

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAWRENCE SINCLAIR,)
)
 Plaintiff,)
)
 v.) No. 1:08-cv-00434-HHK
)
 TubeSockTedD, mzmolly and OWNINGLIARS,)
)
 Defendants.)

RESPONSE TO MOTION TO UNSUSPEND MONTGOMERY BLAIR SIBLEY

The attorney for plaintiff Larry Sinclair, Montgomery Blair Sibley, Esquire, has filed a motion on his own behalf, announcing that he has been subjected to reciprocal discipline by the Court, and urging, on a variety of constitutional and other grounds, that his temporary suspension be vacated, that this Court not impose reciprocal discipline because of the supposed flaws in the orders of the Florida courts, and that he be granted oral argument on his motion.

Defendant mzmolly does not address the motion on the merits because it has been presented to the wrong tribunal. Although Mr. Sibley does not attach the order of temporary suspension among his several exhibits, in fact Mr. Sibley has been the subject of a “Temporary Suspension and Show Cause Order” issued by the Court’s Disciplinary Panel (Judges Roberts, Huvelle and Walton) under Local Rule 83.16(c)(2) (Exhibit A, attached). It is not in order for this Court to set aside a temporary suspension imposed by that three-judge panel, or to conduct a hearing on how to proceed in the matter of reciprocal discipline. Under Local Rule 83.16(c), the proper procedure for Mr. Sibley to follow is **not** to file a motion in this case, before the judge who is hearing this case, but rather to file an Answer for consideration by the court-appointed panel. It is our understanding that Mr. Sibley has, indeed, filed such an Answer. Accordingly, it is up to the Grievance Committee to

file a response and make a recommendation to the Disciplinary Panel.

Indeed, if the proper procedure in the case were to file a motion in this case, the motion that has been filed should be denied because Mr. Sibley did not comply with Local Rule 7(m), which required counsel to confer with opposing counsel before filing any nondispositive motion and to “include [in the motion] a statement that the required discussion occurred, and a statement as to whether the motion is opposed.” Mr. Sibley has neither undertaken the required conference, nor provided the requisite certification.

Otherwise, defendant mzmolly takes no position on Mr. Sibley’s motion.

Respectfully submitted,

/s/ Paul Alan Levy
Paul Alan Levy (DC Bar No. 946400)
Greg Beck (DC Bar No. 494479)

Public Citizen Litigation Group
1600 - 20th Street, N.W.
Washington, D.C. 20009
(202) 588-1000

June 17, 2008

Attorneys for mzmolly

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PROPOSED ORDER

The motion to set aside the temporary suspension of Montgomery Blair Sibley, Esquire, and to set a hearing on the issue of whether reciprocal discipline should be imposed, is denied without prejudice to the filing of a timely Answer pursuant to Local Rule 83(c). In the alternative, the motion is denied for failure to follow Local Rule 7(m).

United States District Judge

CERTIFICATE OF SERVICE

On this date, I have filed the foregoing Response through the Court's ECF system, which will effect service on Montgomery Blair Sibley, Ray Beckerman, and James Klimaski, Esquires. In addition, because the suspension of Mr. Sibley prevents him from acting as representative of plaintiff Sinclair for the time being, I have caused a copy of the document to be served by first-class mail, postage prepaid, on plaintiff at 600 West Superior Street, Apartment 604, Duluth Minnesota 55802.

/s/ Paul Alan Levy
Paul Alan Levy

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1600 - 20th Street, N.W.
Washington, D.C. 20009
(202) 588-1000

June 17, 2008

Attorney for mzmolly

EXHIBIT A

FILED

MAY 22 2008

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Montgomery Blair Sibley
Member of the Bar of the
United States District Court
for the District of Columbia

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Attorney Grievance
Docket No. 08-04

TEMPORARY SUSPENSION AND SHOW CAUSE ORDER

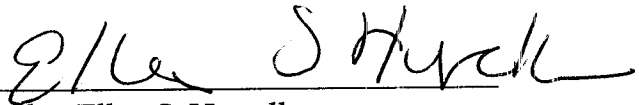
This matter having come before the Court upon the presentation of a certified copy of a judgment in the Supreme Court of Florida, decided March 7, 2008, in Case No.: SC06-1387, captioned, *The Florida Bar vs. Montgomery Blair Sibley*, wherein Montgomery Blair Sibley was ordered suspended for three (3) years from the practice of law in the State of Florida; and it appearing that Montgomery Blair Sibley is a member of the Bar of the United States District Court for the District of Columbia; now, therefore, it is this 21st day of May, 2008,

ORDERED, that pursuant to Rule 83.16(c) of this Court, the Respondent is hereby temporarily suspended from the practice of law before the United States District Court for the District of Columbia pending a final disposition under the Rules of this Court; and it is

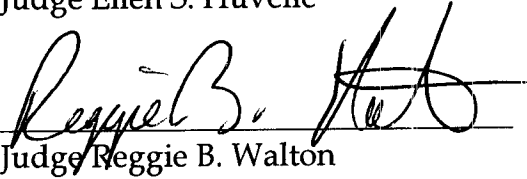
FURTHER ORDERED, that said Respondent may answer and show cause within thirty (30) days after service of a certified copy of this Order upon him why the imposition of the identical discipline by this Court would be unwarranted and the reasons therefor.



Judge Richard W. Roberts



Judge Ellen S. Huvelle



Judge Reggie B. Walton