

March 5, 2021

Via Electronic Mail (njohnson@jjllplaw.com)

Neville L. Johnson
Johnson and Johnson, LLP
439 N. Canon Dr., Suite 200
Beverly Hills, CA 90210

Re: THE FBI WAY, by Frank Figliuzzi

Dear Mr. Johnson:

I am writing in response to your February 17, 2021 letter to William Adams concerning your client Stephen Lawrence and the book *The FBI Way*, by Frank Figliuzzi (the “Book”).

Frankly, I am having some trouble trying to figure out exactly what your client alleges to be false, let alone defamatory. The passages that your client complains about describe events that took place more than 20 years ago, namely a seizure of large amounts of money that was put into an armored car and transported to a bank for counting. Your client and another agent were assigned to ride in the armored car to secure the integrity of the cash that was seized. When the back door of the car was opened, your client and the other agent were seen to have been handling the money.

There can be little dispute that these events Mr. Figliuzzi describes actually happened and that your client was involved. You acknowledge that your client was known to be the agent in the car. The Office of Professional Responsibility (“OPR”) inquiry that was mandated after the event concerned a strip search that took place at all ONLY BECAUSE Mr. Figliuzzi and his team observed conduct on the part of your client that warranted such a search, namely the handling of the money by your client.

According to Mr. Figliuzzi, the OPR file contains sworn statements of FBI employees who saw your client and another agent handling the cash in the back of an armored car. That file further establishes that the handling of the case was contrary to the written and briefed operations plan for the assignment. (You are free to request copies of the OPR file and the operations plan from the FBI so that you can see these materials for yourself.) In addition, you should be aware that the FBI’s prepublication office reviewed the manuscript for the Book and approved it for publication.

Nevertheless, you assert that had your client behaved in the manner set forth in the Book, the OPR would have disciplined him, but because it did not, the assertions must be false. That reflects a misunderstanding of what the OPR inquiry was intended to do: in this case, to determine whether Mr. Figliuzzi’s actions, namely, suggesting to the head of the FBI Miami office that your client be strip searched, were violations of FBI rules. The OPR inquiry had nothing to do with whether your client

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acted unprofessionally or incompetently. And, in fact, Mr. Figliuzzi's actions were found to valid and appropriate under the circumstances and he was not subject to any disciplinary action as a result. This leads to the conclusion that your client was in fact manipulating the evidence in some way and that a search was warranted. And, as long as the statements are true, they cannot be defamatory.

Finally, you allege that Mr. Figliuzzi's career was hampered as a result of the investigation and as a result he retaliated against your client by publishing this story. Both of those assertions are flat out false. Soon after the incident, in the aftermath of the 9/11 attacks, terrorism became the FBI's number one priority and Mr. Figliuzzi was chosen to lead the new Joint Terrorism Task Force for Miami and ultimately became the Chief Inspector of the FBI. To assert that he carried "substantial animosity" toward your client and sought "retaliation" by including these passages in his Book is insulting, demeaning, and arguably defamatory of Mr. Figliuzzi.

In all, the gist of your client's complaint seems to be an objection to the characterization of his conduct as "making it rain." This phrase is Mr. Figliuzzi's opinion of true events and, while perhaps colorful, is not defamatory in any way. That said, as an accommodation to your client and to resolve this matter without the need for time consuming, expensive and frivolous litigation we will remove that phrase from any future printings of the Book and will endeavor to remove it from the E-book as soon as reasonably practicable.

This proposed revision is offered purely to accommodate your client and is not intended to be, nor should it be construed to be, an admission of wrongdoing by HarperCollins or Mr. Figliuzzi. All of our rights, and those of our author, are expressly reserved.

Sincerely,

/s/ Beth Neelman Silfin

Beth Neelman Silfin

Cc: Mr. Frank Figliuzzi