

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AYMAN ABU AITA,

Plaintiff,

v.

SACHA NOAM BARON COHEN, also known as SACHA BARON COHEN; DAVID MICHAEL LETTERMAN; NBC UNIVERSAL, INC., a Delaware corporation, doing business as “Universal Pictures” and “Universal Studios Home Entertainment”; CBS BROADCASTING, INC., a New York Corporation; WORLDWIDE PANTS, INCORPORATED, a New York corporation; GANNETT COMPANY, INC., a Delaware Corporation, doing business as WUSA Television; LAWRENCE CHARLES WENGROD, also known as LARRY CHARLES; and BLOCKBUSTER, INC., a Delaware Corporation,

Defendants.

Case No. 09-CV-02285 (RWR)

Hon. Richard W. Roberts

**MOTION TO DISMISS THE FIRST AMENDED COMPLAINT BY  
DEFENDANTS DAVID MICHAEL LETTERMAN, WORLDWIDE PANTS  
INCORPORATED, CBS BROADCASTING, INC., AND GANNETT COMPANY, INC.**

Defendants David Michael Letterman, Worldwide Pants Incorporated, CBS Broadcasting, Inc., and Gannett Company, Inc., through their undersigned counsel, move to dismiss the Complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure for the reasons set forth in Defendant NBC Universal, Inc.’s Motion to Dismiss First Amended Complaint filed with this Court on March 4, 2010 [Docket Entry 6]. Defendants hereby incorporate the arguments in NBC Universal, Inc.’s Motion to

Dismiss, as if fully set forth herein. The Court may treat NBC Universal, Inc.'s Motion to Dismiss as conceded pursuant to Local Rule 7(b), because Plaintiff has not opposed the motion within the prescribed time.

As set forth in NBC Universal, Inc.'s motion, Plaintiff is a resident of Palestine (*see* First Am. Compl. § I, at 3), and does not qualify as a "citizen[] or subject[] of a foreign nation," 28 U.S.C. § 1332(a)(2), because Palestine is not recognized as a foreign nation by the United States. *See Abu-Zeineh v. Fed'l Labs., Inc.*, 975 F. Supp. 774, 776 (W.D. Pa. 1994). Furthermore, Defendant Sacha Baron Cohen is not a U.S. citizen (*see* First Am. Compl. § II, at 3), and diversity jurisdiction does not exist where an alien plaintiff sues an alien defendant. *See Eze v. Yellow Cab Company of Alexandria, Va. Inc.*, 782 F.2d 1064, 1065 (D.C. Cir. 1986). For all the reasons stated in NBC Universal, Inc.'s Motion to Dismiss, this Court lacks subject-matter jurisdiction over Plaintiff's civil action, and the Complaint should be dismissed.

Dated: April 1, 2010

Respectfully submitted,

/s/ Rita M. Haeusler

Rita M. Haeusler, admitted *pro hac vice*  
HUGHES HUBBARD & REED LLP  
350 South Grand Avenue, 36th Floor  
Los Angeles, California 90071-3442  
Telephone: (213) 613-2800  
Facsimile: (213) 613-2950  
Email: haeusler@hugheshubbard.com

Scott H. Christensen, D.C. Bar No. 476439  
HUGHES HUBBARD & REED LLP  
1775 I Street, N.W.  
Washington, D.C. 20006-2401  
Telephone: (202) 721-4600  
Facsimile: (202) 721-4646  
Email: christen@hugheshubbard.com

*Counsel for Defendants David Michael  
Letterman, Worldwide Pants Incorporated, CBS  
Broadcasting, Inc., and Gannett Company, Inc.*