

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

DENNIS MONTGOMERY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:17-cv-1074-RJL
)	
JAMES COMEY, et al.,)	
)	
Defendants.)	
)	

INDIVIDUAL-CAPACITY DEFENDANTS’ MOTION TO DISMISS

The Individual-Capacity Defendants hereby move to dismiss Counts One and Two of the plaintiffs’ complaint, ECF No. 1, under Federal Rules of Civil Procedure 12(b)(1), 12(b)(5), and 12(b)(6).¹ In support of this motion, the Individual-Capacity Defendants rely on the accompanying memorandum of law.

Respectfully submitted this 13th day of September 2017,

CHAD A. READLER
Acting Assistant Attorney General, Civil Division

C. SALVATORE D’ALESSIO, JR.
Acting Director, Torts Branch

¹ To the extent they are sued in their personal capacity, former President Barack Obama, current Director of National Intelligence (“DNI”) Daniel Coats, former DNI James Clapper, current Director of the Central Intelligence Agency (“CIA”) Mike Pompeo, former CIA Director John Brennan, current Director of the National Security Agency (“NSA”) Michael Rogers, and former Director of the Federal Bureau of Investigation (“FBI”) James Comey are referred to as the “Individual-Capacity Defendants.” To the extent they are sued in their official capacity, these defendants, along with the three agency defendants, are referred to as the “Government Defendants.” This motion is brought only on behalf of the Individual-Capacity Defendants.

/s/ James R. Whitman

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Brennan, Mike Pompeo, James R. Clapper, Dan Coats,
and Barack Obama, solely in their individual capacity