

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

CASE NO.: 15-cv-20782-Martinez

DENNIS MONTGOMERY,

Plaintiff,

v.

RISEN, ET AL.

Defendants.

EMERGENCY PLAINTIFF'S MOTION FOR STATUS CONFERENCE

Plaintiff Dennis Montgomery, by and through undersigned counsel, on an emergency basis, hereby moves this Court for a status conference as grounds therefor would show:

This lawsuit is primarily about the defamatory statements made by Defendants in the book "Pay Any Price" by Defendant James Risen. Plaintiff Dennis Montgomery is not in good health. Plaintiff underwent surgery for a brain aneurism May 16, 2014 that was unfortunately complicated by multi-infarct strokes. *See* Exhibit 1. Plaintiff Montgomery is still under the case of medical professionals. *Id.* However, Plaintiff's health is not improving. Plaintiff wishes to avoid the scenario wherein an unexpected health complication would take his life before the time of trial, or render him unable to testify at the trial.

Plaintiff moves for a status conference so that the parties may discuss methods of expediting this lawsuit at the earliest practicable date to ensure that crucial information in the form of Plaintiff's testimony is not lost as a result of his failing health. This Court, the U.S. District Court for the Southern District of Florida, has, as routine matter, three separate tracks for case management. *See* Local Rule 16.1(a)(2). Under these rules, any non-complex cases

requiring 1-3 days of trial are set on the expedited case management schedule. Here, the matter is related primarily to defamatory statements and thus Plaintiff anticipates no more than 5 days of trial. Given the health concerns of Plaintiff Montgomery, Plaintiff respectfully requests that this case proceed to trial on an expedited basis. Plaintiff wishes to discuss this and other matters with the Court and the Defendants' counsel at the outset of this case as time is of the essence given Mr. Montgomery's health.

Plaintiff's counsel will be in the district during the 13th and 14th of April, 2015 and respectfully requests a status conference during those days.

Defendants' answer to Plaintiff's complaint is currently due on April 9, 2015. Plaintiff sought consent for this motion. Defendants counsel opposes this motion.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests that this Court set a status conference for April 13 or 14, 2015, if practicable.

Dated: March 24, 2015

Respectfully submitted,

/s/ Larry Klayman
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 2015, a true and correct copy of the foregoing Motion for Order to Show Cause (Case No. 15-cv-20782) was filed via CM/ECF and served upon the following:

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