

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

DENNIS MONTGOMERY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:17-cv-1074-RJL
)	
JAMES COMEY, et al.,)	
)	
Defendants.)	
)	

**INDIVIDUAL-CAPACITY DEFENDANTS’
NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants James Comey, Michael Rogers, John Brennan, Mike Pompeo, James Clapper, Dan Coats, and Barack Obama, insofar as they are sued in their individual capacity, respectfully submit this notice of supplemental authority to advise the Court of an opinion that is relevant to the Individual-Capacity Defendants’ pending motion to dismiss, but that was issued after the Individual-Capacity Defendants filed their reply brief in support of that motion to dismiss. In *Attkisson v. Holder*, No. 17-364 (E.D. Va. Nov. 1, 2017), the court concluded, as we have argued here, that recognizing an implied damages remedy under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), would be inappropriate in the context of a case alleging that the government has conducted unlawful electronic surveillance and made unauthorized intrusions into electronic communications. A copy of the *Attkisson* opinion is attached as Exhibit A.

Respectfully submitted this 7th day of November, 2017,

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/s/ James R. Whitman
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Brennan, Mike Pompeo, James R. Clapper, Dan Coats,
and Barack Obama, solely in their individual capacity