

Pagination

* BL

Majority Opinion >

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Taylor Budowich, Appellant, Conservative Strategies, Inc., a California for profit corporation, Appellee v. Nancy Pelosi, in her official capacity as Speaker of the United States House of Representatives, et al., Appellees

No. 22-5222

January 23, 2023, Filed

1:21-cv-03366-JEB.

For Taylor Budowich, Plaintiff - Appellant: Christopher Westley Dempsey, Attorney, Dempsey Law, PLLC, Jacksonville, FL; Jared Burns, Abel Bean Law, P.A., Jacksonville, FL.

For Conservative Strategies, Inc., a California for profit corporation, Plaintiff - Appellee: Christopher Westley Dempsey, Attorney, Dempsey Law, PLLC, Jacksonville, FL.

For Nancy Pelosi, in her official capacity as Speaker of the United States House of Representatives, Bennie G. Thompson, in his official capacity as Chairman of the House Select Committee to Investigate the January 6 Attack on the United States Capitol, Elizabeth Cheney, in her official capacity as a Member of the United States House of Representatives, Adam B. Schiff, in his official capacity as a Member of the United States House of Representatives, Jamie B. Raskin, in his official capacity as a Member of the United States House of Representatives, Susan E. Lofgren, in her official capacity as a Member of the United States House of Representatives, Elaine G. Luria, in her official capacity as a Member of the United States House of Representatives, Peter R. Aguilar, in his official capacity as a Member of the United States House of Representatives, Stephanie Murphy, in her official capacity as a Member of the United States House of Representatives, Adam D. Kinzinger, in his official capacity as a Member of the United States House of Representatives, Select Committee to Investigate the January 6th Attack on the United States Capitol, Defendants - Appellees: Todd B. Tatelman, U.S. House of Representatives, (HOUSE) Office of General Counsel, Washington, DC; Justin Sher, Sher Tremonte LLP, New York, NY.

For J.P. Morgan Chase Bank, N.A., Defendant - Appellee: Loretta Lynch, Paul, Weiss, Rifkind, Wharton & Garrison LLP, New York, NY; Matteo Godi, Roberto Gonzalez, Paul, Weiss, Rifkind, Wharton & Garrison LLP, Washington, DC; Rebecca Rose Vail, Paul, Weiss, Rifkind, Wharton & Garrison LLP, San Francisco, CA.

BEFORE: Katsas and Rao, Circuit Judges.

ORDER

Upon consideration of the motions for summary affirmance, the responses thereto, and the replies; and the motions for assignment to a prior panel, the responses thereto, and the reply, it is

ORDERED that the motions for summary affirmance be denied. The merits of the parties' positions are not so clear as to warrant summary action. See *Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294 , 297 , 260 U.S. App. D.C. 334 (D.C. Cir. 1987) (per curiam). It is

FURTHER ORDERED that the motions for assignment to a prior panel be denied.

Because the court has determined that summary disposition is not in order, the Clerk is directed to calendar this case for presentation to a merits panel. While not otherwise limited, the parties are directed to address in their briefs the following issues:

Whether the Committee itself, as opposed to **[*2]** its Members, is immune from this lawsuit under the Speech or Debate Clause of the Constitution or under principles of federal sovereign immunity;

Whether the Committee's issuance of its final report, the termination of the Committee, or the convening of a new session of Congress impacts the issues presented in this case and, if so, how.

Per Curiam