

Holland & Knight

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October 27, 2022

Via E-Mail

The Honorable Carolyn B. Maloney
Chairwoman, Committee on Oversight and Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Re: *Investigation into the Workplace Culture at the Washington Commanders*

Dear Chairwoman Maloney:

We wrote to you on October 5, raising concerns about the lack of fairness and thoroughness in the Committee's investigation. We also pointed out that the Commanders have considerable evidence in their possession refuting the allegations made against the Commanders and owner Dan Snyder by witnesses who have appeared before your Committee. We offered to make that evidence available to the Committee. We have not heard back from you since sending our letter.

We did receive a letter, on October 7, from the law firm of Katz Banks Kumin ("Katz Banks"). We are aware that Katz Banks has worked closely with your staff throughout the investigation and that the firm represents the majority of the witnesses who have appeared before your Committee. The firm's protracted involvement in this investigation raises significant questions about the source of the firm's funding and/or its financial stake in the outcome of the investigation. Based on the fact that the only response to our letter came from Katz Banks, and not from you, it appears that this private law firm is now acting as the *de facto* legal counsel for the Committee. If that is indeed the case, it would explain why the Committee has been uninterested in any evidence that undermines the narrative being pedaled by Katz Banks, and it would suggest that our efforts to have the Committee take a fair and unbiased view of the evidence are doomed to fail. Katz Banks' letter contains a number of serious omissions and inaccuracies, which deserve a full response. As you are still the Chair of the Committee, we remain hopeful that you will exert some effort to restore a measure of fairness to the proceedings being pursued in your name. We will continue to address our correspondence to you, unless and until you inform us that we should be dealing directly with Katz Banks.

As we are sure you are aware, the most egregious misrepresentation in the Katz Banks letter is that the Commanders and their owner, Dan Snyder, have engaged in "stonewalling" to

resist the investigative efforts of the Committee. Of course, Katz Banks provided no specific instances to back up this inflammatory allegation—because it cannot. As set forth in our original letter of October 5, with the exception of a request at Mr. Snyder’s deposition in July for some privileged material, the Committee has never requested a single document from the Team or Mr. Snyder. Nor, as stated in our original letter, has the Committee requested to speak with a single current Commanders employee—other than Mr. Snyder himself, who sat for an unprecedented deposition of nearly 11 hours, and answered every question posed by the Committee truthfully and fully, until counsel for the Committee advised that they had no more questions to ask. The baseless allegation by Katz Banks that the Commanders and Mr. Snyder “stonewalled” the Committee is impossible to reconcile with the fact that, other than the request to depose him and the request for privileged material made at his deposition, the Committee has made no request of the Commanders or Mr. Snyder over the entire duration of the investigation.

The undeniable truth is that, during the earlier NFL investigation conducted by Beth Wilkinson, the Commanders and Mr. Snyder provided Ms. Wilkinson with direct access to the company’s servers and allowed her to obtain any team document that she wished. Ms. Wilkinson collected hundreds of thousands of documents from the team in connection with her investigation, without any involvement, much less interference, by the Team or its lawyers. The documents that Ms. Wilkinson obtained were provided to the NFL by Ms. Wilkinson as part of her investigation, and the NFL, in turn, provided those documents to the Committee, in response to the Committee’s request. The Committee has had possession of those documents for months, and those are the very documents that are the “supporting documentation” of Ms. Wilkinson’s investigation which Katz Banks inaccurately alleged had been denied to the Committee, and prompted the further false assertion that the Committee was required to “start from square one to collect relevant information.” Nothing could be farther from the truth.

Not only has the Committee had full access to Ms. Wilkinson’s supporting documentation, the Committee has had full access to Ms. Wilkinson’s “findings.” NFL Commissioner Roger Goodell testified in June that he and the NFL Executive Office made the determination that Ms. Wilkinson should report her findings orally, to protect the rights of witnesses who were persuaded to come forward on explicit guarantees of confidentiality. As Commissioner Goodell explained during his testimony, while some Katz Banks clients may have been comfortable discussing their experiences publicly, many other witnesses made the decision to keep their testimony confidential. Those witnesses shared their testimony with Ms. Wilkinson based on the explicit promise that their testimony would remain confidential. Although Commissioner Goodell had good reasons to receive Ms. Wilkinson’s findings orally, the Commanders and Mr. Snyder had no input into that decision. The views of the Commanders and Mr. Snyder on that topic were neither solicited by Commissioner Goodell or the NFL Executive Office, nor communicated to them.

At his hearing, Mr. Goodell testified at length about Ms. Wilkinson’s findings. The Committee had the opportunity to question Mr. Goodell fully about those findings, and the members of the Committee took full advantage of that opportunity. Although Mr. Goodell determined that Mr.

Snyder was ultimately responsible, as owner of the Team, for the existence of an unacceptable workplace culture, Mr. Goodell has never suggested, in his testimony or at any other time, that the investigation had found that Mr. Snyder was personally involved in any harassing behavior.

The Katz Banks letter continues to promote the false narrative that some documentation of Ms. Wilkinson's findings exists and has been concealed by the NFL, the Commanders, and Mr. Snyder. As you are well aware, Commissioner Goodell has testified under oath that no such report exists. Mr. Snyder has never seen or possessed any such report, and has certainly never participated in any effort to conceal it or block its release. While we all understand that Katz Banks, in conjunction with the SKDK public relations firm that is apparently being paid by them, has expended substantial sums to generate the "Release The Report" campaign, we should recognize that Katz Banks is perpetuating that campaign cynically and disingenuously, with the full knowledge that no such report exists.

Similarly, the Katz Banks letter asserts, without citing any specific example, that nondisclosure agreements (NDAs) are impacting the Committee's ability to conduct its investigation. As you know, Mr. Snyder waived the application of every NDA it was within his power to waive in connection with the Wilkinson investigation. Commissioner Goodell has confirmed, on multiple occasions, that no witness who wished to speak with Ms. Wilkinson was prohibited by an NDA. More importantly, every NDA of which we are aware includes a specific provision that allows an individual to comply with a valid request for information from a government body. Thus, to the extent that the Committee wishes to take testimony from any witness, including any witness subject to an NDA, the Committee simply has to subpoena that testimony.

If any Katz Banks client (or anyone else) believes he or she cannot respond to a subpoena from the Committee, they should let us know, and cite the language that they believe precludes them from providing testimony. We have told that to you, and Katz Banks, for months. Neither the Committee staff, nor Katz Banks, has ever identified a witness who felt precluded from providing testimony. We can draw only one reasonable conclusion from that fact: that this issue is entirely a red herring, employed by Katz Banks to suggest that the Commanders and Mr. Snyder are not fully cooperating with the Committee's investigation—when in fact they are.

The October 7 letter from Katz Banks also attempts to criticize us for "fail[ing] to conduct basic fact checking" before sending our letter to the Committee. It then proceeds to list facts about their clients' allegations that have never before been publicly provided. For instance, apparently Tiffani Johnston now recalls that the alleged incident of harassment by Mr. Snyder was supposed to have occurred in the spring of 2006. As recently as July when Mr. Snyder was deposed, your staff still appeared unaware of the year, or season of the year, in which the event is alleged to have occurred, despite their multiple interviews with Ms. Johnston. At various times during the deposition, your staff referred to the incident as occurring in 2004 to 2005, or in 2005 to 2006. So this is apparently a significant fact that Ms. Johnston has only recently recalled, or only recently decided to share. In any event, it was not a fact that was amenable to "fact-checking" until now.

We are particularly glad that Ms. Johnston has finally agreed to share this fact, as well as the location of the supposed incident, because those important facts allow us to determine conclusively that the incident could not possibly have occurred as Ms. Johnston alleges. Mr. Snyder has detailed personal calendars for the spring of 2006, which reveal that—on those few dates he was even in Washington D.C. in the spring of 2006—he attended no dinner at the Oceanaire restaurant, and no dinner at any location that in any way resembles the dinner detailed by Ms. Johnston. In fact, Mr. Snyder’s meticulously kept calendars have no record of any meeting with Ms. Johnston or Mr. Friedman, much less than any networking event or dinner with either of these persons. Mr. Snyder remains confident that he has never met Ms. Johnston, and the contemporaneous records of his social engagements demonstrate that his recollection is entirely accurate.

Katz Banks has attempted to defend the veracity of a number of its other clients; however its letter is filled with falsehoods and inaccuracies. Katz Banks client Jason Friedman is a prime example. They do not even attempt to address Mr. Friedman’s admitted perjury, his firing from the team for his abusive conduct of his subordinates, or his lengthy and ultimately unsuccessful attempt to get his job back just prior to signing up as a Katz Banks client to make accusations against Mr. Snyder. Instead, they choose to focus solely on Mr. Friedman’s inappropriate sexual relationship with a team intern. They claim the relationship was entirely consensual, as if that made it appropriate. Their argument is premised on the assertion that the intern was outside Mr. Friedman’s chain-of-command. But that is wrong; Mr. Friedman supervised her. (See Attachment A, in which Mr. Friedman describes his “former intern and current part-time employee of mine,” and asks someone else to keep his relationship secret because “[n]obody at work knows.”) The power differential between Mr. Friedman and the intern undermines any claim of consent by this (very) young woman. And what remains unchallenged is that Mr. Friedman took efforts to promote this woman’s career without disclosing their relationship. We are uninterested in dredging up the details of Mr. Friedman’s prior sexual escapades. This is a question of character. In this regard, Mr. Friedman’s entire work history, spanning over two decades and including this incident, suggests that he has very little. We are perplexed as to why the Committee remains studiously uninterested in obtaining and reviewing evidence, in the possession of the Team, of Mr. Friedman’s tumultuous work history.

Similarly, Katz Banks attempts to defend the character of their client Melanie Coburn. They raise an interesting distinction between being “sexy” and being “sexualized.” One would think that directing one’s subordinates to be more “sexy,” as Ms. Coburn did as supervisor of the cheerleading program, would be an example of “sexualizing” them. One would think that putting them in the position to be continually and inappropriately propositioned by men, as Ms. Coburn did, would be an example of “sexualizing” them. One would think that Ms. Coburn’s repeated sharing of cheerleader photograph proofs and invitations to cheerleader events to a businessman she knew had shared street drugs with cheerleaders and had sex with one of them would be an example of “sexualizing” them. And it was Ms. Coburn who wrote e-mails stating things like:

- “We are also arranging VIP & Cheerleader alumni group packages to bring our Redskins suite owners, VIP’s [sic] and Cheerleader Alumni with us!”
- “OK, so he [a non-Team businessman] finally called me back tonight and is interested in hosting some of our photo shoots on his boat He also said he would host a couple of parties (up to 200 people) and has 6 cabins if we need extra rooms. He also said he could fly up to 12 folks down and back on his plane.... Girls could also still pay ‘taxes’ on flights”
- “Invite the Washington Redskins Cheerleaders to perform at any type of event you want. You want more? Customize and host an exclusive 90-minute variety show at your event.”
- “I love the burgundy and grey t-shirts and panties! ... Oh, and the bras for the Cheerleaders only! ☺”
- “I just wanted to extend the invitation from [the non-Team businessman whom Coburn knew had sex with a cheerleader] to join him at the Super Bowl ... ! ☺ He will provide airfare, a room (to share) AND A TICKET for each of us! ☺”

(See Attachment B.)

Katz Banks alleges, in its letter, that Mr. Snyder was responsible for the effort to “sexualize” the cheerleaders. He denies that, and there is no evidence suggests that he was. Indeed, even after nearly two years of near-constant investigation, there is absolutely no such evidence.

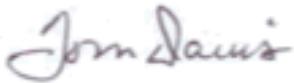
What we find particularly surprising is the apparent compulsion of Katz Banks to defend the character and veracity of individuals who are *not* their clients. They write that “David Pauken was a long-term, loyal employee for the Washington Commanders” who “maintained a friendly business relationship with Mr. Snyder, and ... did not have a bias against Mr. Snyder.” Of course, they cite no evidence for these assertions, which are belied by the evidence we provided to the Committee in connection with our October 5 letter. Similarly, Katz Banks attempt a defense of Bruce Allen, writing, “It is difficult to credit the team’s insistence that because Mr. Allen is gone, the problems with the team’s culture are in the past.” While Katz Banks may find that difficult to credit, that is still exactly the finding of Vestry Laight, the independent consulting firm monitoring the Team’s workplace culture. While the removal of Mr. Allen did not magically solve all of the Team’s workplace issue removal of Mr. Allen, coupled with the hard work of the Snyders and Mr. Allen’s replacement, Jason Wright, has indisputably succeeded in bringing meaningful reform to the workplace over the last two years.

We understand that the Katz Banks letter was meant as a piece of advocacy on behalf of the firm’s clients. However, the effectiveness of that advocacy is completely undercut by the multiple factual misrepresentations contained in the letter. Most importantly, however, the Katz Banks letter does not even attempt to address the main point of our letter—that the Committee’s investigation, by the staff working under your direction, has been shoddy, incomplete, and unfair.

The Honorable Carolyn B. Maloney
Chairwoman, Committee on Oversight and Reform
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If your staff has endorsed the Katz Banks letter as the official position of the Committee, you should be aware that the letter is premised on easily disprovable falsehoods. If your staff is still working independently from the Katz Banks law firm, then we remain confident that you will request and fairly evaluate the evidence that we have repeatedly offered on behalf of the Team.

Sincerely,



Tom Davis
Stuart Nash
John Brownlee
Counsel for the Washington Commanders

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

ATTACHMENT A

From: Jason Friedman [mailto:friedmanj@redskins.com]
Sent: Tuesday, January 19, 2010 3:06 PM
To: [Stadium Employee](#)
Subject: FW: NFL Summer Internship Program - Status Update

[REDACTED]

I hope you are doing well. See below. A former intern and current part-time employee of mine, [REDACTED] has applied for a Summer internship with the league office. Can you help [REDACTED]? She is a top notch teammate and a valuable employee. I would greatly appreciate any assistance or guidance you can provide. Let me know of any questions or feel free to contact [REDACTED] directly at [REDACTED]@Redskins.com

Thank you.

Jason A. Friedman
Washington Redskins
Office: (301) 276-6703
Mobile: [REDACTED]
Fax: (301) 276-6891
Email: FriedmanJ@Redskins.com

To: [REDACTED]
From: Jason Friedman[/O=REDSKINS/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=FRIEDMANJ]
Sent: Sun 9/6/2009 1:24:31 AM (UTC)
Subject: Re:

Nobody at work knows about me and [REDACTED]. So please do not say anything to anyone.

Jason Friedman

Washington Redskins
Office phone 301 276 6703
Mobile phone [REDACTED]

ATTACHMENT B

To: Melanie Coburn [/O=REDSKINS/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=TREANORM]
From: Melanie Coburn [/O=REDSKINS/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=TREANORM]
Sent: Tue 2/10/2009 9:18:16 PM (UTC)
Subject: Calendar Shoot
[ArubaTGC Promo.jpg](#)

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Here is some of the information in regard to our upcoming 2009 calendar photo shoot. We are currently exploring opportunities for our shoot this coming May/early June, 2009. As you know, we shot our last calendar at the Radisson in Aruba and it was an amazing calendar that is nearly sold out! It was a "hot item" on our website all season long and we have some fun new marketing elements that we can include in the barter agreement as well, including Email blasts, sweepstakes and our banner ad on the Cheerleader web pages. There are some in-game opportunities as well to reach the 90,000+ fans at FedExField. We are also arranging VIP & Cheerleader alumni group packages to bring our Redskins suite owners, VIP's and Cheerleader Alumni with us! This would be a great way for you to get additional travelers through your booking agents as well. <http://www.redskins.com/gen/cheerleaders.jsp>

I've also attached a photo taken at the Aruba promotion at the last game in our Tailgate Club. This was a photo opportunity in which email addresses were collected and fans could retrieve their photos on Radisson's website!

Calendar: http://www.redskins.com/gen/articles/Cheerleader_Calendar_1086.jsp

Sponsor page: <http://www.redskins.com/cheerleaders/cheerleadersponsors.jsp>

Marketing Demo: <http://www.redskins.com/do/videoGallery?video=17621>

Here is a list of the interested locations:
Westin Los Cabos (Cabo San Lucas, MX)
Radisson St. Martin (St. Marteen)
Dreams (Dominican Republic)
Cheers,
Melanie

Melanie (Treanor) Coburn
Director of Marketing
Washington Redskins Cheerleaders

coburnm@redskins.com
www.redskins.com

To:

Cc:

From: Melanie Coburn [/O=REDSKINS/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=TREANORM]

Sent: Thur 2/26/2009 12:37:43 AM (UTC)

Subject: Businessman's boat

OK, so he finally called me back tonight and is interested in hosting some of our photo shoots on his boat, [REDACTED]. Check it out:
[http://www.\[REDACTED\]](http://www.[REDACTED])

It's amazing and he said he could do South FL in May timeframe or anywhere on the Eastern Seaboard early June. He's getting work done in Jacksonville in April, but will be ready May 1. He also said he would host a couple of parties (up to 200 people) and has 6 cabins if we need extra rooms. He also said he could fly up to 12 folks down and back on his plane. This could be a fun, unique twist on the shoot itself and if he could help with some airfare, that would be good. Airfare to/from FL will be MUCH cheaper, and perhaps we could find a sponsor to cover the rest? Girls could also still pay "taxes" on flights...just much lower?

Thoughts?

Video Screenshots:



Video Transcription:

"Personable, vivacious and energetic, the Washington Redskins Cheerleaders are the premier squad in the NFL. The First Ladies of Football are the first ladies you should turn to, to reach Washington sports fans on a local, national, and international level. Whether it's an autograph signing session or a 1-hour dance show, the Washington Redskins Cheerleaders are a proven hit everywhere. Invite the Washington Redskins Cheerleaders to perform at any type of event you want.

"You want more? Customize and host an exclusive 90-minute variety show at your event. This isn't any variety show. For almost a decade the cheerleaders have been performing this show all over the world for our troops. It's music, singing, and it's a chance for your clients to interact with the cheerleaders on and off the stage.

"With over 400 appearances a year, the best game plan for your team is branding your business alongside the Redskins cheerleaders.

"You can't lose with the annual calendar, which is shot in an exotic location in the Caribbean. The 20,000 calendars printed each year feature all forty First Ladies.

"Another game-winner? There's 50,000 squad photos and trading cards that the cheerleaders autograph at events and mail to the fans.

"Get into the action on game day, on the Jumbotron, with 90,000 fans at FedEx Field. What an amazing opportunity to brand with the cheerleaders as they cheer on the largest stadium in the NFL.

"Brand your business alongside the Redskins Cheerleaders."

Message

From: Melanie Coburn [/O=REDSKINS/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=TREANORM]
Sent: 8/18/2010 7:56:05 PM
To: [REDACTED]
Subject: Pink & Skins collection

<http://www.victoriassecret.com/pink/shop-by-team>

Check it out! I love the burgundy and grey t-shirts and panties! Maybe we can get those 3 for everyone and either the Burgundy or Grey warm up suits for just Cheerleaders and staff? (Hoodie and Pants) Oh, and the bras for the Cheerleaders only! ☺

If we gave the grey/burgundy and panties as the EOY gift, that's a \$91 value!!!!
I added this all up: (74 each of t-shirts and panties, 49 each of Warm up and 39 each of bras) and it was about \$12,932 = 11 appearances (value)

I HOPE we get approval on this and that VS goes for it! ☺

We need to start off on a good foot with them!

Thanks,
Melanie

To: [REDACTED]
From: Melanie Coburn
Sent: Wed 12/22/2010 9:13:55 PM (UTC)
Subject: RE: Super Bowl invite!!!

☺ YW! Gonna be FUUUUUN! ☺

Melanie (Treanor) Coburn
Director of Marketing
Washington Redskins Cheerleaders

[REDACTED]
coburnm@redskins.com
www.redskins.com

From: [REDACTED]
Sent: Wednesday, December 22, 2010 3:05 PM
To: Melanie Coburn
Subject: Re: Super Bowl invite!!!

Ahhhhh!!!! Hell yeah I'm there!! Wow just gave me a christmas present!! :D

[REDACTED]

Thanks a million!
Sent from my Verizon Wireless BlackBerry

From: "Melanie Coburn" <treanorm@redskins.com>
Date: Wed, 22 Dec 2010 13:55:31 -0500
To: [REDACTED]
Cc: [REDACTED]
Subject: Super Bowl invite!!!

Hi ladies! I just wanted to extend the invitation from Person 1 [REDACTED] to join him at the Super Bowl in Dallas, TX this coming February! ☺ He will provide airfare, a room (to share) AND A TICKET for each of us! ☺

<http://www.nfl.com/superbowl/45>
TRIP - Thursday February 3rd thru Monday February 7th! Game is 2/6/11!

Please let me know ASAP if you can/can't go!

Need the following information if you are IN!

Full name on your ID

DOB

Thanks,
Melanie

Melanie (Treanor) Coburn
Director of Marketing
Washington Redskins Cheerleaders

[REDACTED]
coburnm@redskins.com
www.redskins.com

To: Person 1
Cc: Melanie Coburn
From: Melanie Coburn
Sent: Fri 7/3/2009 6:02:23 PM (UTC)
Subject: Calendar Month Approval - SEPT 2010

Person 1

Please take a look at the attached proof and let me know if you have any issues with it! You got [REDACTED] ! :)

Thank you and have a happy 4th weekend!

Cheers,
Melanie

To: Melanie Coburn
From: Person 1
Sent: Mon 7/12/2010 6:22:27 PM (UTC)
Subject: Re: April 2011 - Calendar Page Links

Blazing!!!

From: Melanie Coburn <treanorm@redskins.com>
To: Person 1
Sent: Sun Jul 11 16:23:13 2010
Subject: FW: April 2011 - Calendar Page Links

Please see below for your calendar month proof...HOT, HOT, HOT! :)

Let me know if you approve by Noon tomorrow, thanks!

Cheers,
Melanie

PS - please don't tell [REDACTED] ...we're unveiling it to them later this week! ;) I want her to be surprised!

From: [REDACTED]
Sent: Sun 7/11/2010 4:18 PM
To: Melanie Coburn
Cc: [REDACTED]
Subject: April 2011 - Calendar Page Links

Low-Resolution JPG FILE:

http://www.sg-sa.biz/judicc/wrs_proofs/April2011.html

Medium-Resolution PDF FILE:

http://www.sg-sa.biz/judicc/wrs_proofs/April2011pdf.html

Thanks,

[REDACTED]
Studio Graphics
[REDACTED]