

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

PRESIDENT DONALD J. TRUMP, an
individual, and REPRESENTATIVE RONNY
JACKSON, an individual,

Plaintiffs,

v.

PARAMOUNT GLOBAL d/b/a
PARAMOUNT, a Delaware corporation, CBS
BROADCASTING INC., a New York
corporation, and CBS INTERACTIVE INC.,
a Delaware corporation,

Defendants.

Case No. 2:24-cv-00236-Z

**DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT FOR LACK
OF SUBJECT-MATTER JURISDICTION AND FAILURE TO STATE A CLAIM**

Defendants Paramount Global, CBS Broadcasting Inc., and CBS Interactive Inc. (together, “Defendants”), by and through their undersigned attorneys, respectfully move pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Plaintiffs’ Amended Complaint (ECF No. 36) (“Amended Complaint”) in full with prejudice. In support of their motion, Defendants rely on and incorporate the accompanying memorandum of law, the December 6, 2024 Declaration of Bill Owens and exhibits thereto, *see* ECF No. 25-1, the December 6, 2024 Declaration of Gayle C. Sproul and exhibit thereto, *see* ECF No. 25-2, the concurrently filed Declaration of Bill Owens and exhibit thereto, and the concurrently filed Declaration of Gayle C. Sproul.

As more fully described in the memorandum of law, the Amended Complaint should be dismissed for multiple, independent reasons.

First, Plaintiffs’ attempt to punish Defendants for their editorial judgments is barred by the First Amendment.

Second, Defendants’ editorial judgments are non-commercial speech that lies wholly outside the scope of both the Lanham Act and the Texas Deceptive Trade Practices Act (“DTPA”).

Third, this Court lacks subject-matter jurisdiction. Plaintiffs’ contention that “tens of millions of other American consumers” were confused, *see* ECF No. 36 ¶ 197, is precisely the kind of generalized grievance that does not confer Article III standing. Moreover, insofar as President Trump’s claimed damages on the Lanham Act claim relate to alleged competitive harm to Truth Social, it is the Trump Media & Technology Group—not President Trump personally—that suffered any such harm, just as, insofar as the claimed damages on the DTPA claim relate to allegedly lost fundraising, it is the Trump campaign—not Plaintiffs individually—that suffered

any such harm. Further, insofar as the claimed harm is to President Trump's electoral prospects, that claim is mooted by the election, which he won. Representative Ronny Jackson does not allege that he suffered any concrete harm caused by Defendants.

Fourth, President Trump fails to plead the elements of a Lanham Act claim. He does not (and cannot) plead that CBS' news programming is "commercial advertising or promotion," does not plead any actionable misrepresentation, does not plead that any misrepresentation influenced any purchasing decision, and does not plead that he individually suffered an injury to a commercial interest.

Fifth, Plaintiffs fail to plead with the necessary particularity the elements of a DTPA claim, including that they were consumers who purchased or leased Defendants' goods or services, that they were actually confused or misled, or that they detrimentally relied on any purportedly false or misleading representation.

For the foregoing reasons, Defendants respectfully request that the Court dismiss Plaintiffs' Amended Complaint with prejudice.

Respectfully submitted,

/s/ Thomas C. Riney

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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2025 a true and correct copy of the foregoing was served via CM/ECF on all counsel of record.

/s/ Thomas C. Riney