

IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION

STEPHEN BEHNKE, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	CASE NO. 2017 CA 005989 B
)	
v.)	Judge Todd Edelman
)	
DAVID H. HOFFMAN, <i>et al.</i> ,)	Next Event: Initial Scheduling
)	Conference Dec. 1, 2017
<i>Defendants.</i>)	
)	

PRAECIPE REGARDING DEFENDANTS’ CONTESTED MOTION (1) TO STAY THIS ACTION IN FAVOR OF THE IDENTICAL FIRST-FILED LAWSUIT IN OHIO AND (2) TO EXTEND THE TIME TO FILE RULE 12(B)(6) MOTIONS IN RESPONSE

Defendants submit this Praecipe to alert the Court to a new development relevant to their pending Motion (1) To Stay this Action in Favor of the Identical First-Filed Lawsuit in Ohio and (2) To Extend the Time To File Rule 12(b)(6) Motions in Response.

1. On October 11, 2017, Defendants filed a motion to stay this defamation lawsuit on the ground that it is duplicative of an essentially identical defamation lawsuit that Plaintiffs filed in Ohio state court in February 2017, and that two identical lawsuits involving the same parties should not proceed simultaneously in two different jurisdictions. Plaintiffs’ Ohio lawsuit is currently pending on appeal in the Ohio Second District Court of Appeals, *James v. Hoffman*, Case No. 2017 CV 00839, after a trial court dismissal for lack of personal jurisdiction.

2. In response to the stay motion, Plaintiffs agreed that “two essentially identical lawsuits should not proceed simultaneously in two courts” but argued that the Ohio appeal should not be considered an “active suit” because “[i]n Ohio plaintiffs have filed only a notice of appeal” and had not yet filed an appeal brief to which Defendants must respond. Pls. Opp. at 1, 6.

3. Yesterday, November 27, 2017, Plaintiffs proceeded with their Ohio personal jurisdiction appeal by filing their opening brief. *See* Exhibit 1 (brief's cover page, table of contents, and certificate of service). Defendants' appellee briefs are currently due to be filed in the Ohio Second District Court of Appeals by December 18, 2017.

Dated: November 28, 2017

Respectfully submitted,

/s/ Thomas G. Hentoff

John K. Villa (D.C. Bar No. 220392)
Thomas G. Hentoff (D.C. Bar No. 438394)
Eli S. Schlam (D.C. Bar No. 1004883)
Krystal R. Commons (D.C. Bar No. 987768)
Alexander J. Kasner (D.C. Bar No. 1046343)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 434-5804
Email: jvilla@wc.com
thentoff@wc.com
eschlam@wc.com
kcommons@wc.com
akasner@wc.com

Attorneys for Defendants Sidley Austin LLP, Sidley Austin (DC) LLP, and David Hoffman

/s/ Barbara S. Wahl

Barbara S. Wahl (D.C. Bar No. 297978)
Karen E. Carr (D.C. Bar No. 975480)
ARENT FOX LLP
1717 K Street, N.W.
Washington, D.C. 20006
Telephone: (202) 857-6000
Email: barbara.wahl@arentfox.com
karen.carr@arentfox.com

Attorneys for Defendant American Psychological Association

CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2017, a true and correct copy of the foregoing document was filed through the Court's electronic filing system, which will automatically send copies to counsel for Plaintiffs.

/s/ Thomas G. Hentoff

Thomas G. Hentoff