreement defines such conduct as “Lawfare”
11 and “Weaponization.”

12 18. Other “examples” of Lawfare and Weaponization identified in the
13 Settlement Agreement “include the Biden Administration’s abuse of the FACE Act,
14 the Biden Administration’s wrongful labeling of certain parents as domestic terrorists,
15 and the IRS’s targeting of groups based on improper ideological criteria.”

16 19. The Settlement Agreement states that the Attorney General will “create
17 ‘The Anti-Weaponization Fund’” to “provide a systematic process to hear and redress
18 claims of others who, like Plaintiffs, state that they incurred harm from similar
19 Lawfare and Weaponization.”

20 20. The Settlement Agreement states that the Fund will consist of five
21 members, including a chair, appointed by the Attorney General and removable by the
22 President, and that three members of the Fund will constitute a quorum.

23 21. The Settlement Agreement provides that the Fund “shall have the power
24 to determine its own procedures for submitting, receiving, processing, and granting
25 or denying claims.” The Fund has discretion to decide whether to make its procedures
26 public, in whole or in part.

27 22. The Settlement Agreement states that the Fund “shall have the power to
28 issue formal apologies, issue monetary relief owed to claimants as a result of their

1 legal rights, grant claims in whole or in part, deny claims in whole or in part, defer
2 review of claims, and receive and request evidence or other support for claims,
3 including requesting information from, or consulting with, federal agencies.”

4 23. The Settlement Agreement states that the Fund must provide the
5 Attorney General with a quarterly report identifying the name and address of each
6 claimant who has received relief and the nature of any relief. DOJ may audit claims
7 submitted to the Fund.

8 24. The Settlement Agreement states that claimants may include individuals
9 or entities. Claimants must assert that they were a victim of “Lawfare and/or
10 Weaponization.”

11 25. The Settlement Agreement states that a claimant accepting relief from
12 the Fund must forgo all other relief.

13 26. The Settlement Agreement states that the Fund must “consider the
14 totality of the circumstances” when evaluating claims, including the “strength of the
15 claim and supporting evidence,” the “claimant’s actions,” the “claimant’s actual
16 damages incurred as a result of the Lawfare and Weaponization,” “[r]easonable
17 attorneys’ fees paid by the claimant as a result of the Lawfare and Weaponization,”
18 “[a]ny time the claimant spent in prison or otherwise in federal prison or custody as a
19 result of the Lawfare and Weaponization,” “[w]hether and to what extent the claimant
20 has already obtained any form of relief for the Lawfare and Weaponization from any
21 source,” and “[o]ther factors The Anti-Weaponization Fund deems just and
22 appropriate.”

23 27. The Settlement Agreement states that the Fund must cease processing
24 claims by December 1, 2028.

25 28. The Settlement Agreement states that the Attorney General will issue an
26 “order” within 30 days to “establish funding and any other relevant requirements,
27 rules, conditions, terms, and waivers.”

28

1 **Establishment of the Fund**

2 29. On May 18, 2026, the Attorney General issued an “order establishing
3 funding and any other relevant requirements for the Fund.” *See*
4 <https://www.justice.gov/opa/media/1441086/dl> (the Fund Establishment Order).

5 30. On that same day, DOJ posted a website notice announcing that the
6 Attorney General had “established ‘The Anti-Weaponization Fund’ to provide a
7 systematic process to hear and redress claims of others who suffered weaponization
8 and lawfare.” *See* [https://www.justice.gov/opa/pr/justice-department-announces-anti-](https://www.justice.gov/opa/pr/justice-department-announces-anti-weaponization-fund)
9 [weaponization-fund](https://www.justice.gov/opa/pr/justice-department-announces-anti-weaponization-fund) (DOJ Notice).

10 31. The Fund Establishment Order states that “capitalized terms in this
11 document,” which include “Anti-Weaponization Fund,” “shall have the same
12 meaning as in the Settlement Agreement.”

13 32. The Fund Establishment Order provides that \$1,776,000,000 will be paid
14 “to an account for the sole use by” the Fund and that this amount represents “the
15 projected valuation of future claimants’ claims.” The Fund Establishment Order
16 authorizes use of the funds for “per diems, administrative services, funds, facilities,
17 staff, travel, and other support services as may be necessary to carry out the mission
18 of the Anti-Weaponization Fund.”

19 33. The DOJ Notice establishes that the “Fund will have the power to issue
20 formal apologies and monetary relief owed to claimants.”

21 34. The DOJ Notice provides that “[t]he Fund will consist of a Commission
22 of five members appointed by the Attorney General.” Members of the Fund are
23 subject to removal by the President.

24 35. The DOJ Notice states that the Fund will receive \$1.776 billion from the
25 judgment fund and that the Fund shall send a report to the Attorney General each
26 quarter outlining who has received relief and what forms of relief were awarded.

27 36. The DOJ Notice states that the “Fund shall cease processing claims no
28 later than December 1, 2028.”

1 37. The Fund Establishment Order and the DOJ Notice constitute a rule
2 under the APA.

3 38. The Fund’s operations and payments to claimants do not constitute an
4 exercise of DOJ’s authority to settle claims made against the United States or federal
5 agencies, officers, and employees. For instance, on information and belief:

6 a. Claims paid by the Fund will not be deemed to be made (1) pursuant to
7 a “settlement” for purposes of 31 U.S.C. § 1304(a), which appropriates
8 money for payment of certain judgments and settlements; or (2) pursuant
9 to a “compromise settlement of claims” for purposes of 28 U.S.C.
10 § 2414, which authorizes payment for certain settlements.

11 b. The Fund will process claims and make payments without adhering to
12 28 C.F.R. Subpart Y, which sets forth the regulations that govern DOJ’s
13 “authority to compromise and close civil claims.”

14 c. Claims paid by the Fund will not be reported under 31 U.S.C. § 1304(d),
15 which requires public reporting of information about claims paid by the
16 federal government under § 1304.

17 d. Claims paid by the Fund will not be reported to Congress under 28
18 U.S.C. § 530D(a)(1)(C), regardless of the amount at issue.

19 39. Defendants did not publish a notice of proposed rulemaking in the
20 Federal Register before issuing the Fund Establishment Order or the DOJ Notice.
21 Defendants did not provide interested persons with an opportunity to participate in
22 such a rulemaking.

23 **Interests of Plaintiff**

24 40. Plaintiff believes that she has incurred harm from “Lawfare” and
25 “Weaponization,” as those terms are defined in the Settlement Agreement and for
26 purposes of the Fund. Plaintiff therefore has an interest in participating in a
27 rulemaking to implement the terms of the Trump Settlement that relate to the Fund,
28 including through the submission of written comments.

1 41. Defendants’ failure to undertake notice-and-comment rulemaking prior
2 to issuing the Fund Establishment Order and the DOJ Notice has deprived Plaintiff of
3 the opportunity to provide comments to protect her financial and due process interests
4 in the Fund’s evaluation of her claim.

5 42. Although the Settlement Agreement defines “Lawfare” and
6 “Weaponization” in terms of actions taken by the Biden administration, the DOJ
7 Notice states that “[t]he machinery of government should never be weaponized
8 against any American,” suggesting that victims of Trump administration actions
9 would be eligible for compensation. Plaintiff has an interest in receiving notice and
10 an opportunity to comment on Defendants’ proposed definitions of “Lawfare,”
11 “Weaponization,” and any other standards or definitions that will determine eligibility
12 to file claims with or receive payment from the Fund. For instance, to the extent that
13 the Settlement Agreement limits compensation to victims of actions taken by the
14 Biden administration, Plaintiff has an interest in submitting rulemaking comments to
15 explain why the Settlement Agreement cannot lawfully restrict the Fund’s discretion
16 in such a manner and why claims based on actions taken by other administrations
17 should be eligible for compensation.

18 43. Similarly, Plaintiff has an interest in ensuring that constitutionally
19 ineligible claimants do not receive payment from the Fund, thereby reducing the
20 amount of funding available to pay the claims of eligible claimants. Section 4 of the
21 Fourteenth Amendment to the U.S. Constitution provides that the United States shall
22 not “assume or pay any debt or obligation incurred in aid of insurrection or rebellion
23 against the United States.” Acting Attorney General Blanche has testified before
24 Congress that individuals convicted of crimes relating to the January 6, 2021, attack
25 on Congress that delayed the certification of President Biden as the winner of the 2020
26 presidential election may apply to receive compensation from the Fund. *See* Ryan J.
27 Reilly, *DOJ official told GOP ally that big payouts were coming for Jan. 6 defendants*,
28 NBC News (May 19, 2026), <https://www.nbcnews.com/politics/justice->

1 department/doj-official-told-gop-ally-big-payouts-coming-jan-6-defendants-
2 rcna343847. By failing to engage in the notice-and-comment process, Defendants
3 have deprived Plaintiff of her ability to comment on Defendants’ position on this
4 constitutional question.

5 44. Defendants have also failed to provide adequate notice of how they
6 arrived at their decision to cap the total payout of the Fund at \$1.776 billion. That
7 figure is not dictated by the Settlement Agreement. The Fund Establishment Order
8 states that the cap is “based on the projected valuation of future claimants’ claims.”
9 Defendants, however, have not disclosed the evidentiary basis for that determination.
10 By failing to engage in the notice-and-comment process, Defendants have deprived
11 Plaintiff of her ability to provide comments on an appropriate cap on the Fund’s
12 payout of claims.

13 45. Potential claimants, including Plaintiff, have an interest in ensuring that
14 the Fund does not suffer from legal infirmities that would provide a basis for the
15 government to later seek recoupment of claims paid. If Defendants had issued a notice
16 setting forth legal justification for the Fund’s operations, Plaintiff would have been
17 able to provide comments on that matter. For instance, the five members of the Fund
18 to be appointed by the Attorney General are charged with deciding which claimants
19 are entitled to apologies and monetary payments, which may make them “Officers of
20 the United States” under Article II, section 2, clause 2 of the U.S. Constitution. These
21 members, however, are not occupying offices “established by Law,” as required by
22 the clause. Moreover, to the extent the members are “inferior Officers” under that
23 clause, Congress has not enacted a law vesting the Attorney General with appointment
24 authority, which means the Constitution requires that they be confirmed by the Senate.
25 The notice-and-comment process would have provided Plaintiff an opportunity to
26 address this issue and ensure that any compensation paid is not subject to a cloud of
27 legal uncertainty.

28

1 D. Enjoin Defendants from taking action to establish or implement the
2 provisions of the Trump Settlement requiring the establishment of the Fund, or
3 otherwise establishing or operating the Fund, without complying with the procedural
4 requirements of the APA;

5 E. Award Plaintiff her costs and expenses, including reasonable attorneys'
6 fees; and

7 F. Grant such other relief as this Court may deem just and proper.

8
9 Dated: May 28, 2026

Respectfully submitted,
SINGLETON SCHREIBER

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11
12 /s/ Kimberly S. Hutchison
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