

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SANDRA GARZA

*

Plaintiff

*

v.

*

Case No.: 1:23-cv-00038

DONALD J. TRUMP, et al.,

*

Defendants

*

* * * * *

DEFENDANT GEORGE PIERRE TANIOS' MOTION TO DISMISS

Defendant George Pierre Tanios, by his undersigned counsel, submits this Motion to Dismiss the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and for reasons states:

1. Count 1 of the Complaint, for Wrongful Death pursuant to D.C. Code §16-2701, must be dismissed as a matter of law because (a) the Plaintiff has failed to plead that she is a beneficiary of the decedent, (b) that the decedent had any beneficiaries, (c) that any beneficiaries were financially dependent upon the decedent such that his death caused them economic harm, and (d) that anyone sustained financial loss as a result of the alleged wrongful death of the decedent.

2. Count 2 of the Complaint for Conspiracy to Violate 14 U.S.C. 1985(1) must be dismissed as a matter of law because (a) the Plaintiff has not pleaded that there was a conspiracy to interfere with the decedent's performance of his official duties necessary to bring such a claim, and (b) the Plaintiff has not pleaded that an "Officer" was injured.

3. Count 3 of the Complaint for Common Law Assault must be dismissed as a matter of law because (a) the applicable statute of limitations bars the claim, and (b) the Plaintiff has

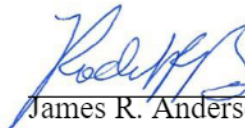
failed to plead the necessary element that Defendant's actions made the decedent apprehensive.

4. Count 4 of the Complaint for Negligence *Per Se* must be dismissed as a matter of law because the Plaintiff has failed to plead that she or the decedent were members of a class that DC Code §22-1322 were intended to protect.

5. Defendant incorporates his LCvR 7(a) Statement of Points and Authorities by reference as if fully set forth herein.

WHEREFORE, Defendant George Pierre Tanios respectfully demands that the Complaint against him be dismissed as a matter of law due to the Plaintiff's failure to plead a valid claim against him.

Respectfully submitted,



James R. Andersen (Bar ID: MD0186)

Roderick R. Barnes (Bar ID: MD0158)

Adam T. Sampson (Bar ID: MD0188)

Rollins, Smalkin, Richards & Mackie, L.L.C.

300 E. Lombard Street, Suite 900

Baltimore, MD 21202

Ph: (410) 727-2443

Fx: (410) 727-8390

jandersen@rsrm.com

rbarnes@rsrm.com

asampson@rsrm.com

Attorneys for Defendant George Pierre Tanios

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of May 2023, a copy of the foregoing Motion to Dismiss Complaint, Statement of Authorities in Support of Motion to Dismiss, and proposed Order were served via the Court's e-filing to:

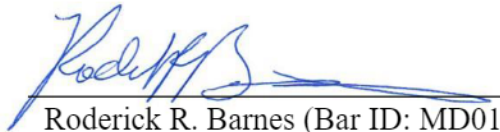
Matthew Kaiser, Esquire
Noah Brozinsky, Esquire
KaiserDillon PLLC
1099 Fourteenth Street, NW, 8th Floor
Washington, DC 20005

Philip Andonian, Esquire
Joseph Caleb, Esquire
CalebAndonian PLLC
1100 H Street, N.W., Suite 315
Washington, DC 20005

Mark S. Zaid, Esquire
Bradley P. Moss, Esquire
Mark S. Zaid, P.C.
1250 Connecticut Ave., NW, Suite 700
Washington, DC 20036
Attorneys for Plaintiff

Jesse R. Binnall, Esquire
Binnall Law Group
717King Street, Suite 200
Alexandria, VA 22314
Attorney for Defendant Donald J. Trump

David Patrick Sheldon, Esquire
Law Offices of David P. Sheldon, PLLC
100 M Street, SE, Suite 600
Washington, DC 20003
Attorney for Defendant Julian Elie Khater


Roderick R. Barnes (Bar ID: MD0158)