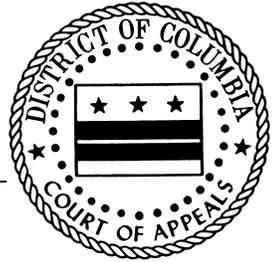


No. 24-CV-0226



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IN THE  
**District of Columbia Court of Appeals**

LARRY KLAYMAN,

*Appellant,*

*v.*

ELHAM SATAKI, HAMILTON FOX, ELIZABETH HERMAN,  
H. CLAY SMITH, III, JULIA PORTER, OFFICE OF  
DISCIPLINARY COUNSEL, MATTHEW KAISER, MICHAEL  
E. TIGAR, WARREN ANTHONY FITCH,

*Appellees.*

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Appeal from an Order of the  
District of Columbia Superior Court

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**BRIEF FOR APPELLEE, ELHAM SATAKI**

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Toni Michelle Jackson  
D.C. Bar No. 453765  
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Clerk of the Court  
Received 03/05/2025 07:42 PM  
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## CERTIFICATE OF PARTIES

Pursuant to D.C. Court of Appeals Rule 28(a)(2)(A), Appellees provides a list of all parties, intervenors, amici curiae, and their counsel in the trial court or agency proceeding and in the appellate proceeding:

Larry Klayman – Appellant pro se  
Elham Sataki – Appellee  
Hamilton Fox -Appellee  
Elizabeth Herman – Appellee  
H. Clay Smith III – Appellee  
Julia Porter- Appellee  
Office of Disciplinary Counsel – Appellee  
Matthew Kaiser – Appellee  
Michael E. Tigar – Appellee  
Warren Anthony Fitch – Appellee  
Mark J. MacDougall – Counsel for Appellees  
Caroline L. Wolverton – Counsel for Appellees  
Samantha J. Block – Counsel for Appellees  
Jane M. Mahan – Counsel for Appellees  
Akin Gump Strauss Hauer & Feld LLP – Counsel for Appellees  
Preston Burton – Counsel for Appellees  
Jackson Hagen – Counsel for Appellees  
Anne Savin – Counsel for Appellees  
Samantha Leff– Counsel for Appellees  
Orrick Herrington & Sutcliffe LLP – Counsel for Appellees  
Cori Schreider – Counsel for Appellees  
Toni Michelle Jackson – Counsel for Appellees  
Crowell & Moring LLP – Counsel for Appellee

## INTRODUCTION

In the interests of judicial economy and efficiency, and pursuant to D.C. Ct. App. R. 28(j), Elham Sataki joins in the brief filed by Appellants, Hamilton Fox, Elizabeth Herman, H. Clay Smith III, Julia Porter, the Office of Disciplinary Counsel, Matthew Kaiser, Michael Tigar, and Warren Anthony Fitch (collectively, the Bar Defendants). Ms. Sataki incorporates the arguments asserted by the Bar Defendants, and states that the D.C. Superior Court properly dismissed Larry Klayman's Complaint with prejudice.

Pertinent to Klayman's claims against Ms. Sataki, the Court concluded that (1) it lacked subject matter jurisdiction to review and alter this Court's final judgments and orders and (2) the complaint failed to state a claim upon which relief can be granted. Regarding jurisdiction, the Superior Court held that it does not have the authority or jurisdiction to vacate the order of another trial court, a federal court, nor the appellate court. On failure to state a claim, the Superior Court found that Klayman failed to state a claim for fraud against Ms. Sataki through D.C. S.C.R 60(d), and thereby also failed to state a viable claim for civil conspiracy, which requires an underlying tortious act. Finally, the

Superior Court properly held that laches is not an independent cause of action. The Superior Court therefore dismissed, with prejudice, the Complaint in this entirety.

### **STATEMENT OF JURISDICTION**

Ms. Sataki incorporates in full, as if set forth herein, the Bar Defendants' Statement of Jurisdiction.

### **STATEMENT OF THE ISSUES**

Ms. Sataki incorporates in full, as if set forth herein, the following statements of the issues as set forth in the Bar Defendants' Brief:

1. Whether the D.C. Superior Court correctly dismissed Klayman's complaint for lack of subject matter jurisdiction where this Court has exclusive original jurisdiction over D.C. bar disciplinary proceedings, the U.S. Supreme Court has exclusive appellate jurisdiction over this Court's final judgments and orders, and Klayman asked the D.C. Superior Court to set aside this Court's prior order suspending Klayman's law license.

2. Whether the D.C. Superior Court correctly dismissed Klayman's complaint for the independent reason of failing to state a claim where the Superior Court lacked authority to overturn this Court's intact judgment, Klayman asserted an affirmative defense, not an independent cause of

action, and all of Klayman's claims were speculative, vague, and conclusory.

### **STATEMENT OF THE CASE**

Ms. Sataki incorporates in full, as if set forth herein, the Bar Defendants' Statement of the Case.

### **STATEMENT OF THE FACTS**

Ms. Sataki incorporates in full, as if set forth herein, the Bar Defendants' Statement of Facts, and provides the following additional fact:

Ms. Sataki moved to dismiss Mr. Klayman's Complaint arguing that his claims are barred by the doctrine of collateral estoppel and for lack of subject matter jurisdiction. App. 402-403. In addition to the reasons set forth in the Bar Defendants' Brief, the Superior Court dismissed the claims against Sataki finding that (1) because Rule 60(d) is not an appropriate vehicle by which Plaintiff may bring his claim, his alleged Rule 60(d) "fraud" claim must fail; and (2) Klayman failed to state a claim for "civil conspiracy" because, absent an underlying claim of fraud on the court, there is no underlying tortious act to support a civil conspiracy claim. App. 413-414. Lastly, the Court found, there is no

independent cause of action for “laches.” App. 414.<sup>1</sup>

### **SUMMARY OF THE ARGUMENT**

Ms. Sataki incorporates the Bar Defendants’ Summary of the Argument Sections I, II(A)(2)-(3), II(B), and II(C), as if set forth herein.

### **CONCLUSION**

This Court should affirm the Superior Court’s dismissal with prejudice.

Respectfully Submitted,

/s/ Toni Michelle Jackson

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<sup>1</sup> After dismissing the Complaint on subject matter jurisdiction and failure to state a claim grounds, the Court did not need to reach the collateral estoppel argument. App. 415.

## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing through the Court's eservice procedures on March 5, 2025.

CROWELL & MORING LLP

*/s/ Cori Schreider*

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Cori Schreider

*Counsel for Appellee*