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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

LOUJAIN HATHLOUL ALHATHLOUL,

Plaintiff,

v.

DARKMATTER GROUP, MARC BAIER,
RYAN ADAMS, and DANIEL GERICKE,

Defendants.

Case No. 3:21-cv-01787-IM

DEFENDANT RYAN ADAMS' ANSWER
TO PLAINTIFF'S FIRST AMENDED
COMPLAINT

For his answer to Plaintiff's First Amended Complaint, Defendant Ryan Adams ("Adams") admits, denies and alleges as follows on behalf of himself and no other defendant:

Preliminary statement: Adams vehemently denies any act or omission in relation to the Plaintiff. He was completely unfamiliar with her when he worked for DarkMatter and was not involved in Computer Network Exploitation ("CNE") operations during the time of the alleged exfiltration of her data. Indeed, he had left CNE a year prior to that alleged exfiltration.

1. Adams lacks knowledge or information sufficient to form a belief about the truth of the first and fourth sentences of paragraph 1. Adams denies the remaining allegations of paragraph 1 to the extent they are alleged against him.

2. Deny.

3. Adams admits that he entered into the DPA. Adams admits that the DPA was filed in the U.S. District Court for the District of Columbia. Adams admits that the DPA is

attached to the First Amended Complaint. The text of the DPA speaks for itself, and Adams avers that it is a document negotiated with the government that includes information of which Adams has no personal knowledge. To the extent a response is required to the remainder of paragraph 3, Adams denies the allegations of that paragraph.

4. Adams lacks knowledge or information sufficient to form a belief about the truth of the first and fourth sentences of paragraph 4.

5. Adams lacks knowledge or information sufficient to form a belief about the truth of the first and fourth sentences of paragraph 5.

6. Adams lacks knowledge or information sufficient to form a belief about the truth of the first sentence of paragraph 6. Adams otherwise denies the allegations of paragraph 6.

7. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 7.

8. The allegations of paragraph 8 do not pertain to defendant Adams. No response is required of Adams.

9. The allegations of paragraph 9 do not pertain to defendant Adams. No response is required of Adams.

10. Adams admits that he is a U.S. citizen. Adams admits that he was a DarkMatter employee from January 2016 to November 2019 and admits that he at times served Mission Director. However, he did not direct DarkMatter in any respect. Adams avers that he was involved in CNE from January 2016 to October 2016. After October 2016, he had no involvement in CNE. Admit that Adams met with UAE officials when he was involved in CNE, and that these meetings often pertained to computer network exploitation (“CNE”). Admit that the UAE chose targets. Admit that on or about September 7, 2021, Adams entered into the DPA. The DPA speaks for itself. Except as expressly admitted, Adams denies the allegations of paragraph 10.

11. Adams does not concede that the CFAA applies extraterritorially and to that extent denies that there is subject-matter jurisdiction. The Court lacks jurisdiction over the Alien

Tort Statute claim, which was dismissed for that reason.

12. Deny as to Adams.

13. Admit that 28 U.S.C. § 1391(b)(1) is not a basis for venue in this action. Deny that there is no judicial district where this action may be brought under 28 U.S.C. § 1391(b)(2). Plaintiff alleges that defendants exfiltrated data from her phone when she visited Washington D.C. She further alleges that the harm she suffered flows from that exfiltration. Thus, venue is proper in Washington D.C. and improper in Oregon. Deny that venue is proper pursuant to 28 U.S.C. § 1931(b)(3) because (1) as described above, this action could have been brought in U.S. District Court for the District of Columbia, and (2) the Court lacks personal jurisdiction over defendants.

14. Admit on information and belief that women and girls in Saudi Arabia have fewer rights and protections than they do in Western countries.

15. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 15.

16. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 16.

17. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 17.

18. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 18.

19. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 19.

20. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 20.

21. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 21.

22. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 22.

23. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 23.

24. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 24.

25. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 25.

26. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 26.

27. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 27.

28. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 28.

29. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 29.

30. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 30.

31. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 31.

32. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 32.

33. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 33.

34. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 34.

35. Adams lacks knowledge or information sufficient to form a belief about the truth

of paragraph 35.

36. Admit that the UAE and Saudi Arabia are monarchies. Admit that the rights of speech, assembly, and expression in those countries are more limited than in the United States. Adams lacks knowledge or information sufficient to form a belief about the truth of the other allegations of paragraph 36.

37. Adams is aware of public reports that the UAE has engaged in the conduct alleged in paragraph 37, but has no personal knowledge. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of the other allegations of paragraph 37.

38. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 38.

39. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 39.

40. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 40.

41. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 41.

42. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 42.

43. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 43.

44. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 44.

45. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 45.

46. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 46.

47. Admit the first sentence of paragraph 47 based on information and belief. Admit

that the “Arab Spring” occurred in 2011. Adams lacks knowledge or information sufficient to form a belief about the truth of the other allegations of paragraph 47.

48. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 48.

49. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 49.

50. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 50.

51. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 51.

52. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 52.

53. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 53.

54. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 54.

55. Admit that the UAE has developed cyber-surveillance programs. Except otherwise admitted, Adams denies the allegations of paragraph 55.

56. Admit that the UAE has hired U.S. companies to assist with UAE’s cyber-surveillance. Adams lacks knowledge or information sufficient to form a belief as to when the UAE began working with U.S. companies to assist with cyber-surveillance. Adams admits that the UAE created Project Raven, and further avers that the purpose of Project Raven was to surveille specific, well-known terrorist organizations and other groups threatening national security. To his knowledge, it did not target “perceived dissidents.” Adams lacks knowledge or information sufficient to form a belief about the truth of the other allegations of paragraph 56.

57. Adams does not understand what is meant by “transferred” at the end of paragraph 57 and therefore denies that portion of paragraph 57. Adams lacks knowledge or

information sufficient to form a belief about whether CyberPoint was the primary contractor. Adams otherwise admits the allegations of paragraph 57.

58. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 58.

59. Adams admits that CyberPoint obtained export licenses from the Department of State. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of the remainder of paragraph 59.

60. Adams admits that CyberPoint obtained export licenses from the Department of State. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of the remainder of paragraph 60.

61. Adams admits that CyberPoint obtained export licenses from the Department of State, and that CyberPoint did not target U.S. persons. Adams also admits that ITAR licenses place restrictions on export and transfer. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 61.

62. Adams admits that Marc Baier (“Baier”) was a manager at CyberPoint. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of the remainder of paragraph 62.

63. Adams admits that Daniel Gericke (“Gericke”) worked at CyberPoint when Adams worked there. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of the remainder of paragraph 63.

64. Admit.

65. Admit that Adams helped to tweak Project Raven, otherwise deny the allegations of paragraph 65.

66. Adams denies the allegations of paragraph 66. Among other things, Adams is unfamiliar with the alleged “purple briefing” and “black briefing.”

67. Admit that Adams often met with UAE government personnel, including from the National Electronic Security Authority. Admit that the UAE government chose targets. Deny the

final sentence of paragraph 67.

68. Deny.

69. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 69.

70. Deny as to Adams.

71. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 71.

72. Admit that Adams was a supervisor at CyberPoint, admit that some of the services CyberPoint provided were covered under ITAR, and admit that the UAE government identified targets. Adams otherwise denies the allegations of paragraph 72.

73. Admit that Adams transitioned from CyberPoint to DarkMatter. Admit that the UAE began working with DarkMatter beginning in or about December 2015 through February 2016. Adams otherwise denies the allegations of paragraph 73.

74. Admit as to Adams. Adams lacks knowledge or information sufficient to form a belief as to the other defendants.

75. Adams lacks knowledge or information sufficient to form a belief as to the other defendants.

76. Admit that Baier was a supervisor. Adams otherwise lacks knowledge or information sufficient to form a belief as to the other allegations of paragraph 76.

77. Admit the dates, and aver that Adams' position at DarkMatter was Principal Cybersecurity Advisor.

78. Admit that Gericke was a supervisor. Adams otherwise lacks knowledge or information sufficient to form a belief as to the other allegations of paragraph 78.

79. Deny.

80. Deny, and further aver that even if certain hacking tools would have "allowed" access to computers in the United States, CIO adhered to a policy of not accessing computers in the United States.

81. Admit that Project Raven included an ITAR-controlled defense article, otherwise deny as to Adams.

82. Admit that Adams did not obtain any authorizations from the United States Government in relation to Project Raven.

83. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 83.

84. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 84.

85. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 85.

86. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 86.

87. Deny as to Adams, and aver that he was not involved in acquiring “exploits” for DarkMatter.

88. Deny as to Adams, and aver that he was not involved in acquiring “exploits” for DarkMatter. Admit that paragraph 88 accurately summarizes what a zero-click exploit is.

89. Admit that paragraph 89 accurately describes what zero-exploits do.

90. Admit that paragraph 90 correctly states how zero-click exploits work.

91. Deny that Adams acquired exploits, otherwise admit.

92. Adams created software that monitored mission status, but did not develop Karma. Except as expressly admitted, Adams denies the allegations of paragraph 92.

93. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 93.

94. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 94.

95. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 95.

96. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 96.

97. Deny as to Adams.

98. Admit that Apple's patch, in or around September 2016, rendered an exploit with which Adams was familiar less effective.

99. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 99.

100. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 100.

101. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 101.

102. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 102.

103. Deny as to Adams.

104. Deny as to Adams.

105. Deny that anonymization services in the United States, or proxy servers in the United States, were used in computer network exploitation. Admit that some of the computer hardware was purchased from United States companies. Except as expressly admitted, Adams denies the allegations of paragraph 105.

106. Admit that Baier, Adams, and Gericke entered into a Deferred Prosecution Agreement concerning alleged ITAR violations. Paragraph 106 otherwise states a legal conclusion to which no response is required.

107. Deny.

108. Deny.

109. Deny the use of U.S.-based proxy servers, or U.S.-based anonymization services, in CNE. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 109.

110. Deny as to Adams.

111. Deny.

112. Admit that a user would input a phone number or possibly an email address.

Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 112.

113. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 113.

114. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 114.

115. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 115.

116. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 116.

117. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 117.

118. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 118.

119. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 119.

120. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 120.

121. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 121.

122. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 122.

123. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 123.

124. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 124.

125. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 125.

126. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 126.

127. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 127.

128. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 128.

129. Deny that DarkMatter engaged in computer network exploitation. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 129.

130. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 130.

131. Admit.

132. Admit that Adams possessed a technical understanding of how the exploits functioned, and deny that the exploits necessarily relied on U.S.-based Apple servers.

133. The *Reuters* reporting speaks for itself.

134. The *Reuters* reporting speaks for itself. Adams was unfamiliar with the plaintiff until this lawsuit was filed and had not heard the code name “Purple Sword.” To the extent a response is necessary, Adams denies the allegations of paragraph 134.

135. Deny that DarkMatter engaged in computer network exploitation. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 135.

136. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 136, and avers that any exploit or malware would not have been “DarkMatter’s.”

137. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 137, and avers that any exploit or malware would not have been “DarkMatter’s.”

138. Deny that DarkMatter had malware and admit that the type of data listed could be viewed and exfiltrated through CNE.

139. Deny.

140. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 140 regarding whether Plaintiff was hacked or by whom. Adams otherwise denies the allegations of paragraph 140 and avers that DarkMatter did not do any hacking.

141. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 141.

142. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 142.

143. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 143.

144. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 144.

145. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 145.

146. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 146.

147. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 147.

148. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 148.

149. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 149.

150. Adams lacks knowledge or information sufficient to form a belief about the truth

of paragraph 150.

151. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 151.

152. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 152.

153. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 153.

154. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 154.

155. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 155, and avers that DarkMatter did not engage in hacking.

156. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 156.

157. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 157.

158. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 158.

159. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 159.

160. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 160.

161. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 161.

162. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 162.

163. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 163.

164. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 164.

165. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 165.

166. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 166.

167. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 167.

168. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 168.

169. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 169.

170. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 170.

171. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 171.

172. Admit that Adams entered into a Deferred Prosecution Agreement. Admit that the Deferred Prosecution Agreement contained a Factual Statement. Admit that Adams signed an acknowledgment stating, among other things, that the Factual Statement was true and accurate. Deny that Adams attested to the accuracy of things outside his personal knowledge. Except as expressly admitted, Adams denies the allegations of paragraph 172.

173. Admit that the DPA lists those offenses.

174. Adams lacks information concerning plaintiff's information and belief.

175. Exhibit B to the First Amended Complaint speaks for itself. Adams admits that Exhibit B bears his signature.

176. Exhibit B speaks for itself.

177. Exhibit B speaks for itself.

178. Adams incorporates and realleges his prior responses as though set forth here in full.

179. The CFAA speaks for itself.

180. The CFAA speaks for itself.

181. Paragraph 181 is a legal conclusion to which no response is required.

182. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 182.

183. Deny as to Adams.

184. Deny as to Adams.

185. Deny as to Adams.

186. Deny as to Adams.

187. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 187.

188. Deny as to Adams.

189. Deny as to Adams.

190. Deny as to Adams.

191. Deny as to Adams.

192. Deny that Adams infected Plaintiff's phone with malware. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 192.

193. Deny as to Adams.

194. Deny as to Adams.

195. Deny as to Adams.

196. Deny that Adams infected Plaintiff's phone with malicious code. Adams does not understand what is meant by an allegation that "malware recklessly caused" something. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 196.

197. Deny as to Adams.

198. Deny as to Adams.

199. Deny as to Adams.

200. Adams denies damaging Plaintiff's iPhone. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 200.

201. Adams denies impairing the security systems on Plaintiff's iPhone. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 201.

202. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 202.

203. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 203.

204. Adams denies hacking Plaintiff's phone. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 204.

205. Adams denies hacking Plaintiff's phone. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 205.

206. Adams denies hacking Plaintiff's phone. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 206.

207. Adams denies hacking Plaintiff's phone. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 207.

208. Adams denies hacking Plaintiff's phone. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 208.

209. Adams denies hacking Plaintiff's phone. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 209.

210. Adams denies hacking Plaintiff's phone. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 210.

211. Adams denies hacking Plaintiff's phone. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 211.

212. Adams denies hacking Plaintiff's phone. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 212.

213. Adams lacks knowledge or information sufficient to form a belief about the truth of paragraph 213.

214. Adams denies hacking Plaintiff's phone. Adams otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 214.

215. Adams incorporates and realleges the foregoing responses as though set forth in full here.

216. Deny as to Adams.

217. Deny as to Adams.

218. Admit that while he was engaged in CNE, the UAE chose targets that were national security threats, and Adams oversaw the group that carried out the CNE from January 2016 to October 2016. Except as expressly admitted, Adams otherwise denies the allegations of paragraph 218.

219. Deny as to Adams.

220. Deny as to Adams.

221. Admit that data exfiltrated from targets that the UAE chose was routed to UAE officials, otherwise denied.

222. Deny as to Adams.

223. Deny as to Adams.

224. Admit that while he was involved with CNE, he oversaw those carrying out CNE against targets chosen by the UAE, otherwise denied.

225. Deny as to Adams.

226. Deny as to Adams.

227. The Alien Tort Statute has been dismissed. Therefore, no responses to paragraphs 227 through 234 are necessary.

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AFFIRMATIVE DEFENSES

First Affirmative Defense: Intracorporate conspiracy doctrine

228. The intracorporate conspiracy doctrine bars the Second Claim for Relief. Plaintiff alleges that DarkMatter and the Individual Defendants conspired to hack Plaintiff's phone, and that the hack comprises a CFAA violation. The First Amended Complaint alleges that the Individual Defendants were employees of DarkMatter. Thus, on its face, the CFAA conspiracy claim is barred by the intercorporate conspiracy doctrine. The CFAA conspiracy claim also fails under the intracorporate conspiracy doctrine if the alleged conspiracy is between or among the Individual Defendants and the UAE government to which they were seconded.

Second Affirmative Defense: Statute of limitations

229. Plaintiff alleges that the charging document in connection with her trial in Saudi Arabia in March 2019 "referenced private communications stored on Ms. Althathloul's iPhone. These included private communications between Ms. Althathloul and other human rights activists that had been transmitted via Telegram and WhatsApp, both end-to-end encrypted messaging services." FAC, ¶ 169. She also alleges that the charging document referenced her participation in conferences, communications with human rights advocates, etc.

230. Both CFAA claims have a two-year statute of limitations.

231. This lawsuit was filed on December 9, 2021.

232. Plaintiff's CFAA claims accrued in March 2019 because she knew, or should have known, that her phone was hacked.

233. The First and Second Claims for Relief therefore are time-barred.

Third Affirmative Defense: Improper venue

234. Plaintiff alleges that her phone was exfiltrated when she visited Washington D.C. for five days.

235. None of the defendants resides in Oregon and the acts or omissions alleged in the FAC did not occur there.

236. The District of Oregon therefore is an improper venue; the District Court for the

District of Columbia is the proper venue.

Fourth Affirmative Defense: Immunity

237. When seconded to the UAE government, the Individual Defendants acted as agents of the UAE government. Common law conduct-based immunity therefore bars Plaintiff's claims against them.

Fifth Affirmative Defense: Personal jurisdiction

238. The Court lacks personal jurisdiction for the reasons set forth in defendants' motions to dismiss and based on the evidence to be adduced in discovery.

WHEREFORE, Adams prays for entry of judgment as follows:

1. That Plaintiff take nothing and that Plaintiff's lawsuit be dismissed with prejudice;
2. That judgment be entered in favor of Adams;
3. That Adams recover costs of suit; and
4. For such further relief as the Court deems just and proper.

DATED this 1st day of October, 2025.

SNELL & WILMER L.L.P.

/s/ Clifford S. Davidson

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