

Twice now in the space of three weeks, Mann has filed notices of supplemental authority bringing such dispositions to the Court's attention. *Boley, supra, Payne v. District of Columbia*, No. 2012 CA 6163B (May 28, 2013). As in those cases, the statements challenged by Mann are non-actionable constitutionally protected speech and are privileged under District law. Accordingly, dismissal is likewise appropriate in this case, at this time.

Dated: July 3, 2013

Respectfully submitted,

By: /s/ David B. Rivkin, Jr.

David B. Rivkin, Jr. (D.C. Bar No. 394446)
Bruce D. Brown (D.C. Bar No.457317)
Mark I. Bailen (D.C. Bar No. 459623)
Andrew M. Grossman (D.C. Bar No. 985166)
BakerHostetler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, NW
Washington, DC 20036
Tel: (202) 861-1500
Facsimile: (202) 861-1783
drivkin@bakerlaw.com
bbrown@bakerlaw.com
mbailen@bakerlaw.com
agrossman@bakerlaw.com

*Counsel for Defendants Competitive Enterprise Institute and
Rand Simberg*