

CASE NO. 21-7125

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

LARRY KLAYMAN

Plaintiff-Appellant,

v.

THOMAS J. FITTON, *et al*

Defendants-Appellees.

ON APPEAL FROM AN ORDER
OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**NOTICE TO MERITS PANEL OF APPELLANT'S INTENTION TO MOVE
TO FILE POST ORAL ARGUMENT BRIEF AND OTHER RELATED
PLEADINGS**

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Plaintiff-Appellant Pro Se

Date: October 4, 2022

Appellant Larry Klayman ("Mr. Klayman") hereby puts the Merits Panel on notice, immediately following the oral argument of today, October 4, 2022, that he intends to do the following:

(1) Mr. Klayman is ordering an expedited transcription of today's oral argument for use in post oral argument motions and pleadings.

(2) This is because the Honorable A. Raymond Randolph ("Judge Randolph") made several remarks, which apparently emanate from extrajudicial bias and prejudice, that Mr. Klayman had been found to have beaten his wife and sexually harassed the office manager at Judicial Watch.

(3) There are no factual or legal bases for these remarks, and no judge or jury has ever made such findings.

(4) Mr. Klayman seeks to review the transcript to determine whether to move for disqualification of Judge Randolph and whether his prejudicial, wholly unjustified, and incendiary remarks may have logically resulted in tainting the fair administration of justice by the other two judges, the Honorable Gregory G. Katsas and the Honorable Judith W. Rogers.

(5) Mr. Klayman reserves the right to expeditiously move to file a post-hearing brief setting the record straight as well as a disqualification motion with regard to Judge Randolph.

(6) Pending a review of the transcript of today's oral argument, Mr. also reserves on concluding whether Judge Randolph made these extrajudicial, irrelevant, and prejudicial remarks because members of the media may have been in the courtroom, thereby republishing and compounding the alleged defamation by Appellee/Defendant Fitton.

(7) A false representation was also made by counsel for Appellee/Defendant Thomas Fitton that the case in the U.S. District Court for the Southern District of Florida before the Honorable Jose E. Martinez had been dismissed on the merits. *Klayman v. Fitton*, 1:19-cv-20544 (S.D. FL.). This is false, as it was only dismissed on the basis of personal jurisdiction and the short deposition of Mr. Fitton was only ordered to address personal jurisdiction.

In sum, Mr. Klayman seeks to put the Merits Panel on notice and respectfully requests that it not deliberate further on this case and reach any decision until it hears Mr. Klayman's post oral argument motions with factual and legal support refuting the unwarranted prejudicial remarks by Judge Randolph as well as showing that counsel for Mr. Fitton sought to mislead the Court. Ultimately, the only issue before Merits Panel was whether Mr. Klayman pled what he needed to plead pursuant to Fed. R. Civ. P. Rule 8(a) and under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009) as well as *Competitive Enter. Inst. v. Mann*, 150 A.3d 1213, 1240 (D.C. 2016), Restat 2d of Torts, § 577 cmt (b),

and *Cantu v. Guerra*, 2021 U.S. Dist. LEXIS 119681, at *41-42 (W.D. Tex. June 28, 2021) as convincingly argued by Mr. Klayman at the oral argument of today and also in his Initial and Reply Briefs.

Dated: October 4, 2022

Respectfully Submitted,

/s/ Larry Klayman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically and served through the court's ECF system to all counsel of record or parties listed below on October 4, 2022.

/s/ Larry Klayman