

**IN UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 15-cv-20782-Martinez-Goodman

DENNIS MONTGOMERY,

Plaintiff,

v.

RISEN, ET AL.

Defendants.

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**MOTION FOR LEAVE TO FILE SURREPLY AND OTHER RELATED MATTERS**

Pursuant to S.D. Fla. L.R. 7.1(c) and the Court's inherent power, Plaintiff Dennis Montgomery, through undersigned counsel, hereby moves for leave to file a surreply within five (5) days, or until September 8, 2015, responding to misstatements of law and fact filed by Defendants in their Reply to Plaintiff's Opposition to Defendants' Motion to Modify Scheduling Order and Request for Hearing for August 17 or August 18.

On August 31, 2015, Defendants filed a reply with regard to their Motion to Modify Scheduling Order and Request for Hearing for August 17 or August 18. This reply includes several misleading and sometimes outright false statements with regard to Plaintiff's compliance with discovery requests and the status of discovery generally.

These misleading and false statements are regrettably a part of the pattern which dates back to Defendants' motion to dismiss where Defendants' lead counsel, Laura Handman, swore under oath in an affidavit that Plaintiff had not registered to vote in Florida. This pattern also manifested itself in the discovery hearing held by Magistrate Judge Jonathan Goodman on

August 21, 2015. At this hearing, Plaintiff's counsel pointed out other misrepresentations by Ms. Handman, pro hac vice counsel, to Magistrate Judge Goodman.

Today, in an attempt to prejudice Magistrate Goodman further, Defendants sent to Magistrate Judge Goodman notices of depositions which are still under discussion as to dates and times particularly with regard to whether or not Defendants' counsel can appear for depositions on Rosh Hashanah. Defendants' counsel respects this Jewish holiday, and is of Jewish origin himself, so he suggested that those dates could be modified by agreement.

In sum, Plaintiff requests five days to file a surreply in response to Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Modify Scheduling Order and Request for Hearing for August 17 or August 18.

Plaintiff sought consent for this motion. Defendants do not consent to the filing of this motion.

WHEREFORE, for the forgoing reasons, Plaintiff respectfully requests that this Court grant leave for Plaintiff to file a surreply within five days, or until September 8, 2015, in response to Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Modify Scheduling Order and Request for Hearing for August 17 or August 18.

Dated: September 1, 2015

Respectfully Submitted,

/s/ Larry Klayman  
Larry Klayman, Esq.  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 1<sup>st</sup> day of September, 2015, a true and correct copy of the foregoing was served via email and U.S. Mail upon the following:

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