

**U.S. District Court
Western District of Virginia (Charlottesville)
CIVIL DOCKET FOR CASE #: 3:22-cv-00063-NKM**

Malone v. Breggin et al
Assigned to: Senior Judge Norman K. Moon
Demand: \$25,350,000
Related Case: [3:22-cv-00046-NKM-JCH](#)
Cause: 28:1332 Diversity-Libel,Assault,Slander

Date Filed: 10/30/2022
Jury Demand: Plaintiff
Nature of Suit: 320 Assault Libel & Slander
Jurisdiction: Diversity

Plaintiff

Dr. Robert W. Malone

represented by **Evan Davis Mayo**
Tremblay & Smith, PLLC
105 East High Street
Charlottesville, VA 22902
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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TERMINATED: 09/25/2023
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Peter R. Breggin, MD

represented by **William M Stanley , Jr.**
The Stanley Law Group PLLC
13508 Booker T. Washington Hwy
Moneta, VA 24121
540-721-6028
Fax: 540-721-6405
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Defendant

Ginger Ross Breggin

represented by **William M Stanley , Jr.**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

America Out Loud

TERMINATED: 03/07/2023

Defendant

Dr. Jane Ruby

represented by **Craig Thomas Merritt**
MerrittHill, PLLC
919 East Main Street, Suite 1000
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ATTORNEY TO BE NOTICED

Defendant

Red Voice Media

TERMINATED: 03/07/2023

Date Filed	#	Docket Text
10/30/2022	<u>1</u>	COMPLAINT against America Out Loud, Ginger Ross Breggin, Peter R. Breggin, MD, Red Voice Media, Jane Ruby (Filing & Administrative fee \$ 402 receipt number AVAWDC-4062541.), filed by Robert W. Malone. (Attachments: # <u>1</u> Civil Cover Sheet) (dg) (Entered: 10/31/2022)
01/13/2023	<u>2</u>	70 Day Notice Letter (dg)
01/30/2023	<u>3</u>	90 Day Notice (dg)
02/02/2023	<u>4</u>	Proposed Summons for Peter R. Breggin, M.D., Ginger Ross Breggin and Dr. Jane Ruby by Robert W. Malone (Biss, Steven)

02/07/2023	5	Electronic Summons Issued as to Ginger Ross Breggin, Peter R. Breggin, MD, Jane Ruby NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4. (Attachments: # 1 Summons Issued, # 2 Summons Issued)(dg)
02/15/2023	6	ORDER TO SHOW CAUSE. Signed by Senior Judge Norman K. Moon on 02/15/2023. (dg)
02/23/2023	7	Response re 6 Order to Show Cause <i>and Motion to Extend Time for Service</i> . filed by Robert W. Malone. (Attachments: # 1 Text of Proposed Order)(Biss, Steven) Modified on 2/27/2023 to correct docket event (dg).
02/27/2023	8	ORAL ORDER: In his motion for extension, Plaintiff states that he "intends to dismiss his claims against America Out Loud and Red Voice Media pursuant to Rule 41(a)(1)(A)(i)." Dkt. 7 at 1 n.1. Accordingly, the Court will DIRECT Plaintiff to file notice of voluntary dismissal as to those Defendants no later than March 3, 2023. Entered by Senior Judge Norman K. Moon on 02/27/2023. <i>This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.</i> (dg)
02/27/2023	9	ORDER granting 7 Motion for Extension of Time for Service. Signed by Senior Judge Norman K. Moon on 02/27/2023. (dg)
03/07/2023	10	ORDER Dismissing Defendants Red Voice Media and America Out Loud. Signed by Senior Judge Norman K. Moon on 03/07/2023. (dg)
03/27/2023	11	NOTICE by Robert W. Malone re 9 (Biss, Steven)
03/31/2023	12	SUMMONS Returned Executed by Robert W. Malone. Ginger Ross Breggin served on 3/27/2023, answer due 4/17/2023; Peter R. Breggin, MD served on 3/27/2023, answer due 4/17/2023.(Biss, Steven)
04/12/2023	13	WAIVER OF SERVICE Returned Executed by Peter R. Breggin, MD. All Defendants. (Stanley, William)
04/13/2023	14	NOTICE of Appearance by William M Stanley, Jr on behalf of Peter R. Breggin, MD (Stanley, William)
04/13/2023	15	NOTICE of Appearance by William M Stanley, Jr on behalf of Ginger Ross Breggin (Stanley, William)
04/14/2023	16	NOTICE of Appearance by Rowland Braxton Hill, IV on behalf of Jane Ruby (Hill, Rowland)
04/15/2023	17	WAIVER OF SERVICE Returned Executed by Robert W. Malone. Jane Ruby waiver sent on 4/13/2023, answer due 6/12/2023.(Biss, Steven)
04/25/2023	18	MOTION for <i>Ronnie Bitman</i> to Appear Pro Hac Vice. Filing fee \$ 100, receipt number AVAWDC-4172863. by Jane Ruby. (Attachments: # 1 Text of Proposed Order)(Hill, Rowland)
04/25/2023	19	NOTICE of Appearance by Craig Thomas Merritt on behalf of Jane Ruby (Merritt, Craig)
04/28/2023	20	ORAL ORDER granting MOTION to Appear Pro Hac Vice: Upon consideration of the motion of Ronnie Bitman to appear pro hac vice, and finding the requirements for pro hac vice admission have been satisfied and for good cause shown, the Court grants the motion. Dkt. 18 . Mr. Bitman may appear and practice pro hac vice in this matter as counsel for Defendant, Dr. Jane Ruby. See W.D. Va. Gen. R. 6(d). Entered by Senior Judge Norman K. Moon on 4/28/2023. <i>This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.</i> (skm)

05/01/2023	21	NOTICE of Appearance by Ronnie Bitman on behalf of Jane Ruby (Bitman, Ronnie)
06/08/2023	22	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Peter R. Breggin, MD, Ginger Ross Breggin. (Stanley, William) Modified docket text to include both defendants on 6/9/2023 (sln).
06/08/2023	23	Brief / Memorandum in Support re 22 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM . filed by Peter R. Breggin, MD, Ginger Ross Breggin. (Attachments: # 1 Exhibit)(Stanley, William) Modified docket text to include both defendants on 6/9/2023 (sln).
06/08/2023	24	MOTION to Dismiss for Lack of Jurisdiction by Peter R. Breggin, MD. Ginger Ross Breggin. (Stanley, William) Modified docket text to include both defendants on 6/9/2023 (sln).
06/08/2023	25	Brief / Memorandum in Support re 22 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , 24 MOTION to Dismiss for Lack of Jurisdiction . filed by Peter R. Breggin, MD. Ginger Ross Breggin. (Stanley, William) Modified docket text to include both defendants on 6/9/2023 (sln).
06/08/2023	26	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Ginger Ross Breggin. (Stanley, William) Modified on 6/9/2023- <i>verified with attorney DE 26, 27, 28, 29 are duplicate filings of DE 22, 23, 24, 25</i> (sln).
06/08/2023	27	Brief / Memorandum in Support re 22 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , 24 MOTION to Dismiss for Lack of Jurisdiction , 26 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM . filed by Ginger Ross Breggin. (Attachments: # 1 Exhibit)(Stanley, William) Modified on 6/9/2023- <i>verified with attorney DE 26, 27, 28, 29 are duplicate filings of DE 22, 23, 24, 25</i> (sln).
06/08/2023	28	MOTION to Dismiss for Lack of Jurisdiction by Ginger Ross Breggin. (Stanley, William) Modified on 6/9/2023- <i>verified with attorney DE 26, 27, 28, 29 are duplicate filings of DE 22, 23, 24, 25</i> (sln).
06/08/2023	29	Brief / Memorandum in Support re 22 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , 24 MOTION to Dismiss for Lack of Jurisdiction , 28 MOTION to Dismiss for Lack of Jurisdiction , 26 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM . filed by Ginger Ross Breggin. (Stanley, William) Modified on 6/9/2023- <i>verified with attorney DE 26, 27, 28, 29 are duplicate filings of DE 22, 23, 24, 25</i>
06/12/2023	30	MOTION to Dismiss for Lack of Jurisdiction by Jane Ruby. (Hill, Rowland) Modified on 6/13/2023 <i>verified with attorney this filing is a duplicate to doc. no. 32</i> (skm).
06/12/2023	31	Brief / Memorandum in Support re 30 MOTION to Dismiss for Lack of Jurisdiction . filed by Jane Ruby. (Attachments: # 1 Declaration in Support Ronnie Bitman, # 2 Exhibit 1 to Decl. R. Bitman, # 3 Exhibit 2 to Decl. R. Bitman, # 4 Exhibit 3 to Decl. R. Bitman, # 5 Exhibit 4 to Decl. R. Bitman, # 6 Exhibit 5 to Decl. R. Bitman, # 7 Declaration in Support Dr. Jane Ruby)(Hill, Rowland) Modified on 6/13/2023 <i>verified with attorney this filing is a duplicate to doc. no. 33</i> (skm).
06/12/2023	32	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and for Lack of Jurisdiction</i> by Jane Ruby. (Hill, Rowland) Modified text on 6/13/2023 (skm).
06/12/2023	33	Brief / Memorandum in Support re 32 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM . filed by Jane Ruby. (Attachments: # 1 Declaration in Support Ronnie Bitman, # 2 Exhibit 1 to Decl. R. Bitman, # 3 Exhibit 2 to Decl. R. Bitman, # 4 Exhibit 3 to Decl. R. Bitman, # 5 Exhibit 4 to Decl. R. Bitman, # 6 Exhibit 5 to Decl.. R. Bitman, # 7 Declaration in Support Dr. Jane Ruby)(Hill, Rowland)

06/14/2023	34	PRETRIAL ORDER, CASE REFERRED to Magistrate Judge Joel C. Hoppe. Signed by Senior Judge Norman K. Moon on 6/14/2023. (slt) (Main Document 34 replaced on 6/15/2023) (slt). (Main Document 34 replaced on 6/15/2023) (slt). Modified on 6/15/2023-attached dated order to entry.(slt).
06/26/2023	35	MOTION re 34 Pretrial Order,, Case Referred to Magistrate Judge, <i>to Modify Pretrial Order and Stay Discovery</i> by Jane Ruby. Motions referred to Judge Joel C. Hoppe. (Hill, Rowland)
06/26/2023	36	Brief / Memorandum in Support re 35 MOTION re 34 Pretrial Order,, Case Referred to Magistrate Judge, <i>to Modify Pretrial Order and Stay Discovery</i> . filed by Jane Ruby. (Hill, Rowland)
06/29/2023	37	AMENDED COMPLAINT against All Defendants, filed by Robert W. Malone.(Biss, Steven)
07/10/2023	38	Consent MOTION for Extension of Time to File Response/Reply as to 37 Amended Complaint by Jane Ruby. Motions referred to Judge Joel C. Hoppe. (Attachments: # 1 Text of Proposed Order)(Hill, Rowland)
07/11/2023	39	ORDER denying as moot 22 Motion to Dismiss for Failure to State a Claim and 24 Motion to Dismiss for Lack of Jurisdiction. Signed by Senior Judge Norman K. Moon on 7/11/2023. (skm)
07/11/2023	40	ORDER granting 38 Consent MOTION for Extension of Time to File Response/Reply to 37 Amended Complaint filed by Jane Ruby. Dr. Jane Ruby shall have until and including July 20, 2023 to respond to Plaintiff's Amended Complaint. Signed by Senior Judge Norman K. Moon on 7/11/2023. (skm)
07/11/2023	41	ORAL ORDER: The Court will DENY as moot Defendant Dr. Jane Ruby's motion to dismiss the original complaint, Dkt. 32 , on account of Plaintiff's filing of an amended complaint. See <i>Young v. City of Mount Ranier</i> , 238 F.3d 567, 572 (4th Cir. 2001); see also Dkt. 39 (order denying other motions to dismiss as moot). It is so ORDERED. Entered by Senior Judge Norman K. Moon on 7/11/2023. <i>This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.</i> (skm)
07/13/2023	42	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Peter R. Breggin, MD, Ginger Ross Breggin. (Stanley, William)
07/13/2023	43	Brief / Memorandum in Support re 42 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM . filed by Peter R. Breggin, MD, Ginger Ross Breggin. (Attachments: # 1 Exhibit)(Stanley, William)
07/13/2023	44	MOTION to Dismiss for Lack of Jurisdiction by Peter R. Breggin, MD, Ginger Ross Breggin. (Stanley, William)
07/13/2023	45	Brief / Memorandum in Support re 44 MOTION to Dismiss for Lack of Jurisdiction . filed by Peter R. Breggin, MD, Ginger Ross Breggin. (Stanley, William)
07/20/2023	46	MOTION to Dismiss for Lack of Jurisdiction by Jane Ruby. (Hill, Rowland)
07/20/2023	47	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Jane Ruby. (Hill, Rowland)
07/20/2023	48	Brief / Memorandum in Support re 47 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , 46 MOTION to Dismiss for Lack of Jurisdiction . filed by Jane Ruby. (Attachments: # 1 Declaration in Support Bitman Decl., # 2 Exhibit 1 to Bitman Decl., # 3 Exhibit 2 to Bitman Decl., # 4 Exhibit 3 to Bitman Decl., # 5 Exhibit 4a to Bitman Decl., # 6 Exhibit 4b to Bitman Decl., # 7 Exhibit 5 to Bitman Decl., # 8 Exhibit 6 to Bitman Decl.,

		# 9 Exhibit 7 to Bitman Decl., # 10 Exhibit 8 to Bitman Decl., # 11 Exhibit 9 to Bitman Decl., # 12 Exhibit 10 to Bitman Decl., # 13 Declaration in Support Ruby Decl.)(Hill, Rowland)
07/27/2023	49	Brief / Memorandum in Opposition re 44 MOTION to Dismiss for Lack of Jurisdiction , 47 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , 42 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , 46 MOTION to Dismiss for Lack of Jurisdiction . filed by Robert W. Malone. (Biss, Steven)
07/28/2023	50	Consent MOTION for Extension of Time to File Response/Reply as to 49 Brief / Memorandum in Opposition, by Jane Ruby. Motions referred to Judge Joel C. Hoppe. (Attachments: # 1 Text of Proposed Order)(Hill, Rowland)
07/31/2023	51	ORDER granting 50 Motion for Extension of Time to File Response/Reply: Dr. Jane Ruby shall have until and including August 17, 2023 to respond to Plaintiff's 49 Memorandum in Opposition to Motions to Dismiss the Amended Complaint. Signed by Senior Judge Norman K. Moon on 7/31/2023. (skm)
08/03/2023	52	NOTICE by Jane Ruby re 35 <i>WAIVER OF HEARING ON MOTION TO MODIFY PRETRIAL ORDER AND STAY DISCOVERY</i> (Hill, Rowland)
08/03/2023	53	NOTICE of Video-Conference Hearing on Motions: 42 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM; 44 MOTION to Dismiss for Lack of Jurisdiction; 46 MOTION to Dismiss for Lack of Jurisdiction; & 47 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (CR) (Click on this link for guidance for participation via Zoom and Click on this link for instructions on how to listen to public hearings) -- Motion Hearing set for September 26, 2023 at 10:00 AM via Zoom before Senior Judge Norman K. Moon. (ca)
08/03/2023	54	REPLY to Response to Motion re 44 MOTION to Dismiss for Lack of Jurisdiction , 42 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM . filed by Peter R. Breggin, MD. (Attachments: # 1 Exhibit, # 2 Exhibit)(Stanley, William)
08/03/2023	55	ORAL ORDER granting 35 Motion stay pretrial deadlines and discovery. Noting that plaintiff has not filed opposition to the motion, and finding that the motion is supported by good cause, the Court hereby stays the deadlines in the Pretrial Order, ECF No. 34, and discovery, pending resolution of the motions to dismiss. The case is not stayed. Entered by Magistrate Judge Joel C. Hoppe on 8/3/23. <i>This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.</i> (JCH)
08/17/2023	56	Reply re 49 Brief / Memorandum in Opposition, . filed by Jane Ruby. (Hill, Rowland)
09/25/2023	57	ORAL ORDER: Upon consideration of the letter from Plaintiff dated September 20, 2023, and considering that it contains private medical information therein, the Court finds good cause shown and the requirements for sealing satisfied set forth in Local Rule 9. Accordingly, the letter shall be SEALED pending further order of Court. Entered by Senior Judge Norman K. Moon on 9/25/2023. <i>This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.</i> (skm)
09/25/2023	58	Sealed Document - Letter from Plaintiff. (skm)
09/25/2023	59	ORDER: The Court will continue the hearing on the pending motions to dismiss that is presently set for September 26, 2023, until a later date available to the parties and the Court. Plaintiff shall have thirty (30) days to notify the Court that he has secured new counsel and for such counsel to enter a notice of appearance. All other pending pretrial deadlines are stayed in the interim. Signed by Senior Judge Norman K. Moon on 9/25/2023. (Order mailed to Plaintiff via US Mail)(skm)

09/26/2023	60	Notice of Cancellation of Motion Hearing set for TODAY, September 26, 2023 at 10:00 AM via ZOOM. (Cancel Court Reporter) <i>(Hearing will be rescheduled)</i> (ca)
10/23/2023	61	NOTICE of Appearance by Evan Davis Mayo on behalf of Robert W. Malone (Mayo, Evan)
10/24/2023	62	ORAL ORDER OF RECUSAL. Magistrate Judge Joel C. Hoppe recused. Entered by Magistrate Judge Joel C. Hoppe on 10/24/23. <i>This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.</i> (kld) Modified on 10/24/2023 to correct docket text (kld).
11/13/2023	63	NOTICE of Video-Conference Hearing on Motions: 42 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, 44 MOTION to Dismiss for Lack of Jurisdiction, 46 MOTION to Dismiss for Lack of Jurisdiction, and 47 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM. (CR) (Click on this link for guidance for participation via Zoom and Click on this link for instructions on how to listen to public hearings). Motion Hearing set for December 11, 2023 at 2:00 PM via Zoom before Senior Judge Norman K. Moon. (ca)
12/11/2023	64	Minute Entry for proceedings held before Senior Judge Norman K. Moon: Motion Hearing held on 12/11/2023 via ZOOM, re 44 MOTION to Dismiss for Lack of Jurisdiction filed by Peter R. Breggin, MD, Ginger Ross Breggin, 47 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Jane Ruby, 42 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Peter R. Breggin, MD, Ginger Ross Breggin, 46 MOTION to Dismiss for Lack of Jurisdiction filed by Jane Ruby. (Court Reporter: Lisa Blair) (ca)
12/11/2023	65	ORAL ORDER: Upon consideration of the parties' arguments concerning Defendants' requests for attorney's fees, the Court hereby orders that Plaintiff may file any supplemental brief limited to responding to such request for attorney's fees within thirty (30) days; and that Defendants may file any supplemental brief in reply limited to that issue within fifteen (15) days of the filing of Plaintiff's brief. Entered by Senior Judge Norman K. Moon on December 11, 2023. <i>This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.</i> (ca)

PACER Service Center			
Transaction Receipt			
12/11/2023 17:52:06			
PACER Login:	grbreggin	Client Code:	
Description:	Docket Report	Search Criteria:	3:22-cv-00063-NKM
Billable Pages:	6	Cost:	0.60