

ORAL ARGUMENT NOT YET SCHEDULED
No. 18-3061

IN THE
**United States Court of Appeals
for the District of Columbia Circuit**

UNITED STATES OF AMERICA,
Appellee,

v.

CONCORD MANAGEMENT AND CONSULTING LLC,
Defendant-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
CRIMINAL ACTION No. 18-32 (DLF)

**MOTION TO VOLUNTARILY DISMISS APPEAL PURSUANT TO
FEDERAL RULE OF APPELLATE PROCEDURE 42(b)**

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Counsel for Defendant-Appellant Concord Management and Consulting LLC

Defendant-Appellant Concord Management and Consulting LLC (“Concord”), by and through counsel, hereby submits this Motion to Voluntarily Dismiss Appeal Pursuant to Federal Rule of Appellate Procedure 42(b). In support, Concord states as follows:

1. On August 27, 2018, Concord filed a timely notice of appeal from the district court’s August 13, 2018 order denying Concord’s motion to dismiss the criminal indictment against it.

2. On August 30, 2018, the Special Counsel filed a motion to dismiss Concord’s appeal for lack of jurisdiction.

3. Concord now seeks to voluntarily dismiss this appeal pursuant to Rule 42(b), which provides that an “appeal may be dismissed on the appellant’s motion on terms agreed to by the parties or fixed by the court.” Fed. R. App. P. 42(b).

4. Concord has consulted with the Special Counsel regarding this motion. The Special Counsel does not oppose voluntary dismissal, and the parties agree to bear their own attorneys’ fees and costs.

WHEREFORE, Concord respectfully asks the Clerk of this Court to enter an order dismissing without prejudice the above-captioned appeal pursuant to Federal Rule of Appellate Procedure 42(b).

Dated: September 6, 2018

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

On this sixth day of September, 2018, the undersigned certifies that:

1. The foregoing motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because the motion contains 182 words, as determined by the word-count function of Microsoft Word 2010; and

2. As required by Federal Rule of Appellate Procedure 27(d)(1)(E), the foregoing motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because the motion has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Garamond font.

/s/ James C. Martin

James C. Martin

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Appellate Procedure 25(d), the undersigned certifies that on this sixth day of September, 2018, he caused the foregoing motion to be filed electronically with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. Pursuant to Circuit Rule 27(b), the undersigned also caused four (4) copies of the foregoing motion to be hand-delivered to the Clerk of the Court. The participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ James C. Martin

James C. Martin