## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division

FRANCE.COM, INC.,

Plaintiff,

V.

Civil Action No. 1:18-cv-460
Hon. Liam O'Grady

THE FRENCH REPUBLIC, ATOUT
FRANCE, THE MINISTRY OF EUROPE
AND FOREIGN AFFAIRS, JEAN-YVES LE
DRIAN, in his official capacity as the French
Republic's Minister for Europe and Foreign
Affairs, <France.com>, a domain name, and
VERISIGN, INC.,

## **ORDER**

This matter comes before the Court on a Motion to Dismiss by Defendants Atout France, the French Republic, the Ministry for Europe and Foreign Affairs, and <france.com>, Dkt. 19, and a Motion to Dismiss by Defendant Jean-Yves Le Drian. Dkt. 21.

The Motion to Dismiss by Jean-Yves Le Drian, Dkt. 21, is **DENIED.** The Court finds the issue of whether Jean-Yves Le Drian was acting in his official or individual capacity requires a period of discovery and would best be raised at the summary judgment stage.

The Motion to Dismiss by Atout France, the French Republic, the Ministry for Europe and Foreign Affairs, and <france.com>, Dkt. 19, is **GRANTED IN PART AND DENIED IN PART.** The case is **DISMISSED WITHOUT PREJUDICE.** The Court finds the Federal Rule of Civil Procedure 12(b)(1) issues raised by Atout France, the French Republic, the Ministry for Europe and Foreign Affairs, and <france.com> regarding the application of the Foreign Sovereign Immunities Act would best be raised after discovery has concluded. Therefore, to the

Case 1:18-cv-00460-LO-IDD Document 40 Filed 05/31/19 Page 2 of 2 PageID# 542

extent their Motion relies on these arguments, it is denied. However, the Court finds Plaintiff's Complaint lacks sufficient factual allegations in order to state a claim upon which relief can be granted. Thus, Defendant's Motion to Dismiss is granted pursuant to Federal Rule of Civil

Procedure 12(b)(6).

Plaintiff must file an amended complaint within thirty days of the date of this Order.

Otherwise the case will be dismissed with prejudice.

It is SO ORDERED.

May 1, 2019

Alexandria, Virginia

Liam O'Grady United States District Judge