



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

EMMANUEL MACRON and  
BRIGITTE MACRON,

Plaintiffs,

v.

CANDACE OWENS, CANDACE  
OWENS LLC, and GEORGETOM,  
INC.,

Defendants.

C.A. No. N25C-07-194 SKR

**DEFENDANTS' OPENING BRIEF IN SUPPORT OF THEIR  
MOTION TO DISMISS**

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Candace Owens, Candace Owens LLC, and Georgetom, Inc. (collectively, “Defendants”), by and through counsel, hereby move to dismiss the claims brought against them in the Complaint pursuant to Superior Court Civil Rules 12(b)(2), 12(b)(3), 12(b)(5), and 12(b)(6).<sup>1</sup>

## **I. INTRODUCTION**

In contravention of a sacred precept of U.S. Constitutional Law, the President and First Lady of France, Emmanuel and Bridgette Macron, have filed a baseless defamation suit against an independent American journalist who broadcasts a daily news and culture show from her basement in Nashville, Tennessee. The Macrons are upset that defendant Candace Owens produced an opinion-based series discussing the Macrons’ relationship, their families’ histories, and their rise to fame, power, and influence. This Court, however—along with all other state and federal courts in the United States, including the Supreme Court—has protected journalists’ First Amendment rights to produce such content since our Nation’s founding.

The French president and his wife cynically avoided filing their Francocentric case in their home country. The reason is clear: this matter is not a legitimate legal action, but rather a transparent ruse orchestrated by Plaintiffs’ high-priced public

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<sup>1</sup> Attached hereto in support of the motion are the Affidavit of Candace Owens, dated September 11, 2025 (“Owens Aff.”) and the Declaration of Emmanuel Dreyer (“Dreyer Decl.”), an expert on French defamation law, dated September 11, 2025, both of which are attached to the Transmittal Affidavit of Katharine L. Mowery being filed herewith.

relations firm. Had the Macrons actually suffered reputational harm from Mrs. Owens' opinion piece—and were they serious about clearing their names or protecting their reputations—they would have filed suit in France within the applicable limitations period. But legitimate vindication of their rights has never been the Macrons' intent, nor were their reputations injured. Instead, they wanted Mrs. Owens, a popular and opinionated journalist, to halt her investigative research and commentary about the French president, his wife, and those appointed by or associated with them.

To stifle Mrs. Owens' freedom of speech, the Macrons initiated a well-documented publicity campaign against Mrs. Owens personally, including public threats of litigation and other retaliatory actions. Thereafter, because Mrs. Owens refused to be intimidated, the Macrons filed suit in Delaware in an attempt to bypass France's three-month statute of limitations for defamation, which bars the Macrons' claims.

Although the Macrons' lawsuit violates fundamental First Amendment guarantees, this Court need not reach those issues here. The Macrons' Complaint—and each claim within it—fails as a matter of law on three dispositive threshold grounds.

First, the Macrons do not, and cannot, establish this Court's jurisdiction over Mrs. Owens. As set forth below, Mrs. Owens has no material contacts with the state

of Delaware, and she certainly is not “at home” in the state. Thus, this Court has no basis for exercising general jurisdiction over her. The Macrons’ attempt to establish personal jurisdiction over Mrs. Owens under 6 *Del. C.* § 18-109 also fails. As a threshold matter, the Macrons failed to serve her under Section 18-109. And Section 18-109 permits implied-consent jurisdiction for managers of Delaware limited liability companies only in action “involving or relating to the business of the limited liability company,” which the Macrons’ suit is not. Moreover, exercising jurisdiction over Mrs. Owens would contravene the Due Process Clause of the Fourteenth Amendment.

Second, the Macrons’ lawsuit is quintessential libel tourism, motivated solely by the Macrons’ attempt to evade France’s three-month statute of limitations for defamation, which is dispositive. Instead of suing in their home country (where their alleged harm was incurred) or in Tennessee (where the allegedly defamatory statements were published), the Macrons sued in Delaware, which has *no* connection to the Macrons, *no* connection to Mrs. Owens, and *no* connection to the claims alleged. The Macrons’ ill-conceived gambit, however, falls short: Delaware’s borrowing statute explicitly prohibits this sort of forum shopping, and because it requires this Court to apply France’s three-month statute of limitations, the Complaint must be dismissed in its entirety.

Third, the Macrons' claims should be dismissed under the doctrine of *forum non conveniens*. Mrs. Owens will suffer overwhelming hardship if she is forced to expend significant, unnecessary resources in a battle with a major international head of state in a jurisdiction that has no connection to the claims, parties, or operative facts at issue in this litigation. There also are no relevant witnesses or evidence located in Delaware, nor would any substantive Delaware law apply to a defamation suit brought by the French President and First Lady against an independent Tennessee journalist. Thus, this Court should dismiss the Macrons' Complaint in its entirety.

## **II. STATEMENT OF FACTS**

Emmanuel Macron is the current President of France. Compl. ¶ 8. His spouse, Brigitte Macron, is the First Lady. Compl. ¶ 9.

Mrs. Owens is an independent investigative journalist who at all relevant times has been a resident and domiciliary of the state of Tennessee. Compl. ¶ 10; Owens Aff. ¶ 2. Mrs. Owens is not, and never has been, a Delaware resident. Compl. ¶ 10; Owens Aff. ¶ 3. Mrs. Owens does not and has never owned real estate in Delaware, just as she does not conduct, and has not, conducted, business in Delaware. Owens Aff. ¶¶ 4-5.

Candace Owens LLC is a limited liability company, and Georgetom Inc. a corporation, both formed in the State of Delaware and headquartered in Nashville,

Tennessee. Compl. ¶ 11. Neither maintains a physical presence in Delaware, nor has either taken any action to target or serve the Delaware market. Owens Aff. ¶¶ 7, 11.

Mrs. Owens runs her journalistic operation, with the help of three employees, from the basement of her home in Nashville, Tennessee. Owens Aff. ¶¶ 12, 14. All of Mrs. Owens’ employees, producers, editors, and contributors live and work in Nashville, Tennessee, and the surrounding area. Owens Aff. ¶¶ 12-16. All documents related to her work—as well as the relevant books and records of Candace Owens LLC and Georgetom Inc.—are in Nashville, Tennessee. Owens Aff. ¶¶ 17-18. Mrs. Owens operates her main journalistic endeavor, her podcast *Candace*, from her Nashville basement. *Id.* ¶ 12.

Between January 31, 2025, and February 20, 2025, Mrs. Owens broadcasted an eight-part series entitled “Becoming Brigitte” (*see* Compl. ¶ 2), in which Mrs. Owens discussed Emmanuel Macron, Brigitte Macron, their relationship, and their rise to prominence through the ranks of French politics. *See generally ibid.* ¶¶ 108-180.

On July 23, 2025, the Macrons filed their Complaint here. The Macrons allege defamation against a Tennessee journalist for statements made in a Nashville basement, which the Macrons allege have caused harm in France. Yet, the Macrons

filed this action in Delaware state court, notwithstanding that Delaware has no connection to the subject matter or operative facts of this dispute.

### **III. STATEMENT OF QUESTIONS INVOLVED**

- Whether Candace Owens should be dismissed from this action because this Court lacks personal jurisdiction over her?
- Whether France’s three-month statute of limitations bars the Macrons’ claims?
- Whether this action should be dismissed because it would cause Defendants overwhelming hardship to proceed in Delaware?

### **IV. ARGUMENT**

Under Superior Court Civil Rule 12(b)(6), dismissal is appropriate when “it appears with reasonable certainty that, under any set of facts that could be proven to support the claims asserted, the plaintiff would not be entitled to relief.” *Clinton v. Enter. Rent-A-Car Co.*, 977 A.2d 892, 895 (Del. 2009) (internal quotation marks and citations omitted). Although the Court must draw all reasonable inferences in favor of the non-moving party, it “is not required to accept every strained interpretation of the allegations proposed by the plaintiff.” *Malpiede v. Townson*, 780 A.2d 1075, 1083 (Del. 2001). Nor should the Court “draw unreasonable inferences in favor of the non-moving party.” *Price v. E.I. DuPont de Nemours & Co.*, 26 A.3d 162, 166 (Del. 2011), *overruled in part on other grounds by Ramsey v. Ga. S. Univ. Advanced*

*Dev. Ctr.*, 189 A.3d 1255 (Del. 2018). Moreover, a plaintiff must plead all elements of its claim without the Court having to “consider conclusory allegations that lack specific supporting factual allegations.” *Nieves v. All Star Title, Inc.*, 2010 WL 4227057, at \*4 (Del. Super. Ct. Oct. 22, 2010) (internal quotation marks and citation omitted), *aff’d*, 21 A.3d 597 (Del. 2011) (TABLE).

As set forth below, the Complaint must be dismissed for several reasons. First, this Court cannot exercise jurisdiction over Mrs. Owens, either generally or specifically under 6 *Del. C.* § 18-109. Second, under Delaware’s borrowing statute—which mandates application of French procedural law, and specifically, France’s statute of limitations for defamation—the Macrons’ lawsuit is time-barred. Lastly, the doctrine of *forum non conveniens* militates in favor of dismissal here. Each of these grounds for dismissal is independently dispositive.

**A. This Court Lacks Personal Jurisdiction Over Mrs. Owens.**

Delaware courts may exercise jurisdiction over a nonresident defendant as a function of either specific or general jurisdiction. *Genuine Parts Co. v. Cepec*, 137 A.3d 123, 129 (Del. 2016). “When a defendant moves to dismiss a complaint under Rule 12(b)(2),” for lack of personal jurisdiction, “the plaintiff bears the burden of showing a basis for the court’s exercise of jurisdiction over the defendant.” *Fortis Advisors LLC v. Johnson & Johnson*, 2021 WL 5893997, at \*5 (Del. Ch. Dec. 13, 2021) (citation omitted). Delaware courts “should exercise caution in extending

jurisdiction over nonresident defendants with tenuous ties to Delaware.” *Schweitzer v. LCR Cap. P’rs, LLC*, 2020 WL 1131716, at \*6 (Del. Super. Ct. Mar. 9, 2020).

General jurisdiction allows courts to exercise jurisdiction over a non-resident defendant for actions entirely unrelated to Delaware, while specific jurisdiction allows courts to exercise jurisdiction over non-resident defendants only where the action arises out of or relates to the defendant’s contacts with Delaware. *Genuine Parts Co.*, 137 A.3d at 129.

To determine whether a plaintiff has adequately alleged either general or specific jurisdiction under Delaware law on a motion to dismiss, “the court engages in a two-step analysis.” *Lone Pine Res., LP v. Dickey*, 2021 WL 2311954, at \*4 (Del. Ch. June 7, 2021). “First, the court must determine whether ‘Delaware statutory law offers a means of exercising personal jurisdiction’ over the nonresident defendant.” *Amaysing Techs. Corp. v. Cyberair Commc’ns, Inc.*, 2005 WL 578972, at \*3 (Del. Ch. Mar. 3, 2005) (cleaned up). Second, the Court considers “‘whether subjecting the nonresident defendant to jurisdiction in Delaware violates the Due Process Clause of the Fourteenth Amendment.’” *Id.* The Court moves to the second step only after the first step has been satisfied; both must be met before a court will exercise personal jurisdiction over a defendant. *Maloney-Refaie v. Bridge at Sch., Inc.*, 958 A.2d 871, 877 (Del. Ch. 2008). The Macrons cannot meet their burden as to either step.

### **1. The Court Lacks General Jurisdiction Over Mrs. Owens.**

The Macrons allege the Court's general jurisdiction over Mrs. Owens pursuant to 10 *Del. C.* § 3104(c)(4). Compl. ¶ 18. The law is clear, however, that Section 3104(c)(4) is "a general jurisdiction provision, requiring that the defendant have greater contacts with the forum state." *Rotblut v. Terrapinn, Inc.*, 2016 WL 5539884, at \*4 (Del. Super. Ct. Sept. 30, 2016) (LeGrow, J.). Accordingly, the Macrons "have the burden to produce evidence that [Mrs. Owens] regularly does or solicits business in this state, engages in any other persistent course of conduct here, or derives substantial revenue from services or things used or consumed in Delaware." *Id.* at \*6. In other words, the Macrons must show that Mrs. Owens has a "general presence in the state." *Comput. People, Inc. v. Best Int'l Grp., Inc.*, 1999 WL 288119, at \*7 (Del. Ch. Apr. 27, 1999).

Further, for the exercise of general jurisdiction to comport with due process, a defendant must be "essentially at home" in the state. *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 919 (2011). "For an individual, the paradigm forum for the exercise of general jurisdiction is the individual's domicile . . ." *Id.* at 924. Thus, "only a limited set of affiliations with a forum will render a defendant amenable to all-purpose jurisdiction there." *Daimler AG v. Bauman*, 571 U.S. 117, 137 (2014). Under the U.S. Supreme Court's decision in *Daimler*, a defendant is not subject to general jurisdiction wherever it "engages in a substantial,

continuous, and systematic course of business” unless it is “essentially at home in the forum State.” *Id.* at 138-39 (citations omitted); see also *Rosado v. State Farm Mut. Auto. Ins. Co.*, 2020 WL 3887880, at \*2 (Del. Super. Ct. July 9, 2020) (“‘[D]oing business’ in Delaware [is] insufficient to confer general jurisdiction in Delaware over a dispute that is otherwise unknown to this state.”).

The Macrons do not and cannot show that Mrs. Owens is essentially “at home” in Delaware. The “paradigm[atic]” place where Mrs. Owens would be subject to general jurisdiction is Tennessee, where she is domiciled (Compl. ¶ 10; Owens Aff. ¶ 2),<sup>2</sup> not Delaware, where she is not and has never been a resident (Owens Aff. ¶ 3). Mrs. Owens does not own, and has never owned, real estate in Delaware. Owens Aff. ¶ 4. She does not conduct business in Delaware. Owens Aff. ¶ 5. Moreover, none of the conduct the Macrons’ Complaint alleges occurred in Delaware. Rather, the Macrons’ allegations are based entirely on statements allegedly made in Mrs. Owens’s “eight-part podcast series,” which she broadcasts from Tennessee. Compl. ¶¶ 2, 10, 12; Owens Aff. ¶¶ 12, 13.

Accordingly, this Court lacks general jurisdiction over Mrs. Owens. *See Rotblut*, 2016 WL 5539884, at \*6 (a Delaware corporation “maintain[ing] a website that is accessible to anyone over the Internet is insufficient to justify general

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<sup>2</sup> When considering a Rule 12(b)(2) motion, “the Court is not limited to the allegations of the complaint and can consider evidentiary submissions provided by the parties.” *Harris v. Harris*, 289 A.3d 310, 326 (Del. Ch. 2023).

jurisdiction”). Nor is it sufficient that Mrs. Owens “formed, managed, and controlled [Delaware] entities she used to commit tortious conduct.” Compl. ¶ 18; *see SDF Funding LLC v. Fry*, 2022 WL 1521309, at \*2 n.7 (Del. Ch. May 13, 2022) (formation of Delaware entities is not the sort of persistent conduct necessary to establish general jurisdiction).

**2. The Court Lacks Specific Personal Jurisdiction Over Mrs. Owens.**

The Macrons also attempt to establish personal jurisdiction over Mrs. Owens pursuant to 6 *Del. C.* § 18-109. Compl. ¶ 18. This attempt fails for three reasons: the Macrons did not properly serve her under Section 18-109, the terms of the statute do not confer jurisdiction over Mrs. Owens, and exercising specific personal jurisdiction over Mrs. Owens would contravene due process.

**a. Plaintiffs Did Not Serve Mrs. Owens Under Section 18-109.**

Superior Court Civil Rule 12(b)(5) “requires dismissal of a claim if that claim’s service of process is insufficient as to the rules of civil procedure in the State of Delaware.” *Christianson v. Dart-Del. Transit Corp.*, 2020 WL 6887954, at \*2 (Del. Super. Ct. Nov. 24, 2020). “Proper service of process is a jurisdictional requirement,” so a failure to properly serve a defendant “requires dismissal without prejudice.” *JulSaint v. Ramos*, 2017 WL 4457211, at \*2 (Del. Super. Ct. Oct. 4, 2017).

Section 18-109 provides that “[s]ervice of process *shall be effected* by serving the registered agent.” 6 *Del. C.* § 18-109(b) (emphasis added). And the time at which a defendant is “required to appear and file a responsive pleading shall be computed from the date of mailing by the Prothonotary.” *Id.* § 18-109(c).

It is undisputed that (1) the Macrons did not serve Mrs. Owens through the registered agent of Candace Owens LLC (D.I. 6); (2) the Prothonotary did not mail service to Mrs. Owens; and (3) the Macrons did not obtain a summons under Section 18-109 (D.I. 1, Praecipe).<sup>3</sup> Accordingly, the Macrons cannot obtain jurisdiction over Mrs. Owens through Section 18-109. *See ATO Enters. of Del., LLC v. Cabrera*, 2022 WL 2678613, at \*5 n.64 (Del. Ch. July 12, 2022) (Griffin, Mag.) (“Even if the LLC Consent Statute could apply in this instance, [plaintiff] has not availed itself of the LLC Consent Statute by following its statutory requirements” because “[defendant] was served under the statutory procedures of the Long Arm Statute, not the LLC Consent Statute”), *adopted*, 2022 WL 2987098 (Del. Ch. July 26, 2022). Alternatively, dismissal would be appropriate under Rule 12(b)(5) given the Macrons’ failure to comply with Section 18-109(c).

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<sup>3</sup> The Macrons’ Praecipe for Mrs. Owens provided that “service is made pursuant to 10 Del. C. § 3104.” D.I. 1. The Macrons’ failure to serve Mrs. Owens under Section 18-109 also exposes the weakness of their jurisdictional claims—even the Macrons did not believe Section 18-109 applied here.

**b. Section 18-109 Does Not Apply Here.**

Even ignoring that the Macrons failed to effect adequate service, managers of Delaware limited liability companies impliedly consent to personal jurisdiction only for actions “involving or relating to [1] the business of the limited liability company or [2] a violation by the manager or the liquidating trustee of a duty to the limited liability company or any member of the limited liability company.” 6 *Del. C.* § 18-109(a). The Macrons claim that this Court has jurisdiction because their “claim[s] relate to the business of the limited liability company.” Compl. ¶ 18.<sup>4</sup> They are wrong.

Delaware courts construe this statute to “narrowly refer to corporate governance and the internal affairs of an LLC.” *Endowment Rsch. Grp., LLC v. Wildcat Venture P’rs, LLC*, 2021 WL 841049, at \*5 (Del. Ch. Mar. 5, 2021). To determine whether an action involves or relates to the business of an LLC, the Court of Chancery has employed a three-part test to consider whether:

(1) the allegations against [the manager] focus centrally on his rights, duties and obligations as a manager of a Delaware LLC; (2) the resolution of this matter is inextricably bound up in Delaware law; and (3) Delaware has a strong interest in providing a forum for disputes relating to the ability of managers of an LLC formed under its law to properly discharge their respective managerial functions.

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<sup>4</sup> It is undisputed that the second portion of the statute does not apply here; this brief thus addresses only the first possible basis for jurisdiction.

*Id.* (alteration in original). None of those elements is satisfied here.

Even if this Court does not apply the three-part test,<sup>5</sup> the Macrons’ claims do not relate to the business of Candace Owens LLC under Section 18-109. *Next Level Ventures, LLC v. AVID USA Techs. LLC* holds that “claims that relate to running an LLC’s day-to-day business can fall within the scope of Section 18-109.” 2023 WL 3141054, at \*20 (Del. Ch. Mar. 16, 2023). *Vichi v. Koninklijke Philips Elecs. N.V.* states the corollary: Claims fall outside the scope of Section 18-109 where they do not “relate to the rights, duties and responsibilities [the defendant] owes to [the LLC], or in any other way to the internal business affairs of [the LLC] or to the running of [the LLC’s] day-to-day operations.” 2009 WL 4345724, at \*8 (Del. Ch. Dec. 1, 2009). Just recently, the Court of Chancery refused to apply Section 18-109 where none of the plaintiff’s allegations “concern [the LLC’s] business or governance.” *Jhaveri v. K1 Inv. Mgmt. LLC*, 2025 WL 1779507, at \*6 (Del. Ch. June 27, 2025).

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<sup>5</sup> See *FeraDyne Outdoors, LLC v. Reaser*, 2025 WL 1503810, at \*15 n.189 (Del. Super. Ct. Apr. 10, 2025). Besides *Endowment*, decided by now-Chancellor McCormick five years after *Hazout*, other post-*Hazout* cases have applied the three-part test to determine whether Section 18-109 applies. See, e.g., *Matrix Parent, Inc. v. Audax Mgmt. Co.*, 319 A.3d 909, 926 (Del. Super. Ct. 2024) (Adams, J.); *Lone Pine Res., LP v. Dickey*, 2021 WL 2311954, at \*8 (Del. Ch. June 7, 2021) (Zurn, V.C.). “While there is debate whether 6 *Del. C.* § 18-109 should be construed narrowly or if it should be construed broadly and then limited by due process, the difference is immaterial to my analysis and would not change my conclusion.” *Ramco*, 2023 WL 6939263, at \*5 n.39.

Where, as here, the claims at issue challenge a manager's tortious conduct independent of the LLC, Section 18-109 does not apply. *VTB Bank v. Navitron Projects Corp.*, 2014 WL 1691250, at \*5 (Del. Ch. Apr. 28, 2014); *Lynch v. Gonzalez*, 2020 WL 3422399, at \*9 (Del. Ch. June 22, 2020) (rejecting application of Section 18-109 to claims involving "Lynch's personal stake in HFS, [where] Defendants have failed to demonstrate that it is in any way related to his Belleville managerial duties"). The allegations in the Complaint are entirely unrelated to Mrs. Owens' rights, duties, or obligations as the manager of Candace Owens LLC. The claims here are for defamation, involving statements that Mrs. Owens herself made on her eponymous podcast. Nowhere in their lengthy Complaint do the Macrons allege that Mrs. Owens was acting on behalf of Candace Owens LLC. Nowhere do the Macrons allege that Mrs. Owens' defamatory statements involve Candace Owens LLC's internal business affairs or the running of its day-to-day operations. Section 18-109 simply does not apply here.

**c. Exercising Jurisdiction Over Mrs. Owens Would Violate Due Process.**

The Court moves to the second prong only after the first prong has been satisfied. *See, e.g., Mobile Diagnostic Grp. Hldgs., LLC v. Suer*, 972 A.2d 799, 809 n.46 (Del. Ch. 2009). Even if the Macrons had demonstrated a statutory basis upon which to exercise personal jurisdiction over Mrs. Owens under Section 18-109,

exercising personal jurisdiction over Mrs. Owens would violate due process guarantees.

Compliance with due process requires a “minimum contacts analysis, which seeks to determine the fairness of subjecting a nonresident defendant to suit in a distant forum by considering all of the connections among the defendant, the forum and the litigation.” *Deutsche Bank AG v. Devon Park Bioventures, L.P.*, 2021 WL 2711472, at \*9 (Del. Ch. June 30, 2021) (citation omitted). “This inquiry is particularly important for claims that do not relate to the LLC’s internal affairs, which more readily support a due process analysis.” *Next Level*, 2023 WL 3141054, at \*21.

Whether this Court applies the three-part Section 18-109 test or uses a traditional “minimum contacts” analysis,<sup>6</sup> exercising personal jurisdiction over Mrs. Owens would be improper.

The three-part test is not satisfied. The claims here do not focus on Mrs. Owens’s “rights, duties and obligations as a manager” of Candace Owens LLC. *E.g.*, *Ramco Asset Mgmt., LLC v. USA Rare Earth, LLC*, 2023 WL 6939263, at \*2 (Del. Ch. Oct. 20, 2023) (referencing the three-part test in “consider[ing] whether the allegations are consistent with the statutory waiver and construed sufficiently narrowly to comply with due process”). None of the Macrons’ claims relates to

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<sup>6</sup> See *supra* note 5.

corporate governance, Mrs. Owens’s duties as a manager, or the internal affairs of Candace Owens LLC. When the claims at issue “bear no relationship to the duties of managers[] and do not involve the internal affairs of [the Delaware LLC],” Section 18-109 does not confer personal jurisdiction over a non-resident manager. *Id.* at \*5; *see also Hartsel v. Vanguard Grp., Inc.*, 2011 WL 2421003, at \*9 (Del. Ch. June 15, 2011) (“I find that Plaintiffs’ claims do not involve or relate to [the LLC’s] business in the sense of its internal business as required by the statute and the Due Process Clause.”).

To determine whether due process is satisfied under the “minimum contacts” analysis, courts seek “to determine the fairness of subjecting a nonresident defendant to suit in a distant forum by considering all of the connections among the defendant, the forum and the litigation.” *Deutsche Bank AG*, 2021 WL 2711472, at \*9. To exercise jurisdiction, there must be enough contact between the defendant and Delaware such that “requiring [Mrs. Owens] to defend [her]self in the courts of Delaware would not offend the traditional notions of fair play and justice” because Mrs. Owens “should ‘reasonably anticipate’ being required to defend [her]self in Delaware’s courts.” *FeraDyne Outdoors, LLC v. Reaser*, 2025 WL 1503810, at \*15 (Del. Super. Ct. Apr. 10, 2025).

Such potential contacts “include[] but [are] not limited to performing services in the forum state, soliciting business either through salespersons in the forum state

or advertising reasonably calculated to reach the forum state, making regular sales to residents of the forum state, and seeking to serve the forum state’s market.” *Ross v. Earth Movers, LLC*, 288 A.3d 284, 297 (Del. Super. Ct. Jan. 19, 2023) (citing *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 286–87 (1980)). Here, no such contacts are present. Moreover, the Supreme Court has held that when there is no “affiliation between the forum and the underlying controversy, . . . specific jurisdiction is lacking regardless of the extent of a defendant’s unconnected activities in the State.” *Bristol-Myers Squibb Co. v. Superior Court*, 582 U.S. 255, 256 (2017).

Mrs. Owens’ contacts with Delaware are simply too thin to meet the “minimum contacts” requirements. She does not reside, conduct business, or own real estate here. *Owens Aff.* ¶¶ 2-5; *see Werner v. Miller Tech. Mgmt., L.P.*, 831 A.2d 318, 330-31 (Del. Ch. 2003) (finding that defendants did not have sufficient contact with Delaware to subject them to jurisdiction). The Complaint’s 22 claims of either defamation or “false light” are focused exclusively on statements Mrs. Owens is alleged to have made in Tennessee and which are alleged to have been published by entities headquartered in Tennessee.

Moreover, the Macrons do not allege that Mrs. Owens performed any services in Delaware, solicited business in Delaware through advertising reasonably calculated to reach Delaware, made regular sales to residents of Delaware, or was specifically seeking to serve the Delaware market. *See World-Wide Volkswagen*

*Corp.*, 444 U.S. at 286-87. The fact of Mrs. Owens’ management of Candace Owens LLC is not enough to satisfy due process. *See, e.g., Blue v. Fireman*, C.A. No. 2021-0268-MTZ, Dkt. 175 at 23-24 (Del. Ch. July 25, 2025) (TRANSCRIPT) (holding exercise of personal jurisdiction did not comport with due process where the manager’s challenged actions were related to the LLC’s business, but not related to its “internal affairs or control”). Thus, the Macrons cannot establish this Court’s jurisdiction over Mrs. Owens, and she must be dismissed from this action.

**B. The Macrons’ Claims Are Time-Barred.**

Every claim in the Macrons’ Complaint is time-barred and should be dismissed. Under Delaware’s borrowing statute, which is designed to prevent forum shopping by non-residents, the Court will apply the shorter of the limitations period of Delaware or of the state or country where the non-resident plaintiff’s claim arose. In defamation cases, that typically is the place of a plaintiff’s domicile. As shown below, because the Macrons are French residents, and because the French statute of limitations for defamation is three months (as opposed to two years in Delaware), the three-month limitation period applies. Thus, the Macrons’ claims—all of which concern statements made more than three months ago—must be dismissed.

Where (as here) a plaintiff who is not a Delaware resident asserts a claim that “arises outside of [Delaware], an action cannot be brought in [Delaware] to enforce such cause of action after the expiration of whichever is shorter, the time limited by

the law of this State, or the time limited by the law of the state or country where the cause of action arose.” 10 *Del. C.* § 8121 (the “Borrowing Statute”). The Borrowing Statute exists to preclude litigants like the Macrons from implementing the “specific kind of forum shopping scenario” present here, in which a non-resident plaintiff files in Delaware a claim that arises under the law of another jurisdiction to evade that jurisdiction’s shorter statute of limitations. *Saudi Basic Indus. Corp. v. Mobil Yanbu Petrochemical Co.*, 866 A.2d 1, 16 (Del. 2005).

Courts applying the Borrowing Statute employ a two-part analysis, first determining the jurisdiction in which the cause of action “arose,” and second, examining whether the claim would be time-barred by the applicable limitations period in that jurisdiction. Here, this analysis confirms that France’s shorter statute of limitations bars the Macrons’ claims.

First, where a purportedly defamatory statement is disseminated via the internet (and thus is globally accessible), Delaware courts presume that a plaintiff suffered injury in its domicile that this is where the claim arises. *Johnson v. Warner Bros. Ent.*, 2017 WL 588714, at \*3 (D. Del. Feb. 14, 2017). Accordingly, when applying the Borrowing Statute to defamation claims brought by non-resident plaintiffs, Delaware courts consistently look to the statute of limitations of the

plaintiff's home jurisdiction.<sup>7</sup> Here, the Macrons are citizens of, and domiciled in, France. D.I. 1, Compl. ¶¶ 8-9.

The presumption that an injury is suffered in the plaintiff's domicile—and that the jurisdiction where a plaintiff is domiciled is also where the plaintiff's claim arises—holds particularly true here. Plaintiffs are the President and First Lady of France, and their claims allege reputational harm. Thus, the Macrons' alleged reputational injury necessarily would be felt primarily, if not exclusively, in France. *See Nunes v. Cable News Network, Inc.*, 31 F.4th 135, 145 (2d Cir. 2022) (discussing “the presumption that Nunes suffered the *greatest* harm in his home state of California among those constituents who were responsible for sending him to Washington, D.C., in the first place.”). Moreover, the Macrons' Complaint alleges at length that the Macrons were born, educated, and worked, in France. Compl. ¶¶ 21-34. The Macrons also allege that President Macron “founded a political movement” in France and that “Mrs. Macron joined her husband on the campaign trail acting as a central figure and key advisor to his campaign.” *Id.* ¶ 32. And they

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<sup>7</sup> *See Smith v. Del. State Univ.*, 47 A.3d 472, 480 (Del. 2012) (applying New York's one-year statute of limitations instead of Delaware's two-year statute of limitations due to plaintiff being domiciled in New York); *Perlman v. Vox Media, Inc.*, 2015 WL 5724838, at \*12 (Del. Ch. Sept. 30, 2015) (applying California's shorter one-year statute of limitations where plaintiff was domiciled in California); *Schmidt v. Wash. Newspaper Publ'g Co.*, 2019 WL 4785560, at \*9 (Del. Super. Ct. Sept. 30, 2019), *amended on reconsideration*, 2019 WL 7000039 (Del. Super. Ct. Dec. 20, 2019) (same).

allege how “President Macron formally established an official, unpaid role for the First Lady. In this capacity, Mrs. Macron represents France in diplomatic settings, supports charitable causes, and engages in initiatives related to education, health, disability, and child protection.” *Id.* ¶¶ 33-34.

The Macrons allege that the injuries they suffered were “global” and “worldwide,” *id.* ¶¶ 6, 52, 241-42; they cite an article claiming “damage [to] the election hopes” of French President Macron (*id.* at 21 n.6); they vaguely claim “loss of future business opportunities”—presumably in France (*id.* ¶ 326); and they allege that President Macron addressed the statements at issue to an audience of journalists “in Paris” (*id.* ¶ 244). Thus, the Complaint, both implicitly and explicitly, alleges claims of injury that are focused in France.

Applying the French statute of limitations here is not only consistent with the Borrowing Statute; it also comports with French law and policy. As Mr. Emmanuel Dreyer, an expert in French defamation law, explains, the statute that sets out a cause of action for defamation in France, the Law of Freedom of the Press, also establishes a three-month limitations period as a matter of French public policy. Dreyer Decl. ¶ 19. France’s public policy in favor of a shortened limitations period to protect freedom of expression is so strong that the limitations period cannot be waived and will apply even where “any foreign law normally applicable . . . provides for a longer limitation period.” *Id.* ¶ 25.

Certainly, there is no ground to assert that the Macrons’ causes of action arose in Delaware. Neither the Macrons nor Mrs. Owens conducts business here. Owens Aff. ¶ 5. None of those parties resides here. *Id.* ¶ 3; Compl. ¶¶ 8-9 And the statements the Macrons have asserted were tortious were not made here. Compl. ¶¶ 108-180. Thus, the only connection this case has to Delaware is that two entity defendants were formed under Delaware law, but that does not provide Delaware with any interest in this case, which has nothing to do with corporate governance. *See GXP Cap., LLC v. Argonaut Mfg. Servs., Inc.*, 253 A.3d 93, 106 (Del. 2021) (“Delaware’s public interest in such cases is strongest where substantive issues of corporate governance are implicated. That is not the case here. This is a contract and tort dispute . . . . Putting the defendants’ place of incorporation aside, Delaware has virtually no connection to this dispute.”). For these reasons, the Macrons’ alleged injuries necessarily occurred in France, which is where their cause of action “arose” for purposes of Delaware’s Borrowing Statute.<sup>8</sup> *Smith*, 47 A.3d at 480; *Perlman*, 2015 WL 5724838, at \*12.

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<sup>8</sup> Application of a foreign statute of limitation via the Borrowing Statute is a matter of purely procedural—not substantive—law. *Am. Energy Techs., Inc. v. Colley & McCoy Co.*, 1999 WL 301648, at \*2 (D. Del. Apr. 15, 1999) (“Statutes of limitations are generally considered to be procedural rather than substantive law.”). To the extent the Court does not dismiss the Macrons’ claims by application of France’s three-month statute of limitations for defamation (which it should), *substantive* choice-of-law principles apply and Defendants reserve all rights to submit briefing on that issue at the appropriate time.

Next, Delaware courts compare the state’s domestic statute of limitations for defamation with the foreign jurisdiction’s analogous limitation period and apply the shorter of the two. *Saudi Basic*, 866 A.2d at 16. As Mr. Dreyer explains, the statute of limitations in France is three months, and it accrues from the day the allegedly defamatory remarks were first made. Dreyer Decl. ¶ 22 (Press Freedom Act, Ch. V, Art. 65). This three-month statute of limitations applies regardless of whether the Macrons characterize their claims as “defamation”, “false light”, or “defamation by implication.” See Dreyer Decl. ¶ 18; see also, e.g., *Chipola v. Flannery*, 339 A.3d 309, 318-19 (N.J. 2025) (“the majority of jurisdictions that recognize the false light tort have determined that the statute of limitations for defamation applies to false light claims” including because “applying a different statute of limitations to false light claims and defamation claims would risk the false light tort engulfing defamation, thereby producing a chilling effect on First Amendment rights” and “neither law nor logic justifies a different statute of limitations for false light and defamation claims”) (collecting cases) (internal quotations omitted); Restatement (Second) of Torts § 652E, cmt e (1977) (where false light is based on defamatory statements “it is arguable that limitations of long standing that have been found desirable for the action for defamation should not be successfully evaded by proceeding upon a different theory of later origin”). Here, because France’s three-month statute of limitations is shorter than Delaware’s two-year statute of

limitations, the shorter three-month period applies to the Macrons' claims.

Applying France's statute of limitations bars all the Macrons' claims. Indeed, the latest statement based on which the Macrons have sued allegedly occurred on February 20, 2025. Compl. Count 20.<sup>9</sup> The Macrons filed their Complaint on July 23, 2025, well after France's statute of limitations expired. Further, no tolling or similar doctrines under French law exist to resuscitate their claims. Dreyer Decl. ¶ 23.

For these reasons, Delaware law requires the Court to apply France's three-month statute of limitations to the Macrons' claims. And under France's three-month statute of limitations, all of the Macrons' claims must be dismissed as time-barred.

**C. This Court Should Dismiss or Stay the Case Under the Doctrine of *Forum Non Conveniens*.**

The doctrine of *forum non conveniens* also supports dismissing or staying this case. Under the doctrine of *forum non conveniens*, courts may “decline jurisdiction” over an action when “litigating in the plaintiff’s chosen forum would be inconvenient, expensive, or otherwise inappropriate.” *Hupan v. All. One Int’l, Inc.*, 2015 WL 7776659, at \*4 (Del. Super. Ct. Nov. 30, 2015) (quoting *Martinez v. E.I.*

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<sup>9</sup> The Macrons' causes of action are based on statements allegedly made on: January 31, 2025 (Counts 1-3), February 4, 2025 (Counts 4-6), February 6, 2025 (Counts 7-8), February 7, 2025 (Counts 9-12), February 11, 2025 (Counts 13-14), February 13, 2025 (Counts 16-17), February 18, 2025 (Count 18), February 17, 2025 (Counts 19-20), and February 20, 2025 (Count 20).

*DuPont de Nemours & Co.*, 82 A.3d 1, 26 (Del. Super. Ct. 2012)), *aff'd sub nom. Aranda v. Philip Morris USA Inc.*, 183 A.3d 1245 (Del. 2018). The doctrine of *forum non conveniens* allows courts to exercise their discretion to stay or dismiss a case in favor of a more convenient forum for resolving the dispute. *Aranda*, 183 A.3d at 1249-50 (citing *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501 (1947)).

To determine whether to dismiss a complaint under the doctrine of *forum non conveniens*, the Court looks to the “*Cryo-Maid* factors.” *See Gen. Foods Corp. v. Cryo-Maid, Inc.*, 198 A.2d 681 (Del. 1964), *overruled in part on other grounds by Pepsico, Inc. v. Pepsi-Cola Bottling Co. of Asbury Park*, 261 A.2d 520 (Del. 1969).

Under *Cryo-Maid*, the Court must consider:

- 1) the relative ease of access to proof;
- 2) the availability of a compulsory process for witnesses;
- 3) the possibility to view the premises, if appropriate;
- 4) whether the controversy is dependent upon Delaware law, which the courts of this State should decide rather than those of another jurisdiction;
- 5) the pendency or non-pendency of a similar action in another jurisdiction; and
- 6) all other practical problems that would make the trial easy, expeditious, and inexpensive.

*Hupan*, 2015 WL 7776659, at \*5.

Where a defendant establishes, through these factors, that litigating an action in the plaintiff’s chosen forum will result in overwhelming hardship and

inconvenience, the Court should dismiss the action. *Martinez v. E.I. DuPont de Nemours & Co.*, 86 A.3d 1102, 1104 (Del. 2014).

**1. The *Forum Non Conveniens* Factors Point to Dismissal.**

Here, each of the *Cryo-Maid* factors favors dismissal. All of the Macrons' claims depend on: (1) witnesses and documents located wholly in other states (and countries), many of which will be beyond the subpoena power of this Court, (2) the analysis of foreign law that includes specific procedural protections for defamation cases, and (3) the public interest of other states with respect to non-Delaware plaintiffs and misconduct and injury that are alleged to have occurred outside of Delaware. Thus, Delaware is an improper and unsuitable forum.

**a. The First Two *Cryo-Maid* Factors—the Relative Ease of Access to Proof and Whether Compulsory Process for Witnesses Is Available—Weigh Substantially in Favor of Dismissal.**

The first two *Cryo-Maid* factors require this Court to consider the relative ease of access to proof and whether compulsory process for witnesses is available. *GXP Cap.*, 253 A.3d at 103. “[T]he proximity of the forum to necessary proof” is a meaningful consideration in assessing the relative ease of access to proof factor. *Am. Home Prods. Corp. v. Adriatic Ins. Co.*, 1991 WL 236915, at \*3 (Del. Super. Ct. Nov. 5, 1991). Where, as here, the “majority of evidence and proof necessary to litigate [p]laintiffs’ claims” is located outside of Delaware, that factor weighs in favor of dismissal. *Abrahamsen v. ConocoPhillips Co.*, 2014 WL 2884870, at \*2-3

(Del. Super. Ct. May 30, 2014); *BCORE Timber EC Owner LP v. Qorvo US, Inc.*, 2023 WL 2985250, at \*4 (Del. Super. Ct. Apr. 18, 2023) (“Because none of the known material witnesses, documents or other relevant proof are located in Delaware, this factor weighs in favor of dismissal”).

Other than the two entity Defendants having been incorporated or formed here, this case has no connection to Delaware. The Macrons’ claims arise out of alleged defamatory statements made by Mrs. Owens from her home’s basement in Nashville, Tennessee, which allegedly caused harm to the Macrons in France. None of the evidence is located near Delaware. Instead, all of it is located in foreign jurisdictions that are 700 to 3,773 miles away. Owens Aff. ¶¶ 12-19.

Moreover, the witnesses to the alleged defamatory statements are Tennessee residents who work exclusively in Nashville, Tennessee. *Id.* ¶¶ 14-16, 19. And the alleged victims of the purported defamation, along with the evidence concerning the Macrons’ purported damages, is located in France. As such, no evidence or witnesses connected to this case is located in Delaware. *Id.* Moreover, because all of the non-party witnesses to this case live or work outside of Delaware, they are outside the jurisdiction of this court and cannot be compelled to attend trial here. *Id.*; see *BCORE Timber EC Owner*, 2023 WL 2985250, at \*5 (finding that the Court’s lack of compulsory process contributes to the defendant’s hardship and weighs in favor of dismissal).

Simply put: Given Delaware’s tenuous connection to this case and the fact that none of the evidence related to it is available here, Defendants will face significant hardship if forced to defend this case in Delaware. Thus, the first two *Cryo-Maid* factors strongly favor dismissal.<sup>10</sup>

**b. The Fourth Factor—Whether the Controversy Is Dependent upon Delaware Law—Weighs Heavily in Favor of Dismissal.**

The fourth *Cryo-Maid* factor—whether the controversy is dependent on Delaware law—favors dismissal, too. When applying the fourth factor, courts consider “whether the controversy is dependent upon the application of Delaware law which the courts of this State more properly should decide than those of another jurisdiction.” *Martinez*, 86 A.3d at 1109 (citations omitted). Conversely, Delaware courts “must give reciprocal weight to a defendant’s interest in having important issues of foreign law decided by the courts whose law governs the case.” *Id.* at 1110.

This action was brought by citizens of France, against citizens of Tennessee, regarding statements made in Tennessee, that purportedly injured the Macrons in France. Thus, this case’s relationship to Delaware is highly tenuous, and Delaware law will not apply to it.<sup>11</sup> As a result, were this case to remain in Delaware, this

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<sup>10</sup> The third factor (the necessity to view the premises) is largely irrelevant here. Nevertheless, none of the relevant premises is located in Delaware.

<sup>11</sup> Should the Court deny this motion, choice-of-law will be addressed more fully at an appropriate time; however, it is plain that Delaware substantive law does not apply.

Court would be forced to apply the laws of another jurisdiction to a dispute involving a Tennessee defendant who is being sued by French plaintiffs. For these reasons, the fourth *Cryo-Maid* factor favors dismissal.

**c. The Fifth Factor—Pendency or Nonpendency of an Action Elsewhere—Favors Dismissal.**

Because the Macrons chose to file in Delaware, no action is pending elsewhere. Consequently, if the Macrons were to refile this case in Tennessee, there is no risk of overlapping proceedings that would result in imposing the burdens of duplication.

To the contrary, because the case is in its early stages and the parties have not conducted discovery, there would be virtually no burden on the Macrons were they forced to file a new suit in Tennessee, where many of the issues raised herein would be resolved. *IM2 Merch. & Mfg., Inc. v. Tirex Corp.*, 2000 WL 1664168, at \*11 (Del. Ch. Nov. 2, 2000). Accordingly, this factor weighs in favor of dismissal.

**d. The Sixth Factor—All Other Practical Problems That Would Make the Trial Easy, Expeditious, and Inexpensive—Weighs in Favor of Dismissal.**

In addition to the evidentiary and legal problems that will arise if this case proceeds in this Court, numerous practical considerations favor dismissal.

First, this case should be dismissed because it would require the Court and potentially a Delaware jury to expend time and resources on a dispute that has no meaningful connection to this state. *See Am. Home Prods. Corp.*, 1991 WL 236915,

at \*8 (“The imposition of jury duty on the people of Delaware for a trial which they have no interest in is unfair . . .”); *see also Ward v. Tishman Hotel & Realty, L.P.*, 2010 WL 5313549, at \*7 (Del. Super. Ct. Nov. 30, 2010) (“[L]itigating this case in Delaware would impose an unfair burden on the citizens of Delaware.”). Neither of the Macrons resides in Delaware, and in fact, they do not assert that they have ever visited or spent any meaningful time in Delaware. *See Abrahamsen*, 2014 WL 2884870, at \*4 (presumption in favor of plaintiff’s choice of forum “not as strong” for an out-of-state plaintiff). Delaware’s only connection to this case is that two corporate Defendants were formed under Delaware law. But that, by itself, “is not a sufficient contact to choose [Delaware] as a forum.” *Williams Gas Supply Co. v. Apache Corp.*, 1991 WL 18091, at \*3 (Del. Super. Ct. Feb. 12, 1991), *aff’d*, 594 A.2d 34 (Del. 1991); *BCORE Timber EC Owner*, 2023 WL 2985250, at \*8.

Second, as demonstrated above, Mrs. Owens is not subject to personal jurisdiction in Delaware. *See supra* at Section IV.A. Following her dismissal, an action here against the other two Defendants would create additional significant and overwhelming hardship for Defendants, which would be forced to litigate the overlapping issues in two separate fora and subjected to potentially inconsistent rulings.

By contrast, if this action is dismissed on *forum non conveniens* grounds, the Macrons could re-file in Tennessee and obtain personal jurisdiction over all

Defendants. This is the much more efficient path, especially considering that it would be easier to gather evidence and obtain witnesses at depositions and trial in Tennessee. *See IM2 Merch.*, 2000 WL 1664168, at \*11; Owens Aff. ¶¶ 12-19.

At bottom, this is a defamation action that has no legitimate connection to this forum, and litigating in Delaware presents an overwhelming hardship to Defendants. Therefore, Defendants respectfully request that the Court dismiss this action under the *forum non conveniens* doctrine.

## V. CONCLUSION

For the foregoing reasons, this case should be dismissed in its entirety.

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Dated: September 11, 2025

**CERTIFICATE OF SERVICE**

I hereby certify, that on September 11, 2025, true and correct copies of the foregoing documents were caused to be served on the following counsel of record by File & Serve*Xpress*:

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