

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**ORIGINAL  
FILED**

OCT 17 2008

Clerk, U.S. District and  
Bankruptcy Courts

In Re Subpoena in )

DYNAMIC CORPORATION )  
5133 Lawrence Place )  
Hyattsville, Maryland 20781 )

Plaintiff,

v.

THE DISTRICT OF COLUMBIA )  
John A. Wilson Building )  
1350 Pennsylvania Ave., N.W. )  
Washington, D.C. 20004 )

and )

ROBERT NOEL )  
c/o THE DISTRICT OF COLUMBIA )  
John A. Wilson Building )  
1350 Pennsylvania Ave., N.W. )  
Washington, D.C. 20004 )

and )

GROTHER & CO., P.C. )  
1612 K Street, NW, )  
Ste LL# )  
Washington, D.C. 20006 )

and )

RIPPETEAU ARCHITECTS, P.C. )  
1530 14<sup>th</sup> Street, NW )  
Washington, D.C. 20005 )

and )

STEPHEN ORTADO d/b/a and t/a )  
HISTORIC STRUCTURES )  
3711 Cumberland Street, N.W. )

Case: 1:08-mc-00673  
Assigned To : Walton, Reggie B.  
Assign. Date : 10/17/2008  
Description: Miscellaneous

) Super. Ct. Case No. 2008 CA 003264 B  
) Subpoena matter

**RECEIVED**

OCT 17 2008

Washington, D.C. 20018 )  
 )  
 and )  
 )  
 WAGNER SPRAY TECH CORPORATION )  
 1770 Fernbrook Lane )  
 Plymouth, MN 55447 )  
 )  
 and )  
 )  
 DISTRICT OF COLUMBIA WATER AND )  
 SEWER AUTHORITY )  
 5000 Overlook Avenue, SW )  
 Washington, D.C. 20032 )  
 )  
 and )  
 )  
 TWO BROTHERS CONTRACTING, INC. )  
 a/k/a TWO BROTHERS CONSTRUCTION, )  
 INC. )  
 5133 B Lawrence Place )  
 Hyattsville, Maryland 20781 )  
 )  
 and )  
 )  
 OFFICE OF THE ATTORNEY GENERAL )  
 441 4<sup>th</sup> Street NW, 6<sup>th</sup> Floor )  
 Washington, D.C. 20001 )  
 )  
 Defendants, )  
 )  
 and )  
 )  
 SMITHSONIAN INSTITUTION LIBRARIES )  
 P.O. Box 37012 MRC 154 )  
 Washington, D.C. 20013-7012 )  
 )  
 Non-Party Recipient of Subpoena. )  
 \_\_\_\_\_ )

**NOTICE OF REMOVAL OF SUBPOENA**

The United States Attorney, through the undersigned attorneys, and on behalf of  
 Smithsonian Institution Libraries (“Smithsonian”) respectfully files this Notice of Removal of a

subpoena matter pursuant to 28 U.S.C. §§ 1442(a)(1), 1446; *Brown & Williamson Tobacco Corp. v. Williams*, 314 U.S. App. 85, 62 F.3d 408, 412-415 (1995); *Houston Business Journal, Inc. v. Office of the Comptroller of the Currency*, 318 U.S. App. D.C. 214, 86 F.3d 1208, 1211 (1996); and *Voyles v. Smithkline Beecham Corp. (In re Collins)*, 2008 U.S. App. LEXIS 9625, 524 F.3d 249, 251 (D.C. Cir. 2008). In support of this notice, Smithsonian states as follows:

1. Smithsonian has been issued a subpoena for the production of documents by Dynamic Corporation in the matter of *Dynamic Corporation v. The District of Columbia, et al.*, Case No. 2008 CA 003264 B, pending in the Superior Court for the District of Columbia.

2. The subpoena is issued under the authority of the Superior Court for the District of Columbia. The subpoena was sent to the Smithsonian by certified mail with a cover letter dated October 3, 2008 and was received the following week. A copy of the subpoena is attached hereto.

3. The subpoena seeks records concerning official activities of the Smithsonian in protecting and preserving of library materials in connection with a fire at the Georgetown Public Library on April 30, 2007.

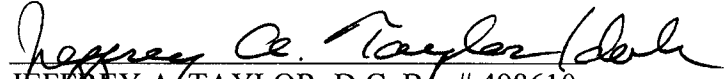
4. Smithsonian will move to quash the subpoena, relying on federal law. The motion to quash is being filed simultaneously herewith.

5. This notice of removal is brought pursuant to 28 U.S.C. §§ 1442(a)(1) and 1446; *Brown & Williamson Tobacco Corp. v. Williams*, 314 U.S. App. 85, 62 F.3d 408, 412-415 (1995); *Houston Business Journal, Inc. v. Office of the Comptroller of the Currency*, 318 U.S. App. D.C. 214, 86 F.3d 1208, 1211 (1996); and *Voyles v. Smithkline Beecham Corp. (In re Collins)*, 2008 U.S. App. LEXIS 9625, 524 F.3d 249, 251 (D.C. Cir. 2008).

WHEREFORE, this subpoena matter is properly removed from the Superior Court of the District of Columbia, to this Court, pursuant to the referenced authority. The underlying civil case in the Superior Court of the District of Columbia is not affected by the removal of this subpoena matter.

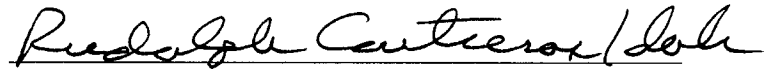
Dated: October 17, 2008

Respectfully submitted,



JEREMY A. TAYLOR, D.C. Bar # 498610

United States Attorney



RUDOLPH CONTRERAS, D.C. Bar # 434122

Assistant United States Attorney



JEREMY S. SIMON, D.C. Bar # 447956

Assistant United States Attorney

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Washington, D.C. 20530

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