Filed
D.C. Superior Court
11/21/2018 16:48PM
Clerk of the Court

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION

THE INSTITUTE FOR GULF AFFAIRS and ALI AL-AHMED, *Plaintiffs*, v. THE SAUDI AMERICAN PUBLIC RELATION AFFAIRS COMMITTEE and SALMAN AL-ANSARI, *Defendants*.	Case No.: 2018 CA 004709 B Judge Robert R. Rigsby

OMNIBUS ORDER

This matter is before the Court on Defendants' Special Motion to Dismiss Pursuant to the D.C. Anti-SLAPP Act and Motion to Dismiss Pursuant to D.C. Super. Ct. Civ. R. 12(b)(6) ("Motion"), filed on September 4, 2018; Defendants' Opposed Motion for Leave to File Motion Exceeding Fifteen Pages, filed on September 24, 2018; Plaintiffs' Opposition to Defendants' Motion ("Opposition"), filed on September 25, 2018; Plaintiffs' Opposed Motion for Leave to File an Opposition to Defendants' Motion in Excess of Page Limitation, filed on September 25, 2018; and Defendants' Reply to Plaintiffs' Opposition ("Reply"), filed on October 9, 2018. For the reasons set forth below, both Defendants' Motion for Leave to File Motion Exceeding Fifteen Pages and Plaintiffs' Motion for Leave to File an Opposition to Defendants' Motion in Excess of Page Limitation are **GRANTED.** Additionally, Defendants' Special Motion to

Dismiss Pursuant to the D.C. Anti-SLAPP Act and Motion to Dismiss Pursuant to D.C. Super. Ct. Civ. R. 12(b)(6) is **GRANTED IN PART** and **DENIED IN PART**.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

Plaintiff Al-Ahmed is the founder and director of Plaintiff The Institute for Gulf Affairs (IGA). Compl. ¶ 9. Defendant Al-Ansari is the founder and president of Defendant The Saudi American Public Relation Affairs Committee (SAPRAC). Compl. ¶ 11. SAPRAC is a "public relations and lobbying organization" based in Washington, D.C. that "aims to further strengthen the historic relationship between Saudi Arabia and the United States." Compl. ¶¶ 2, 10-11. IGA is a "non-partisan organization and independent think tank" that "disseminates solid information about the Gulf region and produces thoughtful analyses of Gulf politics and international relations." Compl. ¶ 3, 8.

On June 29, 2018, Plaintiff filed a Complaint alleging defamation per se, false light invasion of privacy, and intentional infliction of emotional distress (IIED). The factual allegations of the Complaint are as follows. On May 20, 2018, Plaintiffs published an article titled "Is SAPRAC A Wolf In Sheep's Clothing?" Compl. ¶ 12. On or about May 28, 2018, in an interview with a blogger named Spencer Tripens, Defendant Al-Ansari stated that Plaintiff Al-Ahmed "is a terrorist himself" who "cares nothing for the sincere shared collective of ideas and cultures, but will use any means to exterminate the prospects of a peaceful world." Compl. ¶ 14. Defendant further stated that "[Al-Ahmed] and his cronies at [IGA] are dangerous – they have much more going on here other than simple written words – they are subversive and will use any destructive means possible to promote their own misguided agenda of their own brand of terrorism." *Id.* Defendant also stated "this is a perfect example of a Wolf in Sheep's clothing- [Al-Ahmed] might dress in public like a docile Sheep, but, in truth, he is a Wolf – he will destroy

anything in his path, even if he has to kill it to get there." Compl. ¶ 15. This article was published on June 7, 2018. Compl. ¶ 16. Plaintiffs have sustained significant reputational, financial, and emotional damages as a result of the statements made by Defendant Al-Ansari. Compl. ¶ 19. Specifically, IGA "los[t] the respect of the politicians and organizations whose contributions helped it remain upright monetarily" and "has caused Plaintiff Al-Ahmed, a man now broken and despised by people worldwide, substantial grief and mental anguish for being allegedly affiliated with terrorist organizations." *Id.*

On September 4, 2018, Defendants filed the present Motion. Defendants contend that this lawsuit is a strategic lawsuit against public participation ("SLAPP") and that they are entitled to dismissal under the Anti-SLAPP Act (D.C. Code § 16-5502(a)). Defendants also contend that Plaintiffs failed to state a claim upon which relief can be granted and that Defendants are therefore entitled to dismissal under Super. Ct. Civ. R. 12(b)(6).

STANDARD OF REVIEW

I. Anti-SLAPP Act (D.C. Code § 16-5502(a))

"A 'SLAPP' (strategic lawsuit against public participation) 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 Enterprise Institute v. Mann*, 150 A.3d 1213, 1226 (D.C. 2016) (quoting legislative history). The Anti-SLAPP Act tries "to deter SLAPPs by 'extend[ing] substantive rights to defendants in a SLAPP, providing them with the ability to file a special motion to dismiss that must be heard expeditiously by the court.'" *Id.* at 1235 (quoting legislative history). "Consistent with the Anti-SLAPP Act's purpose to deter meritless claims filed to harass the defendant for exercising First Amendment rights, true SLAPPs can be screened out quickly by requiring the plaintiff to present her evidence for judicial evaluation of its legal sufficiency

early in the litigation." *Id.* at 1239.

"Under the District's Anti-SLAPP Act, the party filing a special motion to dismiss 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.'" *Mann*, 150 A.3d at 1227 (quoting D.C. Code § 16-5502(b)).

"Once that prima facie showing is made, the burden shifts to the nonmoving party, usually the plaintiff, who must 'demonstrate[] that the claim is likely to succeed on the merits.'" *Mann*, 150 A.3d at 1227 (quoting § 16-5502(b)). "[O]nce the burden has shifted to the claimant, the statute requires more than mere reliance on allegations in the complaint, and mandates the production or proffer of evidence that supports the claim." *Id.* at 1233. "[I]n considering a special motion to dismiss, the court evaluates the likely success of the claim by asking whether a jury properly instructed on the applicable legal and constitutional standards could reasonably find that the claim is supported in light of the evidence that has been produced or proffered in connection with the motion." *Id.* at 1232. "This standard achieves the Anti-SLAPP Act's goal of weeding out meritless litigation by ensuring early judicial review of the legal sufficiency of the evidence, consistent with First Amendment principles, while preserving the claimant's constitutional right to a jury trial." *Id.* at 1232-33.

"If the plaintiff cannot meet that burden [to establish a likelihood of success], the motion to dismiss must be granted, and the litigation is brought to a speedy end." *Mann*, 150 A.3d at 1227. Section 16-5502(d) provides, "If the special motion to dismiss is granted, dismissal shall be with prejudice." Section 16-5502(d) also requires the Court to hold an "expedited hearing" on the motion and to issue a ruling "as soon as practicable after the hearing."

II. Super. Ct. Civ. R. 12(b)(6)

A motion to dismiss pursuant to Rule 12(b)(6) challenges the legal sufficiency of a complaint. *See Luna v. A.E. Eng'g Servs., LLC*, 938 A.2d 744, 748 (D.C. 2007). A plaintiff's complaint must contain a short and plain statement of the claim for relief, such that the complaint "puts the defendant on notice of the claim against him." *Sarete, Inc. v. 1344 U St. Ltd. P'Ship*, 871 A.2d 480, 497 (D.C. 2005); *see generally* Super. Ct. R. Civ. P. 8(a). A complaint must, at a minimum, contain a short and plain statement of the claim showing that the plaintiff is entitled to relief. Super. Ct. Civ. R. 8(a)(2).

When considering a motion to dismiss, the Court must accept as true all of the allegations put forth in the complaint, and construe all facts and inferences in favor of the non-moving party. *See Murray v. Wells Fargo Home Mort.*, 953 A.2d 308, 316 (D.C. 2008). Dismissal for failure to state a claim upon which relief can be granted is warranted only when it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim. *See id.* However, the allegations in the complaint must be sufficient to "raise a right to relief above a speculative level." *Clampitt v. Am. Univ.*, 957 A.2d 23, 29 (D.C. 2008) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). Additionally, the complaint must provide more than mere labels and legal conclusions couched as fact. *See Grayson v. AT&T Corp.*, 980 A.2d 1137, 1144 (D.C. 2009). The complaint need not include "detailed factual allegations," but must include "more than an unadorned, the defendant-unlawfully-harmed-me accusation." *Mazza v. House Craft, LLC*, 18 A.3d 786, 790 (D.C. 2011).

DISCUSSION

I. Motions for Leave to File Brief in Excess of Page Limitation

Given the complicated nature of the D.C. Anti-SLAPP Act, the Court finds that there is

good cause to permit Defendants to exceed this limitation. Therefore, Defendants' Opposed Motion for Leave to File Motion Exceeding Fifteen Pages is granted. The Court also finds good cause to permit Plaintiffs to exceed the page limitation. Therefore, Plaintiffs' Opposed Motion for Leave to File an Opposition to Defendants' Motion in Excess of Page Limitation is also granted.

II. Anti-SLAPP Act (D.C. Code § 16-5502(a))

a. Whether Plaintiffs' claim is within the scope of the Anti-SLAPP Act

To come within the scope of the Anti-SLAPP Act, Plaintiffs' claim must arise "from an act in furtherance of the right of advocacy on issues of public interest." D.C. Code § 16-5502(a); *see also Mann*, 150 A.3d at 1227. Section 16-5501(1) defines an act in furtherance of the right of advocacy on issues of public interest as "any written or oral statement made . . . [i]n connection with an issue" before any governmental body; "any 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;" or "any other expression or expressive conduct that involves . . . communicating views to members of the public in connection with an issue of public interest."

Defendants contend that Plaintiffs' claims are within the scope of the Anti-SLAPP Act because they arise from an act in furtherance of the right of advocacy on issues of public interest. First, Defendants argue that Plaintiffs' claims arise from Al-Ansari's allegedly defamatory statements because the Complaint states, "This action arises from defamatory statements published by Defendants against Plaintiffs during an interview conducted by a blogger named Spencer Tripens." Compl. ¶ 11; Mot. 10. Second, Defendants argue that the publishing of those statements in a blog post on the Internet was an act in furtherance of the right of advocacy because the Internet is "a place open to the public and a public forum." Mot. 10. Third,

Defendants argue that Al-Ansari's alleged statements address an issue of public interest because they are related to an event which addressed issues of safety and community well-being, as well as because Al-Ahmed is a public figure. Mot. 11-12.

Plaintiffs contend that their claims are not within the scope of the Anti-SLAPP Act. Plaintiffs concede that Al-Ansari's alleged statements were published in a place open to the public. Opp'n 24. However, Plaintiffs argue that Al-Ansari's alleged statements were published to "advance his own interests, as well as SAPRAC's" and were therefore not related to an issue of public interest. Opp'n 26. Plaintiffs urge this Court to apply factors delineated in a California case in determining whether the current issue was one of public interest. Opp'n 25. Plaintiffs also contend that Al-Ahmed is not a public figure.

First, the Court finds that Plaintiffs' claims arise from Al-Ansari's allegedly defamatory statements and that the alleged statements were published in a place open to the public. This leaves only the issue of whether the statements were related to an issue of public interest. The Court declines to apply the California factors as urged by Plaintiffs in deciding this question. Plaintiffs rely on *Abbas v. Foreign Policy Group, LLC* for the proposition that D.C. courts should look to other jurisdictions when interpreting the Anti-SLAPP Act. 975 F. Supp. 2d 1, 9 (D.D.C. 2013); Opp'n 25. *Abbas* specifically notes that the Court could not rely on guidance from the D.C. Court of Appeals because it had not yet issued an opinion interpreting the statute. 975 F. Supp. 2d at 9. However, in 2016, the D.C. Court of Appeals issued an opinion interpreting the D.C. Anti-SLAPP Act. *See generally Competitive Enterprise Institute v. Mann*, 150 A.3d 1213, 1226 (D.C. 2016). The court in *Mann* did not use the factors from California upon which Plaintiffs base their argument; therefore, this Court will not use those factors. Instead, the Court will look to the definition of "issue of public interest" provided in the Anti-SLAPP Act itself

how D.C. courts applying the Anti-SLAPP Act have interpreted this definition.

Section 16-5501(3) gives a broad definition of what qualifies "issue of public interest" and a fairly narrow definition of what does not qualify. An issue of public interest is "an 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." D.C. Code § 16-5501(3). "[S]tatements directed primarily toward protecting the speaker's commercial interests rather than toward commenting on or sharing information about a matter of public significance" are not issues of public interest. *Id.* However, the speaker is not required to "disprove commercial motivation, even where such motivation is not apparent from the content of the speech." *Doe No. 1 v. Burke*, 91 A.3d 1031, 1043 (D.C. 2014). Additionally, in defamation cases, "courts often define the public controversy in expansive terms," and "a court may find that there are multiple potential controversies, and it is often true that 'a narrow controversy may be a phase of another, broader one.'" *Jankovic v. Intl'l Crisis Grp.*, 822 F.3d 576, 586 (D.C. Cir. 2016) (quoting *Waldbaum v. Fairchild Publications*, 627 F.2d 1287, 1297 n.27 (D.C. Cir. 1980)).

In this case, the Court finds that the alleged defamatory statements were not related to an issue of public interest. According to Plaintiffs, IGA is a non-partisan organization which "provides analyses and opinions covering issues surrounding the Gulf countries and relations between the Gulf Region and the United States." Compl. ¶ 8. According to Defendants, SAPRAC is a public relations and lobbying organization which "aims to further strengthen the historic relationship between Saudi Arabia and the United States, politically and economically." Mot. 2. Relations between the Gulf Region (including Saudi Arabia) and the United States are surely related to both economic and community well-being. However, the expressive conduct

which forms the basis of Plaintiffs' claims, Al-Ansari's alleged statements, is not related to relations between the Gulf Region or Saudi Arabia and the United States. The alleged statements related primarily to Al-Ahmed himself.

Defendants contend that the Al-Ahmed is a public figure, which makes this lawsuit related to an issue of public interest. Courts have recognized a distinction between general purpose public figures and limited purpose public figures. In determining whether a plaintiff is a general purpose public figure, "[a] court must first ask whether the plaintiff is a public figure for all purposes." *Waldbaum v. Fairchild Publications*, 627 F.2d 1287, 1294 (D.C. Cir. 1980). To meet this standard, there must be a clear showing that the plaintiff is "of general fame or notoriety in the community, and pervasive involvement in the affairs of society." *Gertz v. Welch*, 418 U.S. 323, 352 (1974). Essentially, "a general public figure is a well-known 'celebrity,' his name a 'household word.'" *Waldbaum*, 627 F.2d at 1294. "Few people . . . attain the general notoriety that would make them public figures for all purposes." *Id.* at 1296.

To decide whether a plaintiff is a limited purpose public figure, a court must employ a three-part framework. "[T]he court must determine that there is a public controversy; ascertain that the plaintiff played a sufficiently central role in the controversy; and find that the alleged defamation was germane to the plaintiff's involvement in the controversy." *Dameron v. Washington Magazine*, 779 F.2d 736, 741 (D.C. Cir. 1985). For purposes of the first element, a public controversy is not only something of interest to the public; the outcome of the controversy "must affect[] the general public or some segment of it in an appreciable way." *Waldbaum*, 627 F.2d at 1296. "[E]ssentially private concerns or disagreements do not become public controversies simply because they attract attention." *Id.* (citing *Time, Inc. v. Firestone*, 424 U.S. 448, 454-55 (1976)). For purposes of the second element, "[t]rivial or tangential participation"

by the plaintiff is not enough; a plaintiff must have "thrust himself to the forefront of the controversies so as to become [a] factor[] in their ultimate resolution." *Id.* at 1297. For purposes of the third element, "[m]isstatements wholly unrelated to the controversy" do not receive the protections of the public figure doctrine. *Id.* at 1298.

In this case, Al-Ahmed is neither a general purpose public figure nor a limited purpose public figure. Al-Ahmed has certainly not achieved the level of "general fame or notoriety" that is required for classification as a general purpose public figure. Al-Ahmed is also not a limited purpose public figure. The outcome of the suggested conflict between the parties does not affect the general public nor does it affect any segment of the public in any appreciable way. Because the controversy itself is not sufficient to satisfy the first element, it is irrelevant whether Al-Ahmed plays a sufficiently central role in that controversy and whether the alleged defamatory statements are sufficiently relevant to the controversy.

Thus, Plaintiffs' claims are not related to an issue of public interest because they do not involve "environmental, economic, or community well-being." D.C. Code § 16-5501(3). Further, Al-Ahmed is neither a general purpose public figure nor a limited purpose public figure. Therefore, Plaintiffs' claims do not arise from an act in furtherance of the right of advocacy on issues of public interest and do not fall within the scope of the Anti-SLAPP Act and Defendants' Special Motion to Dismiss Pursuant to the D.C. Anti-SLAPP Act is denied.

III. Super. Ct. Civ. R. 12(b)(6)

a. Defamation Per Se

"In order to state a claim of defamation, 'plaintiff must allege and prove four elements: (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.'" *Solers, Inc. v. Doe*, 977 A.2d 941, 948 (D.C. 2009) (quoting *Oparaugo v. Watts*, 884 A.2d 63, 87 (D.C. 2005)). To constitute defamation, words 'must refer to some ascertained or ascertainable person, and that person must be the plaintiff.'" *Kalanter v. Lufthansa German Airlines, Inc.*, 402 F. Supp. 2d 130, 147 (D.D.C. 2005). The statement in question must be both false and defamatory, meaning that it "tends so to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him." *Kalanter*, 402 F. Supp. 2d at 147 (quoting *Chapin v. Knight-Ridder, Inc.*, 993 F.2d 1087, 1092 (4th Cir. 1993)).

"When confronted with a motion to dismiss [a defamation claim], a court must evaluate whether a statement is capable of defamatory meaning, which is a threshold question of law." *Smith v. Clinton*, 253 F. Supp. 3d 222, 239 (D.D.C. 2017) (quoting *Jankovic v. Intl'l Grp.*, 494 F.3d 1080, 1091 (D.C. Cir. 2007)). In evaluating whether a statement is capable of defamatory meaning, courts consider "(a) whether a communication is capable of bearing a particular meaning, and (b) whether that meaning is defamatory." *Id.* (quoting *Moldea v. N.Y. Times Co.*, 15 F.3d 1137, 1142 (D.C. Cir. 1994). The District of Columbia does not apply a "heightened pleading rule" for defamation claims. Instead, the question is "whether the factual allegations in the [plaintiffs'] complaint are sufficient to permit the opposing party to form responsive pleadings, [since this is] the principal reason that some courts demand a heightened standard of pleading in defamation [] cases." *Solers*, 977 A.2d at 948. A statement is not actionable for defamation "if it is plain that a speaker is expressing a subjective view, an interpretation, a theory, conjecture, or surmise, rather than claiming to be in possession of objectively verifiable

facts." *Mann*, 150 A.3d at 1241.

Defendants primarily argue that Plaintiff's have failed to state a claim for defamation because Defendant Al-Ansari's statements are not capable of a defamatory meaning. The Court, however, finds that Plaintiffs have successfully stated a claim upon which relief can be granted for defamation. Plaintiffs argue that Al-Ansari's alleged statements "carried an implicit factual foundation that made them provably and actually false." Opp'n 7. The Court agrees, and rejects Defendants arguments to the contrary that Defendant Al-Ansari's statement could only be construed as his subjective opinion. Defendant Al-Ansari stated that Plaintiff Al-Ahmed "*is a terrorist himself*" who "will use any means to exterminate the prospects of a peaceful world" and that "[Al-Ahmed] and his cronies at [IGA] are dangerous – *they have much more going on here other than simple written words* – they are subversive and will use any destructive means possible to promote their own misguided agenda of their own brand of terrorism." Compl. ¶ 14. Defendant further stated that "[Al-Ahmed] will destroy anything in his path, *even if he has to kill it to get there*." Compl. ¶ 15. The Court agrees with Plaintiffs that these statements contain either an implicit or explicit factual statement and thus serve as a factual foundation that makes Al-Ansari's alleged statements "provably and actually false." They assert directly, or imply, that Plaintiffs are dangerous terrorists who have used violent and subversive means to accomplish their objectives. While the Court recognizes that some of Defendant's statements may simply be hyperbolic characterizations that should be construed as opinions, whether someone is a terrorist or has used violent means ("other than simple written words") to accomplish his or her goals are verifiable facts. Moreover, construing Plaintiffs' Complaint as true, as the Court must, Defendants intentionally published these facts with the intent to harm Plaintiffs' reputation. Therefore, the Court will not dismiss Plaintiff's defamation claim under Super. Ct. Civ. R.

12(b)(6).

b. False Light Invasion of Privacy

"A false light invasion of privacy claim requires: '1) publicity 2) about a false statement, representation or imputation 3) understood to be of and concerning the plaintiff, and 4) which places the plaintiff in a false light that would be offensive to a reasonable person.'" *Shipkovitz v. Wash. Post. Co.*, 571 F. Supp. 2d 178, 183 (D.D.C. 2008) (quoting *Kitt v. Capital Concerts, Inc.*, 742 A.2d 856, 859 (D.C. 1999)); *see also Hampton v. Comey*, 2016 U.S. Dist. LEXIS 15064 at *72 (D.D.C. 2016). A plaintiff must also show that "the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed." *Hampton*, 2016 U.S. Dist. LEXIS at *72. "The false light invasion of privacy action differs from an action for defamation because a defamation tort redresses damage to reputation while a false light invasion of privacy tort redresses mental distress from having been exposed to public view." *White v. Fraternal Order of Police*, 909 F.2d 512, 518 (D.C. Cir. 1990).

For the same reasons identified above in relation to Plaintiffs' defamation claim, the Court finds that Al-Ansari's alleged statements could constitute a "false statement, representation or imputation." *Shipkovitz*, 571 F. Supp. 2d at 183. Thus, Plaintiffs have successfully stated a claim upon which relief can be granted for false light invasion of privacy.

c. Intentional Infliction of Emotional Distress

"Under District of Columbia law, a plaintiff seeking relief for IIED must show: (1) extreme or outrageous conduct on the part of the defendant that (2) either intentionally or recklessly (3) caused plaintiff severe emotional distress." *Daniels v. District of Columbia*, 894 F. Supp. 2d 61, 68 (D.D.C. 2012). To determine whether conduct rises to the level of extreme and

outrageous, courts are guided by "(1) applicable contemporary standards of offensiveness and decency, and (2) the specific context in which the conduct took place." *King v. Kidd*, 640 A.2d 656, 668 (D.C. 1993).

Whether conduct is "sufficiently outrageous is a question of law that should be decided by the court on a motion to dismiss." *Smith v. United States*, 121 F. Supp. 3d 112, 124 (D.D.C. 2015). To qualify as "extreme and outrageous", conduct must be "so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community." *Queen v. Schultz*, 888 F. Supp. 2d 145, 171 (D.D.C. 2012) (quoting *District of Columbia v. Tulin*, 994 A.2d 788, 800 (D.C. 2010)). The District of Columbia Court of Appeals has only recognized a limited set of actions as "outrageous" enough to state a claim for IIED. *See Carter v. Hahn*, 821 A.2d 890 (D.C. 2003) (intentionally lying to police in saying that plaintiff committed a crime); *Herbin v. Hoeffel*, 806 A.2d 186 (D.C. 2002) (attorney intentionally disclosing confidential information about his client to law enforcement).

In this case, the Court does not find that Al-Ansari's alleged statements rise to the required level of "extreme or outrageous conduct." Al-Ansari's alleged statements do not "go beyond all possible bounds of decency" nor are they "to be regarded as atrocious, and utterly intolerable in a civilized community." *Queen*, 888 F. Supp. 2d at 171 (quoting *Tulin*, 994 A.2d at 800)). Al-Ansari's alleged statements are not comparable to other actions that the Court of Appeals has recognized as "outrageous" enough to state a claim for IIED, such as intentionally disclosing confidential information to law enforcement. *See Herbin*, 806 A.2d at 186. Thus, Plaintiffs have failed to state a claim upon which relief can be granted for IIED. Therefore, Defendants' Motion to Dismiss Pursuant to Super. Ct. Civ. R. 12(b)(6) is granted on Plaintiffs

claim for IIED only.

Accordingly, based on the entire record herein, it is this 21st day of November, 2018 hereby

ORDERED that Defendants' Opposed Motion for Leave to File Motion Exceeding Fifteen Pages is **GRANTED**; and it is further

ORDERED that Plaintiffs' Opposed Motion for Leave to File an Opposition to Defendants' Motion in Excess of Page Limitation is **GRANTED**; and it is further

ORDERED that Defendants' Special Motion to Dismiss Pursuant to the D.C. Anti-SLAPP Act and Motion to Dismiss Pursuant to Super. Ct. Civ. R. 12(b)(6) is **GRANTED IN PART and DENIED IN PART**, as set forth above; and it is further

ORDERED that Plaintiff's claim for intentional infliction of emotional distress is **DISMISSED**.

Robert R. Rigsby

Judge Robert R. Rigsby
Associate Judge
Superior Court for the District of Columbia

Copies to all counsel of record.