

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

**APPELLANT/PLAINTIFF LARRY KLAYMAN'S MOTION TO
DISQUALIFY THE HONORABLE A. RAYMOND RANDOLPH
PURSUANT TO 28 U.S.C. § 144**

Larry Klayman
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Plaintiff-Appellant Pro Se

Date: October 7, 2022

Appellant/Plaintiff Larry Klayman (“Mr. Klayman”), pursuant to 28 U.S.C. §144 *et. seq.*, hereby moves to disqualify the Honorable A. Raymond Randolph (“Judge Randolph”).

28 U.S.C. § 144 provides:

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

For the compelling reasons set forth in the attached affidavit of Larry Klayman, Judge Randolph must be disqualified from further deliberations in this case and the other two panel members, who may have been tainted by the unjustified and baseless extra-judicial attacks and prejudice exhibited by Judge Randolph at oral argument with regard Mr. Klayman, must consider whether they should not refer this entire appeal to another panel of this Court.

This appeal involves whether Mr. Klayman sufficiently pled defamation in his complaint, and only that. There is no issue before this Court of *res judicata* and/or collateral estoppel based on a case previously administered to by the

Honorable Colleen Kollar-Kotelly in *Klayman v. Judicial Watch Inc*, 06-cv-670 (D.D.C.) and thus the false and highly offensive statements of Judge Randolph at oral argument had no basis other than to exhibit extreme extra-judicial bias and prejudice toward Mr. Klayman.

This Court must not “circle the wagons” and dismiss the substance of this motion because a fellow member or members of its bar are involved, as the integrity of the judicial process is at stake. This is a serious matter that must be confronted and dealt with before further prejudice results to Mr. Klayman. It is not just that Mr. Klayman is outraged by the unjustified attack on him by a member of this Court, but also because he believes in the integrity of the legal system. Indeed, this is why he founded both Judicial Watch and later Freedom Watch and why he has dedicated his career to attempting to further this objective.

Further, Mr. Klayman requests an internal investigation of potential *ex parte* contacts and/or other causes for the extra-judicial prejudice that was manifested at oral argument, and the false statements made in an open courtroom and then also published on the Court’s YouTube channel for anti-conservative media to the potentially republish to harm Mr. Klayman, his colleagues and family. This raises the specter of whether these published false statements were intended for this purpose.

As a result, this matter should respectfully also be referred to the Judicial Council and other independent authorities by the other two members of the panel and its findings fully disclosed after a good faith, thorough and neutral investigation.

Dated: October 7, 2022

Respectfully Submitted,

/s/ Larry Klayman

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Plaintiff-Appellant Pro Se

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 7, 2022.

/s/ Larry Klayman

CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because this document contains 545 words.
2. This document complies with the typeface and the type-style requirements of Fed. R. App. P. 27(d)(1)(E) because this document has been

prepared in a proportionally spaced typeface using Microsoft Word 15.28 in 14-point Times New Roman.

/s/ Larry Klayman

CERTIFICATE OF COUNSEL

I hereby certify that this motion is being made in good faith.

/s/ Larry Klayman

AFFIDAVIT OF PLAINTIFF LARRY KLAYMAN PURSUANT TO 28
U.S.C. § 144

I, Larry Klayman, being over eighteen years of age, hereby attest under oath as follows:

1. I am the Appellant/Plaintiff in the above styled lawsuit.
2. On October 4, 2022, I appeared in person before this honorable Court before a Merits Panel which consisted of the Honorable A. Raymond Randolph (“Judge Randolph”), the Honorable Gregory G. Katsas and the Honorable Judith W. Rogers for oral argument in the above-styled case.
3. A certified copy of a transcript of this oral argument is attached as Exhibit 1 and its contents are incorporated herein by reference.
4. Shortly after I began my oral argument, the Judge Randolph abruptly, heatedly and angrily interrupted my presentation and stated I had been found, in a case styled *Klayman v. Judicial Watch Inc.*, 06-cv-670 (D.D.C.), presided upon by the Honorable Colleen Kollar-Kotelly, to have sexually harassed the office manager of Judicial Watch and also found to have beaten my former wife. I vehemently denied that any jury or Judge Kotelly had made any such findings and a review of the record will bear this out. In any event, as this was a jury trial, Judge Kotelly had no authority to make any such findings. Importantly, the jury verdict reflects no such findings and there were no special jury interrogatories given to

them by Judge Kotelly. See Exhibit 2, which jury verdict is also incorporated herein by reference.

5. Judge Randolph clearly and forcefully implied that these alleged false findings were a reason to deny my appeal, which is predicated only on the improper dismissal of the underlying defamation complaint pursuant to Rule 12 (b)(6) of the Federal Rules of Civil Procedure.

6. I responded that Judge Randolph must have been prejudiced by extrajudicial sources as his unwarranted accusations were false and had no basis in fact and law. He then suggested that they could be found in media publications, as if this means that they are true. And, I have no recollection of any such media publications.

7. In response, I reminded the Court that this is not what is at issue and before this honorable Court; only whether I had plausibly pled defamation by Thomas Fitton, the Appellee/Defendant, under the following cases and other precedent as set forth in my initial and reply briefs. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007); *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009); *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 514 (2002).

8. At the oral argument, I also pointed out how case authority supported the legal principle that at the initial pleading stage I did not have to plead with precise specificity the exact date of the publication under the following precedent,

but that it was plausibly around the time of the republication of Roger Stone. Accordingly, this was sufficient at this stage of the case before any discovery could take place.

9. In this regard, as courts have ruled, “[m]oreover, it is important to recognize that while some cases appear to state an absolute requirement for time and place allegations, **such requirement is better viewed through the lens of *Twombly* and *Iqbal***. For instance, the undersigned recognized the requirement in *Mandawala* through reliance on two older cases affirmed by the Fifth Circuit. But the defamation claim failed for lack of any allegation ‘that any statement was published to a third party.’.... **The Court thus applied the *Iqbal* and *Twombly* standard without regard to time and place allegations. Similarly, the Eastern District of Texas found that the plaintiff had ‘pled its defamation claim with sufficient particularity’ to put the defendant ‘on notice of the claim,’ even though ‘the allegations relating to the defamation claim do not specify when these alleged statements were made or, with regards to the letters to patients, to whom they were specifically made.’” *Cantu v. Guerra*, 2021 U.S. Dist. LEXIS 119681, at *41-42 (W.D. Tex. June 28, 2021 (emphasis added)(internal citations omitted).**

10. Furthermore, “[i]t should be understood that Federal Rule of Civil Procedure 9(f) does not require the pleader to set out specific allegations

of time and place; it merely states the significance of these allegations when a pleader actually interposes them in a complaint or answer. Whether statements of time and place are required in a pleading is determined by the substantive nature of the suit, the principles governing the motion for a more definite statement, and the general rules of pleading. Such allegations usually are necessary (only) if without them the statement of a claim is so vague and ambiguous that the other party cannot adequately frame an answer.” *Cantu v. Guerra*, 2021 U.S. Dist. LEXIS 119681, at *42-43 (W.D. Tex. June 28, 2021) quoting 5A Charles Alan Wright et al., *Federal Practice and Procedure* § 1309 (4th ed. Apr. 2021 update).

11. The above argument notwithstanding, it is clear that Judge Randolph’s factually false and highly prejudicial accusations against me were the result of an extra-judicial source or sources and that the law will likely not be a consideration in his rendering his opinion as a current member of the Merits Panel, but rather his extra-judicial prejudicial animus for me.

12. Judge Randolph’s unjustified, false and highly offensive attack on me has likely tainted the entire proceeding with the other two honorable jurists, and he must be disqualified from further deliberations or participation in this case.

13. Further, counsel for Appellee/Defendant Richard Driscoll was not honest with his false representation (just the latest as the record below will show others for which I had sought sanctions but which Judge Kotelly refused to order),

that this case initially filed in the U.S. District Court for the Southern District of Florida was dismissed on the merits. In fact, the record shows the opposite and the docket sheet is attached as Exhibit 3. Thus, the record will show that this case was dismissed without prejudice as the Honorable Jose E. Martinez had merely found that the Defendants did not have substantial contacts with Florida. The short two-hour deposition that I took of Mr. Fitton was ordered only to involve the issue of whether there was personal jurisdiction. In any event, if Judge Martinez had reached the merits of the case, Appellees/Defendants would have asserted *res judicata* in seeking to dismiss the case before the Honorable Tonya Chutkan, which they did not. Thus, counsel for Mr. Fitton lied to this honorable Court obviously to deceive the Merits Panel and attempt to have it to rule in his client's favor.

14. A review of the transcript of the oral argument of October 4, 2022, will bear this out as well.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge and belief.

/s/ Larry Klayman

Larry Klayman Appellant

/Plaintiff Pro Se

EXHIBIT 1

UNITED STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT
CASE NO. 21-7125

LARRY ELLIOT KLAYMAN, Individually,
Appellant,

v.

THOMAS J. FITTON, Individually;
JAMES F. PETERSON, PAUL J. ORFANEDES,
Individually; and CHRISTOPHER FARRELL,
Individually.
Appellees.

TRANSCRIPTION OF ORAL ARGUMENT HELD BEFORE
JUDGE KATSAS, JUDGE RANDOLPH, AND JUDGE ROGERS

(Pages 1 to 21)

Date: Tuesday, October 4, 2022
Time: 9:30 a.m. to 9:50 a.m.
Location: DC Court of Appeals
430 E St NW
Washington, DC 20001

Transcription By: Gail Hmielewski
Court Stenographer

1 ALL PARTIES APPEARED VIA VIDEOCONFERENCE:

2

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1 (This is a transcription of proceedings via a
2 YouTube link. The YouTube link was provided by
Larry E. Klayman.)

3 PROCEEDINGS

4 THE CLERK: Case No. 21-7125, Larry Elliot
5 Klayman, Individually, Appellant, v. Thomas J.
6 Fitton, Individually, et al.; Mr. Klayman for the
7 appellant, Mr. Driscoll for the appellees.

8 MR. KLAYMAN: Good morning, Your Honors. May
9 I ask for leave to remove my mask? I took a test
10 on Friday, I travelled here over the weekend and I
11 did not get the result until yesterday and I'm
12 negative.

13 THE COURT: And you're negative?

14 MR. KLAYMAN: Yes.

15 THE COURT: All right.

16 MR. KLAYMAN: Thank you very much. May it
17 please the Court, a pleasure to appear in front of
18 you, all three.

19 This is a case involving defamation. The
20 statement at issue is that "He" - Klayman, yours
21 truly - "was ousted at Judicial Watch. Ask Tom
22 Fitton why he left. He left because of a sexual
23 harassment complaint."

24 This was allegedly published, as pled in the
25 complaint, by Tom Fitton of Judicial Watch for

1 Roger Stone, who then republished it on Info Wars.
2 The law is clear that it's sufficient just to have
3 one publication to one person, here we had two.

4 In fact, the law of defamation in the district
5 says it simply must be published through a third
6 party. That's Competitive Enter. Institute v.
7 Mann, 180 A.3d 1213, 1240 (D.C. 2016). As well as
8 the restatement of torts, it is enough that it's
9 communicated to a single individual other than the
10 one defamed. Here you have two publications here.

11 And we also alleged in the complaint that
12 there was a surrogate publication, Stone was
13 publishing it on behalf of Fitton.

14 THE COURT: What's the basis for your
15 allegation that Fitton was the source of Stone's
16 statement?

17 MR. KLAYMAN: It says - this was the
18 publication - ask Fitton, so obviously he got it
19 from Tom Fitton.

20 (Inaudible.)

21 THE COURT: How do we know that? I mean, this
22 is about the circumstances in which - under which
23 you left Judicial Watch and that had been the
24 subject of a very public trial that had been
25 ongoing for a decade, so --

1 MR. KLAYMAN: It has never been proven that I
2 sexually harassed the office manager. I
3 categorically deny that.

4 But the bottom line here, Your Honor, is, if
5 it's plausible, it must proceed, under Rule 9 --

6 THE COURT: Do you deny --

7 MR. KLAYMAN: -- and 8.

8 THE COURT: Do you deny that you physically
9 assaulted your wife?

10 MR. KLAYMAN: This has nothing to do with this
11 case and I do deny that vehemently. I deny it --

12 THE COURT: The jury found --

13 MR. KLAYMAN: -- vehemently.

14 THE COURT: The jury found otherwise in the
15 case.

16 MR. KLAYMAN: The jury never made such a
17 finding, Your Honor. The jury never made such a
18 finding. One of the problems that we've had here,
19 this is a --

20 THE COURT: Why did the jury then award
21 Judicial Watch two point some million dollars
22 against you?

23 MR. KLAYMAN: That's still being challenged,
24 Your Honor, but the fact is is that there was
25 prejudice because that came in, it never should

1 have come in. I left voluntarily. There was a
2 severance agreement that said I left voluntarily.
3 I was praised. The parole evidence rule should
4 never have allowed it in.

5 THE COURT: The point is, the point here is
6 that, and I think this is what Judge Katsas was
7 asking you about, was that this was spread all over
8 the newspaper a year before Roger Stone made the
9 statement you're complaining about - all this
10 information, the jury verdict, the evidence that
11 came in and so on - so it seems to me that your
12 submission that the only way that Stone could have
13 known this is from Fitton is belied by the fact
14 that it was a public trial.

15 MR. KLAYMAN: First of all, Your Honor, you're
16 getting way beyond this case, okay. You have been
17 prejudiced yourself here from third parties and
18 other sources. I'm not saying you're a prejudiced
19 person, but you've been prejudiced. This case --

20 THE COURT: Wait a minute.

21 MR. KLAYMAN: There's no claim of res judicata
22 here.

23 THE COURT: Wait. Why have I been prejudiced?
24 You're making an accusation.

25 MR. KLAYMAN: I'm saying not --

1 THE COURT: Back it up.

2 MR. KLAYMAN: I'm not saying that you have
3 been prejudiced as a person, I'm saying that the
4 things that you have been, that have been out there
5 in the alleged media -- And it wasn't even out in
6 the media, Your Honor, you'd have to go back and
7 look at that.

8 THE COURT: You think because I read an
9 opinion of our court that that prejudiced me?

10 MR. KLAYMAN: The opinion did not say that.
11 It did not say that, Your Honor. It's never been
12 found --

13 THE COURT: The opinion --

14 MR. KLAYMAN: -- that I sexually harassed --

15 THE COURT: The opinion --

16 MR. KLAYMAN: -- my office manager.

17 THE COURT: Don't interrupt me when I'm trying
18 to interrupt you.

19 MR. KLAYMAN: Do I have equal rights?

20 THE COURT: The opinion said that the big
21 issue before the jury was whether you left Judicial
22 Watch voluntarily. The opinion said it.

23 MR. KLAYMAN: The opinion did not say anything
24 about sexually harassing the office manager,
25 Your Honor. I ask respectfully that you go back

1 and read that. It did not say that. In any
2 event --

3 THE COURT: Well, neither did Roger Stone.

4 MR. KLAYMAN: I'm entitled to plead in my
5 complaint and make a claim in my complaint there's
6 no defense of res judicata, collateral estoppel or
7 anything. Under Twombly, as long as it's
8 plausible, the matter has to proceed.

9 And here's what Twombly said: The complaint
10 must contain enough factual matter, taken as true,
11 to suggest - this is dealing with an agent - an
12 agreement in restraint of trade in an antitrust
13 case. Asking for plausible grounds to infer an
14 agreement does not impose a probability requirement
15 at the pleading stage; it simply calls for enough
16 facts to raise a reasonable expectation that
17 discovery will provide evidence of an illegal
18 agreement. You must only plead enough to cause a
19 right to relief above the speculative level. If
20 given the defendant fair notice of what the claim
21 is and the grounds upon which it rests.

22 It only must be plausible, Your Honor.
23 Plaintiff need not allege specific facts. The
24 facts alleged must be accepted as true, as the
25 facts need only give the defendant fair notice of

1 what the claim and the grounds upon which it rests,
2 Erikson v. Pardus, 551 U.S. 89, 93.

3 And then Twombly adds, going back to Twombly,
4 the well pled complaint may proceed even if it
5 strikes a savvy judge that actual proof of those
6 facts is improbable and that a recovery is very
7 remote and unlikely.

8 We pled, I pled what needed to be pled,
9 Your Honor, and I don't mean any disrespect to you,
10 but what has occurred here over the years - and I
11 have a defamation judgment against Judicial Watch
12 going back to Miami in 2014 - has prejudiced me.
13 I'm not saying you're a prejudiced person, not at
14 all. I've had issues with judges in this court,
15 particularly Judge Kotelli, and I sometimes get the
16 impression that the judges in this court circle the
17 wagon.

18 There was no such finding that I sexually
19 harassed the office manager, even Judicial Watch
20 didn't make that at that trial. There was no
21 finding that I in any way abused my wife. I'm
22 desirous of equal rights here. There's no finding
23 to that effect, and I pled what needed to be pled
24 in this complaint. The complaint must proceed.

25 You're here with an oath of office to follow

1 the law. The law does not enter into what you may
2 think a jury found in another case, because there's
3 no such jury finding. There are no specific jury
4 interrogatories and, if you want to get back into
5 that case, I don't even know what was given to the
6 jury in terms of the written instructions, but
7 there's no such finding there. I categorically
8 deny that. I'm entitled to equal rights here,
9 Your Honor, and the fact that I've been smeared
10 here and there's enough --

11 THE COURT: The entire subject --

12 MR. KLAYMAN: There's enough here --

13 THE COURT: Mr. Klayman, the entire subject
14 came up because you said that the only way that
15 Roger Stone could have possibly come up with the
16 idea that you were - that you left Judicial Watch,
17 that you were ousted, the only way that he could
18 possibly have known that is through Mr. Fitton, but
19 the relevance of the prior decision in this Court
20 and the jury trial was that there was another way -
21 because of your earlier trial. That was the issue
22 according to the opinion.

23 MR. KLAYMAN: I wasn't trying that,
24 Your Honor. That wasn't an allegation in the case.
25 It was brought in trial, Judge Kotelli let it in

1 out of the blue, it was prejudicial, and even the
2 statement that came in wasn't that I had sexually
3 harassed the office manager. That was not the
4 statement that came in.

5 And if you're looking at the actual
6 publication here - Klayman was ousted at Judicial
7 Watch, ask Tom Fitton - it's more than plausible
8 that Fitton said that to Stone and that's enough
9 for a defamation case.

10 You are bound under Rule 9 and 8 to allow this
11 to proceed and you're bound under Twombly. You
12 don't get to decide a case before it goes to
13 discovery and goes to a jury. You don't get to do
14 that. That's not a judge's role.

15 And I'm sorry if I'm being emphatic, but this
16 is exactly what's been happening in a lot of
17 different cases, not just with regard to me, but
18 every - judges taking cases away from discovery and
19 from juries, then making a decision, which the
20 constitution gives a party a right to at least
21 plead in a complaint and take discovery.

22 And I would like to get into telephone
23 records, I want to talk to other people here as to
24 what was said. I have a right to do that, that's
25 my constitutional right. And I'm sorry if I'm

1 upset, but frankly, you know, to rule otherwise is
2 a severe injustice.

3 THE COURT: Judge Rogers, any questions?

4 JUDGE ROGERS: No.

5 THE COURT: Thank you. Anything else?

6 MR. KLAYMAN: No. I thought maybe

7 Judge Rogers wanted to say something.

8 (Inaudible.)

9 THE COURT: Mr. Driscoll, we'll hear from you.

10 MR. DRISCOLL: Good morning, Your Honors. May
11 it please the Court, Rich Driscoll on behalf of the
12 appellees, Thomas Fitton, James Peterson, Paul
13 Orfanedes, and Christopher Farrell.

14 Neither party before the Court this morning is
15 arguing for a change in the law. The issue before
16 the Court is whether the law was properly applied
17 in the lower court.

18 I think the Court needs only look at Page 9 of
19 the joint appendix, in Paragraph 12, to read the
20 allegation regarding who made the alleged
21 defamatory statement, which reads, on information
22 and belief, the defamatory statement alleged herein
23 were made by Defendant Peterson and/or Defendant
24 Fitton at the direction of or directly by the other
25 direction - the other defendants to Stone.

1 THE COURT: Twombly and Iqbal didn't eliminate
2 pleading on information and belief, right?

3 MR. DRISCOLL: No, sir, they did not.

4 THE COURT: So why isn't, for that kind of
5 allegation, why isn't it enough for him just to say
6 on information and belief Fitton made the
7 statement? I mean --

8 (Inaudible.)

9 MR. DRISCOLL: Under the law of this
10 jurisdiction, and I believe the case Franklin v.
11 Pepco Holdings, the standard of allegation for
12 establishing a defamatory statement is that the
13 plaintiff must allege the time, the place, the
14 content, the speaker, and the listener. And here
15 that may have been done with regard to the
16 statement made by Roger Stone, but it is not done
17 with regard to any of the defendants, and in fact
18 this Court agreed that, at least with regard to
19 Appellants (sic) Peterson, Orfanedes, and Farrell,
20 that that is correct, there was no allegation. And
21 in the complaint, the only distinction between the
22 allegations against those three defendants and
23 Appellant (sic) Fitton is the allegation "ask Tom
24 Fitton".

25 So the question then becomes does the phrase

1 "ask Tom Fitton" push this case over the line from
2 a possible claim to a plausible claim under Twombly
3 and Iqbal.

4 THE COURT: I understand your argument that
5 that inference is not a plausible one. I guess I'm
6 asking whether you even need to make that
7 inference.

8 I mean, suppose you were suing Mr. Klayman and
9 you allege that he's a resident of Florida and you
10 don't say anything more, right, and he says, well,
11 what's your basis, what's your basis for saying
12 that? And your position would be you don't need
13 any more, it's just a historic fact and you allege
14 it.

15 MR. DRISCOLL: Well, because --

16 THE COURT: And why isn't that -- I mean,
17 inferring a conspiracy, an antitrust conspiracy,
18 which is Twombly, or inferring discrimination,
19 which is Iqbal, seem a little bit different from
20 just a historic fact that "A" made a statement to
21 "B".

22 MR. DRISCOLL: Under the law of defamation in
23 the District of Columbia, a blanket statement of
24 "A" said this to "B" without more is insufficient,
25 inadequate, and does not reach the level of

1 plausibility. It's a possibility, but it's not
2 plausible because what you must know is who said
3 the statement, okay?

4 So let's assume he doesn't know exactly who
5 said the statement. Let's assume it's one of the
6 four appellees. How does he know it's one of the
7 four appellees?

8 In the complaint there's not even an
9 allegation with regard to three of the appellees
10 and the only specific factual allegation in the
11 complaint is that Roger Stone said "ask Tom
12 Fitton". Other than that, the complaint is
13 completely rife with conclusions - not facts,
14 conclusions.

15 To say that the defendants acted in concert is
16 a descriptive conclusion, it's not a fact, so you
17 can't allege that without an underlying event of
18 fact or an occurrence to support it, and here the
19 appellees are emphasizing that the complaint lacks
20 those predicate facts on which to build a summary
21 allegation that a defamatory statement was made.
22 Here we're dealing with pure speculation, based on
23 a historical animosity by Mr. Klayman against
24 Mr. Fitton and others at Judicial Watch.

25 It's -- When you look at the complaint and

1 you read each paragraph through, the complaint
2 really boils down to Roger Stone said that and the
3 only way he could know how to say that is if Tom
4 Fitton told him, and even that predicate argument
5 fails because Tom Fitton has admitted under oath in
6 a deposition that that's not the reason Larry
7 Klayman was forced out of Judicial Watch.

8 And Mr. Klayman filed this same lawsuit in the
9 Southern District of Florida and it was dismissed
10 by Judge Martinez, who found - we've quoted the
11 language in our brief - Judge Martinez found that
12 there was no tortious or wrongful conduct in
13 Florida, and the law of Florida, the long-arm
14 jurisdiction law of Florida, can encompass both an
15 act in Florida or an act outside of Florida
16 directed at Florida. So at least with regard to
17 Florida, we know, based on Judge Martinez's
18 argument, that there is no wrongful conduct here.

19 But in order to reach that point, Mr. Klayman
20 was allowed to depose Tom Fitton for two hours and
21 ask these questions of him. He's not here before
22 the Court without having had an opportunity for
23 discovery. He's deposed Roger Stone, he's deposed
24 Thomas Fitton. He has nothing. And there's no
25 reason why he should be given another opportunity

1 to harass the defendants in this case.

2 That's the position that we argued in the
3 lower court and it was accepted by Judge Chutkan,
4 and we believe that Judge Chutkan's decision is
5 correct and should be affirmed.

6 THE COURT: Okay. Judge Rogers?

7 JUDGE ROGERS: No. Thank you.

8 MALE VOICE: Thank you.

9 MALE VOICE: Okay, thank you.

10 MR. KLAYMAN: Your Honor, the law is clear
11 that you just have to have a plausible claim and
12 when someone says "ask Tom Fitton", it's
13 plausible.

14 A specific date is likely in and about the
15 time that Roger Stone republished the event, but
16 even that is not required in terms of the eventual
17 pleading, and you can look at the cases that state
18 that - 2020 U.S. Dist., D-i-s-t, Lexis 161295,
19 2020 WL 525024 at 8, wherein it says, and this is a
20 case coming out of the Western District of Texas,
21 "Similarly, the Eastern District of Texas found
22 that plaintiff had 'pled its defamation claim with
23 sufficient particularity' to put defendant 'on
24 notice of the claim,' even though 'the allegations
25 relating to the defamation claim do not specify

1 when these alleged statements were made or, with
2 regards to the letters to patients, to whom they
3 were specifically made.'" Also you can look to the
4 case of Cantu, C-a-n-t-u, v. Guerra, 2021 U.S.
5 Dist. Lexis 119681, at 42 to 43, also Western
6 District of Texas.

7 We pled all that needed to be pled here,
8 Your Honor. And we also stated, yes, that the
9 defendants made these statements and we pointed
10 out that Fitton was the one who was in fact
11 fingered, for lack of a better word, by Roger Stone
12 for having made it, and that's enough to go
13 forward.

14 In terms of discovery, you know, this was a
15 misstatement by Mr. Driscoll, regrettably, because
16 the case was dismissed in Florida for personal
17 jurisdiction. The judge never got to the merits.

18 And to have Fitton simply deny it, that's not
19 discovery. I get to take a look at telephone
20 records, I get to talk to other people, I get to
21 see text messages and other things like that.
22 Obviously people are going to deny it, so that's
23 not demonstrative.

24 So, Your Honor, we ask that you allow the case
25 to proceed forward, respectfully, everybody,

1 including Judge Randolph. You are required to do
2 that under Twombly. Thank you.

3 THE COURT: Thank you. The case is submitted.
4 (The proceedings concluded at 9:50 a.m.)
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C E R T I F I C A T E

DISTRICT OF COLUMBIA COUNTY, D.C.

I, Gail Hmielewski, Court Stenographer, do hereby
certify that the foregoing transcript, Pages 1 to and
including 20, is a true and correct transcript of
audiotape proceedings accessed via YouTube.

The YouTube link was provided to me by
Larry E. Klayman, Esquire, and transcribed to the best
of my ability.

Dated this 5th day of October, 2022.

Gail Hmielewski



Gail Hmielewski, Court Stenographer

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EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LARRY KLAYMAN,
Plaintiff/Counterdefendant,
v.
JUDICIAL WATCH, INC., *et al.*,
Defendants/Counterplaintiffs.

Civil Action No. 06-00670
Judge Colleen Kollar-Kotelly

JURY VERDICT FORM

WE, THE JURY, UNANIMOUSLY FIND AS FOLLOWS:

Larry Klayman v. Judicial Watch

Plaintiff Larry Klayman:

1. Has Plaintiff Larry Klayman proved by a preponderance of the evidence his claim that Defendant Judicial Watch, Inc. breached the Confidential Severance Agreement by failing to make a good faith effort to remove him as the guarantor of a lease for Judicial Watch, Inc.'s headquarters? (See Claim No. 1 on page 27 of the Jury Instructions.)

_____ YES X _____ NO

a. If yes, designate the type of breach:

_____ Material _____ Simple

a. If yes, what, if any, nominal damages do you award to Plaintiff Larry Klayman?

Answer: _____

2. Has Plaintiff Larry Klayman proved by a preponderance of the evidence his claim that Defendant Judicial Watch, Inc. breached the Confidential Severance Agreement by failing to pay health insurance for his children? (See Claim No. 2 on page 27.)

_____ YES ~~_____~~ X NO

a. If yes, what, if any, nominal damages do you award to Plaintiff Larry Klayman?

Answer: _____

3. Has Plaintiff Larry Klayman proved by a preponderance of the evidence his claim that Judicial Watch, Inc. breached the Confidential Severance Agreement by filing a motion to strike Plaintiff's appearance in a Florida litigation involving Sandra Cobas after Plaintiff left Judicial Watch, Inc.?(See Claim No. 3 on page 27.)

_____ YES ~~_____~~ X NO

a. If yes, designate the type of breach:

_____ Material _____ Simple

b. If yes, what, if any, nominal damages do you award to Plaintiff Larry Klayman?

Answer: _____

4. Has Plaintiff Larry Klayman proved by a preponderance of the evidence his claim that Judicial Watch, Inc. breached the Confidential Severance Agreement by failing to provide Plaintiff with access to documents regarding a client Peter Paul? (See Claim No. 4 on page 27.)

_____ YES

X NO

a. If yes, designate the type of breach:

_____ Material _____ Simple

b. If yes, what, if any, nominal damages do you award to Plaintiff Larry Klayman?

Answer: _____

5. Has Plaintiff Larry Klayman proved by a preponderance of the evidence his claim that Judicial Watch breached the Confidential Severance Agreement by disparaging him and misrepresenting the reasons for his departure from Judicial Watch, Inc.? (See Claim No. 5 on page 27.)

_____ YES

X NO

a. If yes, designate the type of breach:

_____ Material _____ Simple

b. If yes, what, if any, nominal damages do you award to Plaintiff Larry Klayman?

Answer: _____

Judicial Watch and Thomas Fitton v. Larry Klayman

Counterplaintiff Judicial Watch, Inc.:

1. Has Counterplaintiff Judicial Watch proved by a preponderance of the evidence its claim that Counterdefendant Larry Klayman breached the Confidential Severance Agreement by failing to repay a debt owed by Klayman & Associates? (See Counterclaim No. 1 on page 28.)

X YES _____ NO

a. If yes, designate the type of breach:

_____ Material X Simple

b. If yes, what, if any, damages do you award to Counterplaintiff Judicial Watch, Inc.?

Answer: \$200,000. -

2. Has Counterplaintiff Judicial Watch, Inc. proved by a preponderance of the evidence its claim that Counterdefendant Larry Klayman breached his obligation in the Confidential Severance Agreement to pay costs and expense arising from his failure to make prompt payment to Judicial Watch in accordance with paragraphs 10 and 11 of the Confidential Severance Agreement? (See Counterclaim No. 2 on page 28.)

X YES _____ NO

a. If yes, designate the type of breach:

_____ Material X Simple

b. If yes, what, if any, damages do you award to Counterplaintiff Judicial Watch, Inc.?

Answer: \$25,000. -

c. If you awarded damages, do you find that Counterplaintiff Judicial Watch, Inc. is entitled to prejudgment interest of 6%?

_____ YES X NO

3. Has Counterplaintiff Judicial Watch, Inc. proved by a preponderance of the evidence its claim that Counterdefendant Larry Klayman infringed Judicial Watch, Inc.'s registered trademarks; (1) JUDICIAL WATCH and/or (2) "BECAUSE NO ONE IS ABOVE THE LAW" in violation of the Lanham Act? (See Counterclaim No. 3 on page 28.)

X YES _____ NO

a. If yes, please designate which trademarks (one or both) were infringed.

Both

b. What, if any, compensatory damages do you award to Counterplaintiff Judicial Watch, Inc.?

Answer: \$ 750,000.-

4. Has Counterplaintiff Judicial Watch, Inc. proved by a preponderance of the evidence its claim that Counterdefendant Larry Klayman engaged in unfair competition by direct mail, email and advertisements including the website supporting the Saving Judicial Watch effort in violation of the Lanham Act by a false and/or misleading affiliation, connection or association between Saving Judicial Watch and Judicial Watch? (See Counterclaim No. 4 on page 29.)

X YES _____ NO

5. Has Counterplaintiff Judicial Watch, Inc. proved by a preponderance of the evidence its claim that Counterdefendant Larry Klayman engaged in unfair competition by direct mail, email and advertisements including the website supporting the Saving Judicial Watch effort in violation of the Lanham Act by using false and/or misleading statements? (See Counterclaim No. 5 on page 29.)

X YES _____ NO

a. If yes to either or both of questions no. 4 and 5, what, if any, compensatory damages do you award to Counterplaintiff Judicial Watch, Inc.?

Answer: \$1,000,000. —

6. Has Counterplaintiff Judicial Watch, Inc. proved by a preponderance of the evidence its claim that Counterdefendant Larry Klayman breached the Confidential Severance Agreement by publishing statements that were disparaging to Judicial Watch, Inc.? (See Counterclaim No. 6 on page 29.)

X YES _____ NO

a. If yes, designate the type of breach:

_____ Material X Simple

b. If yes, what, if any, compensatory damages do you award to Counterplaintiff Judicial Watch, Inc.?

Answer: \$250,000. —

7. Has Counterplaintiff Judicial Watch, Inc. proved by a preponderance of the evidence its claim that Counterdefendant Larry Klayman breached the Confidential Severance Agreement by using information regarding Judicial Watch, Inc.'s donor or client lists or donor or client data?

(See Counterclaim No. 8 on page 29.)

X YES _____ NO

a. If yes, designate the type of breach:

_____ Material X Simple

b. If yes, what, if any, compensatory damages do you award to Counterplaintiff Judicial Watch, Inc.?

Answer: \$75,000.-

Counterplaintiff Thomas Fitton:

8. Has Counterplaintiff Thomas Fitton proved by a preponderance of the evidence his claim that Counterplaintiff Larry Klayman breached the Confidential Severance Agreement by publishing statements that were disparaging to Mr. Fitton? (See Counterclaim No. 7 on page 29.)

X YES _____ NO

a. If yes, designate the type of breach:

_____ Material X Simple

b. If yes, what, if any, compensatory damages do you award to Counterplaintiff Thomas Fitton?

Answer: \$500,000.00

3/14/18
DATE

JUROR FOREPERSON

EXHIBIT 3

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:19-cv-20544-JEM**

Klayman v. Fitton
Assigned to: Judge Jose E. Martinez
Referred to: Magistrate Judge Alicia M. Otazo-Reyes
Cause: 28:1332 Diversity-Libel, Assault, Slander

Date Filed: 02/11/2019
Date Terminated: 10/31/2019
Jury Demand: Plaintiff
Nature of Suit: 320 Assault Libel & Slander
Jurisdiction: Diversity

Plaintiff

Larry Klayman
Individually

represented by **Larry Elliot Klayman**
Klayman Law Firm
7050 W. Palmetto Park Rd, #15-287
Boca raton, FL 33433
3105950800
Email: leklayman@gmail.com
ATTORNEY TO BE NOTICED

V.

Defendant

Thomas J. Fitton
Individually

represented by **Kathleen Marie Merwin**
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Fax: 561-683-8977
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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703-822-5001
Email: rdriscoll@driscollseltzer.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/11/2019	<u>1</u>	COMPLAINT against All Defendants. Filing fees \$ 400.00 receipt number 113C-11384137, filed by Larry Klayman. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summon(s))(Klayman, Larry) (Entered: 02/11/2019)
02/11/2019	2	Clerks Notice of Judge Assignment to Judge Jose E. Martinez.

		<p>Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Alicia M. Otazo-Reyes is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent.</p> <p>Pro se (NON-PRISONER) litigants may receive Notices of Electronic Filings (NEFS) via email after filing a Consent by Pro Se Litigant (NON-PRISONER) to Receive Notices of Electronic Filing. The consent form is available under the forms section of our website. (drz) (Entered: 02/11/2019)</p>
02/11/2019	3	Summons Issued as to Thomas J. Fitton. (drz) (Entered: 02/11/2019)
02/13/2019	4	Order Requiring Joint Scheduling Report. Signed by Judge Jose E. Martinez on 2/13/2019. <i>See attached document for full details.</i> (dq) (Entered: 02/13/2019)
02/25/2019	5	ORDER OF REFERENCE to Magistrate Judge for all pretrial proceedings. Signed by Judge Jose E. Martinez on 2/25/2019. <i>See attached document for full details.</i> (drz) (Entered: 02/26/2019)
03/04/2019	6	Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint by Thomas J. Fitton. Attorney Kathleen Marie Merwin added to party Thomas J. Fitton(pty:dft). Responses due by 3/18/2019 (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit)(Merwin, Kathleen) (Entered: 03/04/2019)
03/04/2019	7	NOTICE of Attorney Appearance by Kathleen Marie Merwin on behalf of Thomas J. Fitton (Merwin, Kathleen) (Entered: 03/04/2019)
03/18/2019	8	RESPONSE in Opposition re 6 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint filed by Larry Klayman. Replies due by 3/25/2019. (Attachments: # 1 Affidavit with Exhibits)(Klayman, Larry) (Entered: 03/18/2019)
03/25/2019	9	REPLY to Response to Motion re 6 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint filed by Thomas J. Fitton. (Attachments: # 1 Exhibit, # 2 Exhibit) (Merwin, Kathleen) (Entered: 03/25/2019)
03/26/2019	10	Corrected REPLY to 8 Response in Opposition to Motion by Thomas J. Fitton. (Attachments: # 1 Exhibit Memorandum Opinion and Order, # 2 Exhibit Order)(Merwin, Kathleen) (Entered: 03/26/2019)
04/03/2019	11	PAPERLESS ORDER Setting Hearing on 6 Defendant's MOTION to Dismiss for 4/16/2019 at 1:00 PM in Miami Division before Magistrate Judge Alicia M. Otazo-Reyes. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 4/3/2019. (kmh) (Entered: 04/03/2019)
04/04/2019	12	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Richard W. Driscoll. Filing Fee \$ 75.00 Receipt # 113C-11531126 by Thomas J. Fitton. Responses due by 4/18/2019 (Attachments: # 1 Text of Proposed Order Proposed Order Granting Motion)(Merwin, Kathleen) (Entered: 04/04/2019)
04/04/2019	13	PAPERLESS ORDER granting 12 Motion to Appear Pro Hac Vice for Attorney Richard W. Driscoll. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 4/4/2019. (kmh) (Entered: 04/04/2019)
04/04/2019	14	Defendant's MOTION to Continue <i>Hearing Set for April 16, 2019</i> by Thomas J. Fitton. Responses due by 4/18/2019 (Merwin, Kathleen) (Entered: 04/04/2019)
04/04/2019	15	RESPONSE in Opposition re 14 Defendant's MOTION to Continue <i>Hearing Set for April 16, 2019</i> filed by Larry Klayman. Replies due by 4/11/2019. (Attachments: # 1 Exhibit)

04/05/2019	16	PAPERLESS ORDER Resetting Hearing on 6 Defendant's MOTION to Dismiss. The Hearing set for 4/16/2019 at 1:00 PM is hereby RESET to 4/30/2019 at 10:00 AM in Miami Division before Magistrate Judge Alicia M. Otazo-Reyes. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 4/5/2019. (kmh) (Entered: 04/05/2019)
04/08/2019	17	REQUEST TO RESCHEDULE ORAL ARGUMENT by Larry Klayman re 16 Order Setting Hearing on Motion, (Klayman, Larry) Modified Event Type on 4/8/2019 (ra). (Entered: 04/08/2019)
04/08/2019	18	PAPERLESS ORDER denying without prejudice 17 REQUEST TO RESCHEDULE ORAL ARGUMENT for failure to file a certificate of conferral with opposing counsel as required by Local Rule 7.1(a)(3). Signed by Magistrate Judge Alicia M. Otazo-Reyes on 4/8/2019. (kmh) (Entered: 04/08/2019)
04/08/2019	19	RESPONSE to 18 Order on Motion to Continue, by Larry Klayman. (Klayman, Larry) (Entered: 04/08/2019)
04/12/2019	20	NOTICE by Larry Klayman of Counsels' Availability for Hearing on Defendant's Motion to Dismiss for Lack of Personal Jurisdiction (Klayman, Larry) (Entered: 04/12/2019)
04/12/2019	21	PAPERLESS ORDER Setting Telephonic Status Conference for 4/22/2019 at 1:00 PM in Miami Division before Magistrate Judge Alicia M. Otazo-Reyes to discuss resetting the hearing on 6 Defendant's MOTION to Dismiss. Counsel shall call the conference number 1-888-684-8852 at the appointed time, then enter access code 4791317 and security code 0422. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 4/12/2019. (kmh) (Entered: 04/12/2019)
04/22/2019	22	PAPERLESS Minute Entry for proceedings held before Magistrate Judge Alicia M. Otazo-Reyes: Telephonic Status Conference held on 4/22/2019 as to 6 Defendant's MOTION to Dismiss for Lack of Jurisdiction Re: 1 Complaint : Motion Hearing reset for 5/21/2019 at 10:00 AM in Miami Division before Magistrate Judge Alicia M. Otazo-Reyes. Total time in court: 7 minutes. Attorney Appearance(s): Plaintiff Larry Elliot Klayman appeared pro se; Kathleen Marie Merwin and Richard W. Driscoll appeared on behalf of the Defendant. (Digital 13:03:59) (sl) (Entered: 04/22/2019)
05/21/2019	23	PAPERLESS Minute Entry for proceedings held before Magistrate Judge Alicia M. Otazo-Reyes: Motion Hearing held on 5/21/2019 re 6 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint filed by Thomas J. Fitton. Attorney Appearance(s): Kathleen Marie Merwin, Richard W. Driscoll, Larry Elliot Klayman, (Digital 9-55-17) (ch1) (Entered: 05/21/2019)
05/21/2019	24	ORDER re 6 Defendant's MOTION to Dismiss. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 5/21/2019. <i>See attached document for full details.</i> (kmh) (Entered: 05/21/2019)
06/03/2019	25	Defendant's MOTION for Protective Order and Expedited Motion to Stay Depositions by Thomas J. Fitton. (Attachments: # 1 Text of Proposed Order)(Merwin, Kathleen) (Entered: 06/03/2019)
06/03/2019	26	MEMORANDUM in Support re 25 Defendant's MOTION for Protective Order and Expedited Motion to Stay Depositions by Thomas J. Fitton. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit)(Merwin, Kathleen) (Entered: 06/03/2019)
06/03/2019	27	PAPERLESS ORDER requiring a response to 25 Defendant's MOTION for Protective Order. Plaintiff's response due by the close of business on 6/4/2019. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 6/3/2019. (kmh) (Entered: 06/03/2019)

06/04/2019	28	RESPONSE in Opposition re 25 Defendant's MOTION for Protective Order <i>and Expedited Motion to Stay Depositions</i> filed by Larry Klayman. Replies due by 6/11/2019. (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Exhibit 2, # 3 Exhibit Exhibit 3, # 4 Exhibit Exhibit 4)(Klayman, Larry) (Entered: 06/04/2019)
06/04/2019	29	PAPERLESS ORDER denying 25 Defendant's MOTION for Protective Order. The Court will not impose any additional restrictions on the deposition of Defendant Thomas Fitton beyond those set forth in 24 ORDER. The Court cautions the parties to cooperate in good faith on the scheduling of Mr. Fitton's deposition by the previously imposed 6/21/2019 deadline. Failure to do so will result in the imposition of sanctions on the non-cooperating party. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 6/4/2019. (kmh) (Entered: 06/04/2019)
06/11/2019	30	Defendant's MOTION for Sanctions <i>Pursuant to Fed. Rule. Civ. P. 11</i> by Thomas J. Fitton. (Merwin, Kathleen) (Entered: 06/11/2019)
06/13/2019	31	MOTION for Sanctions <i>Pursuant to Fed. R. Civ. P. 11, 28 U.S.C. § 1927 and this Court's Inherent Authority</i> by Larry Klayman. (Attachments: # 1 Exhibit Amended Counterclaim, # 2 Exhibit Transcript of Deposition)(Klayman, Larry) (Entered: 06/13/2019)
06/13/2019	32	MOTION to Compel <i>Responses to Deposition Questions</i> by Larry Klayman. Responses due by 6/27/2019 (Attachments: # 1 Exhibit Deposition Transcript)(Klayman, Larry) (Entered: 06/13/2019)
06/17/2019	33	RESPONSE in Opposition re 6 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint <i>SUPPLEMENTAL OPPOSITION PURSUANT TO COURT'S ORDER</i> filed by Larry Klayman. Replies due by 6/24/2019. (Attachments: # 1 Deposition Transcript, # 2 Affidavit of Larry Klayman, # 3 Supplemental Affidavit of Larry Klayman)(Klayman, Larry) (Entered: 06/17/2019)
06/18/2019	34	NOTICE by Larry Klayman of <i>Addendum to Plaintiff's Supplement to His Opposition to Defendant Fitton's Motion to Dismiss with Attached Deposition Transcript Exhibits</i> re 33 Response (Attachments: # 1 Deposition Transcript with Exhibits) (Klayman, Larry) Modified on 6/18/2019 (kpe). (Entered: 06/18/2019)
06/19/2019	35	NOTICE by Larry Klayman of <i>Second Addendum to Plaintiff's Supplement to His Opposition to Defendant Fitton's Motion to Dismiss with Attached Deposition Transcript Exhibits</i> (Klayman, Larry) (Entered: 06/19/2019)
06/21/2019	36	TRANSCRIPT of motion hearing held on 5-21-2019 before Magistrate Judge Alicia M. Otazo-Reyes, 1-24 pages, Court Reporter: Dawn Savino (Whitmarsh), 305-523-5598 / Dawn_Savino@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/12/2019. Redacted Transcript Deadline set for 7/22/2019. Release of Transcript Restriction set for 9/19/2019. (dwh) (Entered: 06/21/2019)
06/21/2019	37	NOTICE by Larry Klayman <i>Amended Civil Cover Sheet Per Order of the Court</i> (Klayman, Larry) (Entered: 06/21/2019)
06/24/2019	38	REPLY to Response to Motion re 6 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint <i>Reply to Supplemental Filings D.E. 33-35</i> filed by Thomas J. Fitton. (Merwin, Kathleen) (Entered: 06/24/2019)
06/25/2019	39	RESPONSE in Opposition re 30 Defendant's MOTION for Sanctions <i>Pursuant to Fed. Rule. Civ. P. 11 and Request for an Award of Attorneys' Fees and Costs</i> filed by Larry Klayman. Replies due by 7/2/2019. (Attachments: # 1 Exhibit Driscoll Letter 2012, # 2 Exhibit Jury Instructions, # 3 Exhibit Eleventh Circuit Ruling, # 4 Exhibit Florida Driver's

		License, # 5 Exhibit Florida Weapons Permit, # 6 Exhibit Transcript of May 21, 2019 Hearing, # 7 Exhibit Iran Complaint, # 8 Exhibit Vonage Visual Voicemail, # 9 Exhibit Vonage Visual Voicemail)(Klayman, Larry) (Entered: 06/25/2019)
06/27/2019	40	RESPONSE in Opposition re 32 MOTION to Compel <i>Responses to Deposition Questions</i> filed by Thomas J. Fitton. Replies due by 7/8/2019. (Merwin, Kathleen) (Entered: 06/27/2019)
06/27/2019	41	RESPONSE in Opposition re 31 MOTION for Sanctions <i>Pursuant to Fed. R. Civ. P. 11, 28 U.S.C. § 1927 and this Court's Inherent Authority</i> filed by Thomas J. Fitton. Replies due by 7/8/2019. (Merwin, Kathleen) (Entered: 06/27/2019)
06/27/2019	42	NOTICE by Larry Klayman re 38 Reply to Response to Motion (Klayman, Larry) (Entered: 06/27/2019)
07/02/2019	43	REPLY to Response to Motion re 32 MOTION to Compel <i>Responses to Deposition Questions</i> filed by Larry Klayman. (Klayman, Larry) (Entered: 07/02/2019)
07/02/2019	44	NOTICE by Thomas J. Fitton <i>Motion to Strike Plaintiff's De Facto Sur-Reply</i> (Merwin, Kathleen) (Entered: 07/02/2019)
07/02/2019	45	MEMORANDUM in Support of <i>Defendant's Motion for Sanctions</i> by Thomas J. Fitton. (Merwin, Kathleen) (Entered: 07/02/2019)
07/04/2019	46	REPLY to Response to Motion re 31 MOTION for Sanctions <i>Pursuant to Fed. R. Civ. P. 11, 28 U.S.C. § 1927 and this Court's Inherent Authority</i> filed by Larry Klayman. (Attachments: # 1 Exhibit Severance Agreement, # 2 Exhibit Draft Jury Instructions, # 3 Exhibit Court Record re Jury Instructions)(Klayman, Larry) (Entered: 07/04/2019)
07/04/2019	47	NOTICE by Larry Klayman re 44 Notice (Other) <i>in Opposition to Defendant's Motion to Strike</i> (Klayman, Larry) (Entered: 07/04/2019)
07/11/2019	48	ORDER denying 32 MOTION to Compel. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 7/11/2019. <i>See attached document for full details.</i> (kmh) (Entered: 07/11/2019)
07/11/2019	49	ORDER denying 44 Motion to Strike. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 7/11/2019. <i>See attached document for full details.</i> (kmh) (Entered: 07/11/2019)
07/11/2019	50	REPORT AND RECOMMENDATION re 6 Defendant's MOTION to Dismiss. Objections to R&R due by 7/25/2019. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 7/11/2019. <i>See attached document for full details.</i> (kmh) (Entered: 07/11/2019)
07/22/2019	51	MOTION for Reconsideration re 50 REPORT AND RECOMMENDATIONS re 6 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint filed by Thomas J. Fitton by Larry Klayman. (Klayman, Larry) (Entered: 07/22/2019)
08/05/2019	52	RESPONSE in Opposition re 51 MOTION for Reconsideration re 50 REPORT AND RECOMMENDATIONS re 6 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint filed by Thomas J. Fitton filed by Thomas J. Fitton. Replies due by 8/12/2019. (Attachments: # 1 Exhibit)(Merwin, Kathleen) (Entered: 08/05/2019)
08/06/2019	53	REPLY to Response to Motion re 51 MOTION for Reconsideration re 50 REPORT AND RECOMMENDATIONS re 6 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint filed by Thomas J. Fitton filed by Larry Klayman. (Klayman, Larry) (Entered: 08/06/2019)
08/12/2019	54	ORDER denying 51 MOTION for Reconsideration. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 8/12/2019. <i>See attached document for full details.</i> (kmh) (Entered: 08/12/2019)

08/20/2019	55	OBJECTIONS to 50 Report and Recommendations by Larry Klayman. (Attachments: # 1 Exhibit Plaintiff's Opp to MTD, # 2 Exhibit Plaintiff's Supp Opp to MTD, # 3 Exhibit Plaintiff's M for Reconsideration, # 4 Exhibit Plaintiff's Reply)(Klayman, Larry) (Entered: 08/20/2019)
08/30/2019	56	Unopposed MOTION for Extension of Time to Respond to Plaintiff's Objections to Report and Recommendations by Thomas J. Fitton. Responses due by 9/13/2019 (Merwin, Kathleen) (Entered: 08/30/2019)
08/30/2019	57	PAPERLESS ORDER granting 56 Defendant's Unopposed Motion for Extension of Time. Defendant shall file a response to Plaintiff's objections on or before September 9, 2019. All other deadlines shall remain unaffected. Signed by Judge Jose E. Martinez on 8/30/2019. (kml) (Entered: 08/30/2019)
09/09/2019	58	Defendant's RESPONSE to 55 Objections to Report and Recommendations, by Thomas J. Fitton. (Merwin, Kathleen) (Entered: 09/09/2019)
10/31/2019	59	ORDER Adopting 50 Report and Recommendations. Closing Case. Motions Terminated: 30 Defendant's MOTION for Sanctions <i>Pursuant to Fed. Rule. Civ. P. 11</i> filed by Thomas J. Fitton, 31 MOTION for Sanctions <i>Pursuant to Fed. R. Civ. P. 11</i> , 28 U.S.C. § 1927 and <i>this Court's Inherent Authority</i> filed by Larry Klayman, 6 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint filed by Thomas J. Fitton, 50 REPORT AND RECOMMENDATIONS re 6 Defendant's MOTION to Dismiss for Lack of Jurisdiction 1 Complaint filed by Thomas J. Fitton. Signed by Judge Jose E. Martinez on 10/31/2019. <i>See attached document for full details.</i> (ra) (Entered: 10/31/2019)

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