

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

DENNIS KUCINICH, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	Case No. 1:11-cv-01096 (RBW)
v.	)	
	)	
BARACK OBAMA, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**LOCAL RULE 40.5 NOTICE OF RELATED CASE**

Pursuant to Local Civil Rule 40.5(b)(3), defendants hereby notify the Court that this case is related to a recently-filed case captioned as *Whitney v. Obama et al.*, Civil Action No. 1:11-cv-01409-RWR (D.D.C.). Plaintiff in *Whitney*, appearing *pro se*, seems to assert claims that are identical, or substantially similar, to those asserted here, including claims alleging that the United States is engaging in “unlawful, and unauthorized military action” in Libya that violates the United States Constitution and the War Powers Resolution, 50 U.S.C. § 1541 *et seq.* See *Whitney* Compl. ¶ 12. Defendants note that plaintiff in *Whitney* has also moved for a preliminary injunction. See *Whitney*, Mot. for Prelim. Inj., Dkt. No. 4. The court in *Whitney* has set the due date for defendants’ Opposition to the Motion as August 19, 2011, which is the same date that defendants currently intend to move to dismiss the present action. See *Whitney*, Aug. 10, 2011, Minute Order.

As required by Local Civil Rule 40.5(b)(3), defendants have also filed a notice of related case in the *Whitney* proceeding, currently pending before Judge Roberts.

Dated: August 12, 2011

Respectfully submitted,

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/s/ Eric Womack  
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Counsel for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2011, I caused a true and correct copy of the foregoing Notice to be served on plaintiffs' counsel electronically by means of the Court's ECF system.

/s/ Eric Womack  
ERIC R. WOMACK