APPENDIX

Appendix A

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

No. 20-2781

CARTER PAGE, an individual, *et al.*

Plaintiffs-Appellants,

v.

DEMOCRATIC NATIONAL COMMITTEE, an unincorporated association, *et al.*,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.
No. 1:20-cv-671 — Harry D. Leinenweber, Judge.

ARGUED APRIL 21, 2021 — DECIDED JUNE 21, 2021

Before SCUDDER, ST. EVE, and KIRSCH, *Circuit Judges*.

SCUDDER, *Circuit Judge*. Carter Page, a former advisor to the Donald J. Trump Presidential Campaign, filed suit against the Democratic National Committee, a subsidiary DNC Services Corporation,

the law firm Perkins Coie LLP, and two Perkins Coie partners. Page alleges various acts of defamation based on news stories published in the fall of 2016. Having advanced only violations of state law, and further alleging that no defendant is a citizen of his home state of Oklahoma, Page relies on diversity jurisdiction as his gateway into federal court.

The district court dismissed the case for lack of personal jurisdiction. Upon reviewing Page's notice of appeal and accompanying docketing statement, we questioned the existence of subject matter jurisdiction on the basis that Perkins Coie (with a few of its U.S. based partners working and living abroad) may not qualify as a proper defendant for purposes of diversity jurisdiction under 28 U.S.C. § 1332. Our concern proved accurate. So, while we have no reason to question the district court's conclusion on personal jurisdiction, we affirm the dismissal of Page's complaint for lack of subject matter jurisdiction.

I

Carter Page served as a foreign policy advisor to former President Donald Trump's 2016 campaign. In his complaint, Page alleged that Perkins Coie and the DNC retained a company called Fusion GPS to conduct opposition research on then-candidate Trump. Fusion GPS, the complaint continued, engaged the services of Christopher Steele, who drafted various memoranda including two that mentioned meetings during the campaign between Page and Russian officials.

Page also alleged that Perkins Coie facilitated meetings between Fusion GPS and news outlets that ultimately led to the publication of stories reporting

these allegations of contacts between the Trump campaign and Russian officials. Specifically, Page's complaint identified a Yahoo! News article from September 23, 2016 reporting on the supposed meetings with Russian officials. Page reacted by suing Perkins Coie, the DNC, and the individual defendants for defamation.

Page initially filed a *pro se* complaint in the Western District of Oklahoma, his state of residence. After the district court dismissed the claim for lack of personal jurisdiction, Page refiled his suit in the Northern District of Illinois with the assistance of retained counsel.

The district court in Illinois likewise dismissed all claims for lack of personal jurisdiction. The district court concluded that the complaint did not allege facts sufficient to establish specific or general jurisdiction in Illinois. Page's complaint, the district court explained, recounted only actions performed outside of Illinois by persons from other states, with no accompanying allegation that the defendants targeted Illinois with the allegedly defamatory news story.

Page appeals and, in an attempt to establish closer ties to Illinois, now reframes his allegations as centering on the role of Perkins Coie's general counsel, Matthew Gehringer, who works out of the firm's Chicago office. Though we see few facts in the complaint supporting these alleged contacts with Illinois, we find ourselves confronted with a more fundamental issue—whether this case belongs in any federal court at all.

Our review of the citizenship of the parties involved leaves us of the firm conviction that we lack

subject matter jurisdiction. We therefore affirm the district court's dismissal of Page's complaint.

II

A

Article III of the Constitution extends the "judicial Power" to nine specified categories of Cases and Controversies, including Controversies "between Citizens of different States." But constitutional authorization, while necessary, is not sufficient to empower a federal court to resolve a Controversy between citizens of different states. Congressional authorization also must exist. See *Sheldon v. Sill*, 49 U.S. (8 How.) 441, 448–49 (1850) (explaining that Congress's authority to create the lower federal courts brings with it the discretion to confer jurisdiction less than that allowed by Article III). Congress first authorized diversity jurisdiction in the Judiciary Act of 1789.

Today's diversity jurisdiction statute finds its home in 28 U.S.C. § 1332. The enactment establishes federal jurisdiction over "all civil actions where the matter in controversy exceeds" $75,000 and, as relevant here, if the action is between "citizens of different States" or "citizens of a State and citizens or subjects of a foreign state." 28 U.S.C. § 1332(a).

The party invoking diversity jurisdiction (most often the plaintiff) bears the burden of showing its existence. See *Hertz Corp. v. Friend*, 559 U.S. 77, 96 (2010). And, as the Supreme Court has long instructed, federal courts, as courts of limited jurisdiction, must make their own inquiry to ensure that all statutory requirements are met before exercising jurisdiction. See *Great Southern Fire Proof Hotel Co. v.*

Jones, 177 U.S. 449, 453 (1900) ("On every writ of error or appeal, the first and fundamental question is that of jurisdiction, first, of this court, and then of the court from which the record comes. This question the court is bound to ask and answer for itself, even when not otherwise suggested, and without respect to the relation of the parties to it.").

With diversity jurisdiction, the proper inquiry must account for each statutory requirement:

Amount in Controversy. The statutory implementation of diversity jurisdiction has always been tied to a minimum dollar amount at issue in the underlying dispute—the idea being that the federal courts should not become an interstate small claims court. See R. Marcus et al., *Civil Procedure a Modern Approach* 878 (2d ed. 2018). The Judiciary Act of 1789 set that amount at $500. See Section 11, 1 Stat. 73, 78. Today it is $75,000. The plaintiff must allege that the controversy entails a dispute over more than $75,000, exclusive of interests and costs. See 28 U.S.C. § 1332(a). The burden of doing so is not heavy and dismissal is warranted only if it "appear[s] to a legal certainty that the claim is really for less than the jurisdictional amount to justify dismissal." *Saint Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289 (1938).

Page's complaint does not specify the amount of damages he seeks, but he does more generally advance a good-faith request for more than the $75,000 jurisdictional minimum. Given the nature of the allegations, and the types of monetary damages implicated by the complaint, we have no reason to question the sufficiency of his pleading as to the amount in con-

troversy. See *id*. at 288 ("[U]nless the law gives a different rule, the sum claimed by the plaintiff controls if the claim is apparently made in good faith." (footnote omitted)).

Determining Citizenship. By the terms of § 1332(a), Congress also hinged the existence of diversity jurisdiction on the "citizenship" of the parties involved. The inquiry here can be complex depending on the parties to the dispute.

Starting on the simpler side, it has long been established that natural persons are typically a citizen of the state in which they reside or—to be more precise—are "domiciled." See *Gilbert v. David*, 235 U.S. 561, 569 (1915); see also 13E Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 3612 (3d ed. 2021) (explaining with great clarity how federal courts determine a person's domicile for purposes of jurisdictional citizenship); Erwin Chemerinsky, *Federal Jurisdiction* § 5.3.3 (7th ed. 2016) (providing another excellent overview of how courts determine the citizenship of the parties as part of assessing diversity jurisdiction). An individual can have only one domicile at a time. See *Williamson v. Osenton*, 232 U.S. 619, 625 (1914).

When it comes to corporations, however, the diversity statute itself makes clear that a corporation is a citizen of both its state of incorporation and the state in which it maintains its "principal place of business." See 28 U.S.C. § 1332(c)(1). The Supreme Court has determined that a corporation's principal place of business is the same as its "nerve center," or "the

place where the corporation's high level officers direct, control, and coordinate the corporation's activities." *Hertz Corp.*, 559 U.S. at 80.

Determining the citizenship of other forms of business associations is often more difficult. Partnerships, for example, are citizens of every state in which an individual partner is a citizen. See *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195 (1990). The same rule applies to other unincorporated entities, like limited liability companies, whose citizenship is also determined by the citizenship of its "members." See *Americold Realty Trust v. Conagra Foods, Inc.*, 577 U.S. 378, 381-82 (2016). Think about the size of many of today's partnerships, whether law firms, accounting firms, consulting firms, and so on. It is often no easy task for a plaintiff to discern the domicile (and, by extension, citizenship) of each partner or member. See *Hart v. Terminex Int'l*, 336 F.3d 541, 543 (7th Cir. 2003) (observing that tracing the citizenship of unincorporated associations "may create some extra work for the diligent litigant, and for those with less diligence the limited partnership has become a notorious source of jurisdictional complications" (internal quotation marks omitted)).

Add another layer of complexity. Some individuals or entities are not considered to be citizens of any state. Recall that the diversity statute creates jurisdiction only over suits between citizens of different states, citizens of a state and a foreign citizen, or foreign citizens living in the United States. See 28 U.S.C. § 1332(a). The Supreme Court has interpreted this statutory list to exclude United States citizens who are domiciled abroad. See *Newman-Green, Inc. v. Al-*

fonzo-Larrain, 490 U.S. 826, 828-29 (1989). Such individuals are not "citizens" of any state for purposes of the statute because they are not domiciled in a state. They are, in a word, "stateless." See *id.* at 828. Nor, of course, would United States citizens living in another nation fall within the statute's understanding of "foreign citizens." It takes more than living abroad to be a citizen of the foreign nation.

Adhering to the Supreme Court's instruction in *Newman-Green*, we have consistently held that United States citizens domiciled abroad cannot be sued in diversity. See, *e.g., Winforge, Inc. v. Coachmen Indus., Inc.*, 691 F.3d 856, 867 (7th Cir. 2012) ("[A] United States citizen who establishes domicile in a foreign country is no longer a citizen of any State of the United States and destroys complete diversity under 28 U.S.C. § 1332."); *Kamel v. Hill-Rom Co.*, 108 F.3d 799, 805 (7th Cir. 1997) (same); *Sadat v. Mertes*, 615 F.2d 1176, 1180, 1182 (7th Cir. 1980) (pre-*Newman-Green* case reaching the same conclusion). Federal courts, then, lack jurisdiction over these so-called "stateless" citizens if the only basis for subject matter jurisdiction is the diversity statute. See *Newman-Green*, 490 U.S. at 828-29.

The Complete Diversity Requirement. For well over 200 years, the Supreme Court has interpreted statutory diversity jurisdiction to require "complete diversity" between the parties. See *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, 267 (1806). Usually this means that a federal court must satisfy itself that no party on the plaintiff's side of the suit shares citizenship with any party on the defendant's side. See *Wis. Dep't of Corr. v. Schacht*, 524 U.S. 381, 388 (1998) ("A case

falls within the federal district court's 'original' diversity 'jurisdiction' only if diversity of citizenship among the parties is complete, *i.e.*, only if there is no plaintiff and no defendant who are citizens of the same State."). With limited exceptions for class action suits not relevant here, shared citizenship between just one party on both sides of the lawsuit destroys complete diversity. See *id*.

Though complete diversity typically hinges on whether any parties on both sides of a lawsuit share citizenship, there is another nuanced and sometimes overlooked component to the inquiry: all parties must fall within the jurisdiction created by the diversity statute. Put another way, if a party cannot sue or be sued under one of the provisions of the diversity statute, the suit lacks complete diversity. See *Kamel*, 108 F.3d at 805 ("When a plaintiff sues multiple defendants in a diversity action, complete diversity must be present. That is, the plaintiff must satisfy the diversity requirements for each defendant or else encounter dismissal." (citing *Newman-Green*, 490 U.S. at 829)). What this means here is that stateless citizens—because they are not (by definition) a citizen of a state, as § 1332(a) requires—destroy complete diversity just as much as a defendant who shares citizenship with a plaintiff.

All of this background brings us to the question presented: whether a partnership—here the law firm Perkins Coie—made up of at least one, individual "stateless citizen" partner can be sued in diversity. We conclude that it cannot.

B

All agree that the only alleged basis for federal jurisdiction in this case is the diversity statute. And nobody questions whether the amount in controversy exceeds $75,000. So the question of our subject matter jurisdiction depends on the presence, or absence, of complete diversity.

Carter Page is a citizen of Oklahoma. The two LLC plaintiffs—Global Energy LLC and Global Natural Gas LLC—are based in Oklahoma and Page, a citizen of Oklahoma, is the only member. This means the LLC plaintiffs are also citizens of Oklahoma.

The Democratic National Committee is registered as a nonprofit corporation under the name "DNC Services Corp./Dem. Nat'l Committee." It is a citizen of Washington, D.C., where it is incorporated and maintains its headquarters. Perkins Coie is a limited liability partnership and so its citizenship depends on the citizenship of each individual partner. None of Perkins Coie's partners, including the two named defendants, Marc Elias and Michael Sussmann, is a citizen of Oklahoma.

So far, so good. If our analysis could stop there, we would conclude there is complete diversity. But we need to go a step further. In response to our concerns regarding subject matter jurisdiction, Perkins Coie submitted affidavits from three individual partners who are U.S. citizens domiciled in China: Yun (Louise) Lu, Scott Palmer, and James M. Zimmerman. And, for his part, Page, in his amended jurisdictional statement, identified these three individuals (along with several others) as living in either Shanghai or Beijing, China.

The question, then, is whether the stateless status of these individual partners must be attributed to Perkins Coie, rendering the partnership itself (as a named defendant) stateless and thereby destroying complete diversity and our authority to hear this case.

III

A

The Supreme Court has not explicitly answered this question. But the Court has held both that a stateless citizen cannot be sued in diversity (see *Newman-Green*, 490 U.S. at 828-29) and that the citizenship of a partnership is based on the citizenship of each individual partner (see *Carden*, 494 U.S. at 195-96). Whether reading these two rules together requires finding that a partnership composed of at least one stateless citizen is itself stateless—a concept we refer to as attribution of statelessness—remains unresolved by the Court.

To be sure, the Court seemed to get close to answering the question (albeit in dicta) in *Lincoln Prop. Co. v. Roche*, 546 U.S. 81 (2005). In the course of holding that a diverse defendant could remove a case to federal court, the Court summarized *Carden* by observing that "for diversity purposes, a partnership entity, unlike a corporation, does not rank as a citizen; to meet the complete diversity requirement, all partners, limited as well as general *must be diverse from* all parties on the opposing side." *Id*. at 84 n.1 (emphasis added). It is possible to read this language as requiring all partners to be suable in diversity—in other words, that no partner be a stateless citizen. In time the Court is sure to confront the question more squarely.

Our court, too, has seemed to come close to saying that an individual partner's stateless status makes the partnership itself stateless. Indeed, we have assumed this to be true in at least one prior case. See *ISI Int'l, Inc. v. Borden Ladner Gervais LLP*, 316 F.3d 731, 733 (7th Cir. 2003) ("One of Scott & Aylen's partners is a U.S. citizen domiciled in Canada; she has no state citizenship, so the diversity jurisdiction is unavailable."). But we have never squarely resolved the issue when it was outcome determinative. Doing so now, we hold that a partnership made up of at least one stateless citizen is itself stateless and cannot be sued in diversity.

Every other circuit to have confronted the question has reached the same conclusion. See *D.B. Zwirn Special Opportunities Fund, L.P. v. Mehrotra*, 661 F.3d 124, 127 (1st Cir. 2011) ("Therefore, if even one of Zwirn's members is another unincorporated association, and if that association has one member or partner that is either a stateless person or an entity treated like a stateless person, we would not have diversity jurisdiction over this matter."); *Herrick Co. v. SCS Commc'ns, Inc.*, 251 F.3d 315, 322 (2d Cir. 2001) ("[I]f Skadden has among its partners any U.S. citizens who are domiciled abroad, then Skadden and Herrick (which is a citizen of Florida) are non-diverse."); *Swiger v. Allegheny Energy, Inc.*, 540 F.3d 179, 184–85 (3d Cir. 2008) ("Because Morgan Lewis has a stateless partner, and thus, all partners of Morgan Lewis are not diverse from all parties on the opposing side, the district court correctly held that it lacked diversity jurisdiction over this action."); *Firefighters' Ret. Sys. v. Citco Grp. Ltd.*, 796 F.3d 520, 523

n.1 (5th Cir. 2015) ("[T]he addition of Skadden defeated diversity jurisdiction because Skadden, a partnership whose members include U.S. citizens domiciled abroad, is stateless for the purposes of diversity jurisdiction." (citations omitted)).

We find the Third Circuit's reasoning in *Swiger* most persuasive. In *Swiger*, the district court dismissed the case for lack of diversity jurisdiction because one defendant, the law firm Morgan Lewis, had at least one individual partner who was a U.S. citizen domiciled in the United Kingdom. See 540 F.3d at 181. In affirming the dismissal, the Third Circuit recognized the principles underpinning *Newman-Green* and *Carden* and synthesized them to mean that partnerships cannot be sued in diversity if any individual partner could not either. See *id.* at 184. The court emphasized that the partnership as an entity (and the named defendant) has no citizenship. See *id.* at 185. Thus, the only way to determine citizenship for diversity purposes is to look at the individual partners—an analytical path repeatedly endorsed by the Supreme Court. See, *e.g., Lincoln Prop. Co.*, 546 U.S. 81; *Carden*, 494 U.S. 185.

The Third Circuit put the punchline this way: because citizenship exists only through the citizenship of the partners, any single "non-diverse" partner destroys diversity. See *Swiger*, 540 F.3d at 185. And because a "stateless" citizen cannot sue or be sued in diversity—they are "non-diverse"—a single stateless partner destroys diversity just as much as would a partner residing in the same state as a plaintiff. See *id.*

We adhere to this same reasoning and conclude that Perkins Coie (as a named defendant) takes on the stateless status of its individual partners Lu, Palmer, and Zimmerman. This attribution of statelessness destroys complete diversity and deprived the district court of the power to hear this case.

We also reject Page's claim, advanced for the first time in two sentences in his reply brief in our court, that jurisdictional discovery is needed to establish facts related to Perkins Coie's citizenship. Page waived this argument by failing to develop it in any meaningful way. Indeed, Page cites no authority supporting his cursory request. See *Shipley v. Chicago Bd. of Election Commissioners*, 947 F.3d 1056, 1063 (7th Cir. 2020). ("Arguments that are underdeveloped, cursory, and lack supporting authority are waived.") Nor did Page (until oral argument) question the authenticity or sufficiency of the affidavits submitted by Perkins Coie establishing the citizenship or domicile of Lu, Palmer, and Zimmerman. We have no independent reason to doubt the veracity of these sworn statements. Page waived his contrary contention, and we deny his request for jurisdictional discovery on the point.

B

We acknowledge that in today's global business environment, where multinational entities exist in every facet of commerce, this result may strike some as impractical. But keep in mind that when Congress enacted the Judiciary Act of 1789, and in the subsequent decades when the Supreme Court decided many of its significant diversity jurisdiction cases, most of today's business forms did not exist. And those

that did, like the corporation, depended entirely on the State for their very existence. It is hardly surprising then that application of this lengthy body of law to the interpretation of a statute which traces its own origins back to our nation's infancy leads to limitations on our own jurisdiction. See *Swiger*, 540 F.3d at 186 (McKee, J., concurring in the judgment) (offering the same observations).

Right to it, Page makes worthy policy arguments. Perhaps instead of attributing a partner's statelessness to the partnership, the better approach would be to simply consider stateless partners as a nullity. Instead, we could look only to the citizenship of individual partners who have state citizenship for purposes of the diversity statute.

But diversity jurisdiction is implemented by statute, and on that point the language enacted into law by Congress and then interpreted by the Supreme Court controls our decision. In our view, § 1332, by its terms, requires that each individual partner be subject to diversity jurisdiction. If this outcome seems to defy modern commercial realities, the responsibility for amending § 1332—updating it to account for today's forms of business associations—rests with Congress. The Supreme Court made this precise point in *Carden*, explaining that "[s]uch accommodation is not only performed more legitimately by Congress than by courts, but it is performed more intelligently by legislation than by interpretation of the statutory word 'citizen.' " 494 U.S. at 197.

We therefore limit our holding to the result we conclude is compelled by § 1332 in its present form.

IV

We close by acknowledging that the district court acted within its discretion in addressing questions of personal jurisdiction without first ensuring itself of its own subject matter jurisdiction. See *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 588 (1999) (explaining that where "a district court has before it a straightforward personal jurisdiction issue presenting no complex question of state law, and the alleged defect in subject-matter jurisdiction raises a difficult and novel question, the court does not abuse its discretion by turning directly to personal jurisdiction"). We, however, have chosen to chart a different course, finding it important to clarify the attribution of statelessness question presented by the facts of this case.

Having taken this route and determined that we lack subject matter jurisdiction, we cannot now reach the question of personal jurisdiction. See *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94 (1998) ("Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause." (quoting *Ex parte McCardle*, 74 U.S. (7 Wall.) 506, 514 (1868))).

We also are cognizant of the fact that a dismissal for lack of subject matter jurisdiction cannot be with prejudice. See *MAO-MSO Recovery II, LLC v. State Farm Mut. Auto. Ins. Co.*, 935 F.3d 573, 581-82 (7th Cir. 2019). We, therefore, AFFIRM the district court's dismissal, but modify the judgment to reflect a dismissal without prejudice.

Appendix B

United States District Court,
N.D. Illinois, Eastern Division.

Carter PAGE; Global Energy Capital LLC; and Global Natural Gas Ventures LLC,

Plaintiffs,

v.

DEMOCRATIC NATIONAL COMMITTEE; DNC Services Corporation; Perkins Coie LLP; Marc Elias; and Michael Sussmann,

Defendants.

Case No. 20 C 671
Signed 08/17/2020

ORDER

Harry D. Leinenweber, Judge

Defendants move to dismiss pursuant to Fed. R. Civ. P. 12(b)(2), 12(b)(3) & 12(b)(6). (Dkt. No. 26.) For the reasons stated herein, the Motion is granted.

STATEMENT

Plaintiff Carter Page is a foreign policy scholar and businessman domiciled in Oklahoma who served as a member of Donald Trump's foreign policy advisory committee in 2016. (Compl. ¶¶ 2 & 31, Dkt. No. 1.) Page is the sole member of Plaintiff Global Energy Capital LLC, an Oklahoma LLC, and Plaintiff Global

Natural Gas Ventures LLC, a New York LLC. (*Id.* ¶¶ 11-13.)

Defendant Democratic National Committee is a national committee (as defined by 52 U.S.C. § 30101(14)) with its principal place of business in Washington D.C. (*Id.* ¶ 14.) The Democratic National Committee is registered with the Federal Election Commission as DNC Services Corp./Dem. Services Corp., and it operates through Defendant DNC Services Corporation, a Washington D.C. not-for-profit corporation with its principal place of business in Washington D.C. (*Id.*) Because the Democratic National Committee undertakes most of its business and financial activities through DNC Services Corporation, the Court collectively refers to both entities as the "DNC." (*Id.*) Defendant Perkins Coie LLP ("Perkins Coie") is a law firm organized as a Limited Liability Partnership with its principal place of business in Seattle, Washington. (*Id.* ¶ 15; Mot. at 11, Dkt. No. 27.) Individual Defendants Marc Elias and Michael Sussman are Perkins Coie partners domiciled in Washington D.C. (Compl. ¶¶ 16-17.)

On January 30, 2020, Plaintiffs filed their Complaint alleging defamation, false light, tortious interference with prospective economic advantage, and conspiracy. According to the Complaint, the DNC and its attorneys, Perkins Coie, retained Fusion GPS, a commercial research and strategic intelligence firm based in Washington D.C., and Christopher Steele, a private investigator, to dig up dirt on then presidential candidate Donald Trump. In return for substantial financial payments, the Defendants received the notorious Steele Dossier, which Plaintiffs allege Defendants subsequently distributed for publication.

This Dossier stated that Page traveled to Russia and met with two of Vladimir Putin's close allies to discuss lifting United States sanctions imposed on Russia by the Obama administration. The Complaint alleges this was false and caused Plaintiffs emotional and financial damages.

Defendants move to dismiss Plaintiffs' Complaint for lack of personal jurisdiction under Fed. R. Civ. P. 12(b)(2), improper venue under Fed. R. Civ. P. 12(b)(3), and failure to state a claim under Fed. R. Civ. P. 12(b)(6). (Dkt. No. 26.) In reviewing these challenges, the Court resolves all factual disputes in Plaintiffs' favor. *Cent. States, Se. & Sw. Areas Pension Fund v. Phencorp Reinsurance Co.*, 440 F.3d 870, 878 (7th Cir. 2006). The Court need only address personal jurisdiction to resolve this Motion.

A. Personal Jurisdiction

When a defendant challenges personal jurisdiction under Fed. R. Civ. P. 12(b)(2), the plaintiff bears the burden of proving that jurisdiction exists. *Purdue Res. Found. v. Sanofi-Synthelabo, S.A.*, 338 F.3d 773, 782 (7th Cir. 2003). "Where, as here, the Court rules on a motion to dismiss for lack of personal jurisdiction based on the submission of written materials—and not based on evidence presented at an evidentiary hearing—the plaintiff 'need only make out a *prima facie* case of personal jurisdiction.' " *Bentel & Co., LLC v. Schraubenwerk Zerbst GmbH*, No. 16 C 11479, 2017 WL 3278324, at *4 (N.D. Ill. Aug. 2, 2017) (citing *Hyatt Int'l Corp. v. Coco*, 302 F.3d 707, 713 (7th Cir. 2002)). In determining whether personal jurisdiction exists, the Court can look beyond the pleadings. *ABN AMRO, Inc. v. Capital Int'l Ltd.*, 595 F. Supp. 2d 805,

818 (N.D. Ill. 2008). But any showing of jurisdiction must be "based on specific facts set forth in the record, rather than ... conclusory allegations." *Hub Grp., Inc. v. PB Express, Inc.*, No. 04 C 3169, 2004 U.S. Dist. LEXIS 20846, at *3–*4 (N.D. Ill. Oct. 14, 2004) (citing *Purdue*, 338 F.3d at 782 n.13).

A "court's exercise of personal jurisdiction may be limited by the applicable state statute or the federal Constitution; the Illinois long-arm statute permits the exercise of jurisdiction to the full extent permitted by the Fourteenth Amendment's Due Process Clause, so here the state statutory and federal constitutional inquiries merge." *Tamburo v. Dworkin*, 601 F.3d 693, 700 (7th Cir. 2010) (internal citation omitted). A court may "exercise personal jurisdiction over an out-of-state defendant if the defendant has certain minimum contacts with [the State] such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice." *Daimler AG v. Bauman*, 571 U.S. 117, 126 (2014) (quotations and citations omitted). There are two kinds of personal jurisdiction: general or all-purpose jurisdiction and specific or case-linked jurisdiction.

1. General Jurisdiction

General jurisdiction exists where a defendant's "affiliations with the State are so continuous and systematic as to render them essentially at home in the forum State." *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 919 (2011) (internal quotations omitted). "For an individual, the paradigm forum for the exercise of general jurisdiction is the individual's domicile; for a corporation, it is an equiva-

lent place, one in which the corporation is fairly regarded as at home"—that is, the corporation's place of incorporation and principal place of business. *Id.* at 924 (citations omitted); *Daimler*, 571 U.S. at 137. It is "an exceptional case" when a defendant's contacts with a forum other than its paradigmatic "home" are "so substantial and of such a nature as to render [the defendant] at home in that State." *Daimler*, 571 U.S. at 139 n.19; *see also id.* at 130 n.8 (suggesting that *Perkins v. Benguet Consol. Mining Co.*, 342 U.S. 437 (1952) exemplified such a case because war forced the defendant corporation to temporarily relocate from the Philippines to Ohio, which became "the center of the corporation's wartime activities," meaning suit was proper there).

Plaintiffs claim the Court has general jurisdiction over Perkins Coie and the DNC. As to Perkins Coie, Plaintiffs argue that, because the firm maintains its third largest office in Chicago, its "prominent physical presence" is sufficient for general jurisdiction. (Resp. at 19, Dkt. No. 41.) Plaintiffs further allege that Perkins Coie owns and manages Perkins Coie LLC, an Illinois LLC with its principal office in Chicago, whose membership in the Perkins Coie partnership is indicative of continuous and systematic contacts with Illinois.

Although Plaintiffs describe Perkins Coie LLC as an Illinois LLC, it is actually a Delaware LLC managed from Washington, D.C., and registered to do business in Illinois. (Illinois Secretary of State, Certificate of Good Standing (Feb. 4, 2020), Mot. Ex. 1, Dkt. No. 27-1.) *See Suarez c. Kwoks Int'l Trading, Inc.*, No. 05 C 6979, 2007 WL 2874216, at *3 n.3 (N.D.

Ill. Sept. 25, 2007) (taking judicial notice of a Certificate of Good standing issued by the Illinois Secretary of State). Regardless, this emphasis suggests that general jurisdiction hinges on the individual citizenship of Perkins Coie's limited liability partners. It does not. Rather, the test is whether Perkins Coie is "at home" in Illinois. *See Mizrachi v. Ordower*, No. 17 C 8036, 2019 WL 918478, at *2 (N.D. Ill. Feb. 25, 2019) (applying the "at home" test to determine personal jurisdiction over a limited liability partnership law firm). The fact that a Perkins Coie partner may do business in Illinois does not make Perkins Coie "at home" in Illinois.

The "at home" test calls for "an appraisal" of Perkins Coie's "activities in their entirety, nationwide and worldwide." *Daimler*, 571 U.S. at 139 n.20 (noting an entity "that operates in many places can scarcely be deemed at home in all of them"). Thus, a company's "prominent physical presence" is entirely relative. (Resp. at 19.) *See BNSF Ry. Co. v. Tyrrell*, 137 S. Ct. 1549, 1559 (2017) (finding no general jurisdiction over defendant that owned over 2,000 miles of railroad track and employed more than 2,000 employees in the state). Perkins Coie is not organized, and does not maintain its principal place of business, in Illinois. It is an international law firm and limited liability partnership with twenty offices worldwide and partners in at least twelve different states and three different countries. (Compl. ¶ 15.) *See also* Perkins Coie, Offices, https:www.perkinscoie.com/en/offices/index.html; *Incandela v. Great-West Life & Annuity Ins. Co.*, No. 07-cv-7051, 2010 WL 438365, at *5 (N.D. Ill. Feb. 4, 2010) ("The Seventh Circuit has taken judicial notice of information presented on reliable websites.")

Indeed, Perkins Coie's Chicago, Illinois office houses fewer than 15% of the firm's attorneys. (Compl. ¶ 15; Resp. at 10.) Considering the firm's total number of offices, partners, and out-of-state business, these Illinois contacts are not the kind the Supreme Court had in mind when it described the exceptional case to the paradigmatic rule.

Plaintiffs' DNC arguments fare no better. Although Plaintiffs admit the DNC is a national committee incorporated and headquartered in Washington D.C., they argue that it is nevertheless "at home" in Illinois. (*Id.* ¶ 14.) Specifically, Plaintiffs allege that the DNC "has a historical pattern of making its principal place of business in Chicago." (Compl. ¶ 25.) Plaintiffs further allege that the DNC moved its "main operations" to Chicago for the Obama campaign in 2008 and "continued to conduct significant operations from its Chicago offices" through President Obama's tenure and the 2016 presidential election. (*Id.*) But it is not the DNC's historical contacts that matter. The relevant contacts are those in January 2020—the time Plaintiffs brought this action. *Wild v. Subscription Plus, Inc.*, 292 F.3d 526, 528 (7th Cir. 2002) ("[J]urisdiction is normally determined as of the date of the filing of the suit."). The fact that the DNC "invited its staffers to relocate to Chicago" in 2008 to assist with the Obama campaign does not make it "at home" in Illinois in 2020. (Resp. at 21.) Such an interpretation would result in an "exorbitant exercise[ ] of all-purpose jurisdiction." *Daimler*, 571 U.S. at 139. General jurisdiction is not warranted under this basis.

Finally, Plaintiffs argue that previous in-state court appearances from Perkins Coie and the DNC

constitute purposeful availment, giving rise to general jurisdiction. Plaintiffs cite and the Court "is aware of no authority for the 'dubious proposition' that being a party to some number of lawsuits in a State can create general jurisdiction over that party in that State." *Al Haj v. Pfizer Inc.*, 338 F. Supp. 3d 741, 750 (N.D. Ill. 2018) (citing *Travelers Cas. & Sur. Co. v. Interclaim (Bermuda) Ltd.*, 304 F. Supp. 2d 1018, 1025 (N.D. Ill. 2004)). Courts in this district "that have considered that proposition have rejected it, and rightly so." *Al Haj*, 338 F. Supp. 3d at 751 (collecting cases). The Court will not depart from its peers on this point. There is no general jurisdiction over Perkins Coie or the DNC.

2. Specific Jurisdiction

"Specific jurisdiction is very different." *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco Cty.*, 137 S. Ct. 1773, 1780 (2017). It "is a more limited assertion of jurisdiction and exists for controversies that 'arise out of' or 'relate to' a defendant's forum contacts. *Snyder v. Komfort*, No. 07 C 1335, 2007 WL 9815867, at *3 (N.D. Ill. June 7, 2007) (citing *Hyatt Int'l*, 302 F.3d at 713). Specific jurisdiction applies only "if the defendant has purposefully directed ... activities at residents of the forum, and the litigation results from alleged injuries that arise out of or relate to those activities." *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985) (internal citations and quotations omitted).

Plaintiffs do not offer any facts that suggest the Defendants' alleged acts were purposefully directed at Illinois nor that their suit-related conduct had a substantial connection with Illinois. The Complaint

alleges that Defendants hired a commercial research and strategic intelligence firm based in Washington D.C., Fusion GPS, to conduct political opposition research that led to the 2016 publication of allegedly defamatory news articles about Plaintiffs, who are all Oklahoma residents. These allegations do not involve Illinois at all. *See Sunny Handicraft (H.K.) Ltd. v. Edwards*, 2017 WL 1049842, at *6 (N.D. Ill. Mar. 20, 2017) (finding no showing of personal jurisdiction because "[n]owhere in Plaintiffs' filings do they claim that they felt these injuries in Illinois, much less that Defendants had knowledge that Plaintiffs would be injured in Illinois as a result of Defendants' conduct"). On its face, the Complaint fails to establish an Illinois connection.

Yet, Plaintiffs attempt to establish personal jurisdiction via seemingly intertwined agency and conspiracy theories of jurisdiction. Conspiracy theories of jurisdiction are not viable under Seventh Circuit and Illinois law. *See Smith v. Jefferson Cty. Bd. of Educ.*, 2010 WL 2232687, at *2 (7th Cir. June 3, 2010) (citing Illinois case law). Although agency theories of jurisdiction are viable, *see, e.g., Hang Glide USA, LLC v. Coastal Aviation Maintenance, LLC*, No. 16 C 6905, 2017 WL 1430617, at *4 (N.D. Ill. Apr. 18, 2017) (citing 735 Ill. Comp. Stat. 5/2-209(a)), Plaintiffs fail to establish jurisdiction over any individual Defendant such that jurisdiction could impute to others. *See id.* (analyzing whether the conduct of an agent, "someone as to whom Illinois jurisdiction has been established," could render the principal subject to personal jurisdiction); *see also ABN AMRO, Inc. v. Capital Int'l Ltd.*, 595 F. Supp. 2d 805, 821 (N.D. Ill. 2008) ("the forum-

related activities of an agent and a subagent are imputable to the principal and are counted as the principal's contacts for jurisdictional purposes").

The Court struggles to see how Plaintiffs' Complaint establishes any relevant connection to Illinois. The only potentially helpful claim—that Defendants "orchestrated" their relationship with Fusion GPS through Perkins Coie's Chicago office (Compl. ¶ 20)—is baseless conjecture. Plaintiffs persist and argue that several allegations support this alleged Chicago, Illinois connection, including: (1) the DNC employed Perkins Coie to fund Fusion GPS (*Id.* ¶ 40; Resp. at 16); (2) Perkins Coie's Chicago-based general counsel wrote a letter to Fusion GPS's general counsel about an October 2017 House of Representatives subpoena to Fusion GPS that "discussed unique specifics of Perkins Coie's relationship with Fusion GPS, the DNC, and the Clinton campaign," which would have required the firm's Chicago-based general counsel to consult with the DNC (Compl. ¶ 21); and (3) Perkins Coie's political law group, led by Defendant Marc Elias, represented former Illinois resident Barack Obama as early as 2006, represented Obama for America, which is headquartered in Chicago, and uses some of the firm's Chicago associates to do its work. (*Id.* ¶ 23; Resp. at 17.) Even if assumed true, this patchwork of unrelated Illinois connections does not establish specific personal jurisdiction over any Defendant in this case. Frankly, the Court is confused as to how Plaintiffs think it does, especially when many of the allegations wholly relate to non-party Illinois connections. These efforts to blow smoke cannot obscure the obvious—Plaintiffs' claims consist entirely of out-of-state activity by out-of-state actors.

Finally, Plaintiffs ask the Court to grant jurisdictional discovery. For such discovery, "the plaintiff must establish a colorable or prima facie showing of personal jurisdiction." *Gilman Opco LLC v. Lanman Oil Co.*, No. 13-CV-7846, 2014 WL 1284499, at *6 (N.D. Ill. Mar. 28, 2014) (citation omitted). "Although the standard ... is low, courts will not permit discovery based only upon bare, attenuated, or unsupported assertions of personal jurisdiction...." *Id.* (quotations and citations omitted). Such is the case here. Plaintiffs argue that the letter in response to the October 2007 House of Representatives subpoena and the fact that some Chicago associates work for Elias "clearly demonstrate[s] the likelihood of additional contacts in Illinois." (Resp. at 19.) The Court disagrees. As previously discussed, those allegations are too attenuated and do not warrant jurisdictional discovery. Plaintiffs' failure to explain the scope of the discovery they seek or the specific information they hope to uncover further supports this decision. The Court will not authorize a fishing expedition.

CONCLUSION

For the foregoing reasons, Defendants' Motion to Dismiss (Dkt. No. 26) is granted.

IT IS SO ORDERED.

Appendix C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Carter Page, an individual; **Global Energy Capital LLC**, a limited liability company; and **Global Natural Gas Ventures LLC**, a limited liability company; Plaintiffs, v. **Democratic National Committee**, an unincorporated association; **DNC Services Corporation**, a District of Columbia non- profit corporation; **Perkins Coie LLP**, a limited liability partnership; **Marc Elias**, an individual; and **Michael Sussman**, an individual; Defendants.	Case No. 1:20-cv-00671 **COMPLAINT** **JURY TRIAL DEMANDED**

I. INTRODUCTION

1. The Defendants are private actors who used false information, misrepresentations and other misconduct to direct the power of the international intelligence apparatus and the media industry against a private individual, Plaintiff Carter Page, to further their political agenda.

2. Dr. Page is a patriotic American who has served as an intelligence source for both the Federal Bureau of Investigation and the Central Intelligence Agency. He is a foreign policy scholar and business leader who graduated with distinction from the United States Naval Academy. Dr. Page was also an informal member of a foreign policy advisory committee to then-candidate Donald J. Trump's campaign during the 2016 United States Presidential Election.

3. In connection with an effort to counter the Trump campaign, Defendants undertook to develop opposition research regarding Trump and his campaign, including persons associated with that campaign.

4. As part of this effort, Defendants developed a dossier replete with falsehoods about numerous individuals associated with the Trump campaign—especially Dr. Page. Defendants then sought to tarnish the Trump campaign and its affiliates (including Dr. Page) by publicizing this false information.

5. Defendants' efforts mobilized the news media against Dr. Page, damaging his reputation, and effectively destroying his once-private life. The Defendants' wrongful actions convinced many Americans

that Dr. Page is a traitor to the United States, and as a result he has received—and continues to receive—multiple death threats. Dr. Page's businesses have suffered greatly from the false, malicious information spread by Defendants. In short, Defendants' actions have not only damaged Plaintiffs' reputations and financial prospects, they have even caused Dr. Page to reasonably fear for his safety.

6. Defendants misrepresented Dr. Page's connections to and interactions with certainforeign nationals in order to create the false impression that Dr. Page—who served his country honorably in the United States Navy and in the private sector—was in fact an agent of a foreign power, Russia. Defendants leveraged these fabrications within the Federal Bureau of Investigation ("FBI") and the United States Department of Justice ("DOJ"), leading these agencies to present false applications to the Foreign Intelligence Surveillance Court ("FISC"). As a result, Dr. Page was wrongfully and covertly surveilled by the United States government pursuant to Foreign Intelligence Surveillance Act ("FISA") warrants for more than a year, and has seen his reputationruined and his personal safety threatened.

7. FISA is designed to protect Americans from the dangers of global terrorism and espionage. But in this instance the FISA process was egregiously misused against Dr. Page. Defendants contrived false statements against Dr. Page. Defendants and those who supported them used these falsities to obtain FISA warrants against Dr. Page for their own political purposes.

8. Multiple investigations have made clear that Dr. Page was wrongly accused and was not working for any foreign power. The DOJ Inspector General said as much after an extensive nineteen-month investigation that culminated in an over 400-page report published on December 9, 2019, addressing FISA abuse at the FBI ("the IG Report").

9. Even the DOJ and the FISC have recognized that the false information spread by Defendants led to invalid FISA warrants against Dr. Page. On January 7, 2020, the DOJ declared invalid at least two of the applications for surveillance warrants against Dr. Page, explaining that those warrants were based on a series of material misstatements and omissions.

10. This Complaint seeks to remedy a particularly harmful subset of the broad-based wrongs against Dr. Carter Page that occurred in the run-up to, and immediate aftermath of, the 2016 U.S. Presidential Election: the defamation and tortious interference instigated by the Democratic National Committee and high-powered lawyers at Perkins Coie LLP.

II. PARTIES

11. Plaintiff Dr. Carter Page is a natural person who is a citizen and domiciliary of theState of Oklahoma.

12. Plaintiff Global Energy Capital LLC ("Global Energy") is a New York LLC. Its sole member is now Dr. Page.

13. Plaintiff Global Natural Gas Ventures LLC ("Global Natural Gas") is an Oklahoma LLC. Its sole member is now Dr. Page.

14. Defendant Democratic National Committee is a national committee (as defined by 52 U.S.C. § 30101) with its principal place of business in Washington, D.C. The Democratic National Committee is registered with the FEC as DNC Services Corp./ Dem. Services Corp, and it operates through Defendant DNC Services Corporation. In turn, DNC Services Corporation is a District of Columbia not-for-profit corporation, with its principal place of business in Washington, DC. The Democratic National Committee undertakes most of its business and financial activities through DNC Services Corporation. (The Democratic National Committee and DNC Services Corporation are collectively referred to in this Complaint as the "DNC.").

15. Defendant Perkins Coie LLP ("Perkins Coie") is an international law firm with over 1,000 lawyers. Perkins Coie has twenty offices worldwide, and its Chicago office has about 144 lawyers and officers. Approximately 67 Perkins Coie partners operate out of the Chicago office.

16. Defendant Marc Elias is a natural person who is domiciled in Washington, DC. He is a Partner at Perkins Coie. Elias represents the DNC, Democratic Senatorial Campaign Committee, Democratic Congressional Campaign Committee, National Democratic Redistricting Committee, Priorities USA, Senate Majority PAC and House Majority PAC. Elias also represented then-U.S. Senator from Illinois Barack Obama from at least as early as 2006, including throughout the period that Obama served as United States President and titular head of the DNC. Elias

has served as chair of Perkins Coie's political law practices since after the start of the Obama Administration in 2009. In 2016, he organized the opposition research which led to the U.S. Government's surveillance abuse against Plaintiff.

17. Defendant Michael Sussman is a natural person who is domiciled in Washington, DC. He is a Partner at Perkins Coie and has represented the DNC.

III. JURISDICTION AND VENUE

a. Subject Matter Jurisdiction

18. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 (diversity). There is complete diversity, and the amount in controversy exceeds $75,000, exclusive of costs and interest. Dr. Page is a citizen of Oklahoma. Global Energy and Global Natural Gas are LLCs, with one member each—Dr. Page. As such, their citizenship is the same as his. Elias and Sussman are citizens of Washington, DC. Perkins Coie, as an LLP, is a citizen of every state where one of its partners is domiciled. No Perkins Coie partner is domiciled in Oklahoma. The Democratic National Committee is a national committee with its principal place of business in Washington, DC. The DNC entities have a principal place of business in Washington, D.C.

b. Personal Jurisdiction

19. This Court has specific personal jurisdiction over all Defendants because this case arises out of their contacts with the forum.

20. The DNC, Perkins Coie, and Elias' relationship with Fusion GPS was orchestrated through Perkins Coie's Chicago office. Among other things, in October 2017, the United States House of Representatives subpoenaed Fusion GPS about its role in the reports. Perkins Coie and its client the DNC then faced a choice: whether to assert attorney-client privilege over its relationship with Fusion GPS. Ultimately, they decided to waive privilege.

21. That decision was made out of the Perkins Coie Chicago office. A senior lawyer in Perkins Coie's Chicago office relayed that decision to Fusion GPS's counsel. When relaying it, that senior Chicago lawyer discussed unique specifics of Perkins Coie's relationship with Fusion GPS, the DNC, and the Clinton Campaign—including disclosing that Perkins Coie retained Fusion GPS in April 2016 to perform a variety of research services on behalf of Perkins Coie's clients (the DNC and the Clinton Campaign).

22. Perkins Coie's decision to waive privilege was not a decision that Perkins Coie could ethically make alone. Instead, ethical rules required that Perkins Coie consult its clients—the DNC and the Clinton campaign—and obtain their consent for waiver. Therefore, the DNC and the senior Perkins Coie Chicago lawyer would have consulted on the issue of whether to waive privilege.

23. Additionally, the Perkins Coie political law practice has significant ties to Chicago. As mentioned above, Elias, the head of the firm's political law practice, was the lawyer for Illinois citizen Barack Obama from at least as early as 2006, including while Obama

served as the preeminent leader of the DNC.

24. Perkins Coie also owns Perkins Coie LLC, which is an Illinois LLC. The manager of Perkins Coie LLC is John Devaney, the long-term leader and manager of Perkins Coie.

25. On top of all this, the DNC has a historical pattern of making its principal place ofbusiness in Chicago. In 2008, then-candidate Obama moved the DNC's main operations to Chicago, Illinois. The DNC has continued to conduct significant operations from its Chicago offices through President Obama's administration and through the 2016 presidential election.

c. Venue

26. Venue in this District is proper pursuant to 28 U.S.C. § 1392(b)(2) because a substantial part of the events giving rise to Plaintiffs' claims occurred in this District. Venue is also proper pursuant to 28 U.S.C. § 1392(b)(3) because Defendants are subject to personal jurisdiction in this district.

IV. FACTUAL ALLEGATIONS

a. Carter Page

27. Dr. Page has led an exemplary life, largely out of the public eye. He was an Eagle Scout, then attended the United States Naval Academy, graduating with distinction in the top five percent of his class. Due to his exceptional achievement, he was chosen for the Academy's distinguished Trident Scholar program.

28. Dr. Page served in the United States Navy for five years, including an assignment to a peacekeeping

mission in Morocco. While serving in the Navy, Dr. Page received an M.A. degree in National Security from Georgetown University.

29. Following his military service, Dr. Page served as an International Affairs Fellow at the Council on Foreign Relations, where his research focused on energy-related development in the Caspian Sea region. He received an M.B.A. degree from New York University and, in 2000, began work as an investment banker with Merrill Lynch. He rose to become the Chief Operating Officer for Merrill Lynch's energy and power group in New York.

30. In 2012, Dr. Page received his doctoral degree from SOAS, University of London. He has run an international affairs program at Bard College, and has taught courses on energy and politics at New York University.

31. During the 2016 Presidential Election, Dr. Page was named as an informal member of the Trump campaign's foreign policy advisory committee. Dr. Page has never met Donald J. Trump.

32. Dr. Page did not have a Wikipedia entry until September 24, 2016, one day after the publication of defamatory articles stemming from the Defendants' dissemination of false reports about him. Before Defendants spread their false statements, Dr. Page was not known outside of narrow academic foreign policy and energy finance circles.

b. Perkins Coie, Elias, and Sussman are Agents of the DNC

33. From early 2016 on, the DNC was focused on

supporting Hillary Clinton's presidential campaign.

34. To ensure that its interests were aligned with the Clinton Campaign, the DNC hired long-time Clinton lawyers Perkins Coie.

35. Elias and Sussman were two of Perkins Coie's senior partners responsible for representing the DNC. They negotiated the Joint Fund-Raising Agreement between the DNC and the Clinton Campaign. In negotiating that Agreement, Elias acted in at least two capacities: as a Partner of Perkins Coie and as an outside General Counsel of the Clinton Campaign.

36. Elias and Sussman also acted as lawyers to the DNC during this period. Among other things, Elias represented both the Clinton Campaign and the DNC when the Clinton Campaign's control of the DNC reached the public.

37. Elias and Sussman, as agents of the DNC and in conjunction with Perkins Coie lawyers in Illinois, were tasked with hiring a company to engage in opposition research on behalf of the DNC, and its preferred presidential candidate, Hillary Clinton.

38. Perkins Coie's legal bills were paid in large part by the DNC.

c. Perkins Coie, the DNC, and Their Associates Retain Fusion GPS and Steele

39. In April 2016, as agents of the DNC, Elias, Sussman and Perkins Coie retained Fusion GPS on the DNC's behalf to produce negative information on then-candidate Trump.

40. Defendants funded Fusion GPS's research.

Fusion GPS reported to Elias the information from its research.

41. Fusion GPS is and was a private investigation firm specializing in politics. It was founded in 2010 by *Wall Street Journal* investigative reporter Glenn Simpson. Simpson had joined the *Wall Street Journal* in 1995. From 1995 to 2001, Simpson lived in Washington, DC. Simpson left the *Wall Street Journal* in 2009. Simpson is a longtime friend of Michael Isikoff, the Chief Investigative Correspondent at Yahoo News.

42. Defendants knew that Fusion GPS spread false information about its clients' opponents. In sworn testimony before Congress, multiple individuals have stated that Fusion GPS employs "smear experts" and uses "scorched earth methods" to fulfill their tasks, regardless of the truth. Fusion GPS was effectively a false information mercenary for sale to the highest bidder.

43. For example, Fusion GPS was hired by a Russian state-owned company, Prevezon Holdings, to gather information for Prevezon to use against its opponents, including Bill Browder, a prominent advocate for the Sergei Magnitsky Rule of Law Accountability Act, passed by the U.S. Congress in 2012. In sworn testimony to Congress, Browder stated that Fusion GPS spread misinformation about him in an effort to stop any investigation into Prevezon's alleged tax fraud.

44. This work triggered the Permanent Select Committee on Intelligence of the U.S. House of Representatives' investigative interest in identifying

other businesses and firms that had hired Fusion GPS to perform Russia-related work. Thus, at the same time that Fusion GPS was spreading misinformation about Dr. Page's supposed connection with Russia, it had been publicly accused of acting as an unregistered agent of the Russian government, in violation of the Foreign Agent Registration Act.

45. Additionally, Fusion GPS was hired by a company with close ties to the Maduro regime in Venezuela to shut down criticism and investigation into the company. Without any basis or evidence, Fusion GPS spread misinformation about a journalist who had criticized the company, labeling him a pedophile, drug addict, and thief.

46. Fusion GPS, in turn, brought in Christopher Steele to work with it on this project. Steele knew that his work on this project was being paid for by the DNC and the Clinton Campaign.The DNC and the Clinton campaign paid Perkins Coie $12.6 million for its services. In turn, Perkins Coie paid Fusion GPS $1.02 million, of which Steele received $168,000.

47. Sworn testimony has established that Steele and Fusion GPS conducted research into Dr. Page, Global Energy, and Global Natural Gas, searching "business registers, legal databases, all kinds of things."

48. During Steele's engagement in the summer of 2016, he prepared approximately seventeen anti-Trump memoranda known collectively as the "Steele Dossier." Two of the seventeen memoranda contained references to Dr. Page. "Company Intelligence Report

2016/94," dated July 19, 2016, was titled "Russia: Secret Kremlin Meetings Attended by Trump Advisor, Carter Page in Moscow (July 2016)." In pertinent part, the report stated:

> Speaking in July 2016, a Russian source close to Rosneft President, PUTIN close associate and US-sanctioned individual, Igor SECHIN, confided the details of a recent secret meeting between him and visiting Foreign Affairs Advisor to Republican presidentialcandidate Donald TRUMP, Carter PAGE.
>
> According to SECHIN's associate, the Rosneft President (CEO) had raised with PAGE the issues of future bilateral energy cooperation and prospects for an associated move to lift Ukraine-related western sanctions against Russia. PAGE had reacted positively to this demarche by SECHIN but had been generally non-committal in response.
>
> Speaking separately, also in July 2016, an official close to Presidential Administration Head, S. IVANOV, confided in a compatriot that a senior colleague in the Internal Political Department of the PA, DIVYEKIN (nfd) also had met secretly with PAGE on his recent visit. Their agenda had included DIVEYKIN raising a dossier of 'kompromat' the Kremlin possessed on TRUMP's Democratic presidential rival, Hillary CLINTON, and its possible release to the Republican's campaign team.

49. The DNC, Fusion GPS, and Steele knew that the information in the Steele Dossier related to Dr.

Page was false. That information was based entirely on unverified and unverifiable statements from unknown sources. In compiling the Steele Dossier, Steele did not abide by professional standards for establishing the credibility of sources or verifying information. Indeed, Steele has acknowledged that the reports were made up of raw "uncorroborated intelligence" and were not meant to be finished products.

50. The Steele Dossier was not just unverified, but included clear errors. The reports had obvious errors that could have been easily fact-checked as incorrect—had Defendants or their allies had any interest in doing so.

51. Elias stayed apprised of Steele and Fusion GPS's work. After all, Elias hired Fusion GPS—and as a Partner of Perkins Coie and lawyer for the DNC, it was critical for Elias to monitor and direct their work. Elias would then loop in others on the information learned from Fusion GPS.

d. Steele and Fusion GPS go to the Press on Behalf of Defendants

52. From at least July 2016 and onward, Fusion GPS shared the false Steele Dossier with the press. Perkins Coie hosted at least one meeting with Fusion GPS and Steele, where they discussed the substance of Steele and Fusion GPS's media outreach.

53. Despite knowing that the information in the Steele Dossier was uncorroborated, Defendants needed to have the information released before the 2016 Presidential Election in order to further their

own political motives. On information and belief, Defendants directed Fusion GPS and Steele to disseminate the false information to the media, and even to the FBI.

54. Fusion GPS and Steele, as DNC consultants, were eager to comply. Their loyalty was with their clients, and not to discretion—or to the truth. Steele was fired from the FBI in late 2016 in large part because he chose to help Defendants release the Fusion GPS reports to the public and revealed his confidential relationship with the FBI.

55. In short, Fusion GPS and Steele were not interested in serving the public. Instead they acted as hired guns whose obligations ran to furthering the interests of their clients (here, the DNC, Perkins Coie, and Elias). Indeed, Fusion had been accused of acting as an unregistered agent of the Russian government on behalf of its clients such as Prevezon Holdings, a Russian company.

56. Fusion GPS and Steele met with Yahoo! News, the *New York Times*, the *New Yorker*, the *Washington Post*, and CNN, among others. Fusion GPS and Steele briefed them on the Steele Dossier and the defamatory information contained within.

57. Specifically, in September 2016, Steele and Simpson met with Yahoo! News reporter Michael Isikoff. During that meeting Steele provided Isikoff with misinformation from the Steele Dossier, namely, that Dr. Page had travelled to Russia and met with "close associates of Vladimir Putin," including Igor Sechin and Igor Diveykin, to discuss lifting sanctions against Russia.

58. Steele's information was false. Dr. Page had not and to this day has not met with either of those individuals.

59. On information and belief, Steele and Fusion GPS shared these false statements about Dr. Page with Isikoff at the behest and direction of the Defendants.

60. Shortly thereafter, on September 23, 2016, Isikoff published a Yahoo! News article entitled "U.S. intel officials probe ties between Trump adviser and Kremlin."

61. Isikoff stated in a February 2, 2018, episode of the Yahoo! News podcast "Skullduggery" that his September 23, 2016 article was based on the information that came from Christopher Steele.

62. The article contained several defamatory statements. For example, the DNC consultant-sourced Yahoo! News article contained information taken directly from the first three paragraphs of Company Intelligence Report 2016/94 of the Steele Dossier, referenced in Paragraph 49. Mirroring Steele's language in the report, the article stated:

> U.S. Intelligence officials are seeking to determine whether an American businessman identified by Donald Trump as one of his foreign policy advisers has opened up private communications with senior Russian officials—including talks about the possible lifting of economic sanctions if the Republican nominee becomes president, according to multiple sources who have been briefed on the issue.

. . . .

> But U.S. officials have since received intelligence reports that during that same three-day trip, ***Page met with Igor Sechin, a longtime Putin associate and former Russian deputy prime minister who is now the executive chairman of Rosneft***, Russian's leading oil company, a well-placed Western intelligence source tells Yahoo News. At their alleged meeting, Sechin raised the issue of the lifting of sanctions with Page, the Western intelligence source said.
>
> … U.S. intelligence agencies have also received reports that ***Page met with another top Putin aide while in Moscow — Igor Diveykin.*** A former Russian security official, Diveykin now serves as deputy chief for internal policy and is believed by U.S. officials to have responsibility for intelligence collected by Russian agencies about the U.S. election, the Western intelligence source said.

(emphasis added).

63. The only sources for these false statements were Steele and Fusion GPS, and Steele and Fusion GPS made these statements to the Yahoo! News reporter. The Yahoo! News article frequently attributed statements to a "Western intelligence source." That source was Steele and Fusion GPS.

64. The only reports that any U.S. intelligence agency received claiming that Dr. Page had met with sanctioned Russian officials were the baseless reports

paid for by the Defendants.

65. Steele provided these false reports to the FBI knowing that they contained false statements.

66. Additionally, Sussman met with then-FBI General Counsel James Baker. Sussman passed along information, which included a thick stack of papers, along with a hard drive, to Baker for the FBI to investigate. The information related to the FBI's Trump-Russia investigation.

67. The impact of these reports was widespread. Multiple other media outlets began to spread the fake story, relying on the Yahoo! News article.

68. More importantly, the false statements sourced from the DNC consultants in the Yahoo! News article featured prominently in the false applications for FISA warrants.

e. Defendants Defamed Dr. Page

i.* Defamatory Statements are False and Defamatory *Per Se

69. As relevant here, four categories of defamatory statements were made against Dr. Page: the statements in the reports prepared by Christopher Steele; the statements to journalists; the statements presented to U.S. intelligence officials and federal law enforcement; and the false news reports stemming from those statements (collectively, the "Defamatory Statements").

70. The Defamatory Statements were and are false and defamatory *per se.* Dr. Page never met with

Sechin. He never met with Diveykin. He never "colluded" with the Kremlin.

71. Defendants made and directed the Defamatory Statements. Perkins Coie and Elias (the DNC's agents) worked closely with Fusion GPS and Steele—subcontractors who tailored and disseminated the Defamatory Statements to the press. Perkins Coie directed Fusion GPS's reporting to the press and intended that the Steele Dossier's false information be reported as it was.

72. Elias directed Fusion GPS and Steele's creation of the Steele Dossier. Elias directed Fusion GPS and Steele to make the Defamatory Statements to the journalists. And Elias's intent in doing this was to get the Defamatory Statements published.

73. When Defendants made the Defamatory Statements to various reporters, their intent was to cause—and they strongly believed that they would, in fact, cause—the reporters to publish them.

74. The average person who read or heard the Defamatory Statements understood them to be statements of fact that Dr. Page met with Sechin, Diveykin, and the Kremlin. These were not opinions. These were statements of fact that could be objectively characterized as true or false. And these statements were objectively false. For instance, the DNC-sourced Fusion GPS Steele Dossier was later published by BuzzFeed News, which stated that "TRUMP advisor Carter PAGE holds secret meetings in Moscow with SECHIN and senior Kremlin Internal Affairs official, DIVYEKIN." But Dr. Page did not and has not met with those individuals.

75. Dr. Page's life and businesses were devastated by the false accusations that he was secretly meeting with sanctioned Russian officials. If the truth were reported, that devastation would have been avoided.

76. The average person who read or heard the Defamatory Statements understood them to be serious charges against Dr. Page—that he was conspiring with United States geopolitical rival Russia on matters against United States interests. Indeed, persons who read the statements contacted Dr. Page and cursed at him for "trad[ing] out your fucking country for some fucking Russian dollars" and for being "in cahoots with fucking Rosneft and every fucking Russian oligarch…"

77. The Defamatory Statements are materially false because they would have a different effect on the average reader or listener from that which the truth would have produced.

78. The Defamatory Statements are defamatory because they tend to lead the average person in the community to form an evil or bad opinion of Dr. Page. For example, as a direct result of the Defendants' Defamatory Statements, Dr. Page was publicly accused of being a "Russian agent" and having "secret meetings in Moscow with Rosneft and Kremlin officials." The Defamatory Statements also tend to discredit Dr. Page in the conduct of his profession.

f. Defendants Distributed the Defamatory Statements with Actual Malice

79. The DNC, Perkins Coie, Elias, and Sussman

acted with actual malice in disseminating the Defamatory Statements—Defendants disseminated statements with knowledge that they were false or with reckless disregard of whether they were false or not.

80. The Steele Dossier was expressly based on unverified—and unverifiable— statements by unknown sources. And it was not just unverified; it included clear errors, such as obvious misspellings. The Steele Dossier also made many factual errors on matters of objective truth that could have been easily fact-checked as incorrect—had Defendants or their agents cared to do so.

81. Defendants are not laymen. They are elite lawyers and seasoned political operatives. They harbored serious doubts about both the truth of the statements and Fusion GPS's reliability. They knew of Fusion GPS's reputation as a purveyor of misinformation. They likely knew that Fusion GPS had been accused of operating as an unregistered agent of the Russian state.

82. Anybody with a remote understanding of Sechin would know the difficulty of meeting with Sechin. And even the most minimal investigation—asking Western businesspersons active in Russia, for example—would have shown the article's allegations to be meritless.

83. Defendants also knew they had not seen any evidence supporting the Defamatory Statements and that the Defamatory Statements rested upon uncorroborated information—and often second-hand statements.

84. The Steele Dossier amounted to no more than Internet rumor, and it was regularly dismissed as such by people who read it.

85. Given this, Defendants likely knew the Steele Dossier was shot through with falsities, or at a minimum had serious doubts about its truth. These serious doubts were magnified by the obvious reasons (already explained) to doubt the reports' veracity. At no point did any Defendant undertake the most cursory investigation to check whether the information contained in the Steele Dossier was accurate.

86. Defendants simply did not care that Fusion GPS's reports were comprised of outlandish, unsourced conspiracy theories. The DNC, through Perkins Coie, Elias, and Sussman, hired Fusion GPS not to report the truth, but to create dirt. And they forged ahead with disseminating the defamatory information produced by Fusion GPS to further Defendants' own political ambitions.

87. Defendants have never retracted their statements about Dr. Page, despite wide consensus that Fusion GPS's conclusions were unreliable and often wrong. Even the author of the September 23, 2016 Yahoo! News article has publicly admitted this to a significant extent.

88. As for Fusion GPS, it implicitly admitted as much as well. It is now publicly recognized that Fusion GPS's conduct with respect to Dr. Page was potentially criminal. The United States House of Representatives subpoenaed Simpson to testify on the Steele Dossier and Fusion GPS's information gathering practices. But Simpson refused, invoking his Fifth

Amendment right against self-incrimination. If such an invocation was proper, Simpson recognized that his testimony on the very subject matter of this Complaint would implicate him in criminal conduct. Simpson could not otherwise properly invoke the privilege.

89. This is no surprise. Fusion GPS and Steele have publicly admitted that the Steele Dossier was not perfectly factual and was not meant for public consumption.

90. Further, Dr. Page was completely exonerated by Special Counsel Robert Mueller's report. That investigation "did not establish that [Dr.] Page coordinated with the Russian government in its efforts to interfere with the 2016 presidential election."

91. And on January 20, 2020, the DOJ admitted that at least two of the FISA warrants against Dr. Page were invalid and were based on "material misstatements and omissions."

92. Despite all this, Defendants have not retracted their statements.

g. Injury to Plaintiffs' Reputation and Businesses

93. The Defamatory Statements injured Plaintiffs' reputations.

94. The Defamatory Statements had a domino effect, with other news outlets reporting Defendants' Defamatory Statements. This amplified the range and harm of the Defamatory Statements.

95. The Defamatory Statements caused Plaintiffs

to lose many business opportunities. For example, before Defendants' Defamatory Statements, Plaintiffs were engaged in advanced negotiations to advise a company in Kazakhstan, Samruk-Kazyna, in its strategic privatization plan. Dr. Page and Global Energy experience with restructuring plans for companies in that region uniquely placed them to guide Samruk-Kazyna's plan to a successful close. The Plaintiffs would have received a fee of at least $100,000 per month, scaled to include additional services, in addition to the intangible benefits that a successful relationship with Samruk-Kazyna would have resulted in.

96. Additionally, Plaintiffs were well on their way to establishing a global commodity trading company in the Middle East. In furtherance of this opportunity Plaintiffs had developed relationship with the Dubai Mercantile Exchange and other regional trading hubs. Annual revenues for the trading company for 2018 were conservatively projected to be around $12,000,000, and to increase exponentially in future years.

97. Then Defendants disseminated the Defamatory Statements. They caused them to be published and distributed to U.S. intelligence and federal law enforcement officials.

98. As a result, Samruk-Kazyna backed out of the deal. Executives from Samruk- Kazyna informed the Plaintiffs that it was backing out because of the news reports concerning his supposed meetings with Sechin and Diveykin. Samruk-Kazyna could not afford to do business with someone who was the subject

of such significant negative press.

99. Dr. Page was also ostracized from associating with the DME and the other regional trading hubs, entities with which a friendly relationship was essential for establishing the trading company. Because of Defendants' Defamatory Statements, Plaintiffs were prevented from successfully building the trading company.

100. Defendants knew the effect that the Defamatory Statements would have on these and other of Plaintiffs' prospective business opportunities. As part of their "research" into Dr. Page, the DNC-funded consultants, Fusion GPS and Steele, specifically dug into the Plaintiffs' business dealings, highlighting that Global Energy focused in part on international oil and gas deals.

101. Dr. Page also began receiving countless death threats after Defendants published the Defamatory Statements. For example, this is one threat (among many) that was left on Dr. Page's voicemail:

> Yo, what's up man? Sounds like things are going pretty fucking good for you. Go to trade out your fucking country for some fucking Russian dollars. We know what the fuck you've been doing, you piece of shit mother fucker. You think you're not, you know you're not in fucking ***in cahoots with fucking Rosneft and every fucking Russian oligarch*** over there? You fucking half-wit, fucking piece of shit. You deserve everything you fucking get. Every fucking thing you get. If it was up to me, ***after we fucking tried you for treason, we'd take***

> ***you out in the street and beat the fucking piss out of you with baseball bats***, you cock sucking mother fucker. Next time you turn your back on your fucking country, you'll fucking regret it.

(emphasis added).

102. Dr. Page did not receive death threats before the Defamatory Statements were published.

103. Because of these death threats, Dr. Page could no longer walk public streets without reasonably and legitimately fearing for his safety. Dr. Page thus had to avoid the public and crowds as much as physically possible.

h. This Action is Timely

104. This action was originally filed in the United States District Court for the Western District of Oklahoma, Case No. 5:18-cv-01019, on October 15, 2018.

105. On January 31, 2019, the Western District of Oklahoma court dismissed Dr. Page'scase for lack of personal jurisdiction.

106. Because this Western District of Oklahoma action was timely and because this action was brought within one year of the dismissal of that action, this case is timely under 735 ILCS 5/13-217.

V. CAUSES OF ACTION

FIRST CAUSE OF ACTION

By Dr. Page against all Defendants for Defamation

107. Plaintiffs reallege and incorporate by reference each of the preceding paragraphs as if fully set forth herein.

108. Defendants made the Defamatory Statements.

109. The Defamatory Statements were defamatory *per se*.

110. The Defamatory Statements concerned Plaintiffs, as they referenced them by name. The average reader understood the statements to be about Plaintiffs, including Dr. Page.

111. Defendants published the Defamatory Statements. They communicated the Defamatory Statements to someone other than Dr. Page, and Defendants intended that theDefamatory Statements be distributed widely—both nationally and internationally.

112. The Defamatory Statements were false, substantially untrue, and materially false.

113. When Defendants made the Defamatory Statements, they knew that they were falseor acted in reckless disregard of the truth or falsity of the statements.

114. Defendants had no applicable privilege or legal authorization to publish the defamatory statements.

115. The Defamatory Statements were a substantial factor in causing Dr. Page to suffer economic and non-economic loss, in an amount to be proven at trial.

SECOND CAUSE OF ACTION

By Global Energy against all Defendants for Defamation

116. Plaintiffs reallege and incorporate by reference each of the preceding paragraphs as if fully set forth herein.

117. Defendants made the Defamatory Statements.

118. The Defamatory Statements were defamatory *per se*.

119. The Defamatory Statements concerned Plaintiffs, as they referenced them by name. The average reader understood the statements to be about Plaintiffs, including Global Energy.

120. Defendants published the Defamatory Statements. They communicated the Defamatory Statements to someone other than Global Energy, and Defendants intended that the Defamatory Statements be distributed widely—both nationally and internationally.

121. The Defamatory Statements were false, substantially untrue, and materially false.

122. When Defendants made the Defamatory Statements, they knew that they were false or acted in reckless disregard of the truth or falsity of the statements.

123. Defendants had no applicable privilege or legal authorization to publish the defamatory statements.

124. The Defamatory Statements were a substantial factor in causing Global Energy to suffer economic and non-economic loss, in an amount to be proven at trial.

THIRD CAUSE OF ACTION

By Global Natural Gas against all Defendants for Defamation

125. Plaintiffs reallege and incorporate by reference each of the preceding paragraphsas if fully set forth herein.

126. Defendants made the Defamatory Statements.

127. The Defamatory Statements were defamatory *per se*.

128. The Defamatory Statements concerned Plaintiffs, as they referenced them by name. The average reader understood the statements to be about Plaintiffs, including Global Natural Gas.

129. Defendants published the Defamatory Statements. They communicated the Defamatory Statements to someone other than Dr. Page, and Defendants intended that the Defamatory Statements be distributed widely—both nationally and internationally.

130. The Defamatory Statements were false, substantially untrue, and materially false.

131. When Defendants made the Defamatory Statements, they knew that they were false or acted in reckless disregard of the truth or falsity of the

statements.

132. Defendants had no applicable privilege or legal authorization to publish the defamatory statements.

133. The Defamatory Statements were a substantial factor in causing Global Natural Gas to suffer economic and non-economic loss, in an amount to be proven at trial.

FOURTH CAUSE OF ACTION

By all Plaintiffs against all Defendants for False Light

134. Plaintiffs reallege and incorporate by reference each of the preceding paragraphs as if fully set forth herein.

135. Defendants, acting with reckless disregard, placed Plaintiffs in a false light. As a direct and proximate result of Defendants' actions, they caused the Defamatory Statements to be placed before the public.

136. Defendants' placement of Plaintiffs in a false light was highly offensive to a reasonable person. No reasonable person could tolerate being publicly accused of colluding with Russia against the United States' interests.

137. The Defamatory Statements were a substantial factor in causing Plaintiffs to suffer economic and non-economic loss, in an amount to be proven at trial.

FIFTH CAUSE OF ACTION

By all Plaintiffs against all Defendants for Tortious Interference with Prospective Economic Advantage

138. Plaintiffs reallege and incorporate by reference each of the preceding paragraphs as if fully set forth herein.

139. Plaintiffs were well-established in the energy finance transaction space. Their relationships with energy companies included Chesapeake Energy, KazMunayGas, Tatneft, Gazprom. And their relationships with financial institutions included Samruk-Kazyna, Deutsche Bank, Goldman Sachs, Citi, Mubadala Development Company, China investment Corporation, Canaccord Genuity, HSBC, Piper Jaffray Companies, Ladenburg Thalman, and Morgan Stanley. Plaintiffs had the opportunity to enter into business relationships with all the foregoing companies—and a reasonable expectancy of entering those relationships. These prospective relationships would have involved future energy financing transactions.

140. Defendants knew of these relationships. As part of the false opposition research into Plaintiffs, DNC-sponsored consultants Fusion GPS searched Plaintiffs business records and other databases and provided information on Plaintiffs' business dealings.

141. Defendants intentionally interfered with these prospective relationships. By publishing the Defamatory Statements and placing Plaintiffs in a false light, Defendants knew that would interfere with Plaintiffs' business.

142. Had it not been for Defendants' interference, Plaintiffs would have entered into the prospective business relationships.

143. Defendants' interference used wrongful means, as they defamed Plaintiffs.

144. As a direct and proximate result of Defendants' interference, Plaintiffs suffered damages, in an amount to be proven at trial.

SIXTH CAUSE OF ACTION

By Plaintiffs against all Defendants for Conspiracy

145. Plaintiffs reallege and incorporate by reference each of the preceding paragraphs as if fully set forth herein.

146. There was an agreement amongst Defendants to participate in unlawful acts or in lawful acts in an unlawful manner. Specifically, Defendants agreed to participate in defaming Plaintiffs and agreed to participate in placing Plaintiffs in a false light.

147. Defendants also knowingly provided false information to law enforcement agencies, through their agents Fusion GPS and Steele.

148. Plaintiffs were injured. Plaintiffs' business prospects were devastated. Dr. Page's reputation was irreparably ruined, and he received numerous death threats, causing him toreasonably fear for his safety.

149. Plaintiffs' injuries were caused by an unlawful overt act by one of Defendants.

150. That unlawful overt acts was done pursuant to and in furtherance of Defendants' common scheme.

151. As a direct and proximate result of Defendants' actions, Plaintiffs suffered damages, in an amount to be proven at trial.

VI. PRAYER FOR RELIEF

152. Plaintiffs demands judgment against Defendants as follows:

i. An award of compensatory, special and punitive damages in appropriate amounts to be established at trial;

ii. Injunctive relief prohibiting the publication or republication of the defamatory statements;

iii. An award of costs associated with this action; and

iv. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiffs demands a trial by jury on all issues so triable.

Date: January 30, 2020 Respectfully Submitted,

s/ Charles L. Philbrick
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