

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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<b>ERIC SWALWELL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 21-cv-00586 (APM)</b>
	)	
<b>DONALD J. TRUMP, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**PLAINTIFF’S OPPOSITION TO DEFENDANT MO BROOKS’ MOTION TO DIMSISS**

Plaintiff Eric Swalwell, through undersigned counsel, and pursuant to the Local Rules of this Court, submits this opposition to Defendant Mo Brooks’ motion to dismiss (ECF Dk. No. 57), which the Court invited Brooks to file in its February 18 omnibus order (ECF Dk. No. 56).

In support of this opposition, Plaintiff hereby incorporates and refers to relevant points and authorities already before the Court, including in particular (i) Plaintiff’s Combined Opposition to the Motions to Dismiss by Defendants Donald J. Trump, Donald J. Trump Jr., and Rudolph Giuliani (ECF Dk. No. 23); (ii) The United States’ Response to Defendant Mo Brooks’s Petition to Certify He Was Acting Within the Scope of His Office or Employment (ECF Dk. No. 33); (iii) Plaintiff’s Opposition to Petition to Certify Defendant Mo Brooks Was Acting Within the Scope of His Office or Employment (ECF Dk. No. 34); and (iv) the opposition briefs to the motions to dismiss filed in *Thompson, et al. v. Trump, et al.* and *Blassingame, et al. v. Trump*.<sup>1</sup> Plaintiff also incorporates the oral arguments to this Court at the motions hearing on January 10,

<sup>1</sup> The *Thompson* opposition is ECF Dk. No. 23 in case number 21-cv-00400 (APM), and the *Blassingame* opposition is ECF Dk. No. 21 in case number 21-cv-00858 (APM).

2022, as well as the supplemental points and authorities the Court requested at that hearing (ECF Dk. Nos. 51 and 52).

For the reasons articulated in these pleadings and at the January 10 hearing, Plaintiff respectfully requests that the Court deny Defendant Brooks' motion to dismiss.

Dated: March 8, 2022

Respectfully submitted,

/s/ Philip Andonian

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**CERTIFICATE OF SERVICE**

I certify that on March 8, 2022, a copy of the foregoing was filed with the Clerk using the Court's CM/ECF system, which will send a copy to all counsel of record and Defendant Brooks.

/s/ Philip Andonian

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