

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

MONTGOMERY BLAIR SIBLEY,)

Plaintiff-Appellee,)

v.)

Case No. 15-5295

THE HONORABLE PAUL D. RYAN,)
Solely in His Capacity as Speaker of the)
United States House of Representatives,)

Defendant-Appellant.)

**NOTICE OF DEFENDANT-APPELLANT
THE HONORABLE PAUL D. RYAN**

Defendant-Appellant the Honorable Paul D. Ryan, Speaker of the U.S. House of Representatives, respectfully provides notice of a recent development in the Superior Court of the District of Columbia.

Speaker Ryan has appealed to this Court the District Court's remand to the Superior Court, rather than dismissal, of the claims brought against him by Plaintiff-Appellee Montgomery Blair Sibley. As Speaker Ryan explained in his opposition to Mr. Sibley's motion for summary affirmance, Speaker Ryan successfully petitioned the Superior Court for a stay of those claims, while Speaker Ryan pursued this appeal. *See* Opp'n . . . to Mot[.]. for Summ. Affirmance . . . at 1-5 & n.3, Exs. E & F (Nov. 25, 2015) (ECF No. 1585449); *see also id.* at Ex. F

("[T]he claims of Plaintiff Montgomery Blair Sibley, insofar as against Defendant the Honorable Paul D. Ryan, are stayed pending resolution of Speaker Ryan's appeal, to the United States Court of Appeals for the District of Columbia Circuit, of the remand order of the United States District Court for the District of Columbia.").

During the course of that stay, co-defendant the Honorable Mitch McConnell, Majority Leader of the U.S. Senate, filed his own motion to dismiss the Superior Court action. *See* Mot. to Dismiss of Def. the Hon. Mitch McConnell (Nov. 20, 2015), attached as Ex. 1. (Majority Leader McConnell had elected not to appeal the District Court's remand order but, instead, to accede to litigating in the Superior Court).

Last week, the Superior Court granted Majority Leader McConnell's motion to dismiss. *See* Order (Jan. 7, 2016), attached as Ex. 2. In doing so (and notwithstanding both the Superior Court stay and that Speaker Ryan had not moved in the Superior Court for dismissal of Mr. Sibley's claims), the Superior Court "ORDERED, that the **entire** action is **DISMISSED** without leave to amend." *Id.* (emphases in original).

As matters now stand, therefore, this appeal is not yet moot, but it has the potential to become moot (i) should Mr. Sibley not appeal the Superior Court

Order, or (ii) should Mr. Sibley appeal the Superior Court Order, and should the D.C. Court of Appeals then affirm that order.

Speaker Ryan will keep this Court apprised of potentially relevant developments in the Superior Court, including whether Mr. Sibley appeals to the Court of Appeals for the District of Columbia from last week's dismissal of his claims. If appropriate, Speaker Ryan may move to have this appeal held in abeyance.

Respectfully submitted,

KERRY W. KIRCHER (D.C. Bar No. 386816)
General Counsel

/s/ William Pittard

WILLIAM PITTARD (D.C. Bar No. 482949)
Deputy General Counsel

SARAH CLOUSE (MA Bar No. 688187)
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*Counsel for Defendant the Honorable Paul D.
Ryan, Speaker of the United States House of
Representatives*

January 11, 2016

CERTIFICATE OF SERVICE

I certify that on January 11, 2016, I electronically filed the foregoing Notice of Defendant-Appellant the Honorable Paul D. Ryan via the CM/ECF system of the United States Court of Appeals for the District of Columbia Circuit, which I understand caused service on all registered parties. I further certify that I served one copy by first-class mail (postage prepaid), and electronic mail, on:

Montgomery Blair Sibley, Esquire
402 King Farm Boulevard, Suite 125-145
Rockville, Maryland 20850
montybsibley@gmail.com
Plaintiff-Appellee, pro se

/s/ William Pittard

William Pittard

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

MONTGOMERY BLAIR SIBLEY,
402 KING FARM BOULEVARD, SUITE 125-145
ROCKVILLE, MARYLAND 20850

Plaintiff,

v.

THE HONORABLE MITCH MCCONNELL,
SOLELY IN HIS CAPACITY AS MAJORITY
LEADER OF THE SENATE
UNITED STATES SENATE,
317 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510-1702

AND

THE HONORABLE PAUL D. RYAN,
SOLELY IN HIS CAPACITY AS SPEAKER OF
THE HOUSE OF REPRESENTATIVES
UNITED STATES HOUSE OF REPRESENTATIVES,
1233 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515-3508

Defendants.

Civil Action
No.15-0002442 B
Honorable Maurice A. Ross

MOTION TO DISMISS OF DEFENDANT THE HONORABLE MITCH McCONNELL

Defendant, the Honorable Mitch McConnell, Majority Leader of the United States Senate, through the undersigned counsel, files this Motion To Dismiss. The reasons supporting this Motion are discussed in the accompanying Memorandum of Law.

Respectfully submitted,

CHANNING D. PHILLIPS. D.C. Bar # 415793
United States Attorney for
The District of Columbia

DANIEL F. VAN HORN, D.C. Bar # 924092
Civil Chief

By: /s/ Peter R. Maier
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Mitch McConnell

Certificate of Service

I hereby certify that I caused a copy of the foregoing Motion To Dismiss, Memorandum of Law, and Proposed Order to be served upon pro se Plaintiff by first class mail addressed to:

Montgomery Blair Sibley
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Suite 125-145
Rockville, MD 20850

Kerry W. Kircher
William Pittard
Sarah Clouse
Office of the General Counsel
U.S. House of Representatives
219 Cannon House Office Building\
Washington, D.C. 20515

on this 20th day of November, 2015.

/s/ Peter R. Maier
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**IN THE SUPERIOR COURT OF
THE DISTRICT OF COLUMBIA**

MONTGOMERY BLAIR SIBLEY,)
)
)
 Plaintiff,)
)
 v.)
)
 THE HONORABLE MITCH)
 MCCONNELL et al.,)
)
 Defendants.)


Case No. 2015 CA 002442 B
Hon. Maurice A. Ross

ORDER

Having considered the Motion to Dismiss of Defendant, the Honorable Mitch McConnell, the Opposition thereto, and the entire record herein, it is by the Court this 7th day of January 2016, hereby

ORDERED that the Defendant’s Motion is **GRANTED** for all the reasons set forth in the Motion; it is further

ORDERED, that the **entire** action is **DISMISSED** without leave to amend.



HONORABLE MAURICE A. ROSS
Associate Judge

Copies to:

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