

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13-7080

September Term, 2014

1:09-cv-01761-BAH

Filed On: November 18, 2014

Gregory Slate,

Appellant

v.

American Broadcasting Companies, Inc., et al.,

Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Tatel, Millett, and Wilkins, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's dismissal of appellant's action for bad faith conduct of litigation conduct be affirmed. The district court's factual findings of misconduct were not clearly erroneous, see *United States v. Wallace*, 964 F.2d 1214, 1217 (D.C. Cir. 1992); and the district court did not abuse its discretion, see *Chambers v. NASCO*, 501 U.S. 32, 55 (1991); *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 405 (1990); *Bristol Petroleum Corp. v. Harris*, 901 F.2d 165, 167 (1995), in determining that dismissal was warranted in light of the numerous instances of misconduct it cited and the materiality of some of that misconduct to adjudication of central issues in the case. See *Webb v. District of Columbia*, 146 F.3d 964, 971 (D.C. Cir. 1998). Finally, under the circumstances presented here, the district court was not required to hold a hearing on the motion to dismiss. See *McLaughlin v. Bradlee*, 803 F.2d 1197, 1205-06 (D.C. Cir. 1986).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

By: /s/
Jennifer M. Clark
Deputy Clerk/LD