

Clifford S. Davidson, OSB No. 125378
csdavidson@swlaw.com
SNELL & WILMER L.L.P.
601 SW Second Avenue, Suite 2000
Portland, Oregon 97204-3229
Telephone: 503.624.6800
Facsimile: 503.624.6888
Attorneys for Defendants Marc Baier,
Ryan Adams, and Daniel Baier

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 MARC BAIER'S ANSWER
TO PLAINTIFF'S FIRST AMENDED
COMPLAINT

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

Preliminary statement: Baier 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.

1. Baier denies the second, third, and fourth sentences of Paragraph 1, and lacks knowledge or information sufficient to form a belief about the truth of the first sentence.

2. Deny.

3. Baier admits that he entered into the DPA. Baier admits that the DPA was filed in the U.S. District Court for the District of Columbia. Baier admits that the DPA is attached to the First Amended Complaint. The text of the DPA speaks for itself, and Baier avers that it is a

document negotiated with the government that includes information of which Baier has no personal knowledge. To the extent a response is required to the remainder of paragraph 3, Baier denies the allegations of that paragraph.

4. Baier lacks knowledge or information sufficient to form a belief about the truth of paragraph 4.

5. Baier lacks knowledge or information sufficient to form a belief about the truth of paragraph 5.

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

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

8. Baier admits the first sentence of paragraph 8. Baier admits that DarkMatter assigned him the job title “Executive Cybersecurity Advisor,” and that when seconded to the UAE government, he served in various supervisory roles from January 2016 to November 2019. However, he denies that he was involved in CNE during the time plaintiff alleges she was hacked. Admit that Baier entered into the DPA, which included a Factual Statement. Except as expressly admitted, Baier denies the allegations of paragraph 8, and further avers that DarkMatter did not have a CNE operation.

9. Admit that Daniel Gericke (“Gericke”) entered into the DPA. Baier otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 9.

10. Admit that Ryan Adams (“Adams”) entered into the DPA. Baier otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 10.

11. Baier 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 Baier.

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. Baier lacks knowledge or information sufficient to form a belief about the truth of paragraph 14.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35. Baier 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. Baier lacks knowledge or information sufficient to form a belief about the truth of the other allegations of paragraph 36.

37. Baier lacks knowledge or information sufficient to form a belief about the truth of the other allegations of paragraph 37.

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

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

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

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

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

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

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

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

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

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

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

paragraph 48.

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

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

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

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

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

54. Baier 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. Admit that the UAE government has hired U.S. companies to assist with UAE's cyber-surveillance. Admit that some of the technology used in connection with UAE's cyber-surveillance program was created by U.S. companies. Baier lacks knowledge or information sufficient to form a belief about the truth of the other allegations of paragraph 55.

56. Baier lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 56.

57. Baier does not understand what is meant by "transferred" at the end of paragraph 57 and therefore denies that portion of paragraph 57. Baier lacks knowledge or information sufficient to form a belief about whether CyberPoint was the primary contractor, as well as the year. Baier otherwise admits the allegations of paragraph 57.

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

59. Baier admits that CyberPoint obtained export licenses from the Department of

State. Baier otherwise lacks knowledge or information sufficient to form a belief about the truth of the remainder of paragraph 59.

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

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

62. Admit.

63. Baier admits that Gericke worked at CyberPoint. Baier otherwise lacks knowledge or information sufficient to form a belief about the truth of the remainder of paragraph 63.

64. Baier admits that Adams worked at CyberPoint. Baier otherwise lacks knowledge or information sufficient to form a belief about the truth of the remainder of paragraph 64.

65. Admit that Baier helped to manage Project Raven. Baier otherwise denies the allegations of paragraph 65.

66. Deny as to Baier.

67. Admit that Baier was in regular communication with UAE officials. Admit that the UAE government determined targets. Baier otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 67.

68. Admit that the UAE government chose targets, otherwise deny.

69. Baier admits the third sentence of paragraph 69 as to the period he was at CyberPoint, but has no knowledge of the relationship from before he arrived. He otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 69.

70. Deny as to Baier.

71. Deny.

72. Admit that Baier 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. Baier otherwise denies the allegations of paragraph 72.

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

74. Admit as to Baier.

75. Admit as to Baier.

76. Admit that Baier had various supervisory roles at various times, and oversaw the functions listed in paragraph 76, but deny that those were DarkMatter roles or DarkMatter functions. Baier avers that from January 2016 to October 2017, he was involved in CNE operations; he then essentially was on administrative leave; and when he returned in Spring 2018, he had little to no access to operations. Except as expressly admitted or averred, Baier denies the allegations of paragraph 76.

77. Admit that Adams was, at some point, a supervisor while assigned to the UAE government through his employment by DarkMatter. Baier otherwise lacks knowledge or information sufficient to form a belief as to the other allegations of paragraph 77.

78. Admit that Gericke was, at some point, a supervisor while assigned to the UAE government through his employment by DarkMatter. Baier otherwise lacks knowledge or information sufficient to form a belief as to the other allegations of paragraph 77.

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 Baier.

82. Admit that Baier did not obtain any authorizations from the United States

Government in relation to Project Raven.

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

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

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

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

87. Deny the first sentence of paragraph 87 and, as to the second sentence, admit that there were such vulnerabilities and that exploits deployed by the UAE government exploited them.

88. Admit that paragraph 88 accurately summarizes what a zero-click exploit is, otherwise deny.

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 Baier acquired or used exploits, lacks information sufficient to form a belief as to the number of “targets,” otherwise admit.

92. Deny as to Baier.

93. Deny.

94. Deny.

95. Admit to the amount of the payment. Baier otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 95.

96. Deny.

97. Deny as to Baier.

98. Baier lacks knowledge or information sufficient to form a belief about the truth of paragraph 98.

99. Admit, and aver that he did so at the behest of CIO and not for DarkMatter's use.

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

101. Admit the purchase price. Baier otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 101.

102. Deny.

103. Deny as to Baier.

104. Deny as to Baier.

105. Deny as to Baier.

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 as to Baier.

108. Deny as to Baier.

109. Deny as to Baier.

110. Deny as to Baier.

111. Deny.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

127. Deny.

128. Baier lacks knowledge or information sufficient to form a belief about the truth of paragraph 98.

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

130. Deny that DarkMatter engaged in computer network exploitation. Baier lacks knowledge or information sufficient to form a belief about the truth of paragraph 130.

131. Admit as to Baier's CNE expertise, otherwise deny.

132. Admit as to Baier's CNE expertise, otherwise deny.

133. The *Reuters* reporting speaks for itself.

134. The *Reuters* reporting speaks for itself. Baier was unfamiliar with the plaintiff until this lawsuit was filed and does not recall the code name "Purple Sword." To the extent a response is necessary, Baier denies the other allegations of paragraph 134 and avers that DarkMatter did not surveil anyone or assign codenames.

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

136. Deny.

137. Deny.

138. Deny.

139. Deny.

140. Deny.

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

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

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

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

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

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

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

paragraph 147.

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

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

150. Baier lacks knowledge or information sufficient to form a belief about the truth of paragraph 150.

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

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

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

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

155. Baier lacks knowledge or information sufficient to form a belief about the truth of paragraph 155.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

173. The DPA speaks for itself as to the offenses it covered.

174. Baier lacks knowledge or information sufficient to form a belief about the truth of what plaintiff's information and belief are, and avers that the DPA speaks for itself.

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

176. Exhibit B speaks for itself.

177. Exhibit B speaks for itself.

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

183. Baier lacks knowledge or information sufficient to form a belief about the truth of paragraph 183.

184. Baier lacks knowledge or information sufficient to form a belief about the truth of paragraph 184.

185. Baier lacks knowledge or information sufficient to form a belief about the truth of paragraph 185.

186. Deny.

187. Deny.

188. Deny.

189. Deny.

190. Deny.

191. Deny.

192. Deny that Baier installed malware on plaintiff's device and deny that her data

would have been routed to a server controlled by DarkMatter. Baier otherwise lacks knowledge or information sufficient to form a belief about the truth of paragraph 192.

193. Deny.

194. Deny.

195. Deny.

196. Deny.

197. Deny.

198. Deny as to Baier and aver that plaintiff's data would not have been routed to servers controlled by DarkMatter.

199. Deny.

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

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

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

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

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

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

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

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

208. Baier denies hacking Plaintiff's phone. Baier otherwise lacks knowledge or

information sufficient to form a belief about the truth of paragraph 208.

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

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

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

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

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

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

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

216. Deny as to Baier.

217. Deny as to Baier.

218. Admit that while he was engaged in CNE, he oversaw the targeting of groups and persons identified by UAE personnel as security threats, otherwise denied.

219. Deny as to Baier.

220. Deny as to Baier.

221. Admit that UAE officials selected targets for CNE operations, which UAE nationals carried out. Except as expressly admitted, Baier denies the allegations of paragraph 221.

222. Deny as to Baier

223. Deny as to Baier.

224. Deny as to Baier.

225. Deny as to Baier.

226. Deny as to Baier.

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

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, Baier 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 Baier;
3. That Baier 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

Clifford S. Davidson, OSB No. 125378
Attorneys for Defendants Marc Baier, Ryan
Adams, and Daniel Gericke

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