

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

	)	
<b>WADE ROBERTSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 11-1919 (ESH)</b>
	)	
<b>WILLIAM C. CARTINHOOR, JR., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**MEMORANDUM OPINION & ORDER**

Before the Court is Ty Clevenger’s Rule 59 Motion and Objections [ECF No. 122]. Cartinhour has opposed this motion [ECF No. 123] and Clevenger has filed a reply [ECF No. 124]. For the reasons set forth herein, the motion is DENIED.

First, Clevenger wants the Court to correct allegedly false statements in its Memorandum Opinion of August 10, 2012, wherein it concluded that sanctions were appropriate. (*See* Mem. Op., Aug. 10, 2012 [ECF No. 116]; *see also* Order, Aug. 10, 2012 [ECF No. 117].) Clevenger takes issue with this Court’s quotation of Judge Lamberth’s opinion (*see* Mot. at 1) and characterization of Judge Swain’s decision. (*See* Mot. at 2.) The Court correctly quoted both decisions (*see* 8/10/2012 Mem. Op. at 2, 8), and its characterization of Judge Swain’s opinion is entirely reasonable. It therefore sees no basis to amend its August 10, 2012 Memorandum Opinion.

Second, the Court has ruled that Clevenger has not been denied his due process rights, and his subjective beliefs about the merits of *Robertson II* do not change the Court’s conclusion. Moreover, any further discovery regarding whether Cartinhour incurred these fees is both

needless and burdensome. Clevenger and Robertson chose to sue the Kearney lawyers and Cartinhour. Cartinhour had no choice but to retain new counsel because of Clevenger's litigation tactics, and the cases cited by Clevenger are not relevant<sup>1</sup> since there is no legitimate basis to argue that Cartinhour was not a real party in interest, nor has Clevenger challenged the reasonableness of the fees. (See Mem. Op. & Order at 2, Aug. 30, 2012 [ECF No. 121].)

Accordingly, it is hereby

**ORDERED** that Clevenger's Rule 59 Motion and Objections is **DENIED**.

/s/  
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ELLEN SEGAL HUVELLE  
United States District Judge

Date: September 27, 2012

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<sup>1</sup> *National Ass'n of Concerned Veterans v. Secretary of Defense*, 675 F.2d 1319, 1329 (D.C. Cir. 1982), and *Thrift Depositors of America, Inc. v. Office of Thrift Supervision*, 1996 WL 247971 (D.C. Cir. 1996).