

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 16-7081

(D.C. District Court No. 14-cv-00372)

John Doe,

Plaintiff-Appellant,

v.

Republic of Ethiopia,

Defendant-Appellee.

**APPELLANT’S STATEMENT OF ISSUES TO BE RAISED,
UNDERLYING DECISION FROM WHICH APPEAL ARISES, AND
STATEMENT OF INTENT TO UTILIZE DEFERRED JOINT APPENDIX**

I. Statement of Issues to be Raised

Whether the district court erred in ruling that defendant-appellee The Democratic Republic of Ethiopia was not subject to:

(A) plaintiff’s claim under Title III of the Omnibus Crime Control and Safe Streets Act of 1968 (“Wiretap Act”), 18 U.S.C. § 2510 *et seq.*, because the Act does not create a private cause of action against a foreign state; or

(B) plaintiff’s intrusion-upon-seclusion claim under the common law of Maryland, because the monitoring and recording of plaintiff’s computer activities in

Maryland was not an entire tort occurring in the United States under the Foreign Sovereign Immunities Act (“FSIA”), 28 U.S.C. § 1605(a)(5).

II. Underlying Decision from Which Appeal Arises

The ruling under review (attached hereto) is the district court’s memorandum opinion and order of May 24, 2016 (per Moss, R.), granting defendant’s motion to dismiss the amended complaint.

III. Statement of Intent to Utilize Deferred Joint Appendix

Plaintiff-appellant hereby states its intention to utilize a deferred joint appendix in this appeal.

Dated: July 28, 2016

Respectfully submitted,

/s/ Nathan Cardozo

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of July, 2016, the foregoing Appellant's Certificate as to Parties, Ruling and Related Cases; Statement of Issues to be Raised, Underlying Decision from Which Appeal Arises, and Statement of Intent to Utilize Deferred Joint Appendix; Docketing Statement; and Entry of Appearance, have been served by first-class mail upon:

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I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Francisco, CA on this 28th day of July, 2016.

/s/ Nathan Cardozo
Nathan Cardozo