

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DENNIS MONTGOMERY, et al

Plaintiffs,

v.

JAMES COMEY, et al

Defendants.

Case No: 17-cv-1074

NOTICE OF INTENT TO FILE PETITION FOR WRIT OF MANDAMUS

Plaintiffs Dennis Montgomery and Larry Klayman (“Plaintiffs”), with great respect for this Court and its presiding officer, hereby put this Court on notice that regrettably they may be forced to file a Petition for Writ of Mandamus before the U.S. Court of Appeals for the District of Columbia Circuit given this Court’s inaction and delay in allowing Plaintiffs’ Motion for Preliminary Injunction and Temporary Restraining Order to move forward.

At a hearing on June 23, 2017, this Court asked counsel for Plaintiffs to merge the Motion for a Temporary Restraining Order into the Preliminary Injunction Motion (“TRO/PI Motion”), committing to them that the matter would move quickly in any event. However, as the TRO/PI Motion was filed on June 19, 2017 and it is now February 8, 2017, there has been an unacceptable and prejudicial delay of nearly eight months. During this considerable time period, Plaintiffs have asked about the status of the case, as motions for discovery remained pending, and they did not want to lose time for the Court to have a record upon which it could assess and rule upon pending motions to dismiss and oppositions to the TRO/PI Motion.

Notwithstanding Plaintiffs’ allegations in their Complaint, it is now public knowledge

that Defendants have and continue to egregiously and unconstitutionally violate the law with regard to surveillance, and not just with regard to the Plaintiffs, but incredibly also the President of the United States, his family, associates and others. Plaintiffs allegations, in any event, are fact specific to them and they deserved the right to take discovery a long time ago before Defendants' non-meritorious and frankly dishonest motions to dismiss and oppositions to their TRO/PI Motion were even considered, much more ruled upon.

Plaintiffs counsel holds this presiding judge in high esteem, but given the alleged illegal and unconstitutional surveillance by Defendants with regard to not just Mr. Klayman but also his client, Mr. Montgomery (notwithstanding President Trump and his family and associates) Plaintiffs feel compelled to inquire, in good faith under the circumstances, if there have been *ex parte* communications by Defendants and threats by Defendants with and against this Court, causing it to put this case on the "back burner. "

In sum, with full reservation of Plaintiffs right to seek emergency mandamus review and relief at the appellate court level, and given that this Court had previously characterized the types of issues before this Court as being of the "pinnacle of national importance," under the circumstances of this inexplicable delay Plaintiffs therefore feel compelled to request that this Court disclose immediately whether it has been contacted *ex parte* by the FBI and the intelligence agencies and, if there has been *ex parte* contact, that this Court disclose the content of these communications, oral or written, and specifically if it has been coerced or threatened in some way to sit on this case and not rule, or alternatively rule against the Plaintiffs without according them due process of law.

This concern exists also and, in part, because Defendant Montgomery possessed information and documentation that the presiding officer this Court had been subject to illegal and

unconstitutional surveillance by the Defendants, which information he previously turned over and provided to special agents of the FBI, pursuant to a grant of immunity, under the supervisory authority of former and now discredited FBI General Counsel James Baker (who reportedly is under criminal investigation and has been removed as General Counsel) acting at the direction of former and now discredited FBI Director James Comey. Not coincidentally, the FBI is one of the Defendants joined in this case.

Dated: February 8, 2018

Respectfully submitted,

/s/ Larry Klayman
Larry Klayman, Esq.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically and served through the court's ECF system to all counsel of record or parties on February 8, 2018.

/s/ Larry Klayman
Larry Klayman, Esq.