

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Leffer, et al.

Plaintiffs,

v.

Federal Republic of Germany, et al.

Defendants.

Case No. 19-cv-3529 (CJN)

**REPLY MEMORANDUM RE: MOTION OF THE EUROPEAN UNION
TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION, LACK OF
PERSONAL JURISDICTION AND FAILURE TO STATE A
CLAIM FOR WHICH RELIEF CAN GRANTED**

Defendant the European Union replies to Plaintiffs' Opposition to the European Union's motion to dismiss Plaintiffs' Amended Complaint for lack of subject matter jurisdiction, lack of personal jurisdiction and failure to state a claim for which relief can granted.

Plaintiffs do not dispute that the European Union is regarded as an agency or instrumentality of a foreign state under the Foreign Sovereign Immunity Act (FSIA) and enjoys the FSIA's broad grant of immunity afforded foreign states and their agencies or instrumentalities. As an agency or instrumentality of a foreign state, the European Union is immune from suit in the courts of the United States under the provisions of the FSIA. Under the FSIA, a foreign state is presumptively immune from the jurisdiction of the United States courts. *Saudi Arabia v. Nelson*, 507 U.S. 349, 355, 123 L. Ed. 2d 47, 113 S. Ct. 1471 (1993).

The FSIA provides generally that a foreign state is immune from the jurisdiction of the United States courts unless one of the exceptions listed in 28 U.S.C. § 1605(a) applies. *Roeder v. Islamic Republic of Iran*, 646 F.3d 56, 58 (D.C. Cir. 2011).

Plaintiffs rambling and, in large parts, incomprehensible attempt to address the question of jurisdiction fails to state anything that would invoke any of the exceptions to the EU's foreign

sovereign immunity.

In addition, Plaintiffs' Opposition does not address the failure to state a claim for which relief can be granted.

Furthermore, Plaintiffs included several interrogatories as part of their motion. A response to any discovery request prior to finding jurisdiction of the court would be premature.

The Complaint as to European Union should be dismissed as the Court lacks subject matter jurisdiction and personal jurisdiction. Even if the Court had jurisdiction, the Amended Complaint should be dismissed against the European Union as it fails to state a claim for which relief can be granted.

Dated: May 05, 2020

Respectfully submitted,

s/ Jeffrey Harris

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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2020, I electronically filed the foregoing document and proposed order with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notice of Electronic Filing.

s/ Jeffrey Harris

Jeffrey Harris

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