

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MARIELLE ("MOLLY") KRONBERG,)	
)	
Plaintiff,)	
)	
v.)	No. 1:09cv947 (AJT/JFA)
)	
LYNDON LAROUCHE, et al.,)	
)	
Defendants.)	
_____)	

ORDER

This action was filed on August 21, 2009. On October 26, 2009, defendants filed a Motion to Dismiss (Doc. No 20); and on December 3, 2009, defendants filed a Joint Motion to Disqualify Former AUSA Markham (Doc. No. 25). By Order dated April 9, 2010, the Court denied defendants' Motion to Dismiss (Doc. No. 39) but granted defendants' motion to disqualify plaintiff's lead counsel John Markham, Esq. (Doc. No. 41).

On September 10, 2010, plaintiff's remaining counsel of record, John Bond, Esq., filed a Motion to Withdraw as Counsel (Doc. No. 71) on the grounds that he had agreed to appear as local counsel only based on the involvement of plaintiff's then lead counsel, John Markham, Esq., that he and the plaintiff have been unable to locate substitute lead counsel, and that because of these changes in circumstances and his ongoing health issues, he has been prevented from working on the case as required and is medically unable to continue representing plaintiff in this case.

On September 30, 2010, defendants filed Defendants' Joint Motion to Dismiss and/or For Appropriate Sanctions for Failure to Comply with Discovery (Docket No. 77). On October 25,

2010, the defendants filed Defendants' Supplemental Memorandum In Support Of Their Joint Motion To Dismiss And/Or For Appropriate Sanctions (Doc. No. 83), together with approximately 400 pages of exhibits, in which defendants contend that "not only that Kronberg and her counsel have engaged in sanctionable conduct by ignoring the federal discovery rules and specific orders of this Court, but also that Kronberg's lawsuit is totally without foundation and was filed not for any legitimate reason, but rather for publicity and harassment as part of Kronberg's long-standing personal vendetta against Lyndon LaRouche and the other Defendants in this matter."

The Magistrate Judge held a hearing on these motions on October 26, 2010 and on November 8, 2010, issued his Proposed Findings of Fact and Recommendations (Doc. No. 96). After a detailed review of the procedural history of the case and the parties' positions and contentions, the Magistrate Judge recommended that Mr. Bond be permitted to withdraw as counsel of record for the plaintiff, and that this action be dismissed without prejudice and without the award of monetary sanctions against the plaintiff or her attorney.

On November 9, 2010, James DelSordo, Esq., entered his appearance on behalf of the plaintiff.

On November 19, 2010, in response to the Magistrate Judge's Proposed Findings of Fact and Recommendations, the defendants filed Defendants' Exceptions to Judge Anderson's Proposed Findings of Fact and Recommendations (Doc. No. 114).

On November 19, 2010, defendant Boyd filed Defendant Barbara Boyd's Motion to Compel Responses to First Set of Interrogatories and Document Requests (Doc. No 111), in which she seeks to discover (1) the date, "manner of communication" and the subject matter of plaintiff's communications after July 7, 2010 with Mr. Bond; (2) every communication plaintiff

had with Mr. Markham after his disqualification; (3) the identity of every lawyer with whom plaintiff has discussed the case other than Mr. Bond and Mr. Markham; (4) information and documents concerning plaintiff's efforts to answer defendants' discovery requests; and (5) information about and documents concerning plaintiff's efforts to obtain new counsel. In addition, defendant Boyd sought all documents and e-mails reflecting communications with Mr. Bond "regarding your decision to continue with him as your counsel after the order disqualifying John Markham was entered," as well as any documents with counsel concerning plaintiff's obligation to respond to discovery.

On November 22, 2010, the plaintiff filed Plaintiff's Comments on Magistrate Judge Anderson's Proposed Findings of Fact and Recommendations (Doc. No. 116).

On November 24, 2010, defendants filed Defendants' Motion to Determine Compliance With Court's Disqualification Order, To Enjoin Contacts With And Assistance To Plaintiff In The Future And For Evidentiary Hearing And For Discovery (Doc. No. 117 and 120).

On November 30, 2010, the Magistrate Judge stayed the hearing noticed for December 3, 2010 on Defendant Barbara Boyd's Motion to Compel Responses to First Set of Interrogatories and Document Requests (Doc. No. 111), pending a decision by this Court on Defendants' Joint Motion to Dismiss and/or For Appropriate Sanctions for Failure to Comply with Discovery (Doc. No. 77).

On December 1, 2010, defendant Boyd filed Defendant Barbara Boyd's Exceptions to Magistrate Judge's Order staying Hearing on Defendants' Motion to Compel. (Doc. No. 124).

The Court has conducted a *de novo* review of the record pertaining to Defendants' Joint Motion to Dismiss and/or For Appropriate Sanctions for Failure to Comply with Discovery (Docket No. 77), the Motion to Withdraw As Counsel (Doc. No. 71); and Defendant Barbara

Boyd's Motion to Compel Responses to First Set of Interrogatories and Document Requests (Doc. No. 111). Based on that *de novo* review and upon consideration of the record, the exceptions filed with respect to the Magistrate Judge's Proposed Findings of Fact and Recommendations (Doc. No. 96) and the Order dated November 30, 2010 (Doc. No. 121), the Court accepts and approves the proposed findings of fact and the recommendation that plaintiff's counsel, Mr. Bond, be permitted to withdraw as counsel of record and that this action be dismissed without prejudice and without the award of monetary sanctions against the plaintiff or her attorney.

Wherefore, it is hereby:

ORDERED that defendants' and plaintiff's exceptions (Doc. No. 114 and 116) to the Magistrate Judge's Proposed Findings of Fact and Recommendations be, and the same hereby are, OVERRULED, and it is

FURTHER ORDERED that the Motion to Withdraw as Counsel be, and the same hereby is, GRANTED and the appearance of John Bond, Esq., be, and the same hereby is, STRICKEN as counsel of record for the plaintiff; and it is

FURTHER ORDERED that Defendants' Joint Motion to Dismiss and/or For Appropriate Sanctions for Failure to Comply with Discovery (Docket No. 77) be, and the same hereby is, GRANTED in part and DENIED in part; and this action be, and the same hereby is, DISMISSED without prejudice; and it is

FURTHER ORDERED that defendant Barbara Boyd's Exceptions to Magistrate Judge's Order Staying Hearing on Defendants' Motion to Compel (Doc. No. 124) be, and the same hereby are, OVERRULED; and Defendant Barbara Boyd's Motion to Compel Discovery

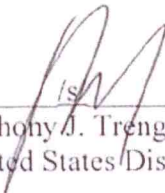
Responses to First Set of Interrogatories and Document Requests (Doc. No. 111) be, and the same hereby is, DENIED as moot; and it is

FURTHER ORDERED that defendants' Motion and Amended Motion to Determine Compliance with Court's Disqualification Order, to Enjoin Contacts with and Assistance to Plaintiff in the Future and For Evidentiary Hearing and for Discovery (Doc. No. 117 and 120), be, and the same hereby are, DENIED as moot, and it is

FURTHER ORDERED that the hearings in this matter currently scheduled for Friday, December 10, 2010 and Friday, January 7, 2011, be and the same hereby are, CANCELLED.

This order is FINAL.

The Clerk is directed to forward copies of this Order to all counsel of record and to plaintiff at her home address.



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
December 7, 2010