

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 15-cv-20782-MARTINEZ/GOODMAN

DENNIS L. MONTGOMERY,

Plaintiff,

v.

JAMES RISEN, HOUGHTON MIFFLIN
HARCOURT PUBLISHING CO.,
HOUGHTON MIFFLIN HARCOURT CO.,
and HMH HOLDINGS, INC.,

Defendants.

**NOTICE OF SUPPLEMENTAL AUTHORITY AND WITHDRAWAL OF
DEFENDANTS' ANTI-SLAPP MOTION**

Defendants James Risen (“Risen”), Houghton Mifflin Harcourt Publishing Company (“HMH”), and Houghton Mifflin Harcourt Company (“HMHC”), improperly sued as HMH Holdings, Inc., (collectively “Defendants”), through undersigned counsel, respectfully submit this Notice of Supplemental Authority and Withdrawal of Defendants’ Anti-SLAPP Motion.

On May 15, 2015, Defendants filed their Renewed Special Motion to Dismiss the Complaint Under the Applicable Anti-SLAPP Statute (“Renewed Special Motion to Dismiss”). (ECF No. 53.) In Defendants’ Renewed Special Motion to Dismiss, Defendants argued that under Florida’s choice-of-law rules, the substantive law – including the anti-SLAPP statute – of D.C. has the most significant relationship with this lawsuit, followed by the substantive law of Washington, California, or Nevada. On May 28, 2015, the Washington Supreme Court held in *Davis v. Cox* that the Washington anti-SLAPP statute is unconstitutional under the Washington

constitution. *See* No. 90233-0 (Wash. May 28, 2015) (en banc). A true and correct copy of the decision is attached hereto as Exhibit 1. In light of the *Davis* decision, Defendants withdraw their Renewed Special Motion to Dismiss. (ECF No. 53.)

Dated: June 1, 2015

Respectfully submitted,

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Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that on June 1, 2015, I filed this document with the Clerk of Court using CM/ECF, which will serve this document on all counsel of record.

s/Sanford L. Bohrer