

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(ALEXANDRIA DIVISION)**

| | | |
|--------------------------------|---|--|
| EDWARD J. WEGMAN, | : | |
| | : | |
| Plaintiff, | : | Civil Action No. 1:15-cv-00486-TSE/TCB |
| | : | |
| v. | : | Removed from the Circuit Court |
| | : | of Fairfax County, Virginia, |
| | : | Civil Action No. CL-2014-0003296 |
| JOHN R. MASHEY <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |
| | : | |

**DEFENDANT JOHN MASHEY’S BRIEF IN SUPPORT OF CONSENT
MOTION TO ASSIGN RELATED CASES TO THE SAME JUDGE**

Plaintiff Edward Wegman commenced this action in the Circuit Court of Fairfax County, Virginia in 2014. In his Complaint, Plaintiff contended that Defendant John Mashey defamed him by accusing him of plagiarism in a 2006 report in which Plaintiff was the lead author. Also in 2014, Yasmin Said, the co-author of the report, filed a virtually identical complaint against Defendant in the same court. Each of the two complaints contains 42 paragraphs and, upon information and belief, are identical except that the two plaintiffs are residents of different states and Wegman was the lead author of the report and Said the co-author. (Copies of the two complaints are collectively attached hereto as Exhibit A.) Both plaintiffs are represented by the same attorney.

The plaintiffs served Defendant with their respective complaints on March 24, 2015. On April 13, 2015, Defendant removed both state court actions to this Court, with each case’s Civil Cover Sheet identifying the cases as “related.” (Copies of the two Civil Cover Sheets are collectively attached hereto as Exhibit B.) The *Wegman* case was assigned to Judge Ellis and the *Said* case was assigned to Judge Cacheris. The *Said* case is captioned *Said v. Mashey*, Civil Action No. 1:15-cv-00487-JCC-IDD.

On April 17, Defendant filed a nearly identical motion to dismiss in each case. Oral argument in the *Wegman* case is scheduled for May 8 and oral argument in the *Said* case is scheduled for May 14. In an effort to avoid unnecessary judicial and party resources and potentially inconsistent results, Defendant requests that the two cases be assigned to the same Judge so that the two motions to dismiss may be heard at the same time before the same Judge. Plaintiffs' counsel joins in this request.

Defendant has simultaneously filed this identical Consent Motion in the *Said* matter.

Respectfully submitted,

By: /s/ Emily M. Gurskis
Chad E. Kurtz, Esq.
(admitted *pro hac vice*)
Emily M. Gurskis, Esq. (#85973)
COZEN O'CONNOR, P.C.
1627 Eye Street NW, Suite 1100
Washington, DC 20006
Tel: (202) 463-2521
Fax: (202) 640-5939
ckurtz@cozen.com
egurskis@cozen.com

Thomas G. Wilkinson, Jr., Esq.
(admitted *pro hac vice*)
Peter J. Fontaine, Esq.
(admitted *pro hac vice*)
COZEN O'CONNOR, P.C.
1900 Market Street
Philadelphia, PA 19103
(215) 665-2000
(215) 665-2013
twilkinson@cozen.com
pfontaine@cozen.com

*Attorneys for Defendant,
John Mashey*

By: /s/ Milton C. Johns
Milton C. Johns, Esq. (#42305)
DAY & JOHNS, PLLC
10560 Main Street, Suite 218
Fairfax, VA 22030
Tel: (703) 268-5600
Fax: (703) 268-5602
*Attorney for Plaintiff,
Edward Wegman*

Dated: April 29, 2015

CERTIFICATE OF SERVICE

I, Emily M. Gurskis, hereby certify that on April 29, 2015 a copy of the foregoing Defendant John Mashey's Consent Motion to Assign Related Cases to the Same Judge, along with the accompanying Brief, proposed Order, Waiver of Oral Argument, exhibits, and Certificate of Service, were served on the following via ECF, as follows:

Milton C. Johns, Esq.
DAY & JOHNS, PLLC
10560 Main Street, Suite 218
Fairfax, VA 22030
Attorney for Plaintiff

/s/ Emily M. Gurskis
Emily M. Gurskis