

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

RICHARD K. LEHAN,)	
)	Case No. 2011 CA 004592 B
Plaintiff,)	
)	Judge Joan Zeldon
v.)	
)	Next Event: Initial Scheduling Conference
FOX TELEVISION STATIONS, INC., et al,)	September 30, 2011 9:30 AM
)	
Defendants.)	

DEFENDANTS' SPECIAL MOTION TO DISMISS

Pursuant to the District of Columbia Anti-SLAPP Act of 2010, D.C. Code § 16-5502(a) ("the Anti-SLAPP Act" or "the Act"), Defendants Fox Television Stations, Inc., and Roby Chavez, by and through undersigned counsel, hereby move for an order dismissing Plaintiff's Complaint, with prejudice.

As set forth in Defendants' Memorandum of Points and Authorities filed contemporaneously with this Motion, under the Anti-SLAPP Act, Plaintiff's Complaint must be dismissed with prejudice because the speech at issue arises from an act in furtherance of the right of advocacy on issues of public interest, and Plaintiff cannot demonstrate that his Complaint is likely to succeed on the merits. D.C. Code § 16-5502(a). Further, pursuant to D.C. Code §16-5504(a), the Court should award Defendants the costs of this litigation, including their reasonable attorney fees.

WHEREFORE, defendants Fox Television Stations, Inc., and Roby Chavez respectfully request that the Court grant their Special Motion to Dismiss and enter judgment in their favor dismissing the Complaint with prejudice and granting such further relief as the Court deems appropriate under the circumstances.

Rule 12-I(a) Certification

Pursuant to Superior Court Rule 12-I(a), undersigned counsel hereby certifies that counsel for the Defendants consulted with counsel for the Plaintiff on July 22, 2011, regarding whether Plaintiff would consent to the relief sought herein. Plaintiff does not consent.

Hearing Required By Statute

The Anti-SLAPP Act entitles Defendants to a hearing on this Special Motion to Dismiss. D.C. Code § 16-5502(d) ("[t]he court shall hold an expedited hearing on the special motion to dismiss") (emphasis added). Accordingly, Defendants respectfully request that the Court hold a hearing pursuant to the Anti-SLAPP Act as well as Rule 12-I(f) of this Court.

Dated: July 22, 2011

Respectfully submitted,

/s/ Charles D. Tobin
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