UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Hindu American Foundation	)	
	)	
Plaintiff,	)	
	)	
v.	)	**CASE NUMBER 1:21-CV-01268-APM**
	)	
Sunita Viswanath, Raju Rajagopal, Rasheed Ahmed, John Prabhudoss, & Audrey Truschke	)	
	)	
Defendants.	)	

REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT RASHEED AHMED'S MOTION TO DISMISS

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

Cases

Statutes

Other Authorities

Ahmed[1] respectfully submits this reply memorandum of points and authorities in response to Plaintiff's opposition ("Opposition" or "Opp.") and in further support of his motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1), (2), (3), and (6).

INTRODUCTION

Because Plaintiff's Complaint was a transparent effort to silence its critics, it is no surprise that the Opposition offers no legitimate response to any of Ahmed's argument for dismissal. As an initial matter, Plaintiff cannot establish personal jurisdiction over Ahmed. While the Complaint failed to articulate any basis for jurisdiction, the Opposition claims Ahmed should be deemed to transact business in the District. However, Plaintiff does not actually claim Ahmed *personally* does business in the District; rather it claims that, because of his relationship with non-party IAMC, a D.C.-based organization, he is subject to jurisdiction on claim based upon statements he supposedly made outside of the District in his personal capacity pursuant to D.C. Code §§ 13-423(a)(1). That is not the law. Plaintiff also fails entirely to allege the prerequisites to jurisdiction in connection with Subsections (a)(3) and (a)(4). Finally, the proposition that personal jurisdiction is proper based on Ahmed's supposed membership in a conspiracy is meritless, given that Plaintiff has not remotely pled the existence of any conspiracy.

As to subject matter jurisdiction, the Complaint did not allege Plaintiff had suffered any damages. Despite being pressed on this obvious point in Ahmed's motion, Plaintiff continues to assert only that it may have lost donations *or* that it *may* lose *future* donations. Moreover, Plaintiff offers no factual support for any damages it may be claiming to have suffered. Given that the monetary threshold for diversity jurisdiction is evaluated as of a complaint's filing, there is no basis for subject matter jurisdiction.

[1] All terms defined in the Memorandum of Points and Authorities in Support of Defendant Rasheed Ahmed's Motion to Dismiss ("Moving Brief" or "Mov. Br."), are given the same meaning herein.

Plaintiff's argument that venue is proper because a District resident was harmed fails as a matter of law and because Plaintiff has not even alleged actual harm. Its argument about pendent venue is unavailing because it does not identify any claim as to which venue would be proper and cannot establish personal jurisdiction over Ahmed, precluding the doctrine's application.

Procedural issues aside, Plaintiff's defamation claim fails. Plaintiff has no substantive response to the point that it did not adequately plead Ahmed himself did anything, instead only repeating the formulaic assertion that Ahmed "caused" IAMC to do things. Similarly, Plaintiff has no legitimate response to the points that the allegedly defamatory statements are not actionable because they are, variously: (i) true, (ii) not defamatory, (iii) expressions of opinion, and/or (iv) not concerning Plaintiff. Underscoring Plaintiff's failure is that it literally attributes to Ahmed words not used by him or anyone else. Beyond that Plaintiff seeks to put words into Ahmed's mouth that were written by the non-party author of the relevant news articles, as if Ahmed had authored the articles himself. Finally, Plaintiff's arguments about alleged republishing of statements are contrary to law.

Given these clear flaws, Plaintiff leans heavily on the idea that Defendants and the non-party author were in a conspiracy, such that anything any of them said is attributable to Ahmed. In reality, Plaintiff does not have a viable conspiracy claim, but rather a conspiracy theory, as underscored by Exhibit 1 to counsel's declaration, which contains a dizzying array of arrows and circles purportedly illustrating this conspiracy. Indeed, Plaintiff does not come close to meeting the exacting standards to plead an agreement to conspire. Rather, Plaintiff alleges Defendants were co-conspirators because they share views and goals, a legally baseless proposition. Plaintiff also offers a list of allegations about how "Defendants" conspired to do things, without citing any communication, document, or other evidence that would substantiate the allegations. (To the extent Plaintiff's jurisdictional arguments are based on this conspiracy theory, they fail as well.)

Plaintiff further has failed to plead malice. It claims its tax returns were "inconsistent" with the idea that it provided funds to "Indian nationalist or supremacist organizations." This argument fails because there is no allegation that Ahmed claimed Plaintiff disbursed funds in that way. It fails further because Ahmed had no duty to investigate such filings, which actually show unspecified transfers to recipients in "South Asia" and "India" for vaguely described purposes.

As to damages, Plaintiff points to no statement actually made that constitutes defamation *per se* and fails entirely to allege any damages, let alone with particularity.

ARGUMENT

I. There Is No Basis to Exercise Personal Jurisdiction.

A. There Is No Jurisdiction over Ahmed Pursuant to Section 13-423(a)(1) Because Ahmed Does Not "Transact Business" in the District.

The Opposition implicitly concedes that Ahmed does not personally transact business in the District and that jurisdiction does not exist over him based on his own actions. Plaintiff could not legitimately claim otherwise: Ahmed has lived and worked in Illinois for nearly 20 years. He is not employed in, does not have an office in, or have property in the District. Ahmed Decl. (Dkt. No. 37-1) ¶¶ 2, 5-7. While that should end the jurisdictional inquiry, Plaintiff insists jurisdiction exists because Ahmed is "more than a mere employee" of non-party IAMC. Opp. at 16-17. In particular, Plaintiff argues that, because IAMC transacts business in the District, jurisdiction exists over Ahmed *in his personal capacity* for statements he allegedly made *outside of the District*. *Id.* Plaintiff misstates and misapplies the law.

The fiduciary shield doctrine provides that "personal jurisdiction over the employees or officers of a corporation in their individual capacities must be based on their personal contacts with the forum and not their acts and contacts carried out solely in a corporate capacity." *Wiggins v. Equifax Inc.*, 853 F. Supp. 500, 503 (D.D.C. 1994). The "more than a mere

employee" rule is an exception to that doctrine if "there is an act or omission by the officer which logically leads to the inference that he had a share in the wrongful acts of the corporation." *Nat'l Cmty. Reinvestment Coalition v. NovaStar Fin., Inc.*, 631 F. Supp. 2d 1, 6 (D.D.C. 2009).

The "more than a mere employee" rule has no application here for several reasons. As an initial matter, there are no claims in this case against IAMC (the entity), only claims against Ahmed in his personal capacity. Because there are no claims against IAMC, there is no need to shield any corporate officer from liability for corporate wrongdoing. Therefore, neither the fiduciary shield doctrine nor the "more than a mere employee" exception apply.

As such, Plaintiff's "more than a mere employee" argument is nothing more than a strawman. Ahmed's jurisdictional arguments are not based on the fiduciary shield doctrine nor the capacity in which he took any alleged actions. Rather, Ahmed argued that the Complaint does not allege conduct within the District's long-arm statute, including the relevant "plus factors," and that he does not have minimum contacts with the District. Mov. Br. at 8-12. In short, Plaintiff is asking the Court to apply an exception to a defense Ahmed never raised in order to mask its efforts to obtain some form of derivative general jurisdiction over Ahmed based solely on his affiliation with IAMC. Plaintiff's transparent efforts should be rejected.

Even if the "more than a mere employee" exception were applicable, it still would not provide for jurisdiction over Ahmed. As the cases cited by Plaintiff hold, even where the exception applies, the individual defendant must "share in the wrongful acts of the corporation." *Nat'l Cmty.*, 631 F. Supp. 2d at 9 (quoting *Vuitch v. Furr*, 482 A.2d 811, 821 (D.C. 1984)); *see*

also Covington & Burling v. Int'l Mktg. & Research, Inc., 2003 D.C. Super. LEXIS 29, at *18 (D.C. Super. Ct. April 17, 2003) (individuals "clearly involved" in the corporate wrongdoing).[2]

Applying Plaintiff's expansive (and incorrect) reading of the exception—that the "Court can attribute IAMC's connections with the District to Ahmed"—every corporate officer who could be considered "more than a mere employee" would essentially be subject to *general* jurisdiction wherever there is jurisdiction over the corporate entity. That is, of course, not the law, and that very proposition has been repeatedly rejected by courts in this District. *See e.g., Mouzon v. Radiancy*, Inc., 85 F. Supp. 3d 361, 371-2 (D.D.C. 2015) (the defendant's "contacts with the forum state must be assessed based on his actions—separately from the corporation's contacts with the forum state"); *Daughtry v. KMG Hauling, Inc.*, 2021 U.S. Dist. LEXIS 169606, at *7 (D.D.C. September 8, 2021) ("the Court must consider [the individual defendant's] 'suit-related contacts undertaken in his corporate role'").

As such, even if the "more than a mere employee" exception applied (it does not), Plaintiff still would have to demonstrate personal jurisdiction over Ahmed "based on his own actions." *Mouzon*, 85 F. Supp. 3d at 371-2 (A defendant's status as more than a mere employee "automatically does not confer personal jurisdiction over him in the District of Columbia. Plaintiffs must still establish that the Court has personal jurisdiction over [the defendant] based on his own actions."). Here, neither the Complaint nor the Opposition contains allegations of Ahmed's "suit-related" contacts with the District. The absence of such allegations demonstrates that, even at a *prima facie* level, Plaintiff's claims do not arise from any personal transaction of business by Ahmed in the District, and there is no jurisdiction under Subsection (a)(1).

[2] As the cases cited in the Opposition demonstrate, unlike here, there must be corporate wrongdoing alleged in the first place. For this reason, among the others set forth above, Plaintiff's cases are all distinguishable. *See* Opp. at 18 (citing *Nat'l Cmty.*, 631 F. Supp. 2d; *Covington*, 2003 D.C. Super. LEXIS 29; and *Urquhart-Bradley v. Mobley*, 964 F.3d 36, 41-42 (D.C. Cir. 2020)).

For the same reasons, Plaintiff has failed to establish that the exercise of jurisdiction over Ahmed would comport with due process. Indeed, rather than address the arguments set forth in the Moving Brief regarding Ahmed's lack of minimum contacts with the District and the extensive case law regarding the requirements for minimum contacts in a defamation action (Mov. Br. at 9-13), Plaintiff simply reiterates that Ahmed is an officer of IAMC and as such "could reasonably anticipate being haled into this Court by Plaintiff even if he was allegedly not physically present within the District when he committed and/or caused these acts to be committed." Opp. At 20. Plaintiff's conclusory statement has no factual basis and such allegations are plainly insufficient under the due process clause.[3]

B. There Is No Basis for Conspiracy-Based Jurisdiction.

Plaintiff further claims there is jurisdiction over Ahmed because he is part of a civil conspiracy. Opp. at 21-22. To assert jurisdiction over civil conspirators, a plaintiff must sufficiently allege the existence of a conspiracy, which Plaintiff has simply failed to do. *See* Section IV, below; Mov. Br. at 37-38; *see also Jung v. Ass'n of Am. Med. Colleges*, 300 F.Supp.2d 119, 141 (D.D.C. 2004) ("'Mere speculation' that a conspiracy exists or that 'the non-resident defendants are co-conspirators [is] insufficient to meet plaintiff's [] burden'… courts in this Circuit have applied the conspiracy jurisdiction theory 'warily' in light of concerns that plaintiffs will use the doctrine to circumvent the constitutional boundaries of the long-arm statute.") (internal citations omitted).

In addition, a plaintiff seeking to establish jurisdiction based on a conspiracy must allege (a) the nonresident's participation in or agreement to join the conspiracy; and (b) an overt act

[3] Plaintiff's bizarre claim that the Court should disregard the fact that Ahmed was not physically in the District from February 2020 to July 2021 because his absence was due to COVID should be rejected as an illogical attempt to avoid the consequences of Ahmed's undisputed absence. *See* Opp. at 22.

taken in furtherance of the conspiracy *within the District's boundaries*. *See Edmond v. United States Postal Serv. Gen. Counsel*, 949 F.2d 415, 425 (D.C. Cir. 1991). Neither the Complaint nor the Opposition contains non-conclusory allegations meeting either requirement. *See* Section IV, below. For all these reasons, there is no basis to assert conspiracy jurisdiction over Ahmed.

C. There Is No Jurisdiction Under Either Section 13-423(a)(3) or (a)(4).

To establish jurisdiction under Subsection (a)(3), a plaintiff must allege that the defendant committed a tortious act in the District that caused injury in the District. D.C. Code § 13- 423(a)(3). Here, Plaintiff has not alleged either that Ahmed personally committed a tortious act in the District or that it suffered injury in the District.

To begin with, Plaintiff has *never* alleged that Ahmed personally made any defamatory statements or took any other tortious act *in* the District. The Complaint and the Opposition (even when discussing Subsection (a)(3) specifically) are silent as to Ahmed's location when he supposedly took the acts at issue. *See* Opp. at 25. For this reason alone, jurisdiction is not permissible under Subsection (a)(3). While Plaintiff seeks to avoid this fatal deficiency by relying on its conspiracy allegations—*i.e.*, the acts of others—those allegations are insufficient.

Moreover, Plaintiff has not alleged an injury sufficient to meet the requirements of Subsection (a)(3) or (a)(4). As set forth in the Moving Brief (at 13-15), as well as below in Section II, Plaintiff has failed to plead that it has suffered any injury at all. Specifically, Plaintiff claims it "has lost and/or expended and/*or will lose and/or expend* at least $75,000." Compl. ¶ 16 (emphasis added); *see also* Opp. at 44 ("HAF has alleged that it has lost donations *or will lose* donations") (emphasis added). Indeed, Plaintiff has not identified a single donation it claims to have lost. Plaintiff's vague and conclusory allegations are insufficient to establish any injury.

Plaintiff's efforts to assert jurisdiction over Ahmed under Subsection (a)(4) also fail because Plaintiff cannot legitimately allege that Ahmed "regularly does or solicits business,

engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed, or services rendered, in the District of Columbia." D.C. Code § 13-423(a)(4). Plaintiff never offers any allegations that would support a finding that those prerequisites are met and is precluded factually from doing so. Ahmed lives and works in Illinois; he has never lived in, is not employed in, does not have an office in, and does not own or rent property in, the District. He was not even physically in the District from February 2020 through June 2021—the period in which the events relevant to this lawsuit took place. *See* Ahmed Decl. ¶¶ 2-7. Given these facts—none of which Plaintiff disputes—Plaintiff cannot establish the necessary "plus factors." *See Mouzon*, 85 F. Supp. 3d at 372-3; *Groop Internet Platform Inc. v. Psychotherapy Action Network*, 2020 U.S. Dist. LEXIS 9510, at *22-23 (D.D.C. January 21, 2020).

In a failed attempt to avoid these glaring deficiencies, Plaintiff seeks (improperly) to impute IAMC's contacts with the District to Ahmed in order to obtain what amounts to general jurisdiction over him. *See* Opp. at 24. In short, Plaintiff argues that IAMC's presence in the District requires a finding that Ahmed personally does business or engages in a "persistent course of conduct" subjecting him to jurisdiction in the District for any cause of action. *Id.* This argument is legally and factually baseless.

II. There Is No Basis to Exercise Subject Matter Jurisdiction.

The Complaint does not allege definitively that Plaintiff has suffered any damages. *See* Compl. ¶ 16 (Plaintiff "has lost and/or expended and/*or will lose* and/or expend at least $75,000") (emphasis added). Ahmed argued that this vague statement did not establish the monetary threshold for diversity jurisdiction (Mov. Br. at 14), but Plaintiff's response was equally equivocal. *See* Opp. at 28 ("HAF has lost *or will lose* donations") (emphasis added).

If Plaintiff has actually sustained damages, it must not only allege that, but also provide substantiation, which it has failed to do. *See St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303

U.S. 283, 288-89 (1938). Under *St. Paul Mercury*, "*if, from the proofs*, the court is satisfied to a like certainty that the plaintiff never was entitled to recover that amount…the suit will be dismissed." *Id.* Plaintiffs must do more than make conclusory assertions regarding an alleged injury. *Bronner v. Duggan*, 962 F.3d 596, 609-10 (D.C. 2020); *Rosenboro v. Kim*, 994 F.2d 13, 17 (D.C. 1993). Once questioned, it is Plaintiff's burden to establish the amount in controversy with sufficiently particular facts. *See Bronner*, 962 F.3d at 610 (citing *Department of Recreation & Sports v. World Boxing Ass'n*, 942 F.2d 84, 88 (1st Cir. 1991)). A nebulous allegation that Plaintiff might suffer damages in the future does not satisfy Plaintiff's burden.

If, on the other hand, Plaintiff has not suffered damages, but merely claims it might, subject matter jurisdiction is lacking. Speculation about the future does not establish jurisdiction. *See Rosenboro*, 994 F.2d at 19 (citing *Martin v. Gibson*, 723 F.2d 989, 993 n.5 (D.C. Cir. 1983)). Rather, federal jurisdiction is determined when the complaint is filed. *See Szymkowicz v. Frisch*, 2020 U.S. Dist. LEXIS 136537, at *22 n.11 (D.D.C. July 31, 2020) (quoting *Newman-Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 830 (1989) ("[t]he existence of federal jurisdiction ordinarily depends on the facts as they exist when the complaint is filed") (internal quotation marks omitted)). Thus, a *possibility* that Plaintiff *might* lose donors at some point is insufficient.

Plaintiff's prayer for punitive damages does not change this result. "Liberal pleading rules are not a license for plaintiffs to shoehorn essentially local actions into federal court through extravagant . . . punitive damage claims." *Kahal v. J.W. Wilson & Assocs., Inc.*, 673 F.2d 547, 549 (D.C. Cir. 1982) (per curiam). Thus, "[c]lose scrutiny" is necessary "where the availability of punitive damages is the sine qua non of federal jurisdiction." *Id.* Plaintiff's request for punitive damages rests on a conclusory allegation that "Defendants' conduct was malicious, fraudulent, outrageous, and reckless." Compl. ¶ 45. This statement is far from sufficient.

III. Venue Is Improper in this District.

Plaintiff alleged venue is proper because "a substantial part of the events, including the publication of the defamatory statements, giving rise to this complaint occurred" in the District.[4] Compl. ¶ 18. In response, Ahmed made the obvious point that Plaintiff did not allege Ahmed took any relevant action in this District. Mov. Br. at 15. Plaintiff's only retort is that a conspiracy harmed a District resident. Opp. at 29-30. Plaintiff cites no law to support the proposition that harm to a D.C. entity (which Plaintiff has not actually alleged) constitutes "events or omissions giving rise to the claim," such that venue is proper. *See* 28 U.S.C. § 1391(b)(2).[5]

IV. Plaintiff's Conspiracy Claim Should Be Dismissed Pursuant to Rule 12(b)(6).

To state a claim for conspiracy, a plaintiff must first establish an underlying tort. *Nader v. Democratic Nat'l Comm.*, 567 F.3d 692, 697 (D.C. Cir. 2009) (internal citations and quotation marks omitted). As discussed in the following section, Plaintiff has no viable defamation claim.[6]

---

[4] Plaintiff also claims venue is proper under the pendent venue doctrine. "No clear theory of pendent venue has yet emerged, and the doctrine is thus far wholly discretionary." *McManus v. Washington Gas Light Co.*, 1991 U.S. Dist. LEXIS 14539, at *11 (D.D.C. October 15, 1991) (citing *Reuber v. United States*, 750 F.2d 1039, 1048 (D.C. Cir. 1984)). Nonetheless, Plaintiff asserts that "so long as the Court determines that some of the claims brought by HAF are properly venued, venue should lie for the entire action, as the action involves a common nucleus of operative facts: the conspiracy of the Defendants to defame HAF." Opp. at 30. However, Plaintiff fails to explain which claim is properly venued here or how that claim relates to Ahmed. Additionally, pendent venue cannot be exercised over claims if the court cannot exercise personal jurisdiction over all defendants. *Coltrane v. Lappin*, 885 F. Supp. 2d 228, 235 (D.D.C. 2012). Since there is no basis for personal jurisdiction over Ahmed, applying pendent venue would be improper for that reason also. *See id.*

[5] Plaintiff cites one case from South Carolina, *Sadighi v. Daghighfekr*, but that is unavailing because it involved overt acts by the defendants in the forum, including transferring the plaintiff to a position there before terminating the plaintiff's employment there. 36 F.Supp.2d 267, 275-76 (D.S.C. 1999). And, courts in this District have consistently rejected the position Plaintiff takes that merely having a website or online content accessible in D.C. is sufficient to establish venue. *See Corsi v. Stone*, 2020 U.S. Dist. LEXIS 34852, at *6-*7 (D.D.C. March 1, 2020); *Corsi v. Infowars, LLC*, 2020 U.S. Dist. LEXIS 41133, at *7-8 (D.D.C. March 10, 2020). If the law were otherwise, venue could be established in any district where an internet connection exists; obviously, that is not the law.

[6] Given the volume of Plaintiff's arguments regarding the conspiracy, we address that issue before addressing the fact that no tort has been adequately alleged.

In addition to establishing a tort, "[a plaintiff] ha[s] to prove (1) an agreement between two or more persons (2) to participate in an unlawful act." *McMullen v. Synchrony Bank*, 164 F. Supp. 3d 77, 96 (D.D.C. 2016) (citations and internal quotation marks omitted). The agreement is the "essential element of a conspiracy claim." *Graves v. United States*, 961 F. Supp. 314, 320 (D.D.C. 1997). And, "the plaintiff must set forth more than just conclusory allegations of [the] agreement." *Mattiaccio v. DHA Group, Inc.*, 20 F. Supp. 3d 220, 230 (D.D.C. 2014) (internal citations and quotation marks omitted).

In *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 550-51 (2007), Plaintiff alleged that a series of seemingly coordinated actions among the defendants constituted a conspiracy:

> The complaint alleges that the ILECs conspired to restrain trade in two ways, each supposedly inflating charges for local telephone and high-speed Internet services. Plaintiffs say, first, that the ILECs 'engaged in parallel conduct' in their respective service areas to inhibit the growth of upstart CLECs…Their actions allegedly included making unfair agreements with the CLECs for access to ILEC networks, providing inferior connections to the networks, overcharging, and billing in ways designed to sabotage the CLECs' relations with their own customers…the ILECs' 'compelling common motivatio[n]' to thwart the CLECs' competitive efforts naturally led them to form a conspiracy….Second, the complaint charges agreements by the ILECs to refrain from competing against one another. These are to be inferred from the ILECs' common failure 'meaningfully [to] pursu[e]' 'attractive business opportunit[ies]' in contiguous markets….

Despite these detailed allegations regarding conduct plainly designed to further the defendants' aligned interests, the Court dismissed the complaint because ultimately it only alleged that the defendants "engaged in certain parallel conduct unfavorable to competition" without "factual context suggesting agreement…." *Id.* at 548-59.

This Court has held that conspiracy claims must be examined vigorously for the requisite particularity. *See EIG Energy Fund XIV, L.P. v. Petróleo Brasileiro S.A.*, 246 F.Supp.3d 52, 90 (D.D.C. 2017) (Mehta, J.) ("[T]he D.C. Circuit requires that the plaintiff 'plead *with particularity* the conspiracy…to establish conspiracy jurisdiction over a defendant.…This particularity

requirement is 'strictly enforced.'") (internal citations omitted); *Johnson v. Metro. Direct Prop. & Cas. Ins. Co.*, 2019 U.S. Dist. LEXIS 5364, at *10-11 (D.D.C. January 11, 2019) ("Johnson alleges a broad conspiracy among all Defendants to defame him by 'conspir[ing]' to 'falsely accus[e] him wrongly of operating his vehicle,' … Never does Plaintiff offer any facts…to back up his claim of an agreement. He does not, for instance, put forth 'any event, conversation, or document showing that there was an agreement.'….") (internal citations omitted).

Naturally, these principles apply—perhaps with greater force—when it is alleged that a conspiracy involves the Fourth Estate. In *Dowd v. Calabrese*, 589 F. Supp. 1206, 1209 (D.D.C. 1984), plaintiffs were members of a Justice Department strike force. They claimed a convicted defendant had provided false information published by the Wall Street Journal regarding unethical practices used by plaintiffs to force the defendant to cooperate. *Id.* On this basis, Plaintiffs alleged a conspiracy between the convicted individual and Journal reporters. *Id.* at 1212-13. The court rejected the premise that a conspiracy existed based on the provision of information used in the article:

> Collaboration between individuals with an axe to grind and reporters eager for a story is not uncommon; rather, it is the way the news media frequently operate. Where this kind of collaboration occurs, the two parties could be said in one sense to be working together for the same end: publication of a story….But such collaboration does not, without more, a conspiracy make....proof of cooperation between two individuals who have a common purpose to produce a news story does not represent a sufficient basis for an actionable conspiracy…what is required in this sensitive First Amendment area is proof not merely of separate and distinct improper purposes by each, proof not merely of a joint purpose to publish, but specific evidence of a joint purpose to defame.

Id. at 1213-14.

Pursuant to these controlling authorities, Plaintiff has failed to allege sufficiently that Defendants entered into any agreement, let alone a specific agreement to defame Plaintiff through the publication of news articles and related commentary. Plaintiff does not identify a

single communication, document or fact plausibly suggesting an agreement to harm Plaintiff. Rather, Plaintiff alleges in conclusory and serial fashion that unspecified "Defendants" and non-parties engaged in a conspiracy because they tend to be on one side of a debate relating to Indian politics and have engaged in related advocacy. *See, e.g.*, Opp. at 5 ("Defendants dislike the political party currently in power in India…and have political disagreements with the Indian government….Defendants have aligned themselves together in their outspoken criticism of groups whom they perceive to be 'pro-Indian government' and 'pro-Hindu', particularly HAF."); *id.* at 5 ("Defendants are coalition partners and close allies who are publicly and inextricably intertwined and associated with one another in a common advocacy and strategy against such 'pro-Hindu'/'pro-Indian government' groups.").

The notion that Defendants were conspirators because they share political views is baseless. If such an allegation were sufficient, groups advocating for a common cause, however otherwise disparate, would be conspirators, contrary to *Twombly*. The same would be true of sources and journalists, contrary to *Dowd*. Such results would vitiate the First Amendment.

Even when Plaintiff alleges conduct that supposedly was directed at it, the allegations attribute such conduct to unspecified "Defendants" and are entirely conclusory. *See* Opp. at 9 ("*Defendants* knowingly, willfully and intentionally *conspired*, agreed and coordinated amongst themselves and with non-party Naik to defame HAF in two articles") (emphasis added); *id.* at 10 ("*Defendants conspired* to cause Naik to author a first story") (emphasis added); *id.* ("*Defendants* further *conspired* to use the first story as an alleged basis for the Coalition to file a complaint with the U.S. Small Business Administration") (emphasis added); *id.* ("*Defendants conspired, agreed, and used each other* and the Coalition as corroborating sources to bolster the

false and defamatory statements") (emphasis added).[7] Given such inadequate allegations, it is unsustainable to contend a conspiracy existed pursuant to which the conduct of all Defendants was attributable to Ahmed. Opp. at 34.

V. Plaintiff's Defamation Claim Should Be Dismissed Pursuant to Rule 12(b)(6).

A. Ahmed's Alleged Conduct Relating to the First Story Is Not Actionable.

1. IAMC's Tweet Is Not Actionable.[8]

As Ahmed explained (Mov. Br. at 18), IAMC's tweet that "[e]xperts have raised concerns that the US pandemic relief funds received by Hindu rightwing groups might end up furthering hate campaign against Muslims and other minorities in India" was true because, indisputably, such individuals had expressed that concern. Plaintiff does not contend otherwise. Rather, Plaintiff tries to graft non-existent words onto the tweet. Plaintiff contends the tweet "claims that HAF is a Hindu right wing group that will misuse U.S. taxpayer money to foment anti-Muslim hatred." Opp. at 36. Obviously, the tweet does not make any such statements or even refer to Plaintiff, instead focusing on concerns *experts* expressed about *unnamed* groups; thus, the statement does even not concern Plaintiff. For these reasons, Plaintiff's assertion that the truth of the tweet cannot be litigated now fails. *Id.*; *see Deripaska v. AP*, 282 F. Supp. 3d 133, 140 (D.D.C. 2017) (proper to decide on pleadings whether a statement is true or false).

Also as explained in the Moving Brief (at 19), the Complaint pled only that Ahmed "caused" IAMC to issue the tweet, without substantiation. In response, Plaintiff simply repeats its assertion that Ahmed "caused" the publication, Opp. at 37, still without factual support, which

---

[7] Plaintiff cites certain allegations from the Complaint in an unavailing attempt to substantiate its conspiracy claim. *See* Opp. at 11-14, 33. But, those allegations also refer generically to all "Defendants" (*see* Compl. ¶¶ 2-5, 23, 27), or to specific Defendants supposedly taking individual action to publish information (*id.* ¶¶ 30-31, 33-34).

[8] We note that, while Plaintiff alleged all Defendants were "directly quoted" in the First Story (Compl. ¶ 3), that is incorrect factually, as explained in Ahmed's Moving Brief (at 5, 18 n.15). Plaintiff does not dispute this.

is entirely insufficient under *Twombly* and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). *See also Zimmerman v. Al Jazeera Am., LLC*, 246 F. Supp. 3d 257, 275 (D.D.C. 2017) (cited in Opp. at 37) (plaintiff must allege facts substantiating assertions of defamation elements).

2. Allegedly Republishing Material Is Not Actionable.

Ahmed's Moving Brief (at 19-20) argued that, even if the First Story were actionable (it is not), republishing it and offering an anodyne tweet with the republication is not actionable. Plaintiff's Opposition claims that certain cases Ahmed cited deal with limitations periods, but offers no principled basis for distinguishing the cases. Opp. at 37-38. Thus, Plaintiff fails to explain how, if third-party republication does not create a new cause of action for limitations purposes, such republication could constitute a separate defamation claim for any purpose.[9]

And, again, it is insufficient for Plaintiff to claim in purely conclusory fashion that Ahmed "caused" the First Story to be republished by IAMC. *See* Compl. ¶ 26(a)(i).

B. Ahmed's Alleged Conduct Relating to the Second Story Is Not Actionable.

1. The Substance of Ahmed's Quote Is Not Actionable.

Plaintiff complains of one quote by Ahmed in the Second Story: "US taxpayers' money being used to keep hate groups in business is absolutely unacceptable and should concern all who believe in fairness, justice and government accountability[.]" Compl. ¶ 29(a). Plaintiff claims this is a defamatory statement because it (i) asserts HAF is misusing US taxpayer money, and (ii) refers to HAF as a "hate group." Opp. at 38. Plaintiff is wrong on both counts.

First, Ahmed did not accuse HAF of misusing government funds. He did not say that any entity, let alone HAF, fraudulently received PPP or other Covid-relief funds, directed them to

[9] Plaintiff's attempt to distinguish *Jankovic v. Int'l Crisis Group*, 494 F.3d 1080 (D.C. Cir. 2007), on the basis that it relates to republication by a reader and not a "co-conspirator" who "had a hand" in the story (Opp. at 38), ignores the lack of any substantive allegation that Ahmed "had a hand" in creating the article.

ineligible recipients, or engaged in related malfeasance. Instead, Ahmed stated it would be concerning if federal funds allowed groups to pursue unfortunate policies. Plaintiff's allegation that Ahmed's (non-existent) statement about "misusing US taxpayer money implies that HAF has engaged in hateful, anti-Muslim conduct" is even more fanciful. *See* Opp. at 38.

Second, the notion that Ahmed defamed Plaintiff by referring to it as a "hate group" fails. Ahmed—without mentioning HAF or any entity—expressed what many would consider an uncontroversial opinion that groups promoting hate should not receive federal aid, and people concerned with "fairness" should be troubled if that occurs. Notwithstanding the plain language of Ahmed's *opinion*, Plaintiff argues Ahmed made the *factual* assertion that "HAF is linked to right-wing Hindu nationalist movements and parties in India, [and] is anti-Muslim." Opp. at 39. This argument is unsustainable, given the words used by Ahmed in one quote that did not refer to Plaintiff and appeared in an article he did not write.[10]

Finally, even ignoring Ahmed's actual words and accepting *arguendo* that he called Plaintiff a "hate group," that still would not be defamatory, pursuant to a long line of authorities cited in the Moving Brief (at 22), which held that various inflammatory terms are not capable of defamation. *See, e.g., Coral Ridge Ministries Media, Inc. v. Amazon.com, Inc.*, 406 F. Supp. 3d 1258, 1277 (M.D. Ala. 2019) ("hate group"); *Brimelow v. New York Times Co.*, 2020 U.S. Dist. LEXIS 237463, at *17 (S.D.N.Y. December 17, 2020) ("white nationalist"); *Arpaio v. Cottle*, 404 F. Supp. 3d 80, 85 (D.D.C. 2019) ("sadist" and "true American villain"); *Competitive Enter. Inst. v. Mann*, 150 A.3d 1213, 1248 (D.C. 2016) ("fascist").

[10] Because Ahmed did not make the statements Plaintiff attributes to him in its Opposition, Plaintiff's tepid argument that it is not "implausible" that such statements were false is irrelevant. *See* Opp. at 39. The same is true for the histrionic assertions that Ahmed's statement tied Plaintiff to terrorists and purveyors of genocide and ethnic cleansing. *Id.* at 40. These alleged statements are not in the Complaint, likely because they were never made.

Plaintiff ignores all but two of these cases, both of which it mischaracterizes. Plaintiff claims the term "hate group" in *Coral Ridge* was truthful because the ministry at issue opposed gay marriage. Opp. at 40. In fact, the ministry professed its "love" for LGBTI people. *Coral Ridge*, 406 F. Supp. 3d at 1269, 1283. In any event, the court held the term "hate group" could not be proven true or false because it had no established definition. *Id.* at 1286. Plaintiff asserts that in *Brimelow*, the term "white nationalist" was accurate because the relevant group opposed immigration. Actually, the court held the term was not defamatory because its meaning was "debatable, loose and varying." *Brimelow*, 2020 U.S. Dist. LEXIS 237463, at *17 (citing *Buckley v. Littell*, 539 F.2d 882, 894 (2nd Cir. 1976).[11] Given this overwhelming authority, Plaintiff cannot legitimately claim the term "hate group" is defamatory.[12]

2. The Alleged Publishing of the "Press Release" Is Not Actionable.

Plaintiff alleges Ahmed "caused" IAMC to republish the Second Story as a "Press Release" on IAMC's website with the quote: "The 'Coalition to Stop Genocide in India' is committed to ensuring that American institutions and discourse are safeguarded from the virulent Hindutva ideology." Compl. ¶ 30. As addressed in Section V(A)(2), republication of the Second Story—even if Ahmed actually had "caused" it—would not be actionable.

As to the quote Plaintiff claims Ahmed "caused" to be made regarding the Coalition, Plaintiff does not argue it is false. *See* Mov. Br. at 23; Opp. at 38-41. Because truth is an absolute defense to defamation, that should end the inquiry. *See Benic v. Reuters Am., Inc.*, 357 F. Supp.

---

[11] Plaintiff cites *Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 18 (1990) (*see* Opp. at 38), where the defendant alleged specifically that the plaintiff committed a crime. Plaintiff also cites *Moldea v. New York Times Co.*, 15 F.3d 1137, 1144 (D.C. 1994) (*see* Opp. at 38), but that opinion was reversed on the merits on rehearing. *Moldea v. New York Times Co.*, 22 F.3d 310 (D.C. Cir. 1994).

[12] Plaintiff's argument that Ahmed said it was "defamatory" for IAMC to be called a hate group in a different context (Opp. at 36), is irrelevant. First, the IAMC tweet makes no such assertion about Plaintiff. Second, that Ahmed, a layperson, used the term "defamatory" (without instituting litigation) does not change the language of the tweet at issue here or the principles of defamation law that must be applied.

2d 216, 221 (D.D.C. 2004). Further, as explained in the Moving Brief (at 23), if Plaintiff contends that the statement is implicitly false by tying Plaintiff to Hindutva, Plaintiff never expressly so argues. Nor does it deny supporting Hindutva. Rather, Plaintiff's Executive Director is on record as supporting the ideology. Mov. Br. at 23.

Finally, Plaintiff's conclusory allegation that Ahmed "caused" the Second Story and the quote to be published in some unspecified manner is inadequate. Rather than provide any factual support for that statement in its Opposition, Plaintiff doubles down, asserting (as in the Complaint) that "HAF both pleads Ahmed specifically *caused* the publication and/or republication of the Second Story," with no substantiation. Opp. at 40 (emphasis added).

3. The Alleged Retweet of Truschke Is Not Actionable.

Plaintiff contends Ahmed "caused" IAMC to retweet Defendant Truschke's Twitter post about the Second Story. *See* Mov. Brief at 24 (citing Compl. ¶ 31(a)). If this allegation is meant to allege a substantive wrong, it fails. As explained, there is no basis for liability in this context because (i) republication is not actionable; (ii) the statements in the tweet are, respectively true and one of opinion; (iii) the statements do not refer to Plaintiff; and (iv) Plaintiff made only an unsupported assertion that Ahmed "caused" IAMC to republish the tweet. Mov. Br. at 24-25.

In response, Plaintiff can only claim frivolously that Ahmed is responsible for anything Truschke does as a co-conspirator, and that Truschke's statement, when viewed in the context of unspecified statements by Ahmed, is actionable in some unspecified way. Opp. at 41.

C. Neither Article Is Actionable on Any Basis.

1. The First Story Is Not Actionable.

According to the Complaint, "[t]he First Story falsely refers to HAF as a 'Hindu right-wing group in [the] US' that is 'linked to Hindu nationalist organisations in India.'" Compl. ¶ 24. However, Plaintiff concedes, by ignoring, Ahmed's argument (Mov. Br. at 26), that it is not

defamatory to describe an entity as "Hindu," "religious" or "right-wing." *See* Opp. at 34. In fact, Plaintiff states that it supports the rights of "Hindu nationalists." *Id.* at 41.

Plaintiff, however, persists in contending that other statements are defamatory, taking great liberties in paraphrasing those statements as supposedly "accusing HAF of connections with anti-Muslim, Islamophobic hate groups (and anti-Christian groups) in India, and of misusing federal funds." Opp. at 34. As addressed, there are no statements regarding the misuse of funds. Moreover, the specific assertions about Plaintiff in the First Story are that it defended India's Citizenship Amendment Act and "India's scrapping of the special constitutional status of Indian-administered Kashmir." The First Story further states, that Rishi Bhutada, a board member of Plaintiff, is the son of Ramesh Bhutada who is a member the U.S. wing of the RSS. Finally, the First Story reports that Plaintiff donated to two groups. Goldberger Decl. Ex. A at 9 (submitted with the Moving Brief). Plaintiff does not address, let alone deny, these statements, many of which were substantiated in the Moving Brief (at 4, 29).[13] Given their undisputed truth, these statements are not actionable.

Plaintiff then cites two far less definitive quotations: (1) "'All these organisations [including HAF] are sympathetic to the Hindu supremacist ideology. Their parent organisations continue to spread hatred in Hindu communities towards Muslims and Christians,'…"; and (2) "'Any American non-profit that perpetuates Islamophobia and other forms of hate should not receive federal relief funds….'" Opp. at 34.

As to the former, the authorities cited in Section V(B)(1) establish that a claim for defamation does not lie when an organization is referred to as "supremacist." Similarly, since it

[13] The other factual assertion in the First Story is that there are "five organizations with ties to Hindu supremacist and religious groups." Goldberger Decl. Ex. A at 3. As addressed, Plaintiff concedes it cannot be defamed with the terms "Hindu" or "religious."

is not defamatory to refer to an organization as a "hate group," it cannot be defamatory to say an organization is affiliated with such a group.[14] Thus, these are unverifiable statements of opinion.

The same is true—with likely greater force—as to the latter statement, which makes no specific factual assertion at all, but rather expresses a view that one might hope is commonly held, *i.e.*, tax dollars should not encourage hate. Of course, that some people would take a different position underscores that this statement could not be verified or disproven.

Finally, Plaintiff claims it is no defense that the quotations do not refer to Plaintiff. Opp. at 34. That Plaintiff felt it necessary to graft the phrase "[including HAF]" onto the predicate quotation belies that position and underscores that the quotes did not concern Plaintiff.

2. The Second Story Is Not Actionable.

Plaintiff asserts the Second Story is defamatory for linking it with organizations supporting Hindutva. Compl. ¶ 29. Plaintiff claims the truth of these statements cannot be litigated on a motion to dismiss (Opp. at 41), which is contrary to *Deripaska*, 282 F. Supp. 3d at 140. More important, as explained, Plaintiff does not deny it supports Hindutva.

Plaintiff also attempts to refute an argument Ahmed made about links between Plaintiff and RSS, but grossly mischaracterizes the argument. According to Plaintiff, "Ahmed argues that HAF's mere omission of the First Story's claim about Ramesh Bhutada's son from this lawsuit means that this statement must be taken as true, and that then can be used to 'refute' HAF's allegations that it has no links to RSS." Opp. at 42. To the contrary, Ahmed demonstrated the ties between Plaintiff and RSS by correctly pointing out that Plaintiff's tax returns show Bhutada's son serves on Plaintiff's board and is its treasurer. Mov. Br. at 29 n. 20.[15]

---

[14] Plaintiff's claim that these statements describe Plaintiff itself "as an extremist, racist, ethnocentric organization" is false, but even if true, such statements would *still* not state a claim. Opp. at 35.

[15] Plaintiff also argues that Defendants accused it of misusing government funds in the Second Story (Opp. at 42), despite the clear lack of merit to that assertion.

D. Plaintiff Is a Public Figure and Has Not Sufficiently Pled Actual Malice.

Plaintiff does not dispute that it is a limited public figure and must plead actual malice. Opp. at 43. Plaintiff claims it has alleged actual malice by pointing to "[t]he availability of tax records that are inconsistent with what defendants are claiming." Opp. at 43. This argument is meritless, first, because Ahmed had no duty to investigate tax filings, regardless of Plaintiff's speculation that he is aware of the information that might appear in such filings. *See* Opp. at 44; *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657, 688 (1989) ("[F]ailure to investigate before publishing . . . is not sufficient").

In any event, Plaintiff's tax filings are not inconsistent with the assertion that Plaintiff has provided funds to "Indian nationalist or supremacist organizations." *See* Compl. ¶ 37 (Plaintiff's allegation regarding malice). As set forth in the Moving Brief (at 34), Plaintiff's 2018 filing states Plaintiff sent $22,000 to an unidentified recipient somewhere in "South Asia" for "program services" and the like. The 2017 filing states Plaintiff sent $17,599 to an unidentified recipient in "India" for "program services" and "refugee aid." *Id.* In its Opposition, Plaintiff ignores these documents, which raise far more questions than they answer. Plaintiff also fails to acknowledge that it lost its tax-exempt status for not filing returns, which makes it particularly rich for Plaintiff to cite such filings as reliable and holistic proof of its activities. *See id.* at 34.

Plaintiff also fails to address that the tax filings are irrelevant to the malice analysis as to Ahmed because Plaintiff never alleges Ahmed said Plaintiff was sending funds to "Indian nationalist or supremacist organizations." *See* Mov. Br. at 34-35. Thus, even if Plaintiff's filings were (i) comprehensively accurate and (ii) conclusively established funds did not go to nationalist groups, those filings would not disprove anything Ahmed allegedly said. *Id.* at 35.

E. Plaintiff Has Not Sufficiently Pled Damages.

Plaintiff claims it has alleged defamation *per se* because "[a]llegations of crimes, or 'a matter adversely affecting the person's ability to work in a profession', are among those considered defamation *per se*." Opp. at 44. Specifically, Plaintiff asserts it has been accused of misusing funds, which it calls a crime. *Id.* Once more, that is wrong. Plaintiff also claims it was accused of "anti-Muslim prejudices and Islamophobia . . . that would tend to interfere with its business by deterring donations." *Id.* For reasons addressed, Plaintiff was not accused of those things. *See* Sections V(C)(1) and (2). Moreover, there is no credible basis for Plaintiff to claim donations have been lost. Plaintiff did not plead it actually has lost donations. Even when challenged on that point in motion practice, Plaintiff not only failed to provide substantiation of such losses, but also refused even to allege it actually has suffered such losses. *See* Opp. at 44. In fact, as the Moving Brief (at 36-37) explained, Plaintiff has publicly stated it is receiving additional donations due to this litigation in which it publicized the statements it claims to have caused it to lose donations.

For these same reasons, Plaintiff also fails to plead special damages, which require specificity. *See FAA v. Cooper*, 566 U.S. 284, 295–96 (2012). Rather, all it alleges is potential future harm (along with trumpeting new donors), which is simply insufficient. *See Xereas v. Heiss*, 933 F. Supp. 2d 1, 18 (D.D.C. 2013).

VI. Plaintiff's Requests for Leave to Amend and Judicial Notice.

Plaintiff has submitted 100 exhibits in opposition to Defendants' motion to dismiss, effectively conceding the fatal flaws of the Complaint. Notwithstanding that staggering number of exhibits, none of the documents salvages Plaintiff's theories about jurisdiction or venue, or any of its claims. Thus, amendment would be futile.

While it is plainly improper to try to cure a deficient pleading by introducing 100 documents purportedly containing facts not pled, in the interest of judicial efficiency and given the documents' lack of relevance, Ahmed takes no position on Plaintiff's application for judicial notice. However, Exhibits 1 and 2 to counsel's declaration (Dkt. Nos. 39-4, 39-5) should not be considered. Exhibit 1 is a confusing flowchart that appears intended to illustrate Plaintiff's unsubstantiated conspiracy theory, but has no evidentiary basis. Exhibit 2 is a list of "defamatory statements," which, if anything, should be catalogued in the Complaint.

VII. Plaintiff's Request for Jurisdictional Discovery Should Be Denied.

"A plaintiff may not use jurisdictional discovery to conduct a fishing expedition in the hopes of discovering some basis of jurisdiction." *Nuevos Destinos, LLC v. Peck*, 2019 U.S. Dist. LEXIS 322, at *47 (D.D.C. January 2, 2019) (internal citations omitted). "To that end, a plaintiff must make a detailed showing of what discovery it wishes to conduct or what results it thinks such discovery would produce." *Id.* (internal citations omitted). Here, Plaintiff's requests should be rejected outright because Plaintiff does not explain how they could potentially cure the Complaint's deficiencies. The requests are flawed for other reasons as well.

Plaintiff's first request relates to virtually all activities Ahmed undertakes with IAMC as its Executive Director. Opp. at 27 (request "a"). While this request might be made in a misguided attempt to burnish Plaintiff's "more than a mere employee" theory, that theory is fatally flawed regardless of Ahmed's role at IAMC, rending the request irrelevant. Further, the request is entirely disproportionate. *See* Fed. R. Civ. P. 26(b)(1).

Plaintiff next seeks discovery without meaningful limitation regarding everything IAMC has ever done in the District, including activities having nothing to do with Plaintiff's claims. Opp. at 27 (request "b"). IAMC is not a party. Its activities in D.C., including those with no

bearing on the claims at issue, cannot be imputed to Ahmed for personal jurisdiction purposes. Thus, the request is irrelevant and massively disproportionate.

Plaintiff then asks for all of manner of information, without temporal limitation, regarding Ahmed's activities in the District in connection with IAMC, regardless of whether they relate to Plaintiff's claims. Opp. at 27 (request "c" and "g"). While Plaintiff might be making a gambit to establish general jurisdiction over Ahmed, such an effort would easily fail, given that Ahmed has never lived, been employed, had an office, or had property in D.C. and was not in the District at all from February 2020 through June 2021.

Plaintiff then presents an exhaustive list of requests it presumably would argue relate to its conspiracy theory. Opp. at 27 (requests "d," "e," and "f"). As detailed, Plaintiff's theory is irretrievably flawed, including because it is based on nothing more than unsubstantiated assertions about unspecified "Defendants" and their shared political views. Such a "theory" cannot be the basis for the proposed requests, which would constitute nothing more than a fishing expedition. Indeed, D.C. courts have routinely held that, when alleging a conspiracy, a plaintiff must "allege[] the underlying conspiracy with enough specificity" to be able "to warrant jurisdictional discovery based on the conspiracy doctrine." *Richards v. Duke Univ.*, 480 F. Supp. 2d 222, 231 (D.D.C. 2007). Merely making conclusory allegations that the defendants are "very much connected to each other" is insufficient to allow for jurisdictional discovery. *Id*. Courts "will not allow plaintiff[s] to undertake the sort of fishing expedition that the rules of jurisdictional discovery are designed to prevent." *Id.*[16]

[16] Plaintiff's reliance on *Edmond*, 949 F.2d 415, misstates the law. In that case, the Court reversed the district court's denial of jurisdictional discovery relating to some defendants because there were specific facts indicating their participation in the conspiracy, supported by a sworn affidavit. *Id*. at 425-26. The Court upheld, however, the district court's denial of jurisdictional discovery relating to another defendant because the allegations against him were based on mere speculation. *Id*. at 426-27.

CONCLUSION

For the foregoing reasons and those set forth in the Moving Brief, Ahmed respectfully requests that this Court grant his motion and enter an order dismissing the Complaint, with prejudice, and grant such other and further relief as the Court deems just and proper.

Dated: November 12, 2021

Respectfully submitted,

/s/ Joshua Colangelo-Bryan
Joshua Colangelo-Bryan (admitted *pro hac vice*)
Daniel Goldberger (admitted *pro hac vice*)
Dorsey & Whitney LLP
51 West 52nd Street
New York, NY 10019
(212) 415-9234 (telephone)
(212) 953-7201 (facsimile)
colangelo.joshua@dorsey.com
goldberger.dan@dorsey.com

Briana Al Taqatqa (admitted *pro hac vice*)
Dorsey & Whitney LLP
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402
(612) 340-2600 (telephone)
(612) 340-2868 (facsimile)
altaqatqa.briana@dorsey.com

Attorneys for Defendant Rasheed Ahmed