

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

**TWO RIVERS PUBLIC CHARTER
SCHOOL, et al.,**

Plaintiffs,

v.

ROBERT WEILER, JR., et al.,

Defendants.

**Civil Action No. 2015 CA 009512 B
Calendar 7**

Judge Jeanette J. Clark

**Next Event: Pretrial Hearing
March 16, 2017 at 9:30 AM**

**DEFENDANT LARRY CIRIGNANO’S MOTION FOR STAY PENDING APPEAL
AND ALTERNATIVE MOTION FOR
ADDITIONAL EXTENSION OF TIME TO ANSWER COMPLAINT**

Defendant LARRY CIRIGNANO (“Cirignano”), pursuant to SCR Civil 12-I, moves the Court for entry of an order staying all proceedings in this case pending the disposition of the appeal initiated by Cirignano’s Notice of Appeal of Order Denying Special Motion to Dismiss, filed May 10, 2016, on the grounds that this Court is effectively deprived of jurisdiction to proceed while Cirignano’s appeal is pending and, notwithstanding jurisdiction, the requirements for a stay pending appeal are otherwise satisfied. Alternatively, Cirignano moves for an additional extension of time to answer Plaintiff’s Complaint, pending the Court’s disposition of his motion for stay.

The specific points and authorities in support of this motion are set forth in the Memorandum of Points and Authorities in Support of Defendant Larry Cirignano’s Motion for Stay Pending Appeal and Alternative Motion for Additional Extension of Time to Answer Complaint, filed contemporaneously herewith, and in the Memorandum of Point’s and Authorities in Support of Defendant Ruby Nicdao’s Motion for Stay Pending Appeal or, in the Alternative, an Additional Extension of Time to Answer Plaintiff’s Complaint, filed May 23, 2016, which is incorporated by reference into the Cirignano Memorandum.

RULE 12-I(a) CERTIFICATE

Prior to filing this motion, and in accordance with SCR Civil 12-I(a), Cirignano’s counsel conferred with counsel for Defendants Jonathan Darnel and Ruby Nicdao, *pro se* Defendant Robert Weiler, and counsel for Plaintiff, Two Rivers Public Charter School.¹ Defendants Darnel, Nicdao, and Weiler consent and agree to the stay requested herein. Plaintiff does not consent to the stay or alternative extension of time to answer requested herein.

DATED this May 23, 2016.

Respectfully submitted:

/s/ Mathew D. Staver

Mathew D. Staver (DC 439315)

Horatio G. Mihet (Fla. 26581)[†]

/s/ Roger K. Gannam

Roger K. Gannam (Fla. 240450)[†]

Liberty Counsel

P.O. Box 540774

Orlando, Florida 32854

T: (407) 875-1776

F: (407) 875-0770

court@LC.org

hmihet@LC.org

rgannam@LC.org

[†]Admitted *pro hac vice*

Attorneys for Defendant Larry Cirignano

¹ The claims of Plaintiff Two Rivers Board of Trustees were dismissed as to all Defendants, leaving only Two Rivers Public Charter School as a Plaintiff in the case.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed through the Court's authorized eFiling system, which will provide a courtesy copy to Chambers and effect eService upon the following parties or counsel of record:

Attorney for Plaintiffs

Michael L. Murphy
Bailey Glasser LLP
1054 31st Street NW, Suite 230
Washington, DC 20007
mmurphy@baileyglasser.com

Attorneys for Defendant Ruby Nicdao

Alexander C. Vincent
Shulman, Rogers, Gandal, Porody & Ecker, P.A.
12505 Park Potomac Avenue, Sixth Floor
Potomac, Maryland 20854-6803
avincent@shulmanrogers.com

Attorneys for Defendant Jonathan Darnel

John R. Garza
GARZA LAW FIRM, P.A.
17 W. Jefferson Street, Suite 100
Rockville, Maryland 20850
jgarza@garzanet.com

Thomas Brejcha
Peter Breen, Esq.
THOMAS MORE SOCIETY
19 S. LaSalle Street, Suite 603
Chicago, Illinois 60603
tbrejcha@thomasmoresociety.org
pbreen@thomasmoresociety.org

Alexandra Snyder
LIFE LEGAL DEFENSE FOUNDATION
P.O. Box 2105
Napa, California 94558
alexandra.snyder@me.com

Stephen M. Crampton
THOMAS MORE SOCIETY
P.O. Box 4506
Tupelo, Mississippi 38803
smcrampton@hotmail.com

Defendant, pro se

Robert Weiler Jr.
3203 Maygreen Avenue
Forestville, Maryland 20747
weilerrobertjr@gmail.com

Michael J. DePrimo
THOMAS MORE SOCIETY
778 Choate Avenue
Hamden, Connecticut 06518
michaeldeprimo@gmail.com

DATED this May 23, 2016.

/s/ Roger K. Gannam
Roger K. Gannam
Attorney for Defendant Larry Cirignano