

EMMANUEL ABGARA,
Plaintiff,
v.
AT&T MOBILITY, LLC *et al.*,
Defendants.

Before the court is Defendant Evelyn O. Okoji's Motion to Dismiss. ECF No. 37. For the reasons set forth below, the court will GRANT the motion.

Pro se Plaintiff Emmanuel Agbara first sued AT&T Mobility, LLC (AT&T) and Okoji, his former wife, asserting Cable Communications Policy Act claims and various state law claims. *Agbara v. AT&T*, 19-cv-1823-TSC (D.D.C.) (“*Agbara I*”). He alleged that Okoji used illegal means to obtain information from AT&T about and to make changes to his cellular telephone account. *Agbara I*, ECF No. 1 at ECF p. 6.¹ He claims that in so doing, she gained access to his personal “confidential” information, which she revealed to others, causing him emotional pain and suffering. *Id.* at ECF p. 11-12. The court granted AT&T’s motion to compel Plaintiff to arbitrate the

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claims against it and dismissed AT&T as a defendant without prejudice. *Agbara I*, ECF Nos. 20, 21.

Prior to the dismissal, Plaintiff filed a second action against AT&T, Okoji and other defendants he claims assisted her and engaged in various other illegal actions. *Agbara v. AT&T*, 19-cv-2945-TSC (D.D.C.) (“*Agbara II*”). This second lawsuit included additional allegations and/or claims against Okoji. As it had in *Agbara I*, the court ultimately dismissed AT&T as a defendant without prejudice in the second lawsuit. *Agbara II*, ECF No. 24. While multiple defendants remain in *Agbara II*, only Okoji remains as a defendant in *Agbara I*. Okoji asks this court to dismiss the claims in both cases. *Agbara I*, ECF No. 37; *Agbara II*, ECF No. 38.

B. ANALYSIS

Okoji raises several arguments supporting dismissal of *Agbara I*, none of which the court need address here because Plaintiff effectively consents to dismissal of *Agbara I*. Responding to Okoji’s motion, Plaintiff states that

- *Agbara II* “effectively replaced the Complaint” in *Agbara I*. *Agbara I*, ECF No. 42, Pls. Resp. at 3.
- “In the instant case, the Plaintiff in both complaints is the same, the disputation [sic] arose from a common origin.” *Id.* at 6.
- “The right course of action is a steady one on the track of the second complaint that leads to a resolution of the state law claims against all remaining individuals [sic] defendants in a single trial. The Plaintiff, defendants, possible witnesses and evidence are the same in both complaints.” *Id.*

In light of these admissions, the interests of justice are not served by continuing with two separate lawsuits. Accordingly, by separate order the court will grant Okoji's motion to dismiss *Agbara I* without prejudice. The court will issue a separate opinion on Okoji's motion to dismiss *Agbara II*.

Date: September 30, 2021

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge