

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 FIRST
AMENDED COMPLAINT**

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

1. Count 1 of the Amended 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 Amended Complaint for a Survivor's Action pursuant to DC Code §12-101 must be dismissed as a matter of law because the Plaintiff failed to plead the decedent's estate's financial losses and the decedent's non-economic damages suffered between the time of his injury and his death.

3. Count 3 of the Amended 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..

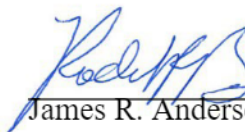
4. Counts 4 and 5 of the Amended Complaint for Negligence *Per Se* must be dismissed as a matter of law because the Plaintiff has failed to plead that she or the decedent were members of a class that DC Code §22-1322 or §18 U.S.C. 1752 were intended to protect.

5. All Counts must be dismissed as a matter of law because they are barred by application of the professional rescuer doctrine.

6. Defendant incorporates (1.) his Statement of Points and Authorities filed in support of his original Motion to Dismiss (Doc. 33-1), and (2.) his Statement of Points and Authorities filed in Opposition to Plaintiff's Motion for Leave to Amend (Doc. 37-1), and (3.) his Statement of Points and Authorities filed herewith, by reference as if fully set forth herein.

WHEREFORE, Defendant George Pierre Tanios respectfully demands that the First Amended 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,




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Attorneys for Defendant George Pierre Tanios

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of November 2023, the foregoing document was filed through the CM/ECF System, and the notification of such electronic filing will be sent to all counsel of record in this case.


Roderick R. Barnes (Bar ID: MD0158)