The United State Supreme Court

Petition for Writ of Certiorari

Case – Richard R. Lawless Vs. Judges Bosier, Puig-Lugo and Epstein

Appendix

1. Washington DC Appellate Court Denial of Appeal Request – Pleading
2. Small Claims Court Decision – Application of Anti-SLAPP
3. Denial to Review Small Claims Case
4. Civil Court Denial and application of Small Claims Courts – Anti-SLAPP ruling

Small Claims Case
Denied on Anti-Slapp Grounds

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION
Small Claims and Conciliation Branch

RICHARD LAWLESS, **Plaintiff,** **v.** **KAT MULDER,** **Defendant.**	**Case No. 2021 SC3 000441** **Magistrate Judge Tanya M. Jones Bosier** **Remote Courtroom B-119**
	CONSOLIDATED WITH
RICHARD LAWLESS, **Plaintiff,** **v.** **CAMERON BARR,** **Defendant.**	**Case No. 2021 SC3 000462** **Magistrate Judge Tanya M. Jones Bosier** **Remote Courtroom B-119**
	CONSOLIDATED WITH

RICHARD LAWLESS, **Plaintiff,** **v.** **DAVID FALLIS,** **Defendant.**	**Case No. 2021 SC3 000483** **Magistrate Judge Tanya M. Jones Bosier** **Remote Courtroom B-119**
	CONSOLIDATED WITH
RICHARD LAWLESS, **Plaintiff,** **v.** **DAVID BURNS,** **Defendant.**	**Case No. 2021 SC3 000484** **Magistrate Judge Tanya M. Jones Bosier** **Remote Courtroom B-119**
RICHARD LAWLESS, **Plaintiff,** **v.** **JEFF LEEN,** **Defendant.**	**Case No. 2021 SC3 000485** **Magistrate Judge Tanya M. Jones Bosier** **Remote Courtroom B-119**
	CONSOLIDATED WITH

RICHARD LAWLESS, **Plaintiff,** **v.** **PHOEBE CONNELLY,** **Defendant.**	**Case No. 2021 SC3 000561** **Magistrate Judge Tanya M. Jones Bosier** **Remote Courtroom B-119**
	CONSOLIDATED WITH
RICHARD LAWLESS, **Plaintiff,** **v.** **MICAH GELMAN,** **Defendant.**	**Case No. 2021 SC3 000655** **Magistrate Judge Tanya M. Jones Bosier** **Remote Courtroom B-119**

ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO DISMISS

The parties in this case appeared remotely on September 20, 2021 for a Continued Initial Hearing and Motions Hearing on the defendant's motion to consolidate, to dismiss, and to enjoin future actions filed on September 1, 2021. As the plaintiff consented to the defendant's motion to consolidate, the Court granted the defendant's motion and consolidated this matter with the following cases: 2021 SC3 000462, 2021 SC3 000483, 2021 SC3 000484, 2021 SC3 000485, 2021 SC3 000561, and 2021 SC3 000655. The Court, after hearing arguments and representations from both parties, granted the defendant's motion to dismiss and dismissed with prejudice the following cases: 2021 SC3 000441, 2021 SC3 000462, 2021 SC3 000483, 2021

SC3 000484, 2021 SC3 000485, 2021 SC3 000561, and 2021 SC3 000655. The Court forwarded the defendant's motion to enjoin future actions to Associate Judge Anthony Epstein.

Accordingly, it is on September 23, 2021, hereby:

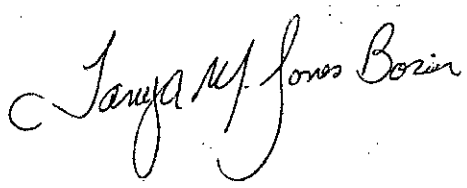
ORDERED that Defendant's motion to consolidate is **GRANTED**. The following matters shall appear as consolidated matters in the Small Claims and Conciliation Branch: **2021 SC3 000441, 2021 SC3 000462, 2021 SC3 000483, 2021 SC3 000484, 2021 SC3 000485, 2021 SC3 000561, and 2021 SC3 000655** in its record and on all pleadings filed by the parties; and it is further

ORDERED that Defendant's motion to dismiss is **GRANTED**; and it is further

ORDERED that Case Numbers **2021 SC3 000441, 2021 SC3 000462, 2021 SC3 000483, 2021 SC3 000484, 2021 SC3 000485, 2021 SC3 000561, and 2021 SC3 000655** are **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that Defendant's motion to enjoin future actions shall be forwarded to Associate Judge Anthony Epstein.

SO ORDERED.



Magistrate Judge Tanya M. Jones Bosier
(Signed in Chambers)

Review Judge - Denial of Review
Judge Epstein

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

RICHARD R. LAWLESS v. KAT DOWNS MULDER	: : : : :	Case No. 2021 SC3 000441

RICHARD R. LAWLESS v. CAMERON BARR	: : : : :	Case No. 2021 SC3 000462

RICHARD R. LAWLESS v. DAVID FALLIS	: : : : :	Case No. 2021 SC3 000483

RICHARD R. LAWLESS v. DAVID BURNS	: : : : :	Case No. 2021 SC3 000484

RICHARD R. LAWLESS v. JEFF LEEN	: : : : :	Case No. 2021 SC3 000485

RICHARD R. LAWLESS v. PHOEBE CONNELLY	: : : : :	Case No. 2021 SC3 000561

RICHARD R. LAWLESS	:	
	:	
v.	:	Case No. 2021 SC3 000655
	:	
MICAH GELMAN	:	

ORDER

The Court (1) denies plaintiff Richard R. Lawless' motion for review and (2) grants defendants' request that Mr. Lawless obtain leave of court before filing any more complaints or statements of claim.

I. BACKGROUND

Over the course of about four weeks in May and June of this year, Mr. Lawless filed seven cases against individual reporters or editors with the Washington Post.[1] In each case, Mr. Lawless complains about the way that the Post covered the Puerto Rico bankruptcy, in which he lost money. The statement of claims in each case is identical, and each attaches an identical document stating that the defendant "works in a trusted position as a newspaper Editor or Journalist," got information from Mr. Lawless and others about a "massive criminal operation" involving securities fraud, did not report this information in the newspaper or to the government, and misled readers to believe that they had no legal recourse for their losses.

On September 1, defendants filed a motion to (a) consolidate the seven cases, (b) dismiss them under both Rule 12(b)(6) and the District of Columbia Anti-Strategic Lawsuits Against Public Participation Act ("D.C. Anti-SLAPP Act"), and (c) enjoin future actions against the Post and its employees. Mr. Lawless made multiple filings in response.

[1] According to defendants, the Post was served with three statements of claim against three more employees, but according to the Court's case management system, Mr. Lawless has not filed them – at least not yet.

On September 20, 2020 after hearing argument from the parties, the trial court consolidated these cases, granted defendants' motion to dismiss with prejudice, and referred to the presiding judge of the Civil Division defendants' request that Mr. Lawless obtain judicial approval before he can file any new case against the Post or its reporters, editors, and employees. On September 23, the trial court issued a written order to this effect.

Mr. Lawless filed a motion for review on September 27 objecting to dismissal of his claims.

II. MOTION FOR REVIEW

A. Standard of Review

D.C. Code §11-1732(k) provides for review of a magistrate judge's order or judgment by an associate judge in the Civil Division. The statute provides, "The reviewing judge shall conduct such proceedings as required by the rules of the Superior Court."

Rule 73(b)(3) establishes the standard of review: "The Superior Court judge reviewing a magistrate judge's final order or judgment must apply the same standard of review used by the District of Columbia Court of Appeals when reviewing a judgment or order of the Superior Court." Under this standard, the Court reviews that the magistrate judge's decision "for errors of law, abuse of discretion, or clear lack of evidentiary support." *In re C.L.O.*, 41 A.3d 502, 510 (D.C. 2012). Review of legal conclusions and errors of law is *de novo*. *See Reed v. Rowe*, 195 A.3d 1199, 1204 (D.C. 2018); *In re Perry*, 151 A.3d 904, 907 (D.C. 2017).

"This court reviews *de novo* the trial court's dismissal of the complaint pursuant to Rule 12(b)(6)." *Chamberlain v. American Honda Finance Corp.*, 931 A.2d 1018, 1022 (D.C. 2007). Small Claims Rule 2 makes Civil Rule 12(b) applicable to small claims cases. A statement of claim in a small claims case should be dismissed under Rule 12(b)(6) if it does not satisfy the

requirement of Small Claims Rule 3(a)(2) that a statement of claim contain "a simple but complete statement of the plaintiff's claim" – a requirement comparable to the requirement in Civil Rule 8(a) that a pleading contain a "short and plain statement of the claim showing that the pleader is entitled to relief." "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Potomac Development Corp. v. District of Columbia*, 28 A.3d 531, 544 (D.C. 2011) (cleaned up); *see Doe v. Bernabei & Wachtel, PLLC*, 116 A.3d 1262, 1266 (D.C. 2015) ("To survive a motion to dismiss, a complaint must set forth sufficient facts to establish the elements of a legally cognizable claim.") (cleaned up). In evaluating the sufficiency of a complaint, the Court should "draw all inferences from the factual allegations of the complaint in the plaintiff's favor." *Carlyle Investment Management, LLC v. Ace American Insurance Co.*, 131 A.3d 886, 894 (D.C. 2016) (cleaned up).

Small Claims Rule 2 makes Civil Rule 9 applicable in small claims cases, and Rule 9(b) provides in relevant part, "In alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake." *See generally Pyles v. HSBC Bank U.S.A.*, 172 A.3d 903, 909-10 (D.C. 2017). "To allege fraud or mistake, a plaintiff must state with particularity the circumstances constituting fraud or mistake by providing the time, place, and contents of the false representations, the facts misrepresented, and what was obtained or given up as a consequence of the fraud." *Phone Recovery Services, LLC v. Verizon Washington, DC, Inc.*, 191 A.3d 309, 322 (D.C. 2018) (cleaned up). Fraud must be initially "alleged with particularity" and ultimately "proved by clear and convincing evidence." *Sarete, Inc. v. 1344 U St. Ltd. Partnership*, 871 A.2d 480, 483 (D.C. 2007).

"Where a complaint is filed against multiple defendants, then, Rule 9(b) requires that the identity and role of individual defendants alleged to have made false representations be specified in the complaint." *Phone Recovery Services*, 191 A.3d at 323 (cleaned up). "To meet the pleading requirements of an aiding and abetting charge sounding in fraud, plaintiffs must demonstrate and do so *with particularity*, that: (1) the party whom the defendant aided performed a wrongful act that caused injury; (2) the defendants were aware of their role contributing to the principal's fraud when they rendered their services; and (3) the defendants knowingly and substantially assisted the principal in his fraud." *Silverman v. Weil*, 662 F. Supp. 1195, 1200 (D.D.C. 1987) (emphasis in original, cleaned up). "[B]ecause 'fraud' encompasses a wide variety of activities, the requirements of Rule 9(b) guarantee all defendants sufficient information to allow for preparation of a response." *United States ex rel. Joseph v. Cannon*, 642 F.2d 1373, 1385 & n.104 (D.C. Cir. 1981); *see Busby v. Capital One, N.A.*, 932 F. Supp. 2d 114, 137, 141 (D.D.C. 2013) (explaining how application of Rule 9(b)'s heightened pleading standard to fraud claims involving joint or vicarious liability furthers the purpose of the standard).

"The D.C. Anti-SLAPP Act provides a party defending against a SLAPP with procedural tools to protect themselves from meritless litigation." *Saudi American Public Relations Affairs Committee v. Institute for Gulf Affairs*, 242 A.3d 602, 605 (D.C. 2020) (cleaned up). One such tool is a special motion to dismiss. In a special motion to dismiss, "the defendant must make a prima facie showing that the claim at issue arises from an act in furtherance of the right of advocacy on issues of public interest" within the meaning of D.C. Code § 16-5502(b). *Id.* (cleaned up). "Expressly excluded from this definition are 'private interests, such as statements directed primarily toward protecting the speaker's commercial interests rather than toward

commenting on or sharing information about a matter of public significance.'" *Close It! Title Services v. Nadel*, 248 A.3d 132, 142 (D.C. 2021) (quoting D.C. Code § 16-5501(3)).

"Once the defendant has made this prima facie showing, which is not onerous, the burden shifts to the plaintiff, who must demonstrate that their claim is likely to succeed on the merits." *Saudi American Public Relations Affairs Committee*, 242 A.3d at 606 (cleaned up). "[W]here the court grants a 12(b)(6) motion because no relief can be granted on a claim as a matter of law, the plaintiff cannot show a likelihood of success on the merits of that claim for the purposes of the anti-SLAPP" special motion to dismiss." *American Studies Association v. Bronner*, 2021 D.C. App. LEXIS 279, at *22 (Sep. 30, 2021). Even if the complaint states a claim upon which relief may be granted, "the statute requires more than mere reliance on allegations in the complaint, and mandates the production or proffer of evidence that supports the claim." *Competitive Enterprise Institute v. Mann*, 150 A.3d 1213, 1233 (D.C. 2016). "[I]n considering a special motion to dismiss, the court evaluates the likely success of the claim by asking whether a jury properly instructed on the applicable legal and constitutional standards could reasonably find that the claim is supported in light of the evidence that has been produced or proffered in connection with the motion." *Id.* at 1232. "If the plaintiff cannot carry their burden, the defendant's motion must be granted and the lawsuit dismissed with prejudice." *Saudi American Public Relations Affairs Committee*, 242 A.3d at 605 (citing D.C. Code § 16-5502(b)).

B. Discussion

Based on its review of the record (including listening to the relevant portions of the audio recording of the September 20 hearing), the Court denies the motion for review.

1. Rule 12(b)(6)

The trial court properly granted defendants' Rule 12(b)(6) motion because Mr. Lawless' complaint is meritless. Mr. Lawless does not allege any facts about any individual defendant – for example, the role of any individual defendant in the Post's reporting or any individual defendant's knowledge of the alleged fraudulent scheme of non-parties. Although Mr. Lawless' primary claim is fraud and Rule 9(b) requires that the role of each individual defendant in the alleged fraud be specified in the complaint (*Phone Recovery Services*, 191 A.3d at 323), he does not allege any facts concerning any individual defendant with particularity – or even generally.[2]

Furthermore, Mr. Lawless does not establish that any defendant or the Post had a legally enforceable duty to him personally as a member of the public or as a reader of the newspaper. He does not cite any case suggesting that any newspaper has a duty to individual members of the public to report any story in any particular way (or otherwise to report alleged crimes to government enforcement agencies), and the Court is aware of none.[3] Nor does Mr. Lawless allege that he relied (or anyone else) on any story published by the Post. Indeed, Mr. Lawless' central allegation – that the Post failed to publish information that he himself provided to the newspaper – makes any claim of reliance wholly implausible. Mr. Lawless has standing to seek redress only for himself and not for other readers of the Post.

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[2] To the extent that the trial court suggested that employees of a company cannot be sued for tortious conduct committed within the scope of their employment at least unless the plaintiff also sues their employer, the Court does not agree.

[3] Mr. Lawless invokes the ethics code adopted by the Society for Professional Journalists, but it is well-established that voluntarily adopted standards do not necessarily establish a standard of care enforceable in tort law. *See Night & Day Management, LLC v. Butler*, 101 A.3d 1033, 1040 n.5 (D.C. 2014); *Phillips v. District of Columbia*, 714 A.2d 768, 774 (D.C. 1998).

2. The Anti-SLAPP Act

The trial court properly granted defendants' special motion to dismiss. Defendants made a prima facie showing because the Post's reporting on the Puerto Rice bankruptcy plainly qualifies as written statements made in a public forum in connection with an issue of public interest within the meaning of D.C. Code § 16-5501(1)(A)(ii). When a newspaper "exercises editorial discretion in the selection and presentation" of its reports, "it engages in speech activity" protected by the First Amendment. *See Arkansas Educational Television Comm'n v. Forbes*, 523 U.S. 666, 674 (1998). "The choice of material to go into a newspaper, and the decisions made as to limitations on the size and content of the paper, and treatment of public issues and public officials – whether fair or unfair – constitute the exercise of editorial control and judgment." *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241, 258 (1974). The First Amendment does not permit a judge or jury to second-guess a newspaper's exercise of editorial judgment.

Mr. Lawless asserts that the Post decided not to publish his views of the bankruptcy because of concerns about its own private commercial interests. However, defendants' burden to make a prima facie case is not onerous, *Saudi American Public Relations Affairs Committee*, 242 A.3d at 606, and they have carried it. The Post's reporting on the Puerto Rico bankruptcy is protected by the First Amendment and the Anti-SLAPP Act. "[P]rofit motive is entirely irrelevant to the determination of a news organization's First Amendment rights." *Courthouse News Service v. Planet*, 947 F.3d 581, 595 n.8 (9th Cir. 2020) (citing *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 667 (1989); *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495, 501-02 (1952) ("That books, newspapers, and magazines are published and sold for profit does not prevent them from being a form of expression whose liberty is

safeguarded by the First Amendment."); *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council*, 425 U.S. 748, 761 (1976) ("Speech is protected even though it is carried in a form that is 'sold' for profit."); *Pittsburgh Press Co. v. Pittsburgh Commission on Human Relations*, 413 U.S. 376, 385 (1973). Unlike the statements at issue in *Close It! Title Services*, 248 A.3d at 144, the Post's reporting about the Puerto Rico bankruptcy commented about matters of public significance and did not relate "primarily" to the Post's commercial interests. The Post, and its reporters and editors, therefore are protected by both the First Amendment and the Anti-SLAPP Act.

Because the Post made its prima facie case, the burden shifted to Mr. Lawless to show that his claim is likely to succeed on the merits. He cannot carry this burden for two reasons: (1) he did not state a claim on which relief can be granted, *American Studies Association*, 2021 D.C. App. LEXIS 279, at *22; and (2) he did not offer any actual evidence demonstrating that his claim is likely to succeed on the merits, *Competitive Enterprise Institute*, 150 A.3d at 1233.

D.C. Code § 16-5502(d) requires that the dismissal be with prejudice. *See American Studies Association*, 2021 D.C. App. LEXIS 279, at *22. Dismissal with prejudice rather than dismissal with leave to amend is also warranted because Mr. Lawless "was not entitled to 'wait and see' the trial court's decision before amending [his] complaint." *See Tingling-Clemons v. District of Columbia*, 133 A.3d 241, 251 (D.C. 2016).

III. SCREENING

The Court agrees with defendants that Mr. Lawless should be required to obtain leave of court before filing any more lawsuits.

A. Legal standard

"The court has the discretion and the power to restrict a litigant who abuses the judicial system." *Ibrahim v. District of Columbia*, 755 A.2d 392, 394 (D.C. 2000) (cleaned up). A court has a "constitutional obligation and the inherent power to protect against conduct that impairs the court's ability to conduct [its] functions." *Whitehead v. Wickham*, 2005 D.C. Super. LEXIS 20, at *4-5, 133 Daily Wash. L. Rptr. 1807 (D.C. Super. Ct. Sept. 7, 2005) (citing *Procup v. Strickland*, 792 F.2d 1069, 1073 (11th Cir. 1986)). Every document filed with the Court, "no matter how repetitious or frivolous, requires some portion of the institution's limited resources. A part of the court's responsibility is to see that these resources are allocated in a way that promotes the interests of justice." *Corley v. United States*, 741 A.2d 1029, 1030 (D.C. 1999) (quoting *Martin v. D.C. Court of Appeals*, 506 U.S. 1, 3 (1992) (*per curiam*)). "The goal of fairly dispensing justice . . . is compromised when the Court is forced to devote its limited resources to the processing of repetitious and frivolous requests." *In re Sindram*, 498 U.S. 177, 179-80 (1991) (per curiam). Self-represented plaintiffs with a waiver of fees "have a greater capacity than most to disrupt the fair allocation of judicial resources because they are not subject to the financial considerations – filing fees and attorney's fees – that deter other litigants from filing frivolous petitions." *Id.* at 180.

"It is 'well settled that a court may employ injunctive remedies to protect the integrity of the courts and the orderly and expeditious administration of justice.'" *Ibrahim*, 755 A.2d at 393 (quoting *Urban v. United Nations*, 768 F.2d 1497, 1500 (D.C. Cir. 1985)). "Mere litigiousness alone does not support the issuance of an injunction," *Ibrahim*, 755 A.2d at 393 (cleaned up), but repeated filings of meritless cases and motions may. "When a court determines that a litigant is an abusive filer, it 'may impose conditions upon [the] litigant – even onerous conditions ... so

long as they are, taken together, not so burdensome as to deny the litigant meaningful access to the courts.'" *Butler v. Dep't of Justice*, 492 F.3d 440, 445 (D.C. Cir. 2007). "Any injunction, however fashioned, must not completely deny a litigant access to the courts." *Whitehead*, 2005 D.C. Super. LEXIS 20, at *6-7. "It is important ... that in fashioning an appropriate remedy, the court take great care not to unduly impair a litigant's constitutional right of access to the courts." *In re Powell*, 851 F.2d 427, 430 (D.C. Cir. 1988). That is why "an order imposing an injunction is an extreme remedy, and should be used only in exigent circumstances." *Id.* at 431 (cleaned up).

Whitehead identified five factors relevant to whether pre-filing injunctive relief is appropriate: "(1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant's motive in pursuing the litigation ....; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties." 2005 D.C. Super. LEXIS 20, at *7-8 (quoting *Safir v. United States Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986)). "The ultimate question the Court must answer is whether a litigant who has a history of vexatious litigation is likely to continue to abuse the judicial process and harass other parties." *Whitehead*, 2005 D.C. Super. LEXIS 20, at *8.

B. Discussion

Mr. Lawless has filed multiple cases and multiple and often repetitive and/or irrelevant filings. For the reasons explained in Section II.B above, the seven cases he filed against Post reporters are frivolous and were properly dismissed under both Rule 12(b)(6) and the Anti-

SLAPP Act. The interests underlying the Anti-SLAPP Act provide additional justification for screening Mr. Lawless' future cases involving media coverage of the Puerto Rico bankruptcy.

It is reasonable to expect that Mr. Lawless will continue to try to use the courts to resolve his complaints against people and organizations who do not share and advance his opinions about the Puerto Rico bankruptcy. In his September 11 Response to Defendants' Motion (at 2), Mr. Lawless states, "I continue to file new small claims actions." At least three more cases may be in the works. *See* note 1 above. Mr. Lawless recently threatened to sue over 30 Post employees. *See* Defendant's Reply at 1-2 & Ex. A (filed Sep. 16, 2011). On September 21, Mr. Lawless filed a barebones complaint against the Washington Post Company. *See* Case No. 2021 CA 003342 B. In addition, Mr. Lawless has filed two complaints against the Chairman of the U.S. Securities and Exchange Commission relating to Puerto Rico, although he recently moved to dismiss the second as duplicative (Case Nos. 2021 CA 003421 B and 003447 B) and a complaint against Vice President Kamala Harris alleging that she participated in the fraud by failing to take appropriate action when she was Attorney General of the State of California and a United States Senator (Case No. 2021 SC3 000462).

Mr. Lawless may honestly believe that he has been wronged by the defendants he has sued, and the Court does not attribute an improper motive to him. But the fact remains that Mr. Lawless' course of conduct has wasted finite and limited judicial resources and delayed the resolution of other cases. The potential for disruption and delay is increased because Mr. Lawless has represented himself in each of his cases, and he has applied for and been granted a fee waiver. *See Sindram*, 498 U.S. at 179-80.

Alternative safeguards would not protect the Court and other parties against the tactics employed by Mr. Lawless. As indicated by his requests for fee waivers, Mr. Lawless would

likely not be able to pay a monetary sanction, and it is not in the interests of justice to impose a monetary sanction on a litigant who is unable to pay it. The only effective means to protect the Court and other parties are the safeguards adopted in this order. This approach fully protects and preserves his right of access to the Court.

For these reasons, the Court enters this order providing for judicial screening of any new cases and motions from Mr. Lawless. The Court applies the screening requirement to any case filed by Mr. Lawless and not just to cases he brings against the Post and its reporters and editors. The broader requirement is easier to administer, and Mr. Lawless, who lives in California, does not appear to have any reason to file lawsuits in the District of Columbia for reasons unrelated to the Puerto Rico bankruptcy.

IV. CONCLUSION

For these reasons, the Court orders that:

1. Mr. Lawless' motion for review is denied.

2. Each branch of the Civil Division shall no longer accept for filing any complaint, including any associated application for a fee waiver, submitted by Mr. Lawless unless he first seeks and obtains leave of court to do so.

3. If Mr. Lawless seeks to file any new case, he shall submit with the complaint both (a) a motion for leave to file the complaint and (b) a copy of this Order. Any motion for leave to file must state that the claims either have or have not been raised before in other litigation and, if they have, the name of the case, the court where it was filed, the identifying number of the case, and the disposition. The Clerk's Office shall forward the motion to the Presiding Judge of the Civil Division for a determination about whether to grant or deny leave to file.

4. If Mr. Lawless files a motion in any pending case, no other party is required to respond unless and until the judge to whom the case is assigned affirmatively asks other parties to respond, and the judge will not treat the motion as conceded by any other party unless the party does not file an opposition by any deadline established by the judge.

5. This Order does not apply to the filing of a notice of appeal of this Order or any other order.

Anthony C Epstein

Anthony C. Epstein
Presiding Judge

Date: October 4, 2021

Copies by email to:

Richard R. Lawless
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Plaintiff

Copies by email to counsel for defendants

Judge Tanya Jones Bosier

Judge Heidi M. Pasichow

Judge José M. López

Gmail Richard Lawless <richardrlawless@gmail.com>

D.C. Court of Appeals E-Filing Rejection Notice - 21-DA-0003 - RICHARD R. LAWLESS V. KAT DOWNS MULDER

1 message

noreply1@dcappeals.gov <noreply1@dcappeals.gov> Mon, Nov 22, 2021 at 7:12 AM
To: richardrlawless@gmail.com

This is a notice to inform you that the BRIEF - Supplemental Brief filed on 21-DA-0003 has been rejected by the Court Clerk for the following reason(s):

Other

no other Document Given.

Clerk's Comments: Application for Allowance of Appeal denied 11/03/2021.

Please see Clerk's comments. If appropriate, please follow the directions below to edit and resubmit this filing to the court.

Steps to Edit and Resubmit a Rejected eFiling:

1. Click this link to login and open the rejected eFiling:https://efile.dcappeals.gov/filing/summary.do?eservice=true&electronicFilingID=47648
2. Each heading of this screen ("Edit E-Filing", "Documents", and "Service List") has an "Edit" link on the far right of the screen that will allow you to make changes to each section.
3. Make the necessary change and select "Continue" to be brought back to the main "Edit E-Filing" screen.
4. Once you have completed your changes, at the bottom of the screen, click the checkbox to agree to the DCCA eFiling Terms and Conditions and click "Submit to Court" to resubmit your eFiling.

This e-mail was sent to richardrlawless@gmail.com by the D.C. Court of Appeals E-Filing website.

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