

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

David Geier And Mark Geier
et al.,

Plaintiffs,

vs.

**Department of Health and Human
Services**
et al.

Defendants.

Memorandum in Support of
Plaintiffs' Motion to Dismiss
Without Prejudice

Case No. 1:05CV01749

Judge Thomas Hogan

Plaintiffs submit the following memorandum of points and authorities in support of their Motion to Dismiss without Prejudice.

- Plaintiffs retained James A. Moody to represent them in the above captioned matter because of his expertise in issues related to vaccine injury and actions against the government, among other things.
- James A. Moody has suffered from a variety ailments in the last year including a heart-valve transplant (with became infected resulting in sepsis and admission to an intensive care unit). Mr. Moody has also suffered from personal tragedy this year including the death of his long time friend Elizabeth Birt.
- James A. Moody is now currently suffering from congestive heart failure and additional complications from his valve transplant.
- Because of his ailments, Mr. Moody is unable to continue representing the Geiers in the above-captioned matter.

- Mr. Joseph Hennessey is unable to take over the role as lead counsel in this case due to existing client obligations and a lack of resources needed to pursue this action.
- The Geiers sought, yet failed to identify new counsel to represent them going forward in this case.
- The fact that Mr. Moody became incapacitated is not the fault of the Geiers.
- Given his current condition, Mr. Moody cannot be expected to resume his role as Lead Plaintiff any time soon.
- Therefore, the Geiers request that the Court dismiss their complaint without prejudice.

Respectfully submitted this Thursday, April 13, 2006.

A handwritten signature in black ink, appearing to read "Joseph Hennessey". The signature is fluid and cursive, with a large initial "J" and "H".

Joseph Hennessey
The Law Office of Joseph Hennessey, LLC
7315 Wisconsin Avenue, Suite 700 East
Bethesda, MD 20814
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, Joseph Hennessey certify that on Thursday, April 13, 2006, a copy of Plaintiffs' Motion to Dismiss Without Prejudice was served by the Electronic Filing Process of the United States District Court for the District of Columbia.

Jay Ward Brown, Esq.

Adam J. Rappaport, Esq.

Levine Sullivan Koch & Schultz, LLP
1050 Seventeenth Street, NW, Suite 800
Washington, DC 20036

Alan Burch, Esq.

55 Fourth Street, NW
Washington, DC 2-530

Erica H. Perkins, Esq.

Edward J. Longosz, Esq.

Eckert Seamans Cherin & Mellott, LLC
1747 Pennsylvania Avenue, NW, Suite 1200
Washington, DC 20006

Patrick T. O'Rourke, Esq.

University of Colorado
1380 Lawrence Street, Suite 1325
Denver, CO 80204

Joseph Hennessey
P.O. Box 31256
Bethesda, MD 20824-1256

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

DAVID GEIER AND MARK GEIER

Plaintiffs,

vs.

**Department of Health and Human
Services, et al.**

Defendants.

Case No. 1:05CV01749

ORDER

Plaintiffs having lost the services of the attorney who had served as their lead counsel in this matter; and

Plaintiffs having filed a Motion to Dismiss without Prejudice; and

The Court having found good cause shown; it is hereby

ORDERED that Plaintiffs' Motion to Dismiss Without Prejudice is granted on this _____ day of _____, 2006.

Judge, United States District Court