

LAINTIFF'S MEMORANDUM OF LAW IN RESPONSE TO ORDER REGARDING JURISDICTION

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(WEST PALM BEACH DIVISION)**

ROGERIO SCOTTON,

**Owner of Legal Help 4 You LLC,
individually and as an advocate and
human rights whistleblower,
Plaintiff,**

CASE NO: 9:25-cv-80974

vs.

ALEXANDRE DE MORAES,

Defendant,

_____ /

**PLAINTIFF'S MEMORANDUM OF LAW IN RESPONSE
TO ORDER REGARDING JURISDICTION**

I. INTRODUCTION

This Court has jurisdiction over Alexandre de Moraes — not in his capacity as a foreign judge — but as an individual who, with actual knowledge and deliberate intent, used his authority to retaliate against a U.S. resident and his company for protected legal and political speech occurring in the United States. These actions

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violated U.S. constitutional rights, international human rights obligations, and bilateral treaty obligations between the United States and Brazil.

This case mirrors *Trump Media & Technology Group Corp. and Rumble Inc. v. Moraes, Case No. 8:25-cv-00411 (M.D. Fla. 2025)*, where similar jurisdictional claims were upheld based on intentional torts, digital defamation, and extrajudicial targeting of U.S. actors by the same Defendant.

As set forth below, jurisdiction is proper under the Foreign Sovereign Immunities Act (FSIA) exceptions, the *Calder v. Jones* “effects” doctrine, and several well-established precedents including *Samantar v. Yousuf* and *Filártiga v. Peña-Irala*.

II. FACTUAL BACKGROUND

Plaintiff Rogerio Scotton is a Florida resident and co-owner of Legal Help 4 You LLC, a U.S.-based legal services company. After Plaintiff filed an amicus brief in *Trump Media v. Moraes*, exposing the Defendant’s abuses, Defendant retaliated within days by orchestrating a defamatory campaign falsely claiming the Plaintiff and his company were “under FBI investigation for fraud.”

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These claims were:

Disseminated through U.S.-accessible Brazilian media with digital reach (Metrópoles, Estadão, Folha, Poder360);

Made with full knowledge of Plaintiff’s U.S. residence and company operations;

Intended to retaliate for Plaintiff’s legal filings and chill future speech.

Additionally, Defendant was *sanctioned under the Global Magnitsky* Human Rights Accountability Act by the U.S. Treasury Department for judicial abuses and persecution of political opposition — a sanction triggered in part by the very conduct Plaintiff helped expose.

In response to these sanctions, Defendant delivered a nationally broadcast speech from the bench of Brazil’s Supreme Court, in which he declared:

"O rito processual do Supremo Tribunal Federal irá ignorar as sanções praticadas..."

"Estamos verificando diversas condutas dolosas e inconscientes de uma verdadeira organização criminosa..."

"The procedural course of the Brazilian Supreme Court will ignore the sanctions imposed..."

"We are observing various willful and reckless acts by a true criminal organization that, in a manner never before seen in our country, acts in a cowardly and treacherous fashion."

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He explicitly accused Plaintiff and U.S.-based parties of belonging to a “criminal organization” and stated the Brazilian court would not recognize or comply with U.S. law or sanctions.

These statements constitute direct, personal retaliation by a foreign official acting outside his legal authority, in violation of U.S. and international law, and aimed deliberately at a U.S. resident and business.

These statements constitute direct, personal retaliation by a foreign official acting outside his legal authority, in violation of U.S. law — specifically:

The First Amendment to the U.S. Constitution, which prohibits government retaliation for protected political or legal speech.

Moraes targeted Plaintiff’s legal filing (amicus curiae in Trump Media v. Moraes), a protected legal action under the Petition Clause. *Hartman v. Moore, 547 U.S. 250, 256 (2006)*: “The First Amendment prohibits government officials from subjecting an individual to retaliatory actions for speaking out.”

The Fourteenth Amendment (as incorporated against government actors) and the Liberty Interest in Reputation, particularly where that harm is tied to a false criminal accusation. *Paul v. Davis, 424 U.S. 693, 708 (1976)*: “[Where] a person's good name, reputation, honor, or integrity is at stake because of what the government is doing to him, due process is essential.”

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18 U.S.C. § 242 – Federal civil rights statute criminalizing the deprivation of rights under color of law.

While § 242 is criminal, it reflects a clear public policy that targeting individuals for legal speech is impermissible, even by foreign actors.

The Alien Tort Statute, 28 U.S.C. § 1350, permits civil remedies for violations of international law, including political persecution and defamation by state actors.

Sosa v. Alvarez-Machain, 542 U.S. 692, 732 (2004): “[ATS] allows federal jurisdiction over a narrow class of international law violations, including torture, extrajudicial killing, and crimes against humanity.”

Tortious Defamation under U.S. Common Law — Particularly defamatory false criminal accusations broadcast into the forum state with intent to cause harm. *Keeton v. Hustler Magazine, 465 U.S. 770, 776 (1984)* “The tort of libel is generally held to occur wherever the offending material is circulated.”

Intentional Infliction of Emotional Distress (IIED) under U.S. tort law — where the conduct is extreme, outrageous, and intended to cause harm. *Hustler Magazine v. Falwell, 485 U.S. 46 (1988)*.

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III. SUBJECT-MATTER JURISDICTION

This Court has subject-matter jurisdiction under:

A. 28 U.S.C. § 1331 – Federal Question Jurisdiction

Plaintiff asserts claims for:

First Amendment retaliation,

Defamation impacting liberty and property interests,

Due process violations under the Fourteenth Amendment.

B. 28 U.S.C. § 1343 – Civil Rights Statute

Applies to violations of civil rights committed under color of foreign law —
including retaliation for constitutionally protected legal advocacy.

C. 28 U.S.C. § 1350 – Alien Tort Statute (ATS)

Plaintiff asserts violations of universally recognized norms of international law,
including:

Political persecution,

Extrajudicial targeting,

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Digital censorship, Use of state power to suppress dissent. *Filártiga v. Peña-Irala*, 630 F.2d 876 (2d Cir. 1980); *Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004).

**IV. PERSONAL JURISDICTION —
Calder v. Jones, 465 U.S. 783 (1984)**

The Supreme Court in Calder established that personal jurisdiction exists where:

The defendant committed intentional torts,

Aimed at the forum state,

Knowing harm would be suffered there.

Defendant's conduct satisfies all three prongs:

False criminal accusations made via digital media with U.S. reach;

Targeted a known Florida resident and his U.S. company;

Caused reputational and financial injury within the state.

Federal courts across circuits have affirmed this rule in defamation and retaliation cases with cross-border elements. See also *Keeton v. Hustler Magazine*, 465 U.S. 770 (1984); *Licci v. Lebanese Canadian Bank*, 732 F.3d 161 (2d Cir. 2013).

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V. FOREIGN SOVEREIGN IMMUNITIES ACT (FSIA) DOES NOT APPLY

A. Samantar v. Yousuf, 560 U.S. 305 (2010)

FSIA does not protect officials acting:

- In a personal or political capacity,
- In violation of international law,
- Outside their lawful authority.

Moraes's conduct:

- Was not “judicial” in nature;
- Was retaliatory and extrajudicial;
- Included public threats and false accusations.

B. Conduct Outside Official Authority

- No judicial function entitles a judge to:
- Publicly accuse private citizens of federal crimes;
- Disregard U.S. sanctions;
- Use digital platforms to defame U.S.-based businesses;

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- Declare organized retaliation against critics.

See, *Broidy Capital Mgmt. LLC v. Muzin, 12 F.4th 789 (D.C. Cir. 2021) (holding that FSIA does not apply to personal political operations by foreign officials).*

C. Global Magnitsky Sanctions and Public Defiance

Defendant has:

- Been officially sanctioned by the U.S. government,
- Openly stated he will not comply with U.S. law,
- Continued extrajudicial retaliation since the sanctions.

These facts weigh heavily in favor of waiver or forfeiture of immunity. Courts have consistently found that ongoing violations of human rights and refusal to recognize U.S. law remove the shield of FSIA immunity. See *Yousuf, Broidy, and Kadic v. Karadzic, 70 F.3d 232 (2d Cir. 1995).*

VI. TREATY AND HUMAN RIGHTS VIOLATIONS

- Defendant's actions violate binding international instruments, including:
- The International Covenant on Civil and Political Rights (ICCPR),
-

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- The Universal Declaration of Human Rights (Article 19 – Freedom of Expression),
- The Treaty on Mutual Legal Assistance between the U.S. and Brazil.
- These agreements require Brazil — and its officials — to respect:
- Due process,
- Speech rights,
- Judicial integrity.

Moraes acted in knowing breach of these obligations. U.S. courts have found jurisdiction under the ATS where foreign actors violate binding international law.

See Sosa, *Filártiga*, *Kadic*.

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VII. COMPARATIVE CASE: Trump Media & Rumble Inc. v. Moraes

The recent complaint in *Trump Media & Rumble Inc. v. Moraes*, Case No. 8:25-cv-00411, asserted:

Identical jurisdictional arguments under Calder, Samantar, and Broidy;

Retaliation for U.S.-based political speech;

Defendant's use of foreign censorship powers to suppress American entities;

The same pattern of coordinated digital abuse and media manipulation.

This complaint survived initial scrutiny and forms a model for jurisdiction over Moraes in U.S. federal court.

VIII. VENUE

Under 28 U.S.C. § 1391(b)(2), venue is proper in this District:

Plaintiff resides in the Southern District of Florida;

The defamatory and retaliatory acts were felt here;

Plaintiff's business and reputational damage occurred here.

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IX. CONCLUSION

Defendant Alexandre de Moraes:

Retaliated against protected U.S. legal activity;

Publicly accused Plaintiff and his company of crimes;

Violated U.S. constitutional rights, international treaties, and human rights norms;

Continues to act outside the scope of lawful authority;

Was sanctioned by the U.S. government and has refused to comply;

Faces impeachment in Brazil, further stripping his entitlement to immunity.

Under well-established U.S. law, including *Calder*, *Samantar*, *Filártiga*, *Sosa*, and *Broidy*, this Court has both subject-matter and personal jurisdiction.



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CERTIFICATE OF SERVICE

I hereby certify that, on August 7, 2025, I filed the foregoing LAINTEIFF'S MEMORANDUM OF LAW IN RESPONSE TO ORDER REGARDING JURISDICTION with the United States District Court for the Southern District of Florida – West Palm Beach Division. I further certify that I am commencing lawful service of process upon the Defendant and appropriate government entities as detailed below:

Defendant: Justice Alexandre de Moraes
(In official and personal capacity)
Supreme Federal Court of Brazil (STF)
Praça dos Três Poderes – Brasília – DF, 70175-900, Brazil
Service Method(s):

- Courtesy electronic service via diplomatic email channels (pending formal service pursuant to Rule 4(f)(1) or (2))
- Anticipated formal service via legal representative in Brazil pursuant to Rule 4(f)(3)
- Notice of lawsuit and summons delivery via Certified International Mail

2. Courtesy Notification via Email:

Brazilian Attorney General's Office (Advocacia-Geral da União)

Email: gabinete@agu.gov.br

STF Secretariat or Communication Office (Legal/Diplomatic Inquiries)

Email: secretaria@stf.jus.br

3. U.S. Government Notice – Human Rights Violations

U.S. Department of State – Bureau of Democracy, Human Rights and Labor

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Email: DRL-PublicAffairs@state.gov

U.S. Department of Justice – Human Rights & Special Prosecutions Section

Email: hrsp.tip@usdoj.gov

U.S. Department of Treasury – Office of Foreign Assets Control (OFAC)

Email: OFAC_feedback@treasury.gov

U.S. Embassy – Brasília, Brazil

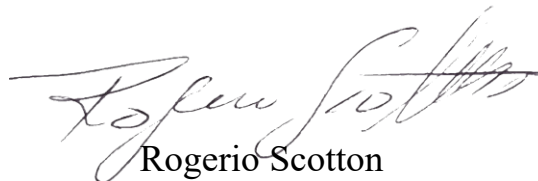
Email: BrasiliaACS@state.gov

4. Court Notification – Filing Confirmation

A copy of this document has been or will be submitted via Certified Mail and Electronic Filing to:

5. Anticipated Local Service in Brazil

Plaintiff is currently arranging service of process via a licensed Brazilian attorney or judicial officer pursuant to Federal Rule of Civil Procedure 4(f)(2)(C)(ii) or 4(f)(3), and in compliance with international service requirements under the Inter-American Convention on Letters Rogatory, to ensure valid cross-border service of summons and complaint.



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