IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

SULOME ANDERSON, Plaintiff, v. MAX J. BLUMENTHAL, *et al.*, Defendants.	)	Case No. 2018 CA 008732 B Judge William M. Jackson

ORDER GRANTING DEFENDANTS' SPECIAL MOTION TO DISMISS PURSUANT TO THE D.C. ANTI-SLAPP ACT AND GRANTING DEFENDANTS' MOTION TO DISMISS

This matter is before the Court on Defendants' Special Motion to Dismiss Motion to Dismiss and Motion to Dismiss. Subsequently, the plaintiff filed an opposition and the defendants filed a reply. Upon consideration of the motions, the opposition, the reply, the entire record herein, and for reasons stated below, Court grants the Special Motion to Dismiss as to Count I of the Amended Complaint and grants the Motion to Dismiss as to Counts II and III of the Amended Complaint.

I. FACTUAL BACKGROUND

The facts presented in the complaint are as follows. Plaintiff Sulome Anderson is a freelance journalist whose primary area of coverage is conflict in war torn areas around the world, including the Middle East generally and several specific conflicts therein. Am. Compl. ¶ 3. Her work has appeared in many journals and publications, and she has appeared regularly on various television networks. Am. Compl. ¶ 3.

The defendants Max Blumenthal and Benjamin Norton are also journalists, bloggers, authors, and speakers. Am. Compl. ¶ 6. Like the plaintiff, the defendants' work has also

appeared in many journals and publications, and they have also appeared regularly on various television networks. Am. Compl. ¶ 6.

In July 2017, plaintiff published an article in *Newsweek* titled, "The Next Middle East War? Hezbollah May Risk Everything in All-Out Fight with Israel." Sulome Anderson, *The Next Middle East War? Hezbollah May Risk Everything in All-Out Fight with Israel*, NEWSWEEK (July 3, 2017 8:17 AM), https://www.newsweek.com/2017/07/14/middle-east-war-hezbollah-israel-syria-630990.html. Immediately thereafter, *Newsweek* would issue five corrections in connection with Plaintiff's article. In turn, the plaintiff's article was heavily criticized by individuals Asad Abu Khalil and Ali Kourani, among others.[1] Similarly, defendant Norton went on to "re-tweet" Kourani's article, and wrote, "@Ali_Kourani totally debunks propaganda by Newsweek's Sulome Anderson. The lies are so blatant they're almost funny." Pl.'s Opp. to Def.'s Special Mot. To Dismiss, Ex. A, Statement 3 ("Pl.'s Opp."). Plaintiff Anderson went on to address criticism and respond to Ali Kourani's article. Sulome Anderson, *Response to Ali Kourani's Critique of my Newsweek Piece on Hezbollah* (July 10, 2017), https://medium.com/@sulome.anderson/rebuttal-of-ali-kouranis-critique-of-my-newsweek-piece-5ae000c24738.

On September 27, 2017, defendant Norton wrote, "Asad Abukhalil is a brilliant professor. SulomeAnderson is a propagandist with a lifelong grudge who can't read 'فتح.'" Pl.'s Opp., at Ex. A, statement 4. In response, plaintiff Anderson wrote, "@asadabukhalil is a conniving lunatic who knows better than to accuse me of inventing sources, yet does anyway." *Id.*

[1] *See* Ali Kourani, When This Western Journalist Reports on Hezbollah, Medium (July 6, 2017), https://medium.com/@Ali_Kourani/when-this-western-journalist-reports-on-hezbollah-27e9f119150; Asad Abukhalil @asadabukhalil, Twitter (January 11, 2017), https;//twitter.com/asadabukhalil/status/819352289555034112.

From May 8, 2018 to May 9, 2018, plaintiff Anderson tweeted two videos that she was told by sources were of Iranian fighters in Syria firing missiles into Israel. Am. Compl. ¶ 41. This information turned out to be false, and plaintiff rapidly issued a correction and deleted her tweets of the video. *Id.* She stated, "Correction: earlier today I posted a video a source sent me who was under the impression that it was of an Israeli airstrike in Syria this morning; it was actually of a mine clearing in Damascus. Miscommunication down the line. Tweet has been deleted." Sulome Anderson @SulomeAnderson, Twitter (May 9, 2018), https://twitter.com/SulomeAnderson/status/994338784199180288; Pl.'s Opp., at Ex. A, statement 8.

On May 10, 2018, one day after plaintiff deleted her tweets containing the incorrect information, defendant Norton published an article on the website Grayzone, titled, "Sulome Anderson Admits her Supposed Hezbollah Source is 'Incredibly Unreliable.'" Ben Norton, *Sulome Anderson Admits her Supposed Hezbollah Source is 'Incredibly Unreliable'*, Grayzone Project (May 10, 2018), https://thegrayzone.com/2018/05/10/sulome-anderson-hezbollah-source-unreliable/. Within that article, defendant Norton wrote statements such as, plaintiff has "nurtured a serious grudge against Hezbollah," she is "notorious for journalistic sloppiness," and "has become notorious for anti-Hezbollah propaganda laundered behind the guise of field reporting."

The same day as Norton's article, defendant Blumenthal wrote on Twitter, "Yesterday @SulomeAnderson conceded one of her supposed Hezbollah sources was 'unreliable.' But it's ok, he was only using her to push disinformation advancing Trump & Israel's agenda against Iran while Israel bombed Syria." Pl.'s Opp., at Ex. A, statement 9. Between May 12, 2018 and May 14, 2018, plaintiff had lengthy correspondence with attorney Bill Moran regarding

defendant Norton and Blumenthal's statements, in which both sides appear to threaten legal action. Sulome Anderson @SulomeAnderson, Twitter (May 13, 2018), https://twitter.com/sulomeanderson/status/995776531145338882?lang=en; Am. Compl. ¶ 50. Following defendant Blumenthal and Norton's article and twitter statements, the amended complaint alleges that she was then attacked on twitter by anonymous users – John Does 1-10 named in the amended complaint – who acted in concert with defendants Blumenthal and Norton to defame her. *Id.* at ¶ 52. Some of these anonymous statements include calling plaintiff a "lying maggot," a "Mossad Agent, someone who "peddle[s] bogus interviews," and "behave[s] like someone without any credibility or integrity." *Id.* None of these statements were made by defendants Blumenthal or Norton, however, the Amended Complaint asserts that these comments were potentially made in concert with the individual defendants and/or "retweeted" by Blumenthal or Norton themselves. *Id.* at ¶ 40.

Primarily, the Amended Complaint alleges that defendants Blumenthal and Norton, in concert with the ten John Does referred to above, made public statements that falsely and maliciously allege that plaintiff's work as a journalist in Syria is not *bona fide* journalism. Am. Compl. ¶ 4. Moreover, the Amended Complaint alleges that defendants made willfully false and malicious factual statements made with the sole purpose of personally and professionally harming the plaintiff in order to stop her and other journalists from reporting on the events taking place in Syria. Am. Compl. ¶ 5. Finally, the Amended Complaint alleges that plaintiff has suffered significant harm due to these defamatory statements, such as being deprived of journalistic opportunities, loss of sources, and anxiety and mental anguish from attacks on social media. *Id.* at ¶ 61-63. Further, plaintiff claims that due to these attacks and false statements, that her personal safety while travelling in Syria or Lebanon has been put at risk, and therefore

further harmed her ability to perform her duties as a journalist. *Id.* at ¶ 63. Plaintiff's complaint contains three counts: (I) Defamation; (III) Tortious Interference with Business Relationships; and (III) conspiracy.

II. LEGAL STANDARD

a. Defamation Claim

Under the D.C. Anti-SLAPP Act (the "Act"), a strategic lawsuit against public participation, or "SLAPP" lawsuit, is an action "filed by one side of a political or public policy debate aimed to punish or prevent the expression of opposing points of view." *Competitive Enter. Inst. v. Mann ("Mann")*, 150 A.3d 1212, 1226 (D.C. 2016). In enacting the Act, the District of Columbia Counsel noted, SLAPPs,

> "[H]ave been increasingly utilized over the past two decades as a means to muzzle speech or efforts to petition the government on issues of public interest. Such cases are often without merit, but achieve their filer's intention of punishing or preventing opposing points of view, resulting in a chilling effect on the exercise of constitutionally protected rights."

Council of the District of Columbia, Report of Comm. On Public Safety and the Judiciary on Bill 18-893, at 1 (Nov. 18, 2018). To mitigate the amount of time, money, and resources parties spend on such litigation, the Act created rights which may accelerate the civil litigation process. *Fridman v. Orbis Bus. Intelligence Ltd.*, 229 A.3d 494, 502 (D.C. 2020). One of these rights includes a special motion to dismiss, and the ability to stay discovery until the special motion has been rule upon. *Id.*; D.C. Code § 16-5502(c).

A party filing a special motion to dismiss under the Act must first show entitlement to the protections of the Act by "mak[ing] a prima facie showing that the claim at issue arises from an act in furtherance of the right of advocacy on issues of public interest." D.C. Code § 16-5502 (b). The Act defines claims "in further of the right of advocacy on issues of public interest" in several

ways: (1) "[a]ny written or oral statement" made "[i]n a place open to the public or a public forum in connection with an issue of public interest," and (2) "[a]ny other expression or expressive conduct that involves petitioning the government or communicating views to members of the public in connection with an issue of public interest." D.C. Code § 16-5501(1)(A)(ii), 16-5501(1)(B); *see generally Close It! Title Services, Inc. v. Nadel*, CAB5391-18 at *19-21 (D.C. 2021) (discussing the definition of an "issue of public interest" and the exclusion of private interests from consideration).

Once that that prima facie showing is made, the burden shifts to the nonmoving party to "demonstrate[] that the claim is likely to succeed on the merits. *Id.* Under the "likely to succeed" standard, the plaintiff must present evidence legally sufficient for a jury to reasonably find in the plaintiff's favor. *Mann*, 150 A.3d at 1221, 1222. If the non-moving party cannot meet that burden, the special motion to dismiss must be granted and the litigation to an end. *Mann*, 150 A.3d at 1227. Thus, under the Anti-SLAPP Act, the plaintiff has the burden of showing it is likely to succeed on the merits. Moreover, the plaintiff must present evidence that its defamation claim is likely to succeed on the merits.

To establish liability for defamation, a plaintiff must show: (1) that the defendant made a false and defamatory statement concerning the plaintiff; (2) that the defendant published the statement without privilege to a third party; (3) that the defendant's fault in publishing the statement amounted to at least negligence; and (4) either that the statement was actionable as a matter of law irrespective of special harm or that its publication caused the plaintiff special harm. *Rosen v. Am. Israel Pub. Affairs Comm., Inc.*, 41 A.2d 1250, 1256 (D.C. 2012) (quoting *Oparaugo v. Watts*, 884 A.2d 63, 76 (D.C. 2005)).

When the plaintiff in a defamation case is a public figure, the fault component of the third prong is heightened; the plaintiff must show by clear and convincing evidence that the defendants' statements were published with actual malice. *Doe No. 1 v. Burke*, 91 A.3d 1031, 1044 (D.C. 2014).[2] A plaintiff may prove actual malice by showing that defendant either (1) had "subjective knowledge of the statement's falsity," or (2) acted with "reckless disregard for whether or not the statement was false." *Id.*

Thus, to proceed under the "likely to succeed on the merits" standard, the plaintiff must provide an evidentiary basis that would permit a reasonable jury to conclude, by a preponderance of the evidence, that statements written by Defendants were false, defamatory, and published by third parties, and, by clear and convincing evidence, that defendants did so with actual malice. *Mann*, 150 A.3d at 1262.

b. Tortious Interference with Business Relationships and Conspiracy Claims

The plaintiff's Tortious Interference with Business Relationships and Conspiracy claims will be addressed under the standard set forth under D.C. Superior Court Civil Rule 12(b)(6). Dismissal under Rule 12(b)(6) is warranted "where the complaint fails to allege the elements of a legally viable claim." *Greenpeace, Inc. v. Dow Chem. Co.*, 97 A.3d 1053, 1060 (D.C. 2014) (quoting *Chamberlain v. Am. Honda Fin. Corp.*, 931 A.2d 1018, 1023 (D.C. 2007). In deciding a Rule 12(b)(6) motion this court must accept "all of the allegations in the complaint as true" and "construe all facts and inferences in favor of the plaintiff." *Id.* (quoting *Murray v. Wells Fargo Home Mortg.*, 953 A.2d 308, 316 (D.C. 2008)). Nevertheless, to survive a motion to dismiss a

[2] Here, there is no dispute that plaintiff is a public figure. *See* Pls.' Opp'n to Defs.' Mot. to Dismiss and Special Mot. to Dismiss Pursuant to D.C. Anti-SLAPP Act, at 3, FN 3. *See also Am. Compl.*, at ¶ 3 ("Sulome Anderson is a well-respected freelance international journalist…[H]er work has been published in many respected news journals, networks and publications (including *The Atlantic*, NBC News, The Daily Beast, *Foreign Policy*, and Newsweek).")

claim must have facial plausibility, that is, "factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Potomac,* 28 A.3d at 544 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 677 (2009)). Conclusory pleadings are not entitled to an assumption of truth and will not sustain a complaint. *Grimes v. District of Columbia*, 89 A.3d 107, 112 (D.C. 2014) (internal citations omitted).

III. ANALYSIS

The defendants' Special Motion to Dismiss and Motion to Dismiss set forth multiple grounds for dismissal: (1) The challenged statements are protected opinions rather than verifiable statements of fact, and are therefore not actionable; (2) the challenged statements are constitutionally protected hyperbole in the context of a heated public debate; (3) plaintiff fails to plausibly allege actual malice (a necessity for public figures); (4) plaintiff does not plausibly plead that defendants published, or otherwise participated in the publication of third-party statements addressed in the complaint; and (5) plaintiff fails to plead the elements of tortious interference and conspiracy. Def.'s Special Mot. To Dismiss, at 7-8.

a. Defamation Claim

First, the instant case satisfies the *prima facie* requirement that the claim at issue arises from an act in furtherance of the right of advocacy on issues of public interest. This case involves articles and statements made by the defendants and others communicating views to members of the public in connection with an issue of public interest. D.C. Code § 16-5501(1)(A)(ii); 16-5501(1)(B). An issue of public interest may be any "issue related to health or safety; environmental, economic, or community well-being; the District government; a public figure; or a good, product, or service in the market place. *Id.* at § 16-5501(3). This case involves issues of public interest that include Middle Eastern geopolitics, journalistic coverage of public figures,

and at times, the United States' military involvement in the Middle East. Thus, because the *prima facie* showing has been made, the burden is on the plaintiff to "demonstrate[] that the claim is likely to succeed on the merits.

The plaintiff asserts that the Amended Complaint alleges that defendants made willfully false and malicious factual statements about her, and that these statements were not bona fide statements of opinion as part of a debate on an issue of public interest, but rather that they were made intentionally and maliciously. Moreover, the Amended Complaint states that "Defendants made [] false statements with actual malice and in bad faith, with knowledge that the statements were false, or in reckless disregard of whether they were false, and with the intent to harm Plaintiff personally and professionally. Am. Compl. at ¶ 67. The plaintiff asserts that this is not merely a recitation of the legal requirements, but rather, for example, the statement "Sulome Anderson is a propagandist with a lifelong grudge against Hezbollah who can't read فتح," is false, malicious, specific, and intended to undermine plaintiff's reputation and livelihood as a journalist, and to create a serious threat of physical harm to the plaintiff.

For clarity, the four specific statements in the Amended Complaint that the defendants made are as follows:

1. "@Ali_Kourani totally debunks propaganda by Newsweek's Sulome Anderson. The lies are so blatant they're almost funny." Pl.'s Opp., at Exhibit A, Statement 3.
2. "Sulome Anderson is a propagandist with a lifelong grudge against Hezbollah who can't read فتح." *Id.*, at Statement 4.

3. Plaintiff has "nurtured a serious grudge against Hezbollah," she is "notorious for journalistic sloppiness," and "has become notorious for anti-Hezbollah propaganda laundered behind the guise of field reporting." *Id.*, at Statement 8.
4. "Yesterday @SulomeAnderson conceded one of her supposed Hezbollah sources was 'unreliable.' But it's ok, he was only using her to push disinformation advancing Trump & Israel's agenda against Iran while Israel bombed Syria." Pl.'s Opp., at Ex. A, statement 9.

Standing alone, these statements do not adequately state a claim for defamation that is likely to succeed on the merits. Each and every one of these statements were made temporally in response to professional journalistic errors that were admittedly made by the plaintiff. These statements were also made in the context of a heated public debate on U.S. foreign policy and foreign affairs in which both the plaintiff and defendants are professionally active. Furthermore, calling a journalist sloppy and irresponsible is too imprecise to support a defamation action. *See Ollman v. Evans*, 750 F.2d 970, 981 (D.C. Cir. 1984). So too would be calling someone a fascist, or even to say that they are pushing the agenda of a certain regime. *Id.* "As a matter of constitutional principle, when the issue is whether liability may be imposed for speech expressing…policy views, the question is not who is right; the First Amendment protects the expression of all idea, good and bad." *Mann*, 150 A.3d at 1242. As such, all of the statements specifically made by the defendants constitute either protected opinion or rhetorical hyperbole, and plaintiff's Amended Complaint cannot survive as to those claims.

Furthermore, as a matter of inquiry, the Amended Complaint asserts that defendants "consistently offer[] an outlet to defend and excuse the atrocities of the Assad Regime." Am. Compl. at ¶ 16. The Amended Complaint further asserts that stating that the plaintiff is "an agent

of Mossad" is defamation. The Amended Complaint asserts that Defendants work for RT and "RT is a Russian Governmental Propaganda arm," and simultaneously that the statement that "Sulome Anderson is a propagandist with a lifelong grudge against Hezbollah" is defamation. The Amended Complaint asserts that defendant Blumenthal, "spread[s] theories to delegitimize the White Helmets as a humanitarian organization," and that the statement that plaintiff ""has become notorious for anti-Hezbollah propaganda laundered behind the guise of field reporting" is defamation. Am. Compl. at ¶ 19. Under the plaintiff's own standards, the statements made by both plaintiff in her Amended Complaint, as well as the statements made by the defendants through twitter and their blogs, would be defamatory. Again, opinion statements made in the context of a heated public debate are not defamatory.

No matter what one's political views or opinions, all of the above statements, with the potential exception of stating plaintiff is 'an agent of Mossad,' are opinion. But what makes the Plaintiff's claim even more tenuous is this: The Defendants never made the statements in the above paragraph. The "John Doe's" made the majority of the statements alleged in the Amended Complaint. Indeed, the Defendants called Plaintiff sloppy and irresponsible – but the statements that the defendants made were in response to an article which Plaintiff wrote which contained factually incorrect information. That is not and cannot be defamation.

The defendants further cannot be held responsible for re-tweeting someone else articles, tweets, or blog statements. A re-tweet is not an endorsement. Surely, not every one of the thousands or millions of people that re-tweet Donald Trump's every tweet endorse the content of those tweets. A re-tweet can be an endorsement, an opposition, or a neutral act. It is not up to the Court to infer whether an individual's re-tweet is any of the three. Moreover, a re-tweet is not a statement for which someone can be held liable for defamation. As defendants' state,

"Defendants never accused Plaintiff of being a Mossad agent, a CIA agent, or an agent of any other intelligence service, only random Twitter accounts allegedly made such statements." Defs' Reply Brief, at 6. Further, the statements that *did* make these accusations were not even retweeted by defendants.

As such, the Court finds that plaintiff cannot show that she is "likely to succeed on the merits" under the applicable standard under the Act. The statements that were made specifically by defendants Blumenthal and Norton are protected opinion and criticisms of plaintiff's professional work, and therefore the plaintiff's Amended Complaint cannot survive as to those statements. The statements which were made by third-parties and retweeted by the defendants cannot be attributed to the defendants because they were not made by the defendants and the Court cannot make the determination that the statements were endorsed by the defendants.[3] Therefore, the Amended Complaint cannot survive as to those statements. For these reasons, defendants' Special Motion to Dismiss Under the Anti-SLAPP Act will be granted as to Count I of plaintiff's Amended Complaint.

b. Tortious Interference with a Contract Claim

As stated, in addition to the defamation claims, plaintiff brought claims for Tortious Interference with Business Relationships and for Conspiracy. The Amended Complaint alleges that "Defendant intentionally interfered with Ms. Anderson's business relationships, as well as

[3] Under Section 230(c)(1) of the Communications Decency Act, "[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." 47 U.S.C. § 230(c)(1). In examining case law, it appears that there are little to no cases where plaintiffs attempted to pursue a defamation claim against a user who retweeted an original tweet written by another party. *See, e.g., La Liberte v. Reid*, 966 F.3d 79, 90 n.8 (2d. Cir. 2020) (deciding not to address whether retweet qualifies for Section 230 immunity after plaintiff drops claim against retweeter). In academia, while limited in articles that directly address this issue, in the articles that discuss the issue, the prevalent view is that Section 230 offers immunity to the users that retweet another's tweet. *See* Adeline A. Allen, *Twibel Retweeted: Twitter Libel and the Single Publication Rule*, 15 J. High Tech. L. 63, 83 (2014) ("As retweeters simply tweet another's tweet, they are not the original "publisher or speaker" of the tweet and the content of their retweet was simply provided by a "content provider," who is in turn the original tweeter-publisher.")

her expected business relationships, including by making false and defamatory statements without privilege or justification, and campaigning to undermine her credibility as a journalist." Am. Compl. ¶ 75. For a claim of tortious interference with a contract to survive a motion to dismiss, plaintiff must plead, "(1) the existence of a contract, (2) [the defendant's] knowledge of the contract, (3) intentional procurement of its breach by the defendant, and (4) damages resulting from the breach." *Alfred A. Altimont, Inc. v. Chatelain, Samperton & Nolan*, 374 A.2d 284, 288 (D.C. 1977).

In the motion to dismiss, defendants assert first that if the plaintiff's defamation claim were to fail so too would her claim for tortious interference. Second, defendants posit that plaintiff's Amended Complaint does not allege that defendant had any knowledge of any specific contract that the plaintiff had and the defendant intentionally procured the breach. The plaintiff states that defendants intentionally interfered with Plaintiff's business relationships by attempting to damage her credibility, and made references to where her articles have been published so that these news outlets would question the accuracy of her work, and not publish her work moving forward.

Here, plaintiff is a journalist and the defendants criticized her work. The argument that defendants knew that plaintiff had deals with certain news organizations and therefore criticism of plaintiff's work is an intentional tort does not hold water. It is widely agreed upon in this case that plaintiff has had articles published in many reputable sources. She has appeared on many reputable news stations. Moreover, anyone who knows the plaintiff or anything about her professional life could quite easily infer that she likely has several business dealings and contracts with those sources. A criticism of the plaintiff's work, even if it potentially did cause one of the contracts to dissipate, would not necessarily be an intentional interference with a

business dealing, contract, or relationship. As such, plaintiff has merely plead that defendants severly criticized the plaintiff's work, and this criticism caused significant reputational harm to the plaintiff. This allegation is not enough to survive a moiton to dismiss for intentionally interference with a business relationship, and for this reason defendants motion to dismiss Count II of plaintiff's Amended Complaint will be granted.

c. Conspiracy Claim

The amended Complaint alleges that, "Defendants, including Blumenthal, Norton and potentially the Does, working in concert, combined and conspired with the purpose to defame Ms. Anderson and tortuously interfere with her business relationships and expected business relationships." *Id.* at ¶ 80. A claim for civil conspiracy in the District of Columbia must plausibly plead: (1) an agreement; (2) "to participate in an unlawful act, or in an unlawful manner; and (3) an injury caused by an unlawful overt act performed by one of the parties of the agreement; (4) pursuant to, and in furtherance of, the common scheme." *Griva v. Davison*, 637 A. 2d 830, 848 (D.C. 1994).

Defendants assert that plaintiff has failed to make an allegation that an agreement existed between the defendants and alleged co-conspirators to defame the plaintiff. Moreover, defendants state that "Plaintiff does not allege an approximate date when such a conspiracy allegedly began, does not provide any motive, and does not provide any information indicating any agreement. To the contrary, Plaintiff's lone basis for a conspiracy is that individuals 'share similar ideologies.'" Defs' Mot. to Dismiss, at 30. In opposition, plaintiff states that factual allegations in a pleading do not have to provide the date, location, or method by which the agreement was made. Instead, the standard "simply calls for enough fact to raise a reasonable expectation that discovery will reveal evidence of illegal agreement." *Bell Atl. Cor. v. Twombly*,

550 U.S. 544, 556 (2007). Further, plaintiff asserts that the amended complaint pleads that defendants had agreements with Dan Cohen, Mark Sleboda, Bill Moran, and the John Does. Plaintiff provides information in the amended complaint that these individuals often had working relationships, made appearances together, shared ideologies, and made remarkably similar attacks against the plaintiff. The John Does similarly echoed substantially similar criticisms of the plaintiff than that of the defendants.

The defendant asserts, "[f]ar from pleading facts of an agreement by Defendants with a host of random people including a TV show guest, anonymous Twitter accounts, and an anonymous blog to allegedly defame Plaintiff Anderson, the Amended Complaint avers facts – notably the lack of temporal nexus in the third-party remarks that are months apart from Defendant Blumenthal and Norton's own words – that indicate that no such agreement could have plausibly existed." Defs' Mot. to Dismiss, at 32. The Court agrees.

The Amended Complaint points to four statements specifically made by defendants, with the rest of the allegations being statements made by third-parties. The plaintiff cannot adequately allege that these statements were made in concert, when they were made months apart, on widely different platforms, and in response to plaintiff's professional actions. Defendants had and have a right to criticize the plaintiff. The mere fact that defendants were close associates, held similar views and ideologies, or attended the same event does not indicate a conspiracy to defame the plaintiff. The mere fact that defendants all made similar criticisms of the plaintiff does not indicate a conspiracy. Some of these criticisms alleged were made in real time in response to the plaintiff herself calling a source unreliable. For these reasons, plaintiff's Amended Complaint does not adequately allege a temporal nexus or an overt act in pursuit of an agreement to defame plaintiff to survive a motion to dismiss the claim of civil conspiracy.

Therefore, on this **16th Day of June, 2021**, it is:

ORDERED that Defendants' Special Motion to Dismiss under the D.C. Anti-SLAPP Statute is **GRANTED** as to Count I of the plaintiff's Amended Complaint; it is further

ORDERED that Defendants' Motion to Dismiss is **GRANTED** as to Counts II and III of the plaintiff's Amended Complaint; it is further

ORDERED that plaintiff's Amended Complaint is **DISMISSED**; it is further

ORDERED that all future events in this case are **VACATED**; and it is further

ORDERED that this case is now **CLOSED**.

SO ORDERED.

William M. Jackson
Associate Judge
(Signed in Chambers)

Copies e-served to:

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