

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

**Arrighi,**  
*Plaintiff,*

**-against-**

**United States Ex Rel Department of the  
Treasury,**  
*Defendant.*

Case No. **3:19-CV-1411**  
Hon. **Kirkman**

**DEFENSE’S  
RESPONSE**

**MOTION TO DISMISS COMPLAINT**

Now comes defendant, the United States, through its attorney, the United States Attorney General, pursuant to the Federal Rules of Civil Procedure Rule 12(a)(2), to answer the Complaint of Plaintiff Arrighi.

The United States moves to dismiss the complaint on the grounds that the plaintiff has not provided the court with any evidence that a claim for disposition was filed with the corresponding federal agency, which is a prerequisite to a suit against the United States, per 28 U.S. Code § 2675 (a), which states “*An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, **unless** the claimant shall have **first** presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail.*” Furthermore, the Court lacks subject-matter jurisdiction as the action against the United States exceeds the amount of \$10,000. [See 28 U.S. Code § 1346 (a)(2)]

DATED: **July 17th, 2019**

Respectfully submitted,

/s/ MadameKlair

---

MadameKlair  
SCBAR#561235  
United States Attorney General