

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division**

**Estate of ROBERT E. WONE, by
KATHERINE E. WONE,**

Plaintiff,

v.

**JOSEPH R. PRICE,
VICTOR ZABORSKY,**

and

DYLAN WARD,

Defendants.

CA No. 2008-ca-0008315 B

The Honorable Brook Hedge

**Next Event: February 14, 2011
Witness Lists Due**

**DEFENDANTS' MOTION TO ENJOIN LEGAL COUNSEL
FROM MAKING EXTRAJUDICIAL STATEMENTS
REGARDING LITIGATION**

Defendants Joseph Price, Victor Zaborsky, and Dylan Ward, by their respective undersigned counsel, respectfully hereby move for an Order precluding the parties' legal counsel from making extrajudicial statements regarding this litigation, and in support state:

1. The underlying occurrence has been the subject of extensive media coverage for the last four years. Most of the media coverage has clearly implicated the Defendants of some wrongdoing, premised upon multiple inaccurate and untruthful assertions of the Metropolitan Police Department ("MPD") and the U.S. Attorney General's Office for the District of Columbia ("USAG").

2. The press coverage is necessarily having the effect of poisoning the jury pool, which threatening to make it impossible for the Defendants to find an impartial jury.

3. Plaintiff Estate of Robert E. Wone's (the "Estate") counsel have made statements to the media since the day they filed the original complaint nearly two years ago.

4. On September 16, 2010, one of Plaintiff's attorneys, Patrick M. Regan, addressed a collection of reporters outside the court house, where he made numerous statements about this case, including the following quote: "***Defendants don't assert their fifth amendment rights if they are not guilty of something.***"

5. This patently incorrect and inflammatory statement served no legitimate litigation purpose, but its public dissemination likely caused substantial prejudice to the Defendants by "poisoning the well" of potential jurors.

6. To avoid future prejudicial public comments that would further serve to unfairly prejudice the Defendants' right to a fair trial, Defendants respectfully request that this Honorable Court enjoin all counsel and the parties from making any extrajudicial statements regarding this lawsuit.

7. Defendants have filed an accompanying Memorandum of Points and Authorities contemporaneously herewith, which it adopts and incorporates as if fully set forth herein.

8. Justice requires the requested relief.

WHEREFORE, Defendants respectfully request the entry of an Order precluding the parties and their counsel from making extrajudicial statements regarding the matters at issue in this litigation, and for such further and additional relief as is deemed appropriate.

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¹ Admitted pro hac vice pursuant to Court's 2/26/10 Order.

² Admitted pro hac vice pursuant to Court's 8/2/10 Order.

RULE 12-I CERTIFICATE

I hereby certify that consent to this Motion was sought from Plaintiff's attorneys via an e-mail transmission on October 6, 2010 and by providing a draft of the Motion and Memorandum on October 7, 2010. Plaintiff advised that it does not consent.

 /s/ Sean P. Edwards
Sean P. Edwards

