

United States District Court
for the District of Columbia

file
sealed
RJ

Larry Klayman, et al.,
Plaintiffs,

Civil Action Nos:

1:13-CV-00851-RJL

v.

1:13-CV-00881-RJL

Barack Obama, et al.,
Defendants.

Timothy Demitri Brown's Reply to Government
Defendants' Opposition to Motion to Intervene

Timothy Demitri Brown, movant, hereby appears and
replies to Government Defendants' Opposition to Motion
to Intervene (sic) [Join] filed by Timothy Demitri Brown
(Def. Opp.) whereas defendants misconstrued the motion;
and did not provide any facts that would prevent joinder.

Facts and Argument

Defendants' Opposition is based on a faulty premise.
A motion to join is governed by rules 19, 20, 21 and 23,
not rule 24.

These actions were filed on behalf of named plaintiffs
and "all others similarly situated," which includes movant.

The principal grievances before the court are the



"constitutionality and statutory authorization of intelligence-gathering practices by the U.S. government." Judge Richard J. Leon, 2013 U.S. Dist. Lexis 176925 citing Second Am. Compl. (Klayman I), Am. Compl. (Klayman II).

The acts complained of transcends the named defendants, and are a policy/pattern/practice of the agencies and offices of the U.S. government.

Discovery has not been conducted, as such no one, except defendants, knows how long the practices of unlawful surveillance have occurred.

Defendants did not and could not, faced with overwhelming evidence to the contrary, claim movant has not been a victim of their unlawful surveillance, nor that movant is not a telephone service subscriber.

Whether particular circumstances warrant joinder is left to the sound discretion of the court. *Carabillo v. Ullico*, 357 F. Supp. 2d 249 (D.D.C. 2004).

Federal Rule of Civil Procedure 21 allows a district court to add a party "at any time." *Council on American-Islamic Rels. Action Network, Inc. v. Gaubatz*, 891 F. Supp. 2d 13 (D.D.C. 2012).

According to Rule 20(a) plaintiffs can join together in one action if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same

transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all these persons will arise in the action. *Grant v. Salem*, 226 F.R.D. 1 (D.D.C. 2004).

The unlawful surveillance claims are identical, the violations of the constitution and statutory law are identical, the defendants (DOJ, U.S. Government) are identical and the jurisdictional authorizations and request for relief are identical. *United Mine Workers of America v. Gibbs*, 383 U.S. 715, 724 (1966) ("Under the rules, the impulse is toward entertaining the broadest possible scope of action consistent with fairness to the parties; joinder of claims, parties and remedies is strongly encouraged.").

Joinder could also be accomplished under Rule 23(b)(3) if the court finds the questions of law or fact common to class members predominate over any questions affecting only individual members.

Movant has the utmost faith that Mr. Klayman, former U.S. Dept. of Justice Attorney, is very capable of litigating this matter on behalf of "all those similarly situated."

Joinder would eliminate unnecessary litigation, as all telephone subscribers' (over 10 million) constitutional rights have been violated by the government unlawful surveillance.

For the foregoing reasons: movant is similar situated;
the claims are identical; the defendants are identical; and
defendants did not claim any prejudice, movant should
be allowed to join and respectfully request the same.

March 31, 2014

Graciously Submitted,

Timothy Demitri Brown

Timothy Demitri Brown

ADX Florence

10979-035

P.O. Box 8500

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Certificate of Service

Movant hereby certify that a true and current copy of
the foregoing was mailed postage paid to: Bryan
Dearinger, P.O. Box 883, Washington, D.C. 20044 on this
31st day of March, 2014.

Timothy Demitri Brown

Timothy Demitri Brown