

PLAINTIFF'S PREEMPTIVE OPPOSITION TO JURISDICTIONAL DISMISSAL

**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 PREEMPTIVE OPPOSITION TO
JURISDICTIONAL DISMISSAL**

I. INTRODUCTION

Plaintiff Rogerio Scotton respectfully submits this Memorandum in anticipation of a likely motion to dismiss for lack of subject-matter and personal jurisdiction. This filing is intended to affirmatively demonstrate that jurisdiction is proper in this

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Court, and to preempt any procedural or substantive challenge to the Court’s authority to adjudicate this matter.

II. LEGAL BASIS FOR SUBJECT-MATTER JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1343 (civil rights), 28 U.S.C. § 1350 (Alien Tort Statute), and 28 U.S.C. §§ 2201–2202 (Declaratory Judgment Act). Plaintiff’s claims arise from violations of the First and Fifth Amendments to the U.S. Constitution, international human rights law, and acts of political retaliation conducted extraterritorially but directed at the Plaintiff, a Florida resident.

III. PERSONAL JURISDICTION OVER DEFENDANT

Personal jurisdiction is proper under the 'effects test' articulated in *Calder v. Jones*, 465 U.S. 783 (1984), and applied in similar cases involving cross-border defamation and retaliation. Defendant Moraes, through direct targeting of U.S. residents, use of U.S.-based media, and extraterritorial retaliation against Plaintiff’s protected legal actions, satisfies the constitutional requirements of minimum contacts and purposeful availment.

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IV. THE FOREIGN SOVEREIGN IMMUNITIES ACT DOES NOT APPLY

Under *Samantar v. Yousuf, 560 U.S. 305 (2010)*, individual foreign officials are not protected by the FSIA when acting outside the scope of lawful authority.

Moraes's acts of extrajudicial retaliation, public defamation, and abuse of legal instruments violate U.S. constitutional rights and international law. These ultra vires actions render him personally liable and not immune from suit.

V. THE ACT OF STATE AND POLITICAL QUESTION DOCTRINES DO NOT BAR THIS SUIT

This lawsuit does not seek to invalidate any official act of the Brazilian government. Rather, it seeks redress for Defendant's personal retaliation against a U.S. resident and his business following Plaintiff's protected legal activities.

Courts have repeatedly refused to apply the act of state doctrine to personal misconduct, including in cases brought under the Alien Tort Statute and civil rights laws.

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VI. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court retain jurisdiction over this matter and deny any motion to dismiss based on jurisdictional grounds.



Rogerio Scotton
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Boca Raton, FL 33432
info@legalhelp4y.com

CERTIFICATE OF SERVICE

I hereby certify that, on August 7, 2025, I filed the foregoing PLAINTIFF'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):

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- 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

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

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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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