MICHAEL R. CAPUTO
[redacted]

September 18, 2026

Office of Disciplinary Counsel
District of Columbia Court of Appeals
515 5th Street NW, Building A, Suite 117
Washington, DC 20001
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Re: Request for Investigation — Jack F. Korba, D.C. Bar No. 1010303, and Foley & Lardner LLP

Underlying matter: Gilbert P. Hyatt v. Michael R. Caputo, et al., Case No. 2026-CAB-006262, Superior Court of the District of Columbia, Civil Division (Amended Complaint dated September 4, 2026; e-filed September 8, 2026)

Dear Disciplinary Counsel:

I write to request an investigation of Jack F. Korba, Of Counsel in the Washington, D.C. office of Foley & Lardner LLP, and the adequacy of the firm's supervision of his representation. Mr. Korba is counsel of record for plaintiff Gilbert P. Hyatt. On or about September 4–8, 2026, Mr. Korba signed and caused to be filed an 85-page Amended Complaint against me, my firm, and others. I am a named defendant. I am not Mr. Hyatt's lawyer and I am not a physician.

I do not ask this Office to decide the merits of the civil case. I ask this Office to examine three distinct ethical problems:

- First, whether counsel and the firm fulfilled their duties under the D.C. Rules of Professional Conduct before accepting substantial fees and filing a sweeping, high-stakes pleading in the name of an 88-year-old client;
- Second, whether Mr. Korba's prior service as a federal prosecutor in the national security section of the United States Attorney's Office for the District of Columbia – the same politically weaponized office that investigated me - creates a conflict under the rules governing former government lawyers;
- Third, whether Mr. Korba improperly or illegally obtained and used confidential federal criminal investigative information to engage the elderly client and build a civil case against me in order to ingratiate himself at his new law firm and enrich himself personally.

I. Parties and Respondents

Complainant. Michael R. Caputo, defendant in the underlying action, residing in Florida.

Respondent lawyer. Jack F. Korba (also identified in firm materials as John F. Korba), D.C. Bar No. 1010303, Of Counsel, Foley & Lardner LLP, 3000 K Street N.W., Suite 600, Washington, DC 20007; telephone (202) 295-4110. Mr. Korba signed the Amended Complaint as "Attorney for Plaintiff Gilbert P. Hyatt."

Respondent firm. Foley & Lardner LLP, the law firm that employed or affiliated Mr. Korba, accepted the engagement, and permitted its name and resources to be used on the pleading. Firm responsibility is implicated under Rule 5.1 to the extent partners or supervisory lawyers failed to make reasonable efforts to ensure that the representation complied with the Rules.

II. Nature of the Concern

Mr. Hyatt is publicly described in the Amended Complaint as an inventor and philanthropist residing in Nevada. He is 88 years old. Advanced age, standing alone, does not establish incapacity. Rule 1.14 assumes that a lawyer will, as far as reasonably possible, maintain a typical client-lawyer relationship even when capacity is diminished. The Rule does, however, require a lawyer who reasonably believes that a client cannot make adequately considered decisions - and is at risk of substantial financial or other harm - to take reasonably necessary protective action rather than simply proceed as if the client were fully able to direct complex, high-risk litigation.

I have a good-faith concern, based on Mr. Hyatt's age, the character of the pleading filed in his name, my first-hand knowledge of this matter, and information from a former aide to Mr. Hyatt, that Mr. Hyatt's capacity to understand, evaluate, and direct this lawsuit is increasingly impaired, and that the impairment would have been apparent to a reasonably attentive lawyer before counsel accepted fees and signed the Amended Complaint. I am informed and believe that the impairment is apparent in Mr. Hyatt's temperament, communications and decision-making. I request that Disciplinary Counsel determine whether Mr. Korba and the firm made any genuine inquiry into capacity; whether they obtained informed consent from a client capable of giving it; and whether they took fees and advanced extraordinary claims that a competent client, properly advised, would not have authorized.

I emphasize what I am not asserting. I am not offering a medical diagnosis. Capacity is a factual question for this Office, and if necessary for a court, on a proper record. A lawyer is not required to refuse every elderly client. A lawyer is required not to treat an impaired client as a funding source for a complaint the client cannot meaningfully evaluate.

III. The Pleading Counsel Signed

The Amended Complaint is not a narrow contract dispute. It is an 85-page, nine-count pleading that:

a. Seeks compensatory damages of at least $100,000 from me and my firm, plus unspecified damages against co-defendants, medical and emotional-distress damages, special damages tied to a claimed "trillion-dollar" national economic opportunity, punitive damages, specific performance, costs, and fees;
b. Accuses defendants of "sabotage," of commandeering a still-unincorporated nonprofit, and of conduct "cutting into the heart of President Trump's directives regarding artificial intelligence";
c. Compares the defendants to Benedict Arnold and quotes President Putin on artificial intelligence as if that quotation were evidence of a present conflict of interest;
d. Alleges, largely "upon information and belief," associations with "Russian intelligence," undisclosed conflicts, and a scheme to exploit confidential patent information; and
e. Names John Doe and ABC Entity defendants and demands a jury trial.

A pleading of that scope, tone, and public consequence is precisely the kind of matter that requires a client capable of making adequately considered decisions. Rule 1.14 comment [6] directs the lawyer to consider the client's ability to articulate reasoning, appreciate consequences, and make decisions consistent with long-term commitments. Filing such a complaint without a documented capacity assessment, if red flags were present, is the core of this grievance.

IV. The Revolving-Door Conflict

A second, independent ethical problem arises from Mr. Korba's own professional history. According to his public professional profile, Mr. Korba served as an Assistant United States Attorney in the District of Columbia from May 2017 until June 2025, in the National Security Section of that office.

During that same period, the United States Attorney's Office for the District of Columbia (USADC) conducted a criminal investigation into me. According to public reporting and other sources, together with documents I have reviewed, establishes that the investigation began in the first quarter of 2021 and remained open through December 2025. A search warrant targeting my Google account, signed by the National Security Division of that same office, was issued in November 2024 and remained sealed until I learned of it on or about December 30, 2025.

I do not assert that Mr. Korba personally signed the November 2024 warrant affidavit. Those documents remain under seal, and the names of the prosecutors who prepared them are not public. What I do assert is that Mr. Korba spent approximately eight years in the small national security section that investigated me, including during the years the investigation was active and through the months I served in the first and second Trump Administrations. He then left government service and soon signed a civil complaint against me that is built substantially on the same false Russia-related narrative woven into that criminal investigation Mr. Korba's own DOJ office ultimately failed to prove.

It's a modern tale of monomania first told so well by Herman Melville – with Mr. Korba as Captain Ahab and me as the whale he could never ever conquer. Except, with his ship *The Pequod* now sunk and him soaked, Mr. Korba's climbed aboard *The Foley Lardner*.

The Amended Complaint alleges that I failed to disclose Russian connections, that the president of my firm was a Russian national, that I was questioned by the House Permanent Select Committee on Intelligence, and that I was investigated by the FBI as recently as 2025. Those are the same themes that animated his section's baseless FARA investigation into me. The complaint does not allege that I transferred patents to Russia or acted on Russian instructions; it uses the Russia narrative as the motive and aggravating factor for breach-of-contract and confidentiality claims.

This sequence raises serious questions under the rules governing former government lawyers. Rule 1.11 restricts a former government lawyer from representing a private client in a matter in which the lawyer participated personally and substantially while in government service. Rule 1.9 addresses conflicts with a former client — here, the United States, whose interests in the criminal investigation are adverse to mine. Rule 1.10 imputes that conflict to the firm. And Rule 8.4(d) reaches conduct that seriously interferes with the administration of justice, including the appearance that a prosecutor has recycled a sealed criminal investigation into a private civil suit against the same target.

I recognize that overlap in office and subject matter is not, by itself, proof of personal and substantial participation. That is precisely what an investigation can test. I ask this Office to determine whether Mr. Korba had any involvement in, knowledge of, or access to the investigation into me; whether he used or was influenced by information obtained through that investigation; and whether the firm screened him from the Hyatt engagement as Rule 1.11 and the firm's own conflicts procedures would require.

V. Ethics and Legality of Building the Case

The third concern, which stems from the second, is whether Mr. Korba improperly or illegally obtained and used confidential federal criminal investigative information from his former section involved in the FBI's Round River operation and used that privileged material to make a pitch to his present client, Mr. Hyatt, and to charge fees to build the present civil case against me.

Certain information in Mr. Korba's 85-page Amended Complaint could have come only from my personal emails that the FBI had been monitoring through December 2025. Mr. Korba's national security section had full access to those emails in the last few years of the attorney's employment there. These emails remain under seal. It is unlikely Mr. Korba could have known about their contents had he not had access to them while working at USADC. I am not alleging at this time that Mr. Korba was involved in the commission of a crime while working as an AUSA or as counsel at Foley & Lardner LLP but I am requesting that the Disciplinary Counsel investigate the possibility and take any necessary remedial action.

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VI. Rules Believed to Be Implicated

Topic One — Capacity and the Pleading

Rule 1.14 (Client with Diminished Capacity). If Mr. Korba reasonably believed—or reasonably should have recognized—that Mr. Hyatt's capacity to make adequately considered decisions was diminished, he was required to maintain a typical client-lawyer relationship only "as far as reasonably possible," and, where the client was at risk of substantial financial harm and could not adequately act in his own interest, to take reasonably necessary protective action. Protective action can include consulting persons able to protect the client and, in appropriate cases, seeking a surrogate decision-maker. Accepting fees and filing this Amended Complaint as if the client were fully directing the case, without that inquiry or those protections, would violate Rule 1.14.

Rule 1.1 (Competence) and Rule 1.4 (Communication). Competence includes the ability to determine whether the client can give informed direction. Communication requires explaining matters to the extent reasonably necessary for the client to make informed decisions. An 88-year-old client directing multi-count litigation that seeks punitive damages and analogizes the defendants to a traitor cannot be presumed to have received an explanation he could use.

Rule 1.2 and Rule 1.16. The lawyer must abide by the client's decisions concerning the objectives of representation only if those decisions are the client's. If the client lacked capacity to set those objectives, counsel could not lawfully treat the Amended Complaint as client authorized. If the representation would result in a violation of the Rules, withdrawal or declination was required under Rule 1.16(a)(1).

Rule 1.5 (Fees). A lawyer may not charge or collect an unreasonable fee. Taking an elderly client's money to draft and file a complaint the client could not meaningfully evaluate - particularly a complaint seeking extraordinary and reputationally destructive relief - raises a serious fee-reasonableness and overreaching question. The civil complaint itself recites that plaintiff "spent valuable time and resources" and paid consultants substantial sums. Counsel's own fees sit on top of that outlay.

Rule 3.1 (Meritorious Claims and Contentions). A lawyer shall not bring a proceeding unless there is a basis in law and fact that is not frivolous. Many of the gravest allegations in the Amended Complaint are pleaded on "information and belief," including assertions about Russian intelligence and a supposed plot to seize a nonprofit that has "not yet been incorporated." Counsel signed those allegations. If they were the product of an impaired client's narrative rather than an independent pre-filing inquiry, Rule 3.1 is implicated.

Rule 3.3 (Candor Toward the Tribunal). To the extent the pleading presents Mr. Hyatt as a fully capable party directing a coherent philanthropic and trade strategy, while counsel had reason to doubt that premise, the Court was not given a true picture of who was directing the case.

Topic Two — The Revolving-Door Conflict

Rule 1.11 (Successive Government and Private Employment). A lawyer who has served in government is prohibited from representing a private client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee. If Mr. Korba participated in or had substantial exposure to the investigation into me, his representation of Mr. Hyatt in a civil suit built on the same narrative would violate this Rule.

Rule 1.9 (Conflict of Interest: Former Client). The United States was, in effect, the lawyer's former client on the investigation side. Representing a private party adverse to that former client's interests, in a matter substantially related to the prior representation, is prohibited absent informed consent, which was neither sought nor given.

Rule 1.10 (Imputed Disqualification). Any conflict under Rules 1.9 or 1.11 is imputed to Foley & Lardner LLP unless the firm implemented and enforced an effective screen. The complaint gives no indication that any screen was in place.

Rule 5.1 (Responsibilities of Partners, Managers, and Supervisory Lawyers). Permitting Of Counsel to file this complaint in the firm's name, against a former subject of the firm's own prosecutor's investigation, without documented conflicts review, is a firm-level failure.

Rule 8.4(a) and (d). It is professional misconduct to violate or attempt to violate the Rules, or to engage in conduct that seriously interferes with the administration of justice. Using an impaired client's name and resources to launch a public, jury-demanded civil action, and recycling a sealed criminal investigation into that action, would constitute such interference.

Topic Three – Ethics and Legality of Building the Case

In September 2023, two weeks after I joined the Donald Trump for President 2024 campaign, the USADC office subpoenaed Google for access to all my account information, including my G-mails. This FBI monitoring continued without a pause until March 2025. During this time, the FBI also insisted on examining my emails on my own computer, in a meeting in my hometown of Ave Maria, Florida. Additionally, Mr. Korba's own office in the US Attorney for Washington, DC, issued a November 18, 2024 secret search warrant for my Google account information, including but not limited to my G-mails. This surveillance of my email traffic continued until December 30, 2025. During this entire period, Mr. Korba served as an Assistant US Attorney in the USA-DC office investigating me and my documentary film, "The Ukraine Hoax."

While Mr. Korba and his section ultimately failed to prove their chimerical theory that my documentary film was funded by Russians and could not even meet the bare minimum Constitutional standard of probable cause to charge me or my friends, the freshly minted Foley attorney appears to have purloined federal criminal investigation material to build Mr. Hyatt's imaginary case against me. Additionally, all of my email communications with the plaintiff and his team for the April 2025 to March 2026 period of their cooperation were available to federal investigators under this subpoena and search warrant. And these same emails are some of the only proof that I had a disagreement with Mr. Hyatt, indicating the possibility that these emails obtained by a search warrant were accessed by Mr. Korba for reasons unrelated to any government investigation.

VII. Why This Office, Not Only the Civil Court

I recognize that opposing parties sometimes file disciplinary complaints as a litigation tactic. I ask that this submission be read for what it is: a request that the profession police both the use of an elderly client's authority and money, and the movement of a prosecutor from a criminal investigation into a private civil suit against the same target. The Superior Court can decide contract and tort claims. It is not the primary forum for whether a D.C. lawyer and a national firm should have accepted this engagement, signed this pleading, or cleared the conflicts that this sequence presents. If Mr. Hyatt is fully capable and Mr. Korba had no involvement in the investigation into me, counsel can demonstrate both. If either premise fails, the public and the Court should not be required to litigate a case built on compromised foundations.

VIII. Relief Requested

I respectfully request that the Office of Disciplinary Counsel:

1. Open a confidential file and conduct a preliminary inquiry into Mr. Korba's and Foley & Lardner LLP's representation of Gilbert P. Hyatt in Case No. 2026-CAB-006262;
2. Determine whether counsel assessed Mr. Hyatt's capacity to make adequately considered decisions before accepting fees and filing the Amended Complaint, and what protective steps, if any, were taken under Rule 1.14;

3. Determine whether Mr. Korba participated personally and substantially in the criminal investigation into me while at the U.S. Attorney's Office, and whether his subsequent representation of Mr. Hyatt violated Rules 1.11, 1.9, and 1.10;
4. Determine whether the firm had in place, and applied, reasonable measures under Rule 5.1 for engagements involving elderly clients, high-impact public pleadings, and former government lawyers with overlapping investigative histories;
5. Determine whether the allegations signed by Mr. Korba had a non-frivolous factual basis independent of an impaired client's account and independent of information obtained through the criminal investigation;
6. Determine whether Mr. Korba unethically or illegally obtained confidential federal criminal investigative information from his job as a federal prosecutor and used it to build a civil case for his personal profit.
7. Take such disciplinary or remedial action as the facts warrant, including diversion, informal admonition, or formal charges if supported by the investigation.

IX. Supporting Materials

Enclosed, or available upon request, is a copy of the Amended Complaint in Case No. 2026-CAB-006262. I will promptly provide any additional documents this Office requests that are in my possession and not subject to a contrary court order. I do not send original documents. I can also provide, upon request, the public reporting by Katherine Herridge and others regarding the investigation into me, and any non-sealed documents I possess relating to the November 2024 search warrant.

I understand that complaints to Disciplinary Counsel are confidential until a petition instituting formal charges is served or the lawyer agrees to formal discipline, and that this Office does not represent me in the civil case and cannot award me damages.

I declare that the foregoing is true and correct to the best of my knowledge, information, and belief, and that this complaint is submitted in good faith and not for the purpose of harassing counsel.

Respectfully submitted,

Michael R. Caputo
Complainant
Date: 9-18-26

Enclosures
1. Amended Complaint, Hyatt v. Caputo, et al., 2026-CAB-006262 (D.C. Super. Ct.).