

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WE CHARITY,

Plaintiff,

v.

**CANADIAN BROADCASTING
CORPORATION,**

Defendant.

Civil Action No. 1:22-cv-00340-RDM

HEARING REQUESTED

**DEFENDANT CANADIAN BROADCASTING CORPORATION'S MOTION TO
DISMISS FOR *FORUM NON CONVENIENS* AND TO DISMISS COUNTS II-IV OF THE
COMPLAINT FOR LACK OF SUBJECT-MATTER JURISDICTION**

Defendant Canadian Broadcasting Corporation (“Defendant”), by and through its undersigned counsel and pursuant to the doctrine of *forum non conveniens* and Fed. R. Civ. P. 12(b)(1), hereby moves to dismiss with prejudice the Complaint of Plaintiff WE Charity (“Plaintiff”). The grounds for this motion are:

1. The entire Complaint should be dismissed on the grounds of *forum non conveniens*. Canada provides an available and adequate alternative forum for WE Charity’s claims against the CBC. And the private and public factors that must be considered in the *forum non conveniens* analysis weigh strongly in favor of dismissal

2. Additionally, this Court lacks subject-matter jurisdiction over Plaintiff’s claims for breach of contract, promissory estoppel and negligent misrepresentation (Counts II-IV) pursuant to the Foreign Sovereign Immunities Act (“FSIA”). CBC has immunity with respect to those claims because the alleged commercial activity exception to sovereign immunity does not apply to them.

In further support of this motion, Defendant relies on the accompanying Memorandum of Points and Authorities, and the Declarations of Nathan Siegel, Harvey Cashore, Brian Rogers, and Catherine Perry and accompanying exhibits.

REQUEST FOR HEARING

Defendant respectfully requests a hearing on its motion to dismiss.

DATED: May 4, 2022

Respectfully submitted,

/s/ Nathan Siegel

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