

Step toe Secures Dismissal of Federal Lawsuit Against Noted Turkish Scholar

(June 29, 2016, New York) — The US District Court for the Middle District of Pennsylvania today dismissed a lawsuit against Fethullah Gülen, an internationally respected Turkish scholar, preacher and peace activist, that had been filed at the behest of the Turkish government. The court also denied the plaintiffs' request for permission to amend their complaint. Steptoe & Johnson LLP represented Mr. Gülen in the litigation.

The civil suit, which was filed in December 2015 against Mr. Gülen under the Alien Tort Statute, alleged that he caused three individuals to be improperly investigated and prosecuted for crimes in the Republic of Turkey. Mr. Gülen denied the allegations, and on February 3, filed a motion to dismiss the complaint.

Step toe argued that the complaint failed to establish that Mr. Gülen instructed anyone in Turkey to do anything improper to the plaintiffs and that, as a result, the plaintiffs lack jurisdiction to sue Mr. Gülen under the Alien Tort Statute. The court agreed, finding that the plaintiffs "offer only circumstantial and tenuous allegations of a connection between Gülen's domestic conduct and the violations of plaintiffs' rights in Turkey." The court also rejected the plaintiffs' reliance on a so-called "dog whistle" theory of pleading which would permit the plaintiffs to reinterpret Mr. Gülen's public statements to mean something different than what he actually said.

In addition, the court dismissed the lawsuit based on the Act of State doctrine. The court held that "[s]uch an invitation by plaintiffs to sit in judgment of the decisions of Turkey's political, law enforcement, and judicial officials also invokes exactly the type of foreign-policy determinations that the Supreme Court has warned federal courts to avoid."

Finally, the court held that the plaintiffs failed to establish any basis for permitting them to file an amended complaint.

"We are very pleased with the federal court's decision today," said Steptoe's Reid Weingarten, who led the representation of Mr. Gülen.

Step toe's Michael Miller, who argued the motion to dismiss, added that "this decision brings to an appropriate end a lawsuit that should never have been filed. The case was a politically motivated attack leveled by the administration of Turkey's President, Recep Tayyip Erdoğan against Mr. Gülen, for doing nothing more than publicly accusing the Erdoğan administration of being corrupt and authoritarian."

Along with Mr. Weingarten and Mr. Miller, the Steptoe defense team included Michael Keough, in the firm's New York office, and John O'Connor and Jason Weinstein in the firm's Washington office.

About Steptoe

Steptoe & Johnson LLP is an international law firm widely recognized for vigorous advocacy in complex litigation and arbitration, successful representation of clients before governmental agencies, and creative and practical advice in guiding business transactions. The firm has more than 500 lawyers and other professionals in offices in Beijing, Brussels, Chicago, London, Los Angeles, New York, Palo Alto, Phoenix and Washington. For more information, visit www.steptoe.com.