

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

STEVEN J. ROSEN	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No.: 2009 CA 001256 B
	:	Judge Erik Christian
AMERICAN ISRAEL PUBLIC	:	Next Event: Pre-trial Conference
AFFAIRS COMMITTEE, INC., <i>et. al.</i>	:	Due: April 19, 2011
	:	
Defendants.	:	
	:	

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**DEFENDANTS' OPPOSITION TO GRANT SMITH'S  
SECOND MOTION FOR LEAVE TO FILE A BRIEF AS AMICUS CURIAE**

Defendants, the American Israel Public Affairs Committee, Inc. and Patrick Dorton, through counsel, Carr Maloney P.C., submit this Opposition brief in response to the Grant Smith's *Second Motion for Leave to File a Brief as Amicus Curiae*. Defendants respectfully request that the Court deny Grant Smith's Second Motion, and in support of their Opposition, state as follows:

1. On January 10, 2011, Grant Smith filed a Motion for Leave to File a Brief as Amicus Curiae with the Court, in which he sought to intervene in Plaintiff's defamation claim. On January 19, 2011, Defendants filed their Opposition to Grant Smith's Motion. The Court has not yet ruled on that Motion.

2. On January 28, 2011, Grant Smith filed a Second Motion for Leave to File a Brief as Amicus Curiae despite the fact his previous motion and Defendants' opposition are still pending before the Court. Nothing in the Superior Court Rules permits one to file multiple motions requesting the exact same relief, before the Court has made a ruling on the initial motion.

3. Mr. Smith's submissions constitute a blatant attempt to use the auspices of this Court to further advance his biased and personal theories about an international Zionist conspiracy. The Court need only look to the last paragraph of the Second Motion to see how Mr. Smith's assertions lack even a scintilla of foundation, let alone reference any matter that is remotely relevant to Mr. Rosen's claim of defamation. Baseless accusations that AIPAC is bilking US taxpayers by making a legitimate claim on its insurance policy and by having a representative from its insurer present at a mediation required by the Court are not only patently false, they have absolutely no bearing on the issues in this matter. Moreover, Mr. Smith has failed to establish – and cannot establish -- that he has any standing to inject himself into this matter. Matters regarding insurance coverage (none of which exist) are solely between AIPAC and its insurers.

4. Mr. Smith's filings are made only to use the authority of this Court to further his personal gain and desire for increased notoriety. After filing each of his motions, Mr. Smith writes his own press release and article about what he has alleged in his most recent motion. Based on his latest press release, it is more apparent that he is only using the Court and these filings in an attempt to cast the illusion of legitimacy on unsuspecting readers, when, in fact, his filings are based entirely on unsupported allegations of events unrelated to the case at hand.<sup>1</sup>

5. Defendants respectfully refer the Court to their Opposition to Mr. Smith's first motion and incorporate all arguments therein. Mr. Smith's Second Motion should also not be granted because it does not address any of the substantive legal arguments made in Defendants' Opposition to his first motion. Moreover, Mr. Smith's Second Motion further illustrates that allowing his Amicus brief would be inappropriate, and does nothing but seek to inject legal

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<sup>1</sup> See Ex. A, Feb. 3, 2011 IRmep Press Release. This press release does not correctly state the procedural history of the case and contains Mr. Smith's unverified opinions.



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 7th day of February, 2011, I will electronically file the foregoing with the Clerk of the Court using the CaseFileExpress system, which will then send a notification of such filing to David H. Shapiro, attorney for Plaintiff. I will then send a copy, via email and US Mail, first class, postage prepaid to:

Grant Smith  
4101 Davis PL, NW  
Washington, DC 2007  
202.342.5439  
Grant\_f\_smith@yahoo.com

\_\_\_\_\_  
/s/  
Allie M. Wright

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

STEVEN J. ROSEN

Plaintiff

v.

AMERICAN ISRAEL PUBLIC  
AFFAIRS COMMITTEE, INC., *et. al.*

Defendants

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**ORDER**

Upon consideration of the *Second Motion for Author Grant F. Smith for Leave to File a Brief as Amicus Curiae* and Defendants' Opposition thereto, it is, this \_\_\_\_\_ day of February 2011;

ORDERED, that the Second Motion for Leave to File a Brief as Amicus Curiae is DENIED.

SO ORDERED.

\_\_\_\_\_  
Judge Erik Christian

cc: David H. Shapiro  
1225 Eye Street, NW, Suite 1290  
Washington, DC 20005

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Allie M. Wright  
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# EXHIBIT A



February 03, 2011 11:31 AM Eastern Time

## Insurers Asked to Deny AIPAC Damage Claims over Classified Information Handling - IRmep

WASHINGTON--(BUSINESS WIRE)--A new legal filing asks insurers to deny American Israel Public Affairs Committee liability claims. In 2009 the Obama administration dropped Espionage Act prosecutions against two AIPAC employees indicted for soliciting classified national defense information from the Pentagon. Earlier that year Steven J. Rosen, who was never formally acquitted, filed a \$20 million suit against his former employer alleging it had defamed him in the news media by stating his conduct did not comport with AIPAC standards, placing him in a legal "zone of danger." AIPAC fired Rosen and abandoned their joint defense agreement, though it paid nearly \$5 million for his criminal defense according to recent court filings.

As defamation suit plaintiff, Rosen has attempted to prove that soliciting and circulating classified US government information is routine at the Israel lobby group. Rosen filed evidence that AIPAC obtained classified arms delivery data from the office of the President on a yearly basis, secret US-Saudi Arabia policy accords, classified FBI investigations into financial transactions between foreign governments and US politicians for use as leverage, and a still-classified compilation of US industry trade secrets and confidential business information solicited from US corporations by the International Trade Commission.

AIPAC brought its insurance broker Norman Spencer McKernan, Inc. into a January 13 pre-trial arbitration session.

On January 28, 2011, IRmep director Grant F. Smith filed a legal brief in the District of Columbia Superior Court objecting to any future claims paid by AIPAC's insurers. "Most insurance contracts specify that 'any loss to which a contributing cause was the Insured's being engaged in an illegal occupation or illegal activity' are excluded from damage claims." The amicus brief is available from the Israel Lobby Archive at: <http://www.IRmep.org/ila/rosen/01282011.pdf>. Other filings may be browsed at <http://www.IRmep.org/ila/rosen>.

According to Smith, "Nonprofit and for profit organizations engaged in legitimate activities could be hit with higher liability insurance rates if AIPAC's insurance claims are processed. This would heap injury upon insult since many Americans and accountability groups are still wondering why questions about AIPAC's demonstrated classified information trafficking are being addressed in civil, rather than criminal, proceedings."

The Center for Policy and Law Enforcement and Israel Lobby Archive are units of the Institute for Research: Middle Eastern Policy in Washington.

### Contacts

IRmep  
Grant F. Smith, 202-342-7325  
[info@irmep.org](mailto:info@irmep.org)

**"Most insurance contracts specify that 'any loss to which a contributing cause was the Insured's being engaged in an illegal occupation or illegal activity' are excluded from damage claims."**

Permalink: <http://www.businesswire.com/news/home/20110203006274/en/Insurers-Asked-Deny-AIPAC-Damage-Claims-Classified>

