

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

BARBARA J. LEE, et al.,

Plaintiffs,

v.

Case No: 1:21-cv-00400 (APM)

DONALD J. TRUMP, et al.,

Defendants.

REPLY TO OPPOSITION TO MOTION TO JOIN STAY

Pursuant to LCvR 7(d), defendant Henry Tarrio (Tarrio) replies to plaintiffs' April 3, 2024 opposition to motion to join stay. Tarrio seeks to stay only the lead above-captioned case. Judicial economy alone favors, and is enough to support, staying this case against Tarrio in the event the Trump motion to stay (ECF No. 90) is granted. The heart of plaintiffs' opposition is that Tarrio's joinder motion requires a showing of a "relationship between *United States v. Donald Trump* and the civil proceedings against Tarrio." Opp'n at 2 (ECF No. 101). However, district courts have wide and longstanding discretion through stays to manage and control dockets. *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). A stay does not require that the issues in the two cases in question be identical. *Id.* at 254.

This case was filed by eleven members of Congress on February 16, 2021. It is the first of eight (8) civil conspiracy lawsuits actions brought in this court against a variety of defendants for their actions or roles in the events at the U.S. Capitol on January 6, 2021. But it is different than the other cases in a few respects. Just one count under 42 U.S.C. § 1985(1)) against just six defendants (three individuals and three organizations) alleges a plot and plan to hinder Congress from certifying the Biden-Harris election results. With the dismissal of defendant Rudolph Giuliani in early 2022, only two active defendants remain: Trump and Tarrio.

At this point, on the procedural record of this case, it makes no sense to stay a conspiracy action against defendant Trump and let it proceed against Tarrio. Additionally, Tarrio has been imprisoned since March of 2022. He continues to participate vigorously in the appeal of his criminal conviction of 2023 in 21-cr-175. As a result, he has virtually no resources to defend any of the four civil suits against him. He continues to appear here, frankly, to add to the record when asked and to keep the wolf from the door. He recently turned 40, and hopes to earn a reasonable income in the future. Tarrio would like to keep some of it. As stated in his January 9, 2022, motion to set aside entry of default in this case (ECF No. 55), he seeks to participate “in this case and several others like it both to protect his rights and to add to the record of those cases.” But his future participation in this and the other civil cases is not likely to be robust. Tarrio again asks that his Motion to Join ECF No. 90 be granted on grounds of judicial economy.

Respectfully submitted,

Dated: April 10, 2024

By: /s/ J. Daniel Hull
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FOR DEFENDANT HENRY TARRIO

CERTIFICATE OF SERVICE

The undersigned certifies that on April 10, 2024, he served the foregoing Reply to Opposition to Motion to Join Stay upon all counsel of record via the Electronic Case Filing (ECF) system.

By: /s/ J. Daniel Hull

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