No. _____

In the Supreme Court of the United States

GOCE GLIGOROV,

Petitioner,

-against-

NATION OF BRUNEI; BRUNEI INVESTMENT AGENCY; HASSANAL BOLKIAH, SULTAN; AL-MUHTADEE BILLAH, CROWN PRINCE; DORCHESTER COLLECTION; DORCHESTER GROUP, LLC; SEVEN PROPERTIES AG; PG YUSOF SEPIUDDIN; PEHIN NAWAWI; PEHIN YASMIN; HJ ZAINAL; HJ AZIYAN; ANAK HAJI ABDUL AZIZ, PERNGIRAN (PG); AUDLEY PROPERTY MANAGEMENT LIMITED,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

APPENDIX TO THE PETITION FOR WRIT OF CERTIORARI

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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued May 12, 2025 Decided August 7, 2026
Reargued September 17, 2025

No. 24-7150

GOCE GLIGOROV,

Appellant,

v.

NATION OF BRUNEI, ET AL.,

Appellees.

Appeal from the United States District Court
for the District of Columbia
(No. 1:21-cv-01773)

Kenneth Foard McCallion argued the cause and filed the briefs for appellant.

Stephen K. Wirth argued the cause for appellees. With him on the briefs were *Guy A. Reiss, Peter B. Maretz, Adam Parry, Jason Ehrenberg, John B. Bellinger III*, and *Robert Reeves Anderson*.

Before: Millett, Pillard, and Katsas, *Circuit Judges*.

Opinion for the Court filed by *Circuit Judge* Millett.

Millett, *Circuit Judge*: Goce Gligorov is a Slovenian national, businessman, and past consultant to the government of the Nation of Brunei. He filed this civil suit against Brunei, certain Bruneian government officials, and three corporate entities. The complaint alleges civil violations and conspiracy under the Racketeer Influenced and Corrupt Organizations Act, as well as a number of common law contract and tort claims. The lawsuit arises from an agreement Mr. Gligorov made with some of the individual defendants and representatives of the Brunei government in which he was tasked with investigating corruption by other Bruneian officials. Mr. Gligorov alleges that, after uncovering damaging information about corruption and support for terrorism by certain Bruneian government officials, his contractual employers reneged on the deal and then conspired, along with the three corporate defendants, to destroy Mr. Gligorov's reputation and business. The three corporate defendants are Audley Property Management Company Limited, Seven Properties AG, and The Dorchester Group, LLC d/b/a The Dorchester Collection (collectively, "corporate defendants").

The district court dismissed Mr. Gligorov's claims against the corporate defendants for lack of personal jurisdiction and denied Mr. Gligorov's cross-motion for jurisdictional discovery. The court then entered partial final judgment in favor of the corporate defendants under Federal Rule of Civil Procedure 54(b).

We affirm.

I

A

1

Personal jurisdiction refers to a court's authority over the parties. *Fuld v. Palestine Liberation Org.*, 145 S. Ct. 2090, 2102 (2025). A federal court can exercise personal jurisdiction over a defendant who does not consent to suit only if (1) the defendant is served in compliance with the terms of a statute or rule authorizing service of process, and (2) the exercise of jurisdiction comports with the Constitution. *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 350 (1999); *see Fuld*, 145 S. Ct. at 2102.

2

Prior to 1993, the Federal Rules authorized service on civil defendants who were outside the State in which the district court sat only if service was authorized by "a federal statute or * * * the long-arm statute of [that] State[.]" *Omni Cap. Int'l, Ltd. v. Rudolf Wolff & Co.*, 484 U.S. 97, 105 (1987) (citing FED. R. CIV. P. 4(e) (1963)).

In *Omni Capital*, the plaintiffs sued foreign defendants under the Commodity Exchange Act's implied private right of action. *See Omni Cap.*, 484 U.S. at 100 (citing *Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Curran*, 456 U.S. 353 (1982)). The Court declined to conclude that the Act impliedly authorized service of process on foreign defendants, and the relevant state long-arm statute did not reach them either. *See id.* at 106–108. Because nothing in federal law or the federal rules addressed that problem, the Supreme Court recommended that Congress or the federal courts' Standing Committee on Rules of

Practice and Procedure consider adopting "[a] narrowly tailored service of process provision, authorizing service on an alien in a federal-question case when the alien is not amenable to service under the applicable state long-arm statute[.]" *Id.* at 111.

In response, the Standing Committee adopted Federal Rule of Civil Procedure 4(k)(2), which provides:

> For a claim that arises under federal law, serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant if:
>
> > (A) the defendant is not subject to jurisdiction in any state's courts of general jurisdiction; and
> >
> > (B) exercising jurisdiction is consistent with the United States Constitution and laws.

FED. R. CIV. P. 4(k)(2); *see also Mwani v. bin Laden*, 417 F.3d 1, 10 (D.C. Cir. 2005) ("[T]he Rules now contain their *own* long-arm provision which, in some circumstances, eliminates the need to employ the forum state's long-arm statute.").

The Advisory Committee's Notes for the amendment that added Rule 4(k)(2) explain that the provision was adopted to "correct[] a gap in the enforcement of federal law" for federal law claims against "non-resident" defendants who "hav[e] contacts with the United States sufficient to justify the application of United States law," but who "hav[e] insufficient contact with any single state[.]" FED. R. CIV. P. 4(k) Advisory Committee's note to 1993 amendment.

As relevant here, the Racketeer Influenced and Corrupt Organizations Act ("RICO") subjects those who are associated with an enterprise engaged in a "pattern of racketeering activity" to civil remedies and criminal penalties. 18 U.S.C. §§ 1962–1964. Racketeering activity "encompass[es] dozens of state and federal offenses, known in RICO parlance as predicates." *RJR Nabisco v. European Community*, 579 U.S. 325, 329–330 (2016). The USA PATRIOT Act of 2001 made providing material support to terrorist organizations one such RICO predicate. Pub. L. No. 107-56, § 813, 115 Stat. 272, 382; *see* 18 U.S.C. § 1961(1) (Offenses listed "in section 2332b(g)(5)(B)" are predicate acts.); *id.* § 2332b(g)(5)(B) (listing "providing material support to terrorist organizations" as one form of committing the predicate act "Federal crime of terrorism").

RICO has a private cause of action, known as civil RICO, that allows plaintiffs to sue defendants who injured them "by reason of a violation" of RICO. 18 U.S.C. § 1964(c).

Personal jurisdiction over a civil RICO defendant lies in "any district in which such person resides, is found, has an agent, or transacts his affairs." 18 U.S.C. § 1965(a); *see FC Inv. Group v. IFX Mkts., Ltd.*, 529 F.3d 1087, 1099 (D.C. Cir. 2008) (holding that Section 1965(a) concerns personal jurisdiction), *overruled on other grounds*, *Erwin-Simpson v. AirAsia Berhad*, 985 F.3d 883 (D.C. Cir. 2021); *Laurel Gardens, LLC v. Mckenna*, 948 F.3d 105, 118–119 (3d Cir. 2020) (same); *PT United Can Co. v. Crown Cork & Seal Co.*, 138 F.3d 65, 71 (2d Cir. 1998) (same). Once personal jurisdiction is established under Section 1965(a) for one defendant, service of process outside the judicial

district is authorized under Section 1965(b) for any other party in the same action when "the ends of justice require that other part[y]" be "brought before the court[.]" 18 U.S.C. § 1965(b); *see FC Inv. Group*, 529 F.3d at 1099–1100.

B

According to the allegations in the second amended complaint, Mr. Gligorov is a Slovenian businessman. As early as 2011, Mr. Gligorov "met with high-ranking officials in Brunei and was invited to attend numerous Brunei state events." App. 20. Representatives of Brunei's government, including some of the individual defendants in this suit, "asked [him] to * * * provide them with information relating to allegations of wrongful and illegal acts by other Brunei government officials." App. 20–21. Mr. Gligorov agreed to do so through a contract that promised to pay him $250,000 for his services. In 2016, Mr. Gligorov turned over the requested investigative findings, including information about certain Bruneian government officials' alleged involvement in theft, money laundering, and terrorism financing.

Mr. Gligorov's investigation assertedly revealed that high ranking officials were using bank accounts "associated with" the three corporate defendants to "disguise Brunei's financing of terrorist organizations." App. 21, 23–24. In particular, Mr. Gligorov alleges that these officials, including some of the individual Bruneian government defendants, funneled money through Seven Properties' bank accounts in Zurich and Audley's bank accounts in London. Also, "[w]ith the knowledge and cooperation of officers and agents of the Dorchester Group," the

Bruneian government and the individual defendants allegedly "used bank accounts maintained with Royal Bank of Scotland [and] NatWest Bank" in London. App. 24. Mr. Gligorov does not allege that any of the corporate defendants' bank accounts relevant to this case are in the United States.

The complaint also alleges that all three corporate defendants maintained "safe houses" or "safe rooms" that the individual defendants and "other agents of the Brunei Government" used to engage in "clandestine meetings" with terrorist organizations and their proxies. App. 23–24. Mr. Gligorov does not allege that any of Seven Properties' or Audley's safe houses or safe rooms are in the United States. The complaint does allege, however, that the Dorchester Group has "safe rooms" in its two U.S. properties: the Beverly Hills Hotel and Bel Air Hotel, both of which are in California. App. 15.

When Mr. Gligorov delivered his findings to his Bruneian contacts, the individual defendants allegedly "turned on" Mr. Gligorov and plotted to "prevent his information from being made public and to destroy his reputation and business in the process" so that no one would believe the information he had gathered. App. 25–26. These defendants also "failed to pay him the $250,000 that was owed" under the contract. App. 25.

The complaint next alleges that "safe rooms" at the Dorchester Group's "hotels and facilities" were "used by the individual Brunei defendants * * * and representatives of the corporate defendants * * * for meetings to plan and strategize regarding defendants' campaign to damage and destroy [Mr. Gligorov's] reputation and business[.]" App. 26. "At least one of these

clandestine meetings * * * too[k] place at the Beverly Hills Hotel" in California. App. 26. The Defendants then "made false and defamatory allegations about [Mr. Gligorov] to INTERPOL, causing a 'Blue Notice' to be issued by that * * * agency," which resulted in Mr. Gligorov being stopped at the United States' and other international borders. App. 27.

According to the complaint, the Blue Notice has interfered with Mr. Gligorov's "ability to conduct his business [and] * * * has seriously damaged his business and reputation." App. 28.

C

Mr. Gligorov filed suit in the United States District Court for the District of Columbia. His second amended complaint alleges that the corporate defendants violated RICO, conspired to violate RICO, and tortiously interfered with his business. He also alleges that Seven Properties and the individual Bruneian defendants engaged in defamation *per se*, and that the Brunei Investment Agency and certain Bruneian government officials are liable for breach of contract, unjust enrichment, fraud, and fraudulent inducement. Only the three corporate defendants were properly served and have appeared in the case. *See Gligorov v. Nation of Brunei*, No. 21-cv-1773, 2024 WL 4523861, at *1 (D.D.C. Sept. 26, 2024).

The corporate defendants moved to dismiss Mr. Gligorov's complaint for lack of personal jurisdiction and for failure to state a claim under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), respectively. Mr. Gligorov cross-moved for jurisdictional discovery.

Mr. Gligorov attached to his motion for jurisdictional discovery a declaration from Ronald

Dunnett, an investigator, that identified the dates and attendees of four meetings that took place at the Beverly Hills Hotel. Those meetings took place from November 2015 to August 2019 and included various Bruneian government officials as attendees. The Dunnett declaration does not discuss either the existence of "safe rooms" or the presence of any corporate defendants at those meetings.

The district court dismissed Mr. Gligorov's complaint for lack of personal jurisdiction over the corporate defendants and did not address whether the complaint failed to state a claim. *See Gligorov v. Nation of Brunei*, No. 21-cv-1773, 2023 WL 1438326, at *1 (D.D.C. Jan. 31, 2023). The court also denied Mr. Gligorov's request for jurisdictional discovery. *Id.* at *6.

The district court first ruled that it lacked general jurisdiction over the corporate defendants because none of the corporate defendants are incorporated, have their principal place of business, or are fairly considered at home in the District of Columbia. *Gligorov*, 2023 WL 1438326, at *2.

The court next held that Mr. Gligorov failed to show specific jurisdiction based on the civil RICO statute because he had not established that at least one defendant had minimum contacts with the District of Columbia. *Gligorov*, 2023 WL 1438326, at *3. Mr. Gligorov had tried to meet this requirement by arguing, unsuccessfully, that the Nation of Brunei had minimum contacts with the District. *See id. at* *4.

As for Mr. Gligorov's argument that there was personal jurisdiction over the corporate defendants because they were served in accordance with Federal

Rule of Civil Procedure 4(k)(2), the court concluded that Mr. Gligorov had not shown that any of the corporate defendants had "sufficient contacts with the United States as a whole to justify the exercise of personal jurisdiction under the Fifth Amendment Due Process Clause." *Gligorov*, 2023 WL 1438326, at *4.

Lastly, the district court denied Mr. Gligorov's motion for jurisdictional discovery on the grounds that his allegations were "speculat[ive]" and "broad in scope," and that none of the requested discovery "would help to show whether the Corporate Defendants 'purposefully directed' activities toward the United States that resulted in the alleged injuries and that this litigation 'arises out of or relate[s]' to those activities." *Gligorov*, 2023 WL 1438326, at *6 (quoting *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985)).

The district court subsequently entered partial final judgment as to the corporate defendants under Federal Rule of Civil Procedure 54(b). *Gligorov*, 2024 WL 4523861, at *2. Mr. Gligorov timely appealed.

After we heard oral argument in this appeal, the Supreme Court ruled in *Fuld v. Palestine Liberation Organization*, *supra*, that the Fifth Amendment's due process guarantee does not incorporate the Fourteenth Amendment's minimum contacts standard for personal jurisdiction in state courts, 145 S. Ct. at 2105; *cf. International Shoe Co. v. Washington*, 326 U.S. 310, 317 (1945) (establishing the minimum contacts test under the Fourteenth Amendment). In *Fuld*'s wake, we ordered supplemental briefing and re-argument on the appropriate test for personal jurisdiction under the Fifth Amendment in this case.

II

The district court had subject matter jurisdiction under 28 U.S.C. § 1331 and 18 U.S.C. § 1964(c). We have appellate jurisdiction under 28 U.S.C. § 1291. We review the district court's dismissal for lack of personal jurisdiction *de novo* and the denial of jurisdictional discovery for abuse of discretion. *Lewis v. Mutond*, 62 F.4th 587, 590 (D.C. Cir. 2023); *Livnat v. Palestinian Auth.*, 851 F.3d 45, 48 (D.C. Cir. 2017).

The plaintiff bears "the burden of establishing a factual basis for the court's exercise of personal jurisdiction over" the defendant. *Williams v. Romarm, SA*, 756 F.3d 777, 785 (D.C. Cir. 2014). To do so, plaintiffs "may rest their [jurisdictional] argument on their pleadings, bolstered by such affidavits and other written materials as they can otherwise obtain." *Mwani*, 417 F.3d at 7; *see Naartex Consulting Corp. v. Watt*, 722 F.2d 779, 787–788 (D.C. Cir. 1983). In reviewing a motion to dismiss for lack of personal jurisdiction, courts must "assume the truth of facts plausibly alleged in [a] plaintiff's * * * complaint and draw all reasonable inferences in [the plaintiff's] favor." *Mills v. Anadolu Agency NA, Inc.*, 105 F.4th 388, 392 (D.C. Cir. 2024) (citing *Urquhart-Bradley v. Mobley*, 964 F.3d 36, 40 n.2 (D.C. Cir. 2020)). But the court "need not accept inferences drawn by plaintiffs if such inferences are unsupported by the facts[.]" *Livnat*, 851 F.3d at 57 (quoting *Helmer v. Doletskaya*, 393 F.3d 201, 209 (D.C. Cir. 2004)).

III

This appeal turns on a single issue: whether the district court had personal jurisdiction over the corporate defendants under the Fifth Amendment.

This court had previously held that the Fifth Amendment's Due Process Clause imposed the same limits on the level of forum-specific contacts needed for a federal court's exercise of personal jurisdiction as the Fourteenth Amendment imposes on States. *See, e.g.*, *Lewis*, 62 F.4th at 592; *Livnat*, 851 F.3d at 55. But after the initial oral argument in this case, the Supreme Court ruled for the first time that the Fifth Amendment's due process limits on personal jurisdiction in federal cases are "more flexible" than the minimum-contacts requirement that applies under the Fourteenth Amendment. *Fuld*, 145 S. Ct. at 2105; *see id.* ("[W]e decline to import the Fourteenth Amendment minimum contacts standard into the Fifth Amendment."). At the same time, the Supreme Court declined to prescribe a new test to take the place of the minimum- contacts inquiry. *See id.* at 2106 ("[W]e do not purport to delineate the outer bounds of the Federal Government's power, consistent with due process, to hale foreign defendants into U.S. courts.").

We need not determine what that test is to resolve this appeal. The parties have agreed that, for purposes of this case, the Fifth Amendment requires only that the exercise of personal jurisdiction over a defendant be "reasonable," and that a reasonable nexus to the United States exists. *See* Gligorov Second Suppl. Br. 1 ("[T]he Fifth Amendment requires only that the assertion of personal jurisdiction be reasonable in light of federal sovereignty, congressional authorization, and basic fairness."); *id.* at 13 ("The question is whether the Corporate Defendants' conduct sufficiently ties them to the United States in a way that makes jurisdiction reasonable."); Corporate Defs.' Corrected Second Suppl. Br. 20 ("This Court should * * * continue to require a

meaningful U.S. nexus and reasonableness under Rule 4(k)(2)(B) unless and until Congress passes a carefully calibrated statute that says otherwise.").

Lack of personal jurisdiction is the corporate defendants' defense to assert or to waive. *Insurance Corp. of Ireland v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 703 (1982). Equally, a plaintiff can forfeit theories of personal jurisdiction by failing to raise them in briefing. *Erwin-Simpson*, 985 F.3d at 889 n.1. Accordingly, for purposes of this appeal only, we will assume without deciding that a "reasonableness" test applies.

Applying that assumption, we conclude that the district court lacked jurisdiction over the corporate defendants. Mr. Gligorov has failed to adequately allege a concrete interest in litigating this case in the United States. He also has not identified any meaningful interest that the United States has in resolving this dispute. *Cf. Fuld*, 145 S. Ct. at 2109. Nor has he explained how this suit would avoid unreasonably burdening defendants with scant connections to the United States.

A

This case implicates two possible avenues for obtaining personal jurisdiction: (1) the RICO statute's service of process provision, and (2) Federal Rule of Civil Procedure 4(k)(2). Both routes would also have to comply with the Fifth Amendment's Due Process Clause. On this record, neither route provides personal jurisdiction over the corporate defendants.

1

RICO's service of process provision affords Mr. Gligorov no traction in his effort to establish personal jurisdiction. Although the complaint asserts claims under the civil RICO statute, Mr. Gligorov failed to perfect service over the corporate defendants as RICO requires.

Section 1965(a) of RICO authorizes personal jurisdiction over anyone who "is found, has an agent, or transacts his affairs" in the federal judicial district where the district court sits—that is, the District of Columbia. 18 U.S.C. § 1965(a). Mr. Gligorov argues that the Nation of Brunei is present through its embassy and transacts its affairs in the District of Columbia, which makes personal jurisdiction over Brunei proper under Section 1965(a). And once personal jurisdiction is established over one defendant in a RICO case, the statute extends personal jurisdiction over all other properly served defendants when "the ends of justice [so] require[.]" *Id.* § 1965(b); *see FC Inv. Group*, 529 F.3d at 1100.

Brunei, however, is a foreign sovereign nation. As a result, the Foreign Sovereign Immunities Act ("FSIA"), 28 U.S.C. § 1602 *et seq.*, generally provides the "sole basis for obtaining jurisdiction over" Brunei in the courts of the United States. *Argentine Republic v. Amerada Hess Shipping Corp.*, 488 U.S. 428, 434 (1989); *see Nassif v. Republic of Ira*, 166 F.4th 1099, 1101 (D.C. Cir. 2026). While Congress can "enact[] a later exception to foreign sovereign immunity[,]" *Exxon Mobil Corp. v. Corporación Cimex, S.A. (Cuba)*, 146 S. Ct. 1909, 1924 (2026), Mr. Gligorov has not identified any exception that would apply in this case.

The FSIA grants personal jurisdiction over a foreign sovereign only when "service has been made" in compliance with that statute's terms. 28 U.S.C. § 1608(d); *see id.* §§ 1330(b), 1608(a)–(b) (specifying service requirements). But Mr. Gligorov admits that he has not served Brunei at all, let alone in accordance with the FSIA. Gligorov Opening Br. 23 n.6; Gligorov Reply Br. 7 ("Plaintiff has not yet been able to effect service on the Nation of Brunei[.]"). And Mr. Gligorov has not argued that personal jurisdiction over any other defendant has been established under RICO Section 1965(a).

Because Mr. Gligorov fails to identify a single defendant over whom the district court could exercise personal jurisdiction under Section 1965(a), he has failed to establish that any of the corporate defendants are subject to the court's jurisdiction under RICO's personal jurisdiction provision.[1]

2

With RICO's service provision unmet, Mr. Gligorov must rely on Federal Rule of Civil Procedure 4(k)(2) to establish personal jurisdiction over the three

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[1] In February 2023, the district court ordered Mr. Gligorov to show cause why he had not yet served "at least 10 Defendants," including the Nation of Brunei. Min. Order to Show Cause (Feb. 3, 2023). Mr. Gligorov responded that he would continue to attempt to effect service. Response to Order to Show Cause, Dkt. No. 46 (Mar. 4, 2023). Mr. Gligorov attached to his motion for entry of judgment under Rule 54(b) a declaration by one of his attorneys attesting that "the attempted service regarding the other defendants in the case is by no means imminent." Decl. of Kenneth F. McCallion ¶ 5, Dkt. No. 48-1. As far as the docket reflects, Mr. Gligorov has not provided any updates regarding service of process.

corporate defendants. That Rule provides that, in federal cases, service of a summons establishes personal jurisdiction if (i) the defendant "is not subject to jurisdiction in any state's courts of general jurisdiction," and (ii) "exercising jurisdiction is consistent with the United States Constitution and laws." FED. R. CIV. P. 4(k)(2).[2]

The corporate defendants do not dispute that service of process on them was proper under Rule 4(k)(2) on the ground that they are not subject to the jurisdiction of any State. *See* Oral Arg. Tr. 45:8–10 (Sept. 17, 2025); *see* Corporate Defs.' Br. 16–17. They argue only that the court's exercise of personal jurisdiction under Rule 4(k)(2) would be unconstitutional under the Fifth Amendment's Due Process Clause. *See* Corporate Defs.' Br. 16–17.

In *Fuld*, the Supreme Court upheld against a Fifth Amendment due process challenge a statute that grants federal courts personal jurisdiction over the Palestine Liberation Organization and the Palestinian Authority in suits under the Antiterrorism Act of 1990, Pub. L. No. 101-519, § 132, 104 Stat. 2250, 2250–2252 (codified at 18 U.S.C. § 2331 *et seq*.), for specified conduct. *See Fuld*, 145 S. Ct.

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[2] This court has held that, in determining whether a defendant is subject to jurisdiction in any State's courts of general jurisdiction within the meaning of Federal Rule of Civil Procedure 4(k)(2)(B), we need not "traipse through the 50 states, asking whether each could entertain the suit." *Mwani*, 417 F.3d at 11 (formatting modified). Instead, at least when a State's jurisdiction is not apparent from the face of the complaint, "so long as a defendant does not concede to jurisdiction in another state, a court may use [Rule] 4(k)(2) to confer jurisdiction." *Id.* (formatting modified).

at 2099, 2110; 18 U.S.C. § 2334(e)(1) ("[A] defendant shall be deemed to have consented to personal jurisdiction" if the defendant takes predicate actions including "conduct[ing] any activity while physically present in the United States on behalf of the Palestine Liberation Organization or the Palestinian Authority."). Relying on a then-standard playbook in the courts of appeals, the defendants contended that they lacked minimum contacts with the United States, and so the statute violated the Fifth Amendment. *Fuld*, 145 S. Ct. at 2101. The Supreme Court rejected that argument. *Id.* at 2104–2106.

The Court explained that an exercise of personal jurisdiction over the Palestine Liberation Organization and the Palestinian Authority complied with the Fifth Amendment because, among other things, the challenged statute "tie[d] the assertion of jurisdiction to predicate conduct that in and of itself bears a meaningful relationship to the United States" and gave the defendants advance notice of the jurisdictional consequences of their actions. *Fuld*, 145 S. Ct. at 2109–2110.

In addition, the Court recognized that the jurisdiction conferring statute "reflect[ed] the political branches' balanced judgment of competing concerns over 'sensitive and weighty interests of national security and foreign affairs' and fairness to these particular defendants[.]" *Id.* at 2107 (quoting *Holder v. Humanitarian Law Project*, 561 U.S. 1, 33–34 (2010)).

The Court also reasoned that, assuming the Fifth Amendment imposes a reasonableness requirement, it was met based on factors such as the burden on the defendant, whether the defendant received notice, the

forum state's interest, and the plaintiff's interest in relief. *See Fuld*, 145 S. Ct. at 2109; *id.* at 2110 (The defendants "were put on clear notice—far more than most defendants in the mine-run of litigation—that continuing to engage in certain specified conduct would open them up to potential federal court jurisdiction."). While *Fuld* dealt only with Congress's ability to extend personal jurisdiction by statute, the Supreme Court broadly "decline[d] to import the Fourteenth Amendment minimum contacts standard into the Fifth Amendment." 145 S. Ct. at 2105. The full reach of that holding remains unclear. *See id.* ("Any difference between the Fifth and Fourteenth Amendments is * * * implicated *in only a subset* of federal cases, such as those in which personal jurisdiction is * * * 'authorized by a federal statute.'") (emphasis added) (quoting FED. R. CIV. P. 4(k)(1)(C)).[3]

Because personal jurisdiction here flows, if at all, from a court-made rule rather than a statute, this case is an odd fit for the Supreme Court's analysis in *Fuld*. As a court-promulgated rule, Rule 4(k)(2) does not communicate any substantive federal policy or congressional interest in subjecting defendants to federal jurisdiction. 28 U.S.C. § 2072(b); *see also Omni*, 484 U.S. at 111 (proposing adoption of Rule 4(k)(2) by the Advisory Committee); *Douglass v. Nippon Yusen Kabushiki Kaisha*, 46 F.4th 226, 234 (5th Cir. 2022) (*en banc*) (Rule 4(k)(2) is "just a procedural rule about issuing summonses."); *Waters v.*

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[3] This court recently held that *Fuld* does not alter the standard for personal jurisdiction in the District of Columbia's local courts. *Akhmetshin v. Browder*, --- F.4th ----, No. 25-7008, 2026 WL 2066200, at *3–4 (D.C. Cir. July 17, 2026).

Day & Zimmermann NPS, Inc., 23 F.4th 84, 93 (1st Cir. 2022) (Rule 4 only sets "forth various requirements for effectively serving a summons on a defendant in federal court[.]"). *Contrast Fuld*, 145 S. Ct. at 2107 (The challenged statute "reflects the political branches' balanced judgment of competing concerns over 'sensitive and weighty interests of national security and foreign affairs' and fairness to these particular defendants[.]") (quoting *Holder*, 561 U.S. at 33–34); *id.* at 2106–2108. And we recently cautioned that "[a]ny seemingly broad statements in [*Fuld*] must be 'read as referring in context to circumstances similar to the circumstances then before the Court and not referring to quite different circumstances that the Court was not then considering.'" *Akhmetshin v. Browder*, --- F.4th ----, No. 25-7008, 2026 WL 2066200, at *3–4 (D.C. Cir. July 17, 2026) (quoting *Olivier v. City of Brandon*, 146 S. Ct. 916, 925 (2026)).

We need not tread new ground, though, because the parties jointly agree that a test requiring reasonableness and a meaningful nexus to the United States should determine personal jurisdiction in this case. *See* Gligorov Second Suppl. Br. 7, 13; Corporate Defs.' Corrected Second Suppl. Br. 2. Accordingly, we follow the Supreme Court's example in assuming without deciding that the Fifth Amendment includes a requirement that the exercise of personal jurisdiction be reasonable, in accord with principles of "fair play and substantial justice." *Fuld*, 145 S. Ct. at 2102 (quoting *Ford Motor Co. v. Montana Eighth Judicial Dist. Court*, 141 S. Ct. 1017, 1024 (2021)). That reasonableness inquiry considers the plaintiff's interest in obtaining relief in the U.S. forum, the interests of the forum (here, as in *Fuld*, the United

States), and the magnitude and fairness of the litigation burden imposed on each defendant. *See id.* at 2109–2110.

B

Applying the parties' proposed test, Mr. Gligorov has failed to establish personal jurisdiction over any of the three corporate defendants.

First, Mr. Gligorov has failed to establish any interest on his part in litigating this case in the United States. He is not a U.S. national or resident. He does not claim that he owns or operates a business here, or even that he has any significant business ties to the United States. *See* App. 28 (alleging loss of business with corporations based in Slovenia and Malaysia); App. 35 (claiming damages for breach of contract arising out of business with Brunei). The closest Mr. Gligorov comes is his declaration asserting that "the Blue Notice and defendants' campaign to destroy my reputation cost me a lucrative consulting contract that I had with Crystal Cruises, which is based in Los Angeles, California, and Norwegian Cruise Lines, which does a great deal of business in the U.S." App. 95. Those allegations about *potential* job opportunities notably do not say that Mr. Gligorov's work with either company would have been in the United States or would even have related to those companies' U.S. presence.

Second, Mr. Gligorov has not identified any U.S. sovereign interest in entertaining this suit. As to this factor, Mr. Gligorov insists only that "the United States has a profound interest in curbing terrorism financing and protecting whistleblowers who expose such conduct." Gligorov Second Suppl. Br. 7–8; *see id.*

at 5. But Mr. Gligorov does not explain how any of the corporate defendants' allegedly RICO-violating actions—virtually all of which occurred overseas and affected the overseas business of a foreign businessman, the alleged fallout from his contract with a foreign government, and the alleged activities of foreign-based corporate defendants—have any impact on those interests of the United States, its residents, or its property. *See Asahi Metal Indus. Co. v. Superior Court of Cal.*, 480 U.S. 102, 113 (1987). *Contrast Fuld*, 145 S. Ct. at 2107 ("The Federal Government, relatedly, has a strong interest in permitting *American* victims of international terror to pursue justice in domestic courts.") (emphasis added).

Third, Mr. Gligorov has failed to establish that the burden on the corporate defendants would be low enough to outweigh the other two factors and render the exercise of jurisdiction reasonable.

The complaint does not allege that either Audley or Seven Properties has any offices, properties, business activities, or other presence in the United States. Only a single tenuous thread connects those companies to the United States: Mr. Gligorov's allegation "[u]pon information and belief" that unidentified "representatives" of Audley and Seven Properties attended "[a]t least one" meeting at the Dorchester Group's "Beverly Hills Hotel in Beverly Hills, California[.]" App. 26. That alone is far too little to constitute the type of "meaningful relationship" between the United States and Audley or Seven Properties that could reasonably justify an exercise of federal court jurisdiction over these foreign defendants that the Political Branches have not endorsed. *Fuld*, 145 S. Ct. at 2109; *see Asahi*, 480 U.S.

at 115 ("Great care and reserve should be exercised when extending our notions of personal jurisdiction into the international field.") (quoting *United States v. First Nat'l City Bank*, 379 U.S. 378, 404 (1965) (Harlan, J., dissenting)).

Indeed, Mr. Gligorov does not present any argument that this suit would impose a justifiable burden on Seven Properties or Audley. All Mr. Gligorov says is that, because "[t]he *Dorchester Group* operates luxury hotels in California and conducts business in the United States[,] participation in U.S. litigation is not an undue hardship" for the Dorchester Group. Gligorov Second Suppl. Br. 7 (emphasis added). That argument does nothing to address the burden on Audley and Seven Properties of litigating in the United States.

Nor, given the complaint's thin allegations, is it enough to justify the litigation burden imposed on the Dorchester Group. To be sure, Mr. Gligorov's complaint draws some connections between the Dorchester Group and the United States, which he did not do for Audley and Seven Properties. Specifically, Mr. Gligorov alleges that (i) the Dorchester Group owns and operates the Beverly Hills and Bel Air Hotels in California; (ii) the Dorchester Group maintains "safe rooms" in these hotels for the purpose of holding and facilitating secret meetings; and (iii) the safe room in the Beverly Hills Hotel was used on several occasions for meetings with Bruneian officials to discuss plans to harm Mr. Gligorov economically and reputationally, including at least one meeting

that included "representatives" of the corporate defendants. App. 15, 26, 97–98.[4]

But that business presence alone did not put the Dorchester Group on reasonable notice that it might be sued (i) by a foreign businessman who is not alleged ever to have set foot in the hotel or had any interactions with any hotel personnel or contractors for (ii) alleged activities far outside the Dorchester Group's hotelier bailiwick—engaging in a conspiracy to harm the overseas reputation of that foreign businessman—(iii) based on injuries suffered nowhere near its premises and almost exclusively outside of the United States. *Contrast Fuld*, 145 S. Ct. at 2110 (Defendants "have litigated [Antiterrorism Act] suits here for decades, and in the [challenged statute] were put on clear notice * * * that *continuing to engage in certain specified conduct* would open them up to potential federal court jurisdiction.") (emphasis added). Given both the lack of notice and the lack of any discernible U.S. interest in this suit, it would be unreasonable to exercise personal jurisdiction over the Dorchester Group under the totality of these unique circumstances.

The complaint's reference to a safe room in scare quotes adds nothing to the jurisdictional mix. The complaint nowhere explains what is meant by a "safe

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[4] The first of the four meetings the Dunnett declaration identifies as having occurred at the Beverly Hills Hotel is not relevant because it occurred prior to Mr. Gligorov's delivery of his findings to Bruneian officials that allegedly gave rise to the conspiratorial actions against him. *See* App. 97 (Dunnett Decl. listing a meeting at the Beverly Hills Hotel on November 17, 2015); App. 21 (alleging that Mr. Gligorov started providing information to the Bruneian officials in 2016).

room"—whether it might be, for instance, a hardened room designed to shield occupants during a natural disaster, or a room with special security features. Nothing on the face of that term relates its usage to Mr. Gligorov's claims. At oral argument, Mr. Gligorov's counsel insisted that the "safe room" was a soundproofed room meant for confidential meetings, which "would be tested and searched for any surveillance equipment, recording equipment, before any particular meeting." Oral Arg. Tr. at 12:4–9, 13:12–13 (Sept. 17, 2025). But counsel rested that contention entirely on the "declaration of Mr. Dunnett[,]" *id.* at 13:23–14:3, which nowhere mentions "safe rooms." Anyhow, a hotel's provision of rooms that allow for confidential business meetings does not, in itself, endorse or invite illicit behavior that would give rise to the United States' interest in hearing this case when nothing else connects that allegation to the United States' interests at home or abroad.

For all of those reasons, we conclude that it would not be reasonable to exercise personal jurisdiction over the corporate defendants.

C

Mr. Gligorov separately argues that, to the extent the complaint's allegations do not establish personal jurisdiction, the district court should have granted jurisdictional discovery.

Mr. Gligorov seeks discovery of six categories of information from each corporate defendant:

(a) the number of U.S. employees (by year);

(b) locations of its bank accounts in the U.S.;

> (c) identification of any and all hotels and other businesses in the United States in which the [corporate defendant] has any * * * financial interest; (d) records of the [corporate defendant] or any of its U.S. subsidiaries or affiliates reflecting the number of guests who registered at its hotels located in the U.S.;
>
> (e) registration records of [corporate defendant] or any of its U.S. subsidiaries or affiliates reflecting Brunei government guests located in the United States; [and]
>
> (f) records reflecting any occupancy of rooms in [Audley or Seven Properties] hotels * * * and/or any hotels located in the U.S. owned and/or operated by the Dorchester Group for meetings involving Brunei Government officials, any of the Individual Defendants, [and/or with] representatives of * * * the Corporate Defendants[.]

App. 93 (Audley); *see* App. 92 (Seven Properties and Dorchester Group).

A grant of jurisdictional discovery is appropriate when the plaintiff has "at least a good faith belief" that the discovery "will enable [him] to show that the court has personal jurisdiction over the defendant." *Aljabri v. bin Salman*, 106 F.4th 1157, 1165 (D.C. Cir. 2024) (quoting *Williams*, 756 F.3d at 786 (D.C. Cir. 2014)).

At the same time, jurisdictional discovery is not a "fishing expedition[,]" so it cannot be granted based on nothing more than "conjecture or speculation" as to whether jurisdictionally relevant information would be uncovered. *FC Inv. Group*, 529 F.3d at 1094

(quoting *Bastin v. Federal Nat'l Mortg. Ass'n*, 104 F.3d 1392, 1396 (D.C. Cir. 1997)). Jurisdictional discovery also is not warranted when plaintiffs fail to show "what facts additional discovery could produce that would affect [the court's] jurisdictional analysis[.]" *Mwani*, 417 F.3d at 17 (quoting *Goodman Holdings v. Rafidain Bank*, 26 F.3d 1143, 1147 (D.C. Cir. 1994)); *see also, e.g.*, *Lewis*, 62 F.4th at 596 (affirming district court's denial of jurisdictional discovery because plaintiff's request was "unlikely to uncover" actions by the defendant that "target[ed] the United States").

The district court did not abuse its discretion in denying jurisdictional discovery.

To start, Mr. Gligorov has failed to develop any argument on appeal that his requested discovery would enable him to show that the exercise of personal jurisdiction would be reasonable. In his post-*Fuld* briefing, Mr. Gligorov offers only conclusory references to jurisdictional discovery, without making the required showing. *See* Gligorov Second Suppl. Br. 16 ("Plaintiff has made precisely th[e] showing here" that he "has a good-faith basis to believe further evidence will confirm jurisdictional allegations.").

Beyond that, Mr. Gligorov has not demonstrated a goodfaith basis for seeking discovery from the corporate defendants. Discovery, after all, is not a tool for plaintiffs to take a stab at jurisdictional theories that lack any factual anchor in the complaint's allegations. *See Livnat*, 851 F.3d at 57 (affirming denial of jurisdictional discovery into items that would prove a theory of jurisdiction plaintiffs "d[id] not even claim" existed); *Naartex*, 722 F.2d at 788 (affirming denial of jurisdictional discovery where "the pleadings contained no allegations of specific

facts that could establish the requisite contacts with the District"); *Bastin*, 104 F.3d at 1396 (affirming denial of jurisdictional discovery because it would be "nothing more than a fishing expedition").

To be sure, Mr. Gligorov alleges that "representatives" of the corporate defendants attended at least one conspiratorial meeting in the Beverly Hills Hotel. App. 26. But Mr. Gligorov has not explained how discovery about such an alleged meeting could change the jurisdictional calculus given the lack of any material connection between the United States and this pervasively foreign conspiracy among foreign defendants to injure a foreign businessman's reputation in his foreign business affairs.

IV

For the foregoing reasons, the judgment of the district court dismissing the complaint for lack of personal jurisdiction is affirmed.

So ordered.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-7150 **September Term, 2025**

Filed On: AUGUST 7, 2026

GOCE GLIGOROV,

Appellant,

v.

NATION OF BRUNEI, ET AL.,

Appellees.

Appeal from the United States District Court
for the District of Columbia
(No. 1:21-cv-01773)

Before: Millett, Pillard, and Katsas, *Circuit Judges*.

JUDGMENT

This cause came to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

ORDERED and **ADJUDGED** that the judgment of the District Court dismissing the complaint for lack of personal jurisdiction be affirmed, in accordance with the opinion of the court filed herein this date.

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Daniel J. Reidy
Deputy Clerk

Date: August 7, 2026

Opinion for the court filed by Circuit Judge Millett.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-7150 **September Term, 2025**
1:21-cv-01773-TSC
Filed On: June 23, 2025

Goce Gligorov,

Appellant,

v.

Nation of Brunei, Et Al.,

Appellees.

BEFORE: Millett, Pillard, and Katsas, Circuit Judges

ORDER

It is **ORDERED**, on the court's own motion, that the parties file simultaneous supplemental briefs addressing the effect, if any, of the Supreme Court's decision in *Fuld v. Palestine Liberation Organization*, No. 24-20 (June 20, 2025), on the personal jurisdiction issue in this appeal, and whether this court or the district court should decide in the first instance whether personal jurisdiction has been established for any or all of the corporate defendants under the Fifth Amendment. The supplemental briefs are due by 5:00 pm on July 9, 2025, and are limited to 3,500 words.

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Michael C. McGrail
Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-7150 **September Term, 2025**

1:21-cv-01773-TSC

Filed On: August 7, 2025

Goce Gligorov,

Appellant,

v.

Nation of Brunei, Et Al.,

Appellees.

BEFORE: Millett, Pillard, and Katsas, Circuit Judges

ORDER

It is **ORDERED**, on the court's own motion, that the parties file simultaneous supplemental briefs that address the following:

1. Specifically and in detail what the appropriate test, if any, is for personal jurisdiction in this case following *Fuld v. PLO*, 145 S. Ct. 2090 (2025), including whether the Fifth Amendment imposes any limitations on the exercise of personal jurisdiction over a defendant in federal court;

2. Whether Federal Rule of Civil Procedure 4(k)(2)(B) imposes any nonconstitutional limitations on the exercise of personal

jurisdiction that would be permitted by the Fifth Amendment under *Fuld*, and how any such limits would apply in this case;

3. The appropriate outcome for each corporate defendant under the party's proposed test and Rule 4(k)(2)'s limitations, if any.

The supplemental briefs are due by 5:00 p.m. on Friday, September 5, 2025, and are limited to 7,500 words. It is

FURTHER ORDERED, on the court's own motion, that this case be scheduled for reargument on Wednesday, September 17, 2025, at 9:30 a.m. before Circuit Judges Millett, Pillard, and Katsas. It is

FURTHER ORDERED that the following times be allotted for oral argument:

Appellant	-	15 Minutes
Appellees	-	15 Minutes

One counsel per side to argue. Form 72, which may be accessed through the link on this order, must be completed and returned to the Clerk Office by Wednesday, September 10, 2025.

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Michael C. McGrail
Deputy Clerk

The following forms and notices are available on the Court's website: Notification to the Court from Attorney Intending to Present Argument (Form 72)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Goce Gligorov,
Appellant,

v.

Nation of Brunei, Et Al.,
Appellees.

Civil Action No. 21-cv-1773 (TSC)

MEMORANDUM OPINION

Plaintiff Goce Gligorov, a Slovenian businessman, brings this action against multiple defendants, including the Nation of Brunei, high-ranking officials and others associated with the Brunei government, as well as private companies. Gligorov alleges seven counts arising from an agreement he made with some of the individual defendants and other representatives of the Brunei Government to investigate "alleged wrongful and illegal acts by other Brunei officials" in exchange for $250,000. Second Am. Compl. ¶ 24, ECF No. 29. Defendants Audley Property Management Company Limited, The Dorchester Group, Ltd., and Seven Properties AG (the "Corporate Defendants") have moved to dismiss for lack of personal jurisdiction and failure to state a claim, and Gligorov has moved for jurisdictional discovery. Defs' Mot. to Dismiss, ECF No. 32; Pl.'s Mot. for Jurisdictional Discovery, ECF No. 33. For the reasons below, the court will GRANT the Corporate Defendants' Motion to Dismiss for lack of personal

jurisdiction and DENY Gligorov's Motion for jurisdictional discovery. The court need not reach whether Gligorov has failed to state a claim.

I. BACKGROUND

Defendants are the Nation of Brunei, the Brunei Investment Agency (BIA), Audley Property Management Limited, Sultan Hassanal Bolkiah, Crown Prince of Brunei Al-Muhtadee Billah, The Dorchester Group, LLC (d/b/a The Dorchester Collection), Seven Properties AG, PG Yusof Sepiuddin, Pehin Nawawi, Pehin Yasmin, HJ Zainal, HJ Aziyan, and Anak Haji Abdul Aziz. ECF No. 29. The Corporate Defendants own and operate properties in the U.K. and Switzerland. ECF No. 29 ¶¶ 5, 8, 9. Gligorov claims Defendants: (1) violated the civil RICO statute, 18 U.S.C. § 1961, resulting in injury to Gligorov's business or property, i*d*. ¶¶ 45–60; (2) engaged in a RICO conspiracy involving "money laundering, terrorist financing, mail and wire fraud, unlawful travel in furtherance of criminal activities, material support of terrorist activities, and other unlawful acts" that injured Gligorov's "business or property," *id*. ¶¶ 61–71; (3) breached a contract to pay Gligorov $250,000 in exchange for his information about "allegations of corruption by certain Brunei officials," *id*. ¶¶ 72–76; (4) received unjust enrichment from their failure to pay Gligorov for the information, *id*. ¶¶ 77–80; (5) engaged in fraud and fraudulent inducement for inducing Gligorov to "provide them with valuable information upon the false representation that he would be paid $250,000," *id*. ¶¶ 81–84; (6) defamed Gligorov by "hav[ing] INTERPOL issue a 'Blue Notice,'" which effectively placed him on an international watch list *id*. ¶¶ 51, 85–89; and (7)

tortiously interfered with Plaintiff's "business relations or with reasonable expectation of prospective economic advantage," *id.* ¶¶ 90–93. Counts 1,2, and 7 are asserted against all Defendants. ECF No. 29 at 19, 24, 29. Counts 3, 4, and 5 are asserted against all individual Defendants and the BIA. *Id.* at 25–27. Count 6 is asserted against all individual Defendants and Seven Properties. *Id.* at 28.

II. LEGAL STANDARD

In a motion to dismiss for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2), the plaintiff bears the burden of proving the "factual basis for the exercise of personal jurisdiction over the defendant." *Crane v. New York Zoological Soc'y*, 894 F.2d 454, 456 (D.C. Cir. 1990). "'Conclusory statements' or a 'bare allegation of conspiracy or agency' do not satisfy this burden." *Livnat v. Palestinian Auth.*, 851 F.3d 45, 57 (D.C. Cir. 2017) (quoting *First Chicago Int'l v. United Exch. Co.*, 836 F.2d 1375, 1378 (D.C. Cir. 1988)). Unlike the presumption applied to a motion to dismiss for failure to state a claim, in assessing a personal jurisdiction challenge the court does not treat plaintiff's allegations as true. *Myers v. Holiday Inns, Inc.*, 915 F. Supp. 2d 136, 139 (D.D.C. 2013). Rather, it may receive, consider, and weigh affidavits and other relevant materials outside of the pleadings to assist it in determining the pertinent jurisdictional facts. *See United States v. Philip Morris Inc.*, 116 F. Supp. 2d 116, 120 n.4 (D.D.C. 2000).

III. ANALYSIS

"To establish personal jurisdiction over a non-resident, a court must engage in a two-part inquiry: A court must first examine whether jurisdiction is applicable under the state's long-arm statute and then determine whether a finding of jurisdiction satisfies the constitutional requirements of due process." *GTE New Media Servs. Inc. v. BellSouth Corp.*, 199 F.3d 1343, 1347 (D.C. Cir. 2000). To satisfy due process, a plaintiff must show that there are "minimum contacts" between the defendant and the forum, establishing that the maintenance of the suit "does not offend traditional notions of fair play and substantial justice." *Int'l Shoe Co. v. State of Wash., Off. of Unemployment Comp. & Placement*, 326 U.S. 310, 316 (1945). Courts may exercise either general or specific personal jurisdiction: general jurisdiction "permits a court to assert jurisdiction over a defendant based on a forum connection unrelated to the underlying suit," whereas specific jurisdiction requires an "affiliation between the forum and the underlying controversy." *Livnat,* 851 F.3d at 56.

A. General Jurisdiction

A court may exercise general jurisdiction over a corporation where it is incorporated or has its principal place of business; where it is "at home." *Daimler AG v. Bauman*, 571 U.S. 117, 127, 137 (2014). To establish general jurisdiction, a corporation's affiliations with the forum state must be "so continuous and systemic as to render [it] essentially at home in the forum State." *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 919 (2011) (citations omitted). In *Daimler* and *Goodyear,* the Supreme Court established a high bar to ensure

general jurisdiction would not exist in every state in which a corporation "engages in a substantial, continuous, and systematic course of business." *Brit UW, Ltd. v. Manhattan Beachwear*, LLC, 235 F. Supp. 3d 48, 60–61 (D.D.C. 2017).

Gligorov fails to show that any of the Corporate Defendants are "at home" in the District of Columbia. None of them are incorporated in this district, nor do they have their principal places of business here. ECF No. 38 at 3. Indeed, Gligorov concedes that Audley Property Management Company Limited is based in London, U.K., Dorchester Group Ltd. is headquartered in London, U.K., and Seven Properties AG is located in Meilen, Switzerland. ECF No. 29 ¶¶ 5, 8, 9. Gligorov asserts—without any factual support—that there is a "substantial connection between the [United States] and the defendants in that they do substantial business in United States through various hotels and companies." *Id.* ¶ 16. But he alleges only that the Corporate Defendants have hotels in California and New York. *Id.* This is insufficient to establish that the Corporate Defendants engaged "in a substantial, continuous, and systematic course of business" in the District of Columbia. Consequently, this court does not have general jurisdiction over the Corporate Defendants.

B. Specific Jurisdiction

"Acts sufficient to subject a non-resident defendant to specific personal jurisdiction resulting from conduct within the District of Columbia are determined by the due process clause and enumerated by the District of Columbia long-arm statute, D.C. Code § 13–423." *Bigelow v. Garrett*, 299 F. Supp. 3d 34, 44 (D.D.C. 2018). This court may exercise specific jurisdiction

over a non-resident defendant if a plaintiff demonstrates that: "(1) the defendant transacted business in the District of Columbia; (2) the claim arose from the business transacted in the District; (3) the defendant had minimum contacts with the District; and (4) the Court's exercise of personal jurisdiction would not offend 'traditional notions of fair play and substantial justice.'" *Dooley v. United Techs. Corp.*, 786 F. Supp. 65, 71 (D.D.C.1992), abrogated on other grounds by *FC Inv. Grp. LC v. IFX Mkts., Ltd.*, 529 F.3d 1087 (D.C. Cir. 2008), (citing *Int'l Shoe Co.*, 326 U.S. at 316).

Gligorov has not established that the Corporate Defendants have engaged in any conduct that brings them within the jurisdiction of this court under D.C. Code § 13–423. Instead, he offers two alternative bases for personal jurisdiction: the RICO Act and Federal Rule of Civil Procedure 4(k)(2).

1. Jurisdiction Based on RICO Statute

The federal RICO statue, 18 U.S.C. § 1965, grants a district court jurisdiction over a non-resident defendant if "personal jurisdiction based on minimum contacts is established as to at least one defendant," and "it is shown that the ends of justice require that other parties residing in any other district be brought before the court." *FC Inv. Grp. LC*, 529 F.3d at 1099–1100, overruled on other grounds by *Erwin-Simpson v. Air. Asia Berhad*, 985 F.3d 883 (D.C. Cir. 2021). "Congress has expressed a preference in § 1965 to avoid, where possible, haling defendants into far flung fora." *Id.* at 1100. Merely invoking the statute does not confer personal jurisdiction, and the court must still make its determination under the D.C. long-arm statute and the Constitution. *Collingsworth v.*

Drummond Co. Inc., No. CV 19-1263, 2020 WL 2800612, at *7 n.4 (D.D.C. May 29, 2020), aff'd, 839 F. App'x 567 (D.C. Cir. 2021).

Gligorov argues that the court can exercise personal jurisdiction over the Corporate Defendants based on its jurisdiction over the Nation of Brunei because Brunei has an embassy in the District of Columbia and this court has jurisdiction over Brunei under the terrorism exception of the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. § 1602. ECF No. 34 at 12.

Under the FSIA, a foreign sovereign is presumptively immune from suit in the United States. *TMR Energy Ltd. v. State Prop. Fund of Ukraine*, 411 F.3d 296, 299 (D.C. Cir. 2005). This presumption is only defeated if the plaintiff demonstrates that one of the exceptions to immunity under the FSIA applies: (1) waiver, (2) commercial activities, (3) takings contrary to international law, (4) succession, gifts, and rights in real property, (5) noncommercial torts, (6) arbitral awards, and (7) terrorism. 28 U.S.C. § 1605. Moreover, the FSIA confers upon district courts personal jurisdiction over foreign sovereigns where proper "service has been made under § 1608" of the Act. *TMR Energy Ltd.,* 411 F.3d at 300 (holding district court properly asserted personal jurisdiction over foreign sovereign where service was proper, and the case came within one of the FSIA exceptions to immunity). The state-sponsored terrorism exception is codified under 28 U.S.C. § 1605A and provides that a foreign state is not immune from suit in any case "[1] in which money damages are sought [2] against a foreign state [3] for personal injury or death that was [4] caused by [5] an act of torture, extrajudicial killing,

aircraft sabotage, hostage taking, or the provision of material support or resources for such an act if such act or provision of material support or resources is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency." 28 U.S.C. § 1605A.

Gligorov claims that Brunei, and specifically its embassy, "finance[d] and support[ed] certain terrorist organizations th[r]ough the use of the secret and confidential diplomatic and communication services located at the Brunei Embassy." ECF No. 34 at 4. Brunei has not been served, but even if service is properly effectuated, this court cannot exercise personal jurisdiction over Brunei under the terrorism exception to the FSIA because Gligorov does not seek money damages for personal injury or death, but rather for violation of the RICO Act, breach of contract, unjust enrichment, fraud and fraudulent inducement, defamation, and tortious interference. ECF No. 29 ¶¶ 45-93. Consequently, the terrorism exception does not apply to Brunei and the court cannot extend personal jurisdiction over the Corporate Defendants under the RICO statue, 18 U.S.C. § 1965(d).

2. Federal Rule of Civil Procedure 4(k)(2)

Fed. R. Civ. P. 4(k)(2) allows a federal court to exercise personal jurisdiction over a defendant "(1) for a claim arising under federal law, (2) where a summons has been served, (3) if the defendant is not subject to the jurisdiction of any single state court, (4) provided that the exercise of federal jurisdiction is consistent with the Constitution (and laws) of the United States." *Mwani v. bin Laden*, 417 F.3d 1, 10 (D.C. Cir. 2005). Determining whether a defendant is

subject to the jurisdiction of a court "of any state" does not require the court to "traipse through the 50 states, asking whether each could entertain the suit." *Mwani*, 417 F.3d at 11 (quoting *ISI Int'l, Inc. v. Borden Ladner Gervais LLP*, 256 F.3d 548, 552 (7th Cir.2001)). If a "defendant contends that he cannot be sued in the forum state and refuses to identify any other where suit is possible, then the federal court is entitled to use Rule 4(k)(2)." *Id.*

Here, there is no dispute that at least some of Gligorov's claims arise under federal law, as Count 1 and 2 allege violations of the federal RICO statute. ECF No. 29 ¶¶ 45–71. The Corporate Defendants do not assert that there is jurisdiction over them in any single state. ECF No. 32. Assuming service was effectuated properly, the only remaining inquiry is whether the exercise of federal jurisdiction is consistent with the Constitution.

Whether the exercise of jurisdiction comports with the Constitution for purposes of Rule 4(k)(2) depends on whether a defendant has sufficient contacts with the United States as a whole to justify the exercise of personal jurisdiction under the Fifth Amendment Due Process Clause. *See* Fed. R. Civ. P. 4(k) advisory committee's notes to 1993 amendments; *see also Adams v. Unione Mediterranea Di Sicurta*, 364 F.3d 646, 651–52 (5th Cir. 2004) (finding court had personal jurisdiction over defendant with sufficient contacts with the United States as a whole); *ISI Int'l*, 256 F.3d at 551 ("So far as the Constitution is concerned, the right question is whether [defendant] has contacts with the United States—as it plainly does."). The Due Process Clause "protects an individual's liberty interest in not being subject to the

binding judgments of a forum with which he has established no meaningful 'contacts, ties, or relations,'" *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985) (quoting *Int'l Shoe Co.*, 326 U.S. at 319), and "requir[es] that individuals have 'fair warning that a particular activity may subject [them] to the jurisdiction of a foreign sovereign,'" *id.* (quoting *Shaffer v. Heitner*, 433 U.S. 186, 218 (1977)). "Where a forum seeks to assert specific jurisdiction over an out-of-state defendant who has not consented to suit there, this 'fair warning' requirement is satisfied if the defendant has 'purposefully directed' his activities at residents of the forum," *id.* (quoting *Keeton v. Hustler Mag., Inc.*, 465 U.S. 770, 774 (1984)), "and the litigation results from alleged injuries that 'arise out of or relate to' those activities," *id.* (quoting *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414 (1984)).

In *Mwani v. bin Laden*, the D.C. Circuit Court held that the district court had personal jurisdiction pursuant to Rule 4(k)(2) over a foreign terrorist and terrorist organization in an action brought by Kenyan victims and family members of victims of a bombing outside the American embassy in Kenya. 417 F.3d at 13. Although the bombing occurred in Kenya, the Court found that the foreign terrorist and terrorist organization purposely directed their activities at U.S. residents because the bombing was intended to "cause pain and sow terror in the embassy's home country, the United States." *Id.* The Court also found that the litigation arose out of injuries from or related to the bombing, giving the defendants fair warning that they would be subject to U.S. jurisdiction. *Id.*

In contrast, in *Ofisi v. Al Shamal Islamic Bank,* No. CV 15-2010 (JDB), 2019 WL 1255096, at *1 (D.D.C. Mar. 19, 2019), plaintiffs alleged that BNP Paribas, S.A. ("BNPP"), Al Shamal Bank, the Republic of Sudan, and al Qaeda conspired to defeat U.S. economic sanctions on Sudan by bombing U.S. embassies in Kenya and Tanzania. The district court found that plaintiffs failed to establish that Al Shamal Bank had sufficient minimum contacts with the United States in connection with any conspiracy to defeat U.S. sanctions or in connection with the bombing. *Id.* at 5–6. Similarly, the court found that plaintiffs failed to establish that Al Shamal Bank "purposefully directed" activities at the United States. *Id.* at 6 ("The 'purposefully directed' activities plaintiffs pled in connection with the bombing are al Qaeda's, not Al Shamal's."). The complaint's only specific allegation concerning sanctions-related conduct was that BNPP, not Al Shamal, had contacts with the United States by processing transactions through financial institutions. *Id.* at 5 ("notably absent are similar specific factual allegations that Al Shamal transacted with banks in the United States or had any contact with agencies like OFAC or other U.S. institutions, in connection with sanctions-related misconduct."). Similarly, the only specific, non-conclusory allegations concerning Al Shamal and the bombing was that Al Shamal was affiliated with, and invested in by Osama bin Laden and al Qaeda, and maintained and serviced al Qaeda bank accounts. *Id.* at 6. Consequently, the court held that "such indirect contacts [were] too attenuated to establish specific jurisdiction" over the bank. *Id.* at 7.

Other Circuits have also considered whether to exercise personal jurisdiction under Rule 4(k)(2) over

a foreign defendant based on the defendant's contact with the United States, and required some knowing participation by the foreign defendant. *See e.g.*, *In re Terrorist Attacks on Sept. 11, 2001*, 714 F.3d 659, 675 (2d Cir. 2013) (finding allegations that foreign defendants knowingly maintained bank accounts for individuals associated with a terrorist organization were insufficient to establish personal jurisdiction absent any showing that defendants expressly aimed their conduct at the United States); *U.S. S.E.C. v. Carrillo*, 115 F.3d 1540, 1544 (11th Cir. 1997) (finding personal jurisdiction over foreign corporate defendant that fraudulently offered and sold securities to United States residents).

Here, the allegations in Gligorov's Second Amended Complaint regarding the Corporate Defendants' contact with the United States are similar to the plaintiffs' allegations in *Ofisi* in that they are mostly conclusory, indirect, and lacking in specifics. Gligorov alleges that "individual Brunei defendants and the BIA used the Dorchester Group's bank accounts, with [their] knowledge and cooperation, to conceal and launder substantial amounts of cash, which were then used to finance terrorist organizations." ECF No. 29 ¶ 8. He also alleges that individual defendants and the BIA used Seven Properties AG "to conceal and launder money used for the financing of terrorist organizations and other illegal activities." ECF No. 29 ¶ 9. He does not specify whether the Corporate Defendants' bank accounts were in the United States or whether any transaction was purposefully directed at residents of the United States, nor does he say what the "illegal activities" were. Gligorov also alleges that the Corporate Defendants made "safe houses" and "safe

rooms" in their hotels available so that the Individual Defendants, members of the Brunei government, and representatives of Corporate Defendants could, *inter alia*, create a "campaign to damage and destroy Plaintiff's reputation and business." *See id.* ¶¶ 8, 10, 29–31, 37, 51. But again, he does not allege that any of the "safe houses" were located in the United States. *Id.* ¶¶ 29, 20. He alleges only that the Dorchester Group maintained "safe rooms" in two of their California hotels and that at least one meeting to "discuss the threat posed to defendants…and to destroy Plaintiff's reputation and credibility… too[k] place at the Beverly Hills Hotel." *Id.* ¶ 37. Gligorov cites no facts to indicate that the Dorchester Group knew about these alleged activities, much less participated in them. "[P]laintiffs must allege far more than that [a foreign defendant] acted as 'passive conduit through which [] monies' were transferred, or even that it provided services 'to an organization openly hostile to the United States.'" *Ofisi*, No. CV 15-2010 (JDB), 2019 WL 1255096, at *8. Gligorov has not shown that the Corporate Defendants aimed their conduct at the United States, and therefore this court cannot exercise personal jurisdiction over them.

C. Jurisdictional Discovery

Perhaps cognizant of the scant factual basis for jurisdiction, Gligorov has moved for leave to conduct limited jurisdictional discovery. ECF No. 33.

"This Circuit's standard for permitting jurisdictional discovery is quite liberal," and such discovery is permissible even when plaintiffs have "not made out a prima facie case of jurisdiction." *Diamond Chem. Co. v. Atofina Chems., Inc.*, 268 F. Supp. 2d 1, 15 (D.D.C. 2003); *see also Naartex*

Consulting Corp. v. Watt, 722 F.2d 779, 788 (D.C. Cir. 1983) (noting district court's "broad discretion" to order jurisdictional discovery). To engage in jurisdictional discovery, a plaintiff "must have at least a good faith belief that such discovery will enable it to show that the court has personal jurisdiction over the defendant." *FC Inv. Grp. LC*, 529 F.3d at 1093–94 (citation omitted). "Mere conjecture or speculation" is not enough, however. *Id.* At 1094. The scope of discovery lies in the district court's discretion, and it may refuse jurisdictional discovery when it does "not see what facts additional discovery could produce that would affect [the] jurisdictional analysis." *Mwani*, 417 F.3d at 16 (affirming the district court's decision to deny jurisdictional discovery where additional discovery would not have changed whether court could exercise personal jurisdiction over defendant).

Here, Gligorov's motion for jurisdictional discovery rests on speculation that the Corporate Defendants have sufficient contacts with the United States, and his requests are broad in scope. ECF No. 33 at 1. He seeks to have each Corporate Defendant disclose the location of their bank accounts, hotels, and other businesses in the United States. *Id.* He also seeks the hotels' "registration records," as well as "phone records, emails and/or fax transmissions, relating to any occupancy of rooms" within the hotels, without any limitation as to date or location. *Id.* But none of this information would help to show whether the Corporate Defendants "purposefully directed" activities toward the United States that resulted in the alleged injuries and that this litigation "arises out of or relate" to those activities. *See Burger King Corp., 471 U.S. at 472.* Thus, Gligorov has not proffered a

sufficient basis for jurisdictional discovery and his motion will be denied.

Because the court concludes that it lacks personal jurisdiction over the Corporate Defendants, it need not reach the Corporate Defendants' remaining arguments. Fed. R. Civ. P. 12(b)(2); see also Ghebreyesus v. Fed. Democratic Republic of Ethiopia, No. 21-CV-02865 (CRC), 2022 WL 4534631, at *2 (D.D.C. Sept. 28, 2022) (finding plaintiffs' claims should be dismissed for lack of personal jurisdiction and that the court did not need to address defendants' other arguments).

IV. CONCLUSION

For the reasons stated above, the court will GRANT Corporate Defendants' Motion to Dismiss on the ground that the court lacks personal jurisdiction, ECF No. 32, and will accordingly DENY Plaintiff's Motion for Jurisdictional Discovery, ECF No. 33.

Date: January 31, 2023

/s/ Tanya S. Chutkan

TANYA S. CHUTKAN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GOCE GLIGOROV, ***Appellant,*** **v.** **NATION OF BRUNEI, ET AL.,** ***Appellees.***	Civil Action No. 21-cv-1773 (TSC)

ORDER

For the reasons set forth in the accompanying memorandum opinion, ECF No. 41, the court hereby **GRANTS** Defendants Audley Property Management Company Limited, The Dorchester Group, Ltd., and Seven Properties AG's Motion to Dismiss for lack of personal jurisdiction, ECF No. 32 and **DENIES** Plaintiff's Motion for jurisdictional discovery, ECF No. 33.

Date: January 31, 2023

/s/ Tanya S. Chutkan

TANYA S. CHUTKAN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GOCE GLIGOROV, ***Appellant,*** **v.** **NATION OF BRUNEI, ET AL.,** ***Appellees.***	Civil Action No. 21-cv-1773 (TSC)

ORDER

On January 31, 2023, the court granted a Motion to Dismiss purportedly filed on behalf of Defendants Audley Property Management Company Limited, Seven Properties AG, and The Dorchester Group, Ltd. *See* ECF Nos. 32, 41, 42. It has come to the court's attention that the operative complaint, ECF No. 29, does not identify The Dorchester Group, Ltd. as a defendant. Accordingly, the court's Memorandum Opinion, ECF No. 41, and Order, ECF No. 42, are hereby amended to reflect that this action is dismissed against Audley Property Management Company Limited, Seven Properties AG, and The Dorchester Group, LLC d/b/a The Dorchester Collection.

Date: February 3, 2023

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GOCE GLIGOROV, ***Appellant,*** **v.** **NATION OF BRUNEI, et al.,** ***Appellees.***	Civil Action No. 21-cv-1773 (TSC)

ORDER

Pursuant to Federal Rule of Civil Procedure 54(b), Plaintiff moves for entry of partial judgment as to Defendants Audley Property Management Company Limited, The Dorchester Group Ltd.,[1] and Seven Properties AG ("Corporate Defendants"). Mot. for Partial J. ("Motion"), ECF No. 48. The court previously issued a Memorandum Opinion and Amended Order granting the Corporate Defendants' motion to dismiss for lack of personal jurisdiction, ECF No. 32, and denying Plaintiff's motion for jurisdictional discovery, ECF No. 33. *See* Mem. Op.,

[1] The operative Complaint, ECF No. 29, does not identify The Dorchester Group, Ltd. as a defendant. The court resolved this confusion in its Amended Order entered February 23, 2023 to reflect that this action was dismissed against The Dorchester Group, LLC d/b/a The Dorchester Collection, among others. The court understands the inclusion of "The Dorchester Group Ltd." to refer to the properly named defendant The Dorchester Group, LLC.

ECF No. 41; Order, ECF No. 42; Am. Order, ECF No. 43. The court concluded that it lacked personal jurisdiction over the Corporate Defendants, Mem. Op. at 13, but neither its Order nor Amended Order addressed the entry of judgment as to the Corporate Defendants. As a result, Plaintiff cannot sustain an appeal from the court's Amended Order as to the Corporate Defendants. *See Blue v. District of Columbia Pub. Schs.*, 764 F.3d 11, 15 (D.C. Cir. 2014); Mot. at 1–2. More than 16 months have passed since Plaintiff filed his Motion, and the Corporate Defendants have not submitted an opposition. The court therefore treats the motion as conceded and GRANTS the Motion for the reasons below. Local Civ. R. 7(b).

Rule 54(b) authorizes district courts to "direct entry of a final judgment as to one or more, but fewer than all, claims or parties," but "only if the court expressly determines that there is no just reason for delay." Fed. R. Civ. P. 54(b). A district court must take two steps to make this determination. It first decides whether its order is final with respect to at least one claim or party. *See Curtiss-Wright Corp. v. General Elec. Co.*, 446 U.S. 1, 7 (1980). If so, it must "go on to determine whether there is any just reason for delay." *Baystate Med. Ctr. v. Leavitt*, 587 F. Supp. 2d 44, 46 (D.D.C. 2008). There is no set formula for deciding whether there is "no just reason" for delay in entering partial final judgment, and the relevant factors "will inevitably differ from case to case." *Brooks v. Dist. Hosp. Partners, L.P.*, 606 F.3d 800, 806 (D.C. Cir. 2010).

Step one is satisfied here because no further judicial action is required with respect to the

Corporate Defendants; the court entered an order conclusively and finally dismissing the claims against them for lack of personal jurisdiction. *See Urquhart-Bradley v. Mobley*, 964 F.3d 36, 43 (D.C. Cir. 2020) (considering appeal from entry of partial final judgment on claims against defendant dismissed for lack of personal jurisdiction); Am. Order, ECF No. 43. As to step two, the court concludes that there is no just reason for delay because Brunei and the remaining defendants are absent defendants and will not be prejudiced by "staggered appeals or the like." *Sheikh v. Republic of Sudan*, 485 F. Supp. 3d 255, 274 (D.D.C. 2020). As Plaintiff notes, "attempted service regarding the other defendants in the case is by no means imminent." Decl. of Kenneth F. McCallion ("McCallion Decl.") ¶ 5, ECF No. 48-1. The court has no indication that service efforts have been made, much less successful, in the 16 months since Plaintiff filed his Motion. *See* Resp. to Order to Show Cause at 1, ECF No. 46.[2] Given the nearly year-and-ahalf long delay to date and the Corporate Defendants' concession to the Motion, the court concludes there is no just reason to delay a final resolution of the claims against the Corporate Defendants.

For the foregoing reasons, it is ORDERED that Plaintiff's Motion for Partial Judgment, ECF No. 48,

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[2] The remaining defendants are the Nation of Brunei, the Brunei Investment Agency, Sultan Hassanal Bolkiah, Crown Prince Al-Muhtadee Billah, and various Bruneian officials. Plaintiff states that because Brunei is not a signatory to the Hague Service Convention, he must effect service through the letters rogatory process. McCallion Decl. ¶ 5.

is hereby GRANTED. It is further ORDERED that pursuant to Federal Rule of Civil Procedure 54(b), there is no just reason for delay and final judgment is entered as to the Corporate Defendants per the court's Amended Order dismissing all claims against Audley Property Management Company Limited, Seven Properties AG, and The Dorchester Group, LLC d/b/a The Dorchester Collection, ECF No. 43.

This is a final appealable order

Date: September 26, 2024

/s/ Tanya S. Chutkan

TANYA S. CHUTKAN
United States District Judge

AFFIDAVIT OF SERVICE

I, Kaitlin Echevarria, the undersigned mailer, do hereby certify, attest and affirm that I am not a party to the action, am over 18 years of age and reside in Highland Mills, New York. On the 5th day of November, 2026, I served by USPS Priority Mail the within:

Appendix to Petition for Writ Certiorari

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by depositing 3 true copies thereof enclosed in post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within the State of New York, addressed to each of the above known address(es) as set forth after each name above.



Kaitlin Echevarria

Sworn before me on this:
5th day of November, 2026

Kristen Barcellona

Notary Public

KRISTEN BARCELLONA
Notary Public, State of New York
No. 01BA6183514
Qualified in Nassau County
Commission Expires 03/17/2028