

November 13, 2024

Mr. John Pearson
Executive Assistant U.S. Attorney
United States Attorney's Office
1000 Louisiana, Suite 2300
Houston, TX 77002

delivered via email: john.pearson@usdoj.gov

Re: *United State of America v. Eithan Haim*, No. 24-CR-00298

Dear Mr. Pearson:

We represent Dr. Eithan Haim, who is the defendant in *United States v. Eithan David Haim*, No. 4:24-cr-298. We write to you to present serious ethical questions concerning the prosecuting Assistant U.S. Attorney (“AUSA”), Tina Ansari.

The Supreme Court has established a “categorical rule against the appointment of an interested prosecutor” and held that “federal prosecutors are prohibited from representing the Government in any matter in which they, their family, or their business associates have any interest.” *Young v. U.S. ex rel. Vuitton et Fils S.A.*, 481 U.S. 787, 803, 814 (1987); *see also United States v. Lanier*, 879 F.3d 141, 150–51 (5th Cir. 2018). As the Supreme Court further observed, “[t]he United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.” *Young*, 481 U.S. at 803 (quoting *Berger v. United States*, 295 U.S. 78, 88 (1935)).

The same criminal law enforced by AUSAs prevents one from participating personally and substantially in judicial proceedings “in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.” 18 U.S.C. § 208. In addition, federal regulations provide that, unless authorized, “no [DOJ] employee shall participate in a criminal investigation or prosecution if he has a personal or political relationship with: (1) Any person or organization substantially involved in the conduct that is the subject of the investigation or prosecution; or (2) Any person or organization which he knows has a specific and substantial interest that would be directly affected by the outcome of the investigation or prosecution.” 28 C.F.R. § 45.2(a). Under that section, a “Personal relationship means a close and substantial connection of the type normally viewed as likely

to induce partiality. An employee is presumed to have a personal relationship with his father, mother, brother, sister, child and spouse.” Similarly, regulations also provide that a DOJ employee should not participate “in a particular matter involving specific parties [that] would raise a question in the mind of a reasonable person about the employee’s impartiality” without authorization by a designated ethics official. 5 C.F.R. § 2635.501(b).

It is therefore concerning that Ms. Ansari’s close family members have substantial financial and political ties to third parties in this case, Texas Children’s Hospital (TCH) and Baylor College of Medicine (BCM), who may constitute victims and witnesses in the criminal prosecution of Dr. Haim. In particular, and at a minimum, the following relationships raise concerns about Ms. Ansari’s impartiality and ability to serve as a disinterested prosecutor:

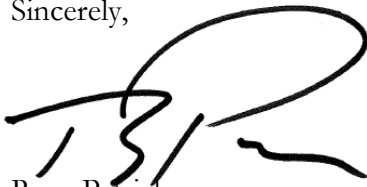
- Ms. Ansari’s family runs FreshBrew Group USA, one of the country’s largest private-label coffee and tea producers. FreshBrew was founded by Ms. Ansari’s father. Her brother, Ali Ansari, currently serves as its president and CEO. Its clients include multiple hospitals in the Texas Medical Center where both TCH and BCM are located, and TCH and BCM are actual or potential customers. The Texas Secretary of State lists Ms. Ansari as a former executive, though it is now managed by “MTDA Investments, Inc.” It is likely that Ms. Ansari retains some financial interest in the company.
- Ms. Ansari’s family has been deeply involved with TCH. During the pendency of the investigation in 2023, Ali Ansari attended a “VIP reception” TCH fundraiser hosted by newly-named TCH President and now-CEO Dr. Debra Sukin, raising more than \$400,000 for new TCH facilities. Mr. Ansari also co-sponsored two separate TCH fundraising events hosted by Dr. Sukin: one in May 2024 (raising over \$1 million) and one in September 2024 (raising over \$400,000) in which his company, FreshBrew, was also a sponsor.
- Ms. Ansari’s aunt, Sima Ladjevardian, was also a co-sponsor of the May 2024 TCH fundraiser. She is an attorney and former congressional candidate for U.S. House Texas District 2. During her campaign she was profiled by a local LGBTQ magazine, OutSmart, describing her as a fundraiser for TCH and BCM; the piece also outlined her support for the 2019 Equality Act which codified “gender identity” into civil rights law. During her 2020 congressional run, Ms. Ladjevardian raised over \$16,000 from BCM physicians. She was endorsed by the Human Rights Campaign.
- Ms. Ladjevardian was previously appointed by President Biden as region 6 director for the U.S. Department of Health and Human Services (“HHS”). On April 13, 2022 she spoke at an event and presented a \$1.1 million check to BCM President and CEO Dr. Paul Klotman and Harris

Health CEO Dr. Esmail Porsa. Since leaving HHS, Ms. Ladjevardian has served on the Harris Health Board of Trustees for the Harris County Health System. Harris Health contracts with BCM and TCH. She serves together with TCH's vice president/general counsel on a four-member quality subcommittee overseeing Harris Health's research with affiliate academic institutions, including BCM.

- Ms. Ansari's uncle, Mohammad Ladjevardian, who passed away after the criminal investigation began, was a member of the TCH Board of Directors.

For these reasons, we believe that the U.S. Attorney's Office must conduct a thorough review of Ms. Ansari's interests and determine whether she can remain as a participant or lead attorney in this prosecution.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Patrick'.

Ryan Patrick
Attorney for Dr. Haim

Cc: Criminal Chief Ted Imperato