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Broward Lawyers Win Dismissal for Former Trump Adviser Roger Stone Over DNC Emails

by Raychel Lean

Fort Lauderdale attorneys Robert C. Buschel and Grant J. Smith of Buschel & Gibbons cinched a victory in a federal lawsuit against their client, Roger J. Stone, a longtime confidant of President Donald Trump.

The South Florida lawyers succeeded on a motion to dismiss a high-profile civil suit in the U.S. District Court for the District of Columbia against Stone and President Trump's presidential campaign over the 2016 hack of Democratic National Committee emails. They represent the conservative political consultant in litigation brought by two DNC donors and a former DNC employee.

The litigation came in response to Trump's 2016 election, amid allegations that Stone and the Trump campaign covertly worked with the Russian government to release hacked DNC emails.

Plaintiffs were DNC donors Roy Cokrum and Eric Schoenberg, and



Attorneys Robert Buschel, left, and Grant Smith, center, won the motion to dismiss for client Roger Stone, right.

Scott Comer, who served as the DNC's finance office chief between April 2015 to October 2016. They filed the lawsuit on July 12, 2017, accusing Roger Stone and the Donald J. Trump for President Campaign Inc., of coordinating with Russia and WikiLeaks

to publicly share hacked private information for political gain.

"We're not sure why they singled Roger Stone out, but they did and they chose the wrong defendant," defense counsel Smith said.

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U.S. District Judge Ellen Segal Huvelle dismissed the suit July 3 for lack of jurisdiction, but made it clear the ruling did not touch on the merits of the case, or on the question of the alleged Russian collusion.

But after the dismissal without prejudice, plaintiff lawyers say the "case is far from over," hinting at reviving the suit in another jurisdiction.

Stone filed a motion to dismiss, arguing a lack of subject matter and personal jurisdiction, improper venue, lack of standing and failure to state a claim.

"They got to lay out their case. They didn't prove a conspiracy, at least one the Roger Stone participated in, and they didn't prove that a conspiracy touched the District of Columbia," Buschel said. "Why are we here?"

Massachusetts attorney Benjamin L. Berwick, of the nonprofit Protect Democracy, represented the plaintiffs. His firm teamed with attorneys from Fick & Marx; Kecker, Van Nest & Peters;

Altshuler Berzon; and the University of Michigan Law School.

"The plaintiffs were trying to make this about Russian collusion and they were trying to manufacture something that happened," Smith said. "But the reality is that they were never able to prove that anybody did any of those acts in the District of Columbia."

Huvelle did not reach those arguments. "It bears emphasizing that this court's ruling is not based on a finding that there was no collusion between defendants and Russia during the 2016 presidential election," the judge wrote in her memorandum opinion.

Huvelle concluded that her Washington, D.C., court was the wrong place for the suit involving the Virginia-incorporated Trump Campaign, which has its principal place of business in New York.

Buschel and Smith suggest the plaintiffs brought suit in D.C. because their case wouldn't have been allowed in New York.

"Under New York law, there's no such thing as a claim for violation of privacy for public disclosure of private facts," Buschel said.

A statement from Protect Democracy executive director Ian Bassin suggests ongoing litigation.

"As most of America has now realized, the evidence that the Trump Campaign conspired with Russia grows by the day, and the court's decision does nothing to call that into question," the statement read.

Protect Democracy also tweeted in response to a celebratory statement put out by Trump. "Mr. President - this case is not over," it read.

Stone's Fort Lauderdale defense attorneys share a different reaction.

"We believe that this lawsuit was brought to avenge the loss of their chosen candidate for president and blame somebody," Smith said.

Buschel agreed. "They picked the forum, they picked their plaintiffs and they picked their defendants, and they got it all wrong," he said. "Neither the plaintiffs, the defendants or the issues belonged in the district court in D.C."

Raychel Lean reports on South Florida litigation for the Daily Business Review. Send an email to rlean@alm.com, or follow her on Twitter via @raychellean.