

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RUBY FREEMAN and WANDREA' MOSS,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendant.

No. 23-cv-3754-BAH

**NOTICE OF MR. GIULIANI'S FAILURE TO FILE ANY RESPONSE TO PLAINTIFFS'
MOTION FOR CIVIL CONTEMPT**

Per this Court's minute order dated November 20, 2024, Mr. Giuliani was instructed to file any response to Plaintiffs' Motion for Civil Contempt (ECF No. 19) by December 2, 2024, and "CAUTIONING defendant that failure to respond [] will be treated as conceding that motion." November 20, 2024 Minute Order. Mr. Giuliani failed to file a timely response. Accordingly, Plaintiffs Ruby Freeman and Wandrea' Moss ("Plaintiffs") respectfully request that this Court hold that Mr. Giuliani has conceded the motion, and enter an order that Mr. Giuliani is in civil contempt and reserving the entry of appropriate sanctions until after the December 12, 2024 hearing.

Mr. Giuliani was properly served notice of Plaintiffs' Motion for Civil Contempt and the November 20, 2024 Order. On November 20, 2024, Plaintiffs' counsel sent the Motion for Civil Contempt and November 20, 2024 Order via FedEx for overnight delivery to Defendant's attention at 315 South Lake Drive, Unit 5D, Palm Beach, FL 33480. Ex. 1. Service of those materials was effective upon delivery to FedEx, pursuant to the parties' joint stipulation. ECF No. 14 at 3. Those

materials were delivered on November 21, 2024. Ex. 2. Additionally, Plaintiffs' counsel provided a copy of the motion to Mr. Giuliani's counsel, Kenneth Caruso, David Labkowski, and Joseph Cammarata via an email on November 20, 2024. Ex. 3.

Mr. Giuliani, moreover, was fully aware of Plaintiffs' Motion for Civil Contempt, as well as the Court's Order scheduling a hearing on the Motion for December 12, 2024. During a November 26, 2024 hearing in the Southern District of New York in the pending enforcement actions, *Freeman v. Giuliani*, 24-cv-6563 and *Freeman v. Giuliani*, 24-mc-353, Mr. Giuliani's counsel discussed the Motion for Civil Contempt on the record at length, including references not just to the Motion but the hearing date. Ex. 4 at 17:14–20. Mr. Giuliani was present in the courtroom and personally participated in the hearing. Mr. Giuliani sought a postponement a January 16, 2025 trial date in that Court in part because, according to Mr. Giuliani's counsel, Plaintiffs' Motion for Civil Contempt is Mr. Giuliani's "main focus right now." *Id.* at 17:21–23.

For all of these reasons, the Court should grant the Motion for Civil Contempt as conceded, should enter an order that Mr. Giuliani is in civil contempt, and the December 12, 2024 hearing should be narrowed to focus on the appropriate civil contempt sanction for Mr. Giuliani's violation of the consent injunction.

Dated: December 3, 2024

Respectfully submitted,

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