

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

_____)	
MICHAEL E. MANN, PH.D.,)	
)	
Plaintiff,)	Case No 2012 CA 008263 B
)	Calendar No.: 3
)	Judge: Irving
)	
v.)	
)	Oral Hearing Requested
NATIONAL REVIEW, INC., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST
THE COMPETITIVE ENTERPRISE INSTITUTE AND RAND SIMBERG ON THE
ISSUE OF FALSITY, AND MOTION TO STRIKE THEIR AFFIRMATIVE DEFENSE
THAT THEIR STATEMENTS WERE NOT “SUBSTANTIALLY FALSE”**

Pursuant to D.C. Superior Court Rules of Civil Procedure 56 and 12-I(a), Plaintiff Michael E. Mann, Ph.D. respectfully moves for partial summary judgment on the grounds that no genuine issue of material fact exists as to the falsity element of his defamation claim, and that plaintiff is entitled to judgment as a matter of law. Plaintiff also moves to strike defendants The Competitive Enterprise Institute’s and Rand Simberg’s affirmative defense that their statements were not “substantially false.” In support of this motion, Plaintiff submits a Memorandum of Points and Authorities, a Statement of Undisputed Material Facts, a Declaration with exhibits attached thereto; and a Proposed Order.

WHEREFORE, Plaintiff respectfully requests that the Court grant Plaintiff’s motion for partial summary judgment as to falsity and to strike the affirmative defense that the statements were not “substantially false.”

Rule 12-I(a) Certification

The undersigned counsel certifies that he conferred with defense counsel and was unable to reach an agreement on this motion.

Dated: January 22, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2021, a copy of the foregoing Plaintiff's motion for partial summary judgment and to strike the affirmative defenses of truth and substantial truth was served via electronic filing or first-class mail on the following:

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