UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

)
MONTGOMERY BLAIR SIBLEY,)
Plaintiff,)
v.) Civil Action No. 12-cv-01984
YVETTE ALEXANDER, et al.,)
Defendants.)
)

REPLY IN SUPPORT OF THE UNITED STATES' MOTION TO STAY DISCOVERY¹

The Government is primarily content to rest on its prior filings and addresses only a few issues here.

First, the grounds for staying all discovery in this action until the Court can address its jurisdiction are manifold and obvious. U.S. Mot. to Stay or Quash [Dkt. #14] at 7-9. Plaintiff largely ignores these contentions.

Second, Plaintiff fails to address, and therefore concedes, the Government's argument that Plaintiff could not validly serve subpoenas issued from the Superior Court on federal entities and officials. *See Houston Bus. Journal, Inc. v. Office of Comptroller of Currency*, 86 F.3d 1208, 1212-13 (D.C. Cir. 1996); U.S. Mot. to Stay or Quash [Dkt. #14] at 11-12. Moreover, Plaintiff does not validly contend that he has either complied with applicable *Touhy* regulations, or that those regulations somehow should be disregarded.

¹ This filing is the United States' reply in support of its motion to stay discovery, or, in the alternative, to quash various subpoenas purportedly issued by Plaintiff. *See* U.S. Mot. to Stay or Quash [Dkt. #14].

Third, Plaintiff's lawsuit is frivolous and moot. The former is self-evident, as has been repeatedly demonstrated in this forum and many others. As to the latter, not only have the defendant electors voted, but Congress has counted and certified the votes and declared President Obama the victor. *See* 159 Cong. Rec. H49-04 (daily ed. Jan. 4, 2012); *cf.* Pl.'s Mot. for Leave to Amend [Dkt. #8] (seeking to amend complaint to add Vice President Biden as a defendant and seeking an order enjoining certification of the electoral college votes).

Dated: January 7, 2013. Respectfully submitted,

STUART F. DELERY Principal Deputy Assistant Attorney General

RONALD C. MACHEN, JR. United States Attorney

ARTHUR R. GOLDBERG Assistant Branch Director

/s/

BRIGHAM J. BOWEN (D.C. Bar No. 981555) SCOTT RISNER (MI Bar No. P70762) Civil Division, U.S. Department of Justice Federal Programs Branch P.O. Box 883, 20 Massachusetts Ave., N.W. Washington, D.C. 20044

Ph. (202) 514-6289 Fax (202) 616-8470

E-mail: brigham.bowen@usdoj.gov

Counsel for Movants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of January, 2013, I caused a true and correct copy of the foregoing memorandum to be served upon Plaintiff by first class United States mail, postage prepaid marked for delivery to:

Montgomery Blair Sibley 4000 Massachusetts Ave. NW #1518 Washington, DC 20016

> /s/ Brigham Bowen