

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

MICHAEL E. MANN, Ph.D.,)	
)	
Plaintiff,)	Case No. 2012 CA 008263 B
)	Calendar No.: 3
)	Judge: Fredrick H. Weisberg
)	Next event: None
v.)	
)	
NATIONAL REVIEW, INC., <i>et al.</i> ,)	
)	
Defendants.)	
)	

**COUNTER-DEFENDANT MICHAEL MANN’S MOTION TO DISMISS
COUNTERCLAIMS OF COUNTER-PLAINTIFF MARK STEYN PURSUANT TO THE
D.C. ANTI-SLAPP ACT AND PURSUANT TO RULE 12(B)(6)**

Pursuant to the District of Columbia Anti-SLAPP Act of 2010, D.C. Code § 16-5501 *et seq.* (the “Anti-SLAPP Act”) and Superior Court Civil Rule 12(b)(6) (“Rule 12(b)(6)”), Counter-Defendant Michael E. Mann, Ph.D. (“Mann”), by and through his attorneys, hereby moves to dismiss the counterclaims of Counter-Plaintiff Mark Steyn (“Steyn”) with prejudice. The basis for this motion is fully set forth in the accompanying Memorandum of Points and Authorities.

Rule 12-1 Certification

The undersigned made a good faith effort to obtain the consent of Counter-Plaintiff, in accordance with Rule 12-1, but was unable to obtain consent.

Request for Fees and Costs

The Anti-SLAPP Act provides that “[t]he court may award a moving party who prevails in whole or in part . . . the costs of litigation, including reasonable attorneys’ fees.” D.C. Code § 16-5504(a). In the event he prevails “in whole or in part,” Mann respectfully request that the Court permit him to submit an application for attorneys’ fees and costs.

Request for Hearing

D.C. Code § 16-5502(d) requires “an expedited hearing” on a special motion to dismiss filed pursuant to the Anti-SLAPP Act. Accordingly, and pursuant to D.C. Super. Ct. Civ. R. 12-I(f), Mann respectfully requests that the Court schedule an expedited hearing on this Motion.

DATED: March 17, 2014

Respectfully submitted,

/s/ John B. Williams

John B. Williams (D.C. Bar No. 257667)
WILLIAMS LOPATTO PLLC
1776 K Street, NW Suite 800
Washington, D.C. 20006
Tel: (202) 296-1665
jbwilliams@williamslopatto.com

Peter J. Fontaine (D.C. Bar No. 435476)
COZEN O’CONNOR
1900 Market Street
Philadelphia, PA 19103
Tel: (215) 665-2723
pfontaine@cozen.com

Catherine R. Reilly (D.C. Bar No. 1002308)
COZEN O’CONNOR
1627 I Street, NW, Suite 1100
Washington, D.C. 20006
Tel: (202) 912-4800
creilly@cozen.com

Bernard S. Grimm (D.C. Bar. No. 378171)
Law Office of Bernard S. Grimm
1627 I Street, NW, Suite 1100
Washington, D.C. 20006
bgrimm@grimmlawdc.com
Tel: (202) 912-4888

*Counsel for Plaintiff / Counter-Defendant
Michael E. Mann, Ph.D.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of March 2014, a copy of the foregoing Motion to Dismiss and Memorandum of Points and Authorities was served via electronic filing or first class mail to:

David B. Rivkin
Bruce D. Brown
Mark I. Bailen
Andrew M. Grossman
BAKER & HOSTETLER LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, NW
Washington, D.C. 20036-5304

Michael A. Carvin
Anthony J. Dick
JONES DAY
51 Louisiana Ave., NW
Washington, D.C. 20001

Mark Steyn
P.O. Box 30
Woodsville, NH 03785

/s/ Catherine R. Reilly
Catherine R. Reilly

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

MICHAEL E. MANN, Ph.D.,)	
)	
Plaintiff,)	Case No. 2012 CA 008263 B
)	Calendar No.: 3
)	Judge: Fredrick H. Weisberg
v.)	Next event: None
)	
NATIONAL REVIEW, INC., <i>et al.</i> ,)	
)	
Defendants.)	
)	

[PROPOSED] ORDER

Upon consideration of Counter-Defendant Michael E. Mann’s Motion to Dismiss Counterclaims of Counter-Plaintiff Mark Steyn Pursuant to the D.C. Anti-SLAPP Act and Pursuant to Rule 12(b)(6), and all responses thereto, it is hereby

ORDERED, that the Motion to Dismiss is **GRANTED** and Counter-Plaintiff Mark Steyn’s counterclaims are dismissed with prejudice.

SO ORDERED.

Dated: _____, 2013

Frederick H. Weisberg
(Associate Judge)

Copies to:

All parties listed in Case File Express

Mark Steyn
P.O. Box 30
Woodsville, NH 03785