

ARGUED ON OCTOBER 17, 2014

No. 14-7067

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

COUNCIL OF THE DISTRICT OF COLUMBIA,
PLAINTIFF-APPELLANT,

v.

MURIEL BOWSER, MAYOR OF THE DISTRICT OF COLUMBIA;
JEFFREY S. DEWITT, CHIEF FINANCIAL OFFICER
OF THE DISTRICT OF COLUMBIA,
DEFENDANTS-APPELLEES.

ON APPEAL FROM A JUDGMENT OF THE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**UNOPPOSED MOTION TO HOLD APPEAL IN ABEYANCE FOR 30
DAYS, AND NOTICE OF WITHDRAWAL OF ATTORNEYS FROM
REPRESENTATION OF MAYOR MURIEL BOWSER**

After this case was argued, the Honorable Muriel E. Bowser was elected as Mayor of the District of Columbia. She has since been sworn in to office and substituted in as an appellee in this case, in place of former Mayor Vincent C. Gray, consistent with Fed. R. App. P. 43(c)(2).

In light of the importance of the matter to the District and its residents, Mayor Bowser respectfully requests that this Court hold the proceedings in abeyance for 30 days to give her an opportunity to consider her views on the issues

presented in this litigation, including the possibility that she may take a position and course of action different from the prior Mayor. The appellant Council of the District of Columbia does not oppose this motion.

The attorneys of the Office of the Attorney General (“OAG”) for the District of Columbia who have noted appearances in this case—Irvin Nathan,¹ Ariel Levinson-Waldman, Todd Kim, and Loren AliKhan—are after the filing of this pleading no longer representing the Mayor in this matter. Their appearances on behalf of the Mayor should be withdrawn. Likewise, the private attorneys who have noted appearances for the Mayor in this case—Seth Waxman and Daniel Volchok of Wilmer Cutler Pickering Hale & Dorr LLP (“Wilmer Hale”)—are no longer representing the Mayor in this matter and their appearances also should be withdrawn. Mayor Bowser consents to the OAG and Wilmer Hale attorneys’ withdrawal and will notify the Court shortly of the identity of counsel who will represent her in this matter going forward.

The OAG continues, however, through its counsel listed below, to represent the other appellee, Chief Financial Officer (“CFO”) Jeffrey DeWitt, with the consent of the Mayor. Lawrence Robbins and Eric White of Robbins, Russell,

¹ As the Court is aware, following his election to the position in November 2014, Karl A. Racine is as of January 2, 2015 the Attorney General for the District of Columbia, the position held previously by Mr. Nathan.

Englert, Orseck, Untereiner & Sauber LLP also continue representing Chief Financial Officer DeWitt. CFO Dewitt wishes to note that he continues to maintain the position that the Budget Autonomy Act is invalid for the reasons presented in the briefs for appellees and at oral argument.² He does not need any additional time to reconsider his views, though he too does not oppose the Mayor's motion to hold the appeal in abeyance for 30 days.

² CFO Dewitt in this respect relies on his own analysis and the views of the new Attorney General. Upon assuming office, the Attorney General performed an additional and independent review of the position of the OAG concerning the Budget Autonomy Act, which the Office of the Attorney General previously concluded is invalid under federal law and should not be enforced or implemented. Joint Appendix 61. Attorney General Racine has concluded that the OAG's position continues to be reflected in that opinion.

Respectfully submitted,

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February 2015

CERTIFICATE OF SERVICE

I certify that on February 13, 2015, electronic copies of this motion and notice were served through the Court's ECF system on all parties registered with the CM/ECF system.

/s/ Todd S. Kim

TODD S. KIM