

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TARGETED JUSTICE, INC.;
a 501(c)(3) Texas Corporation, et al.

Plaintiffs,

vs.

MERRICK GARLAND et al.

Defendants.

Case No. H-23-cv-1013

**PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE OF SUPREME COURT PRECEDENT
TO THE HONORABLE COURT:**

NOW COME the Plaintiffs, through their undersigned counsel, and respectfully allege and pray:

1. The Second Amended Complaint alleges, *inter alia*, that Defendants' dissemination of the Terrorist Screening Database containing subcategories Handling Codes 3 and 4 with the names of non-investigative subjects such as Plaintiffs to over 18,000 law enforcement agencies and over 1440 non-government entities and 533 private entities violated their rights under the Privacy Act and the United States Constitution and caused them damages.¹

2. Plaintiffs respectfully request that the Court take judicial notice of the case *TransUnion, LLC v. Ramirez*, 141 S.Ct. 2190 (2021). In this case, the United States Supreme Court ruled on the viability of plaintiffs' claims against defendant TransUnion for sending to third parties as part of their credit reports Office of Foreign Assets Control (OFAC) information erroneously labeling them as terrorists.

3. The Supreme Court concluded that plaintiffs had standing to sue and had sustained injury-in-fact deriving from defendants' publication to third parties of false information

¹ See Second Amended Complaint, ¶¶ 188, 361, 374, 390, 408, 420, 432, 448, 463, 476, 494, 504, 522, 533, and 544.

classifying them as terrorists. In so doing, the Court held as follows:

“Under longstanding American law, a person is injured when a defamatory statement “that would subject him to hatred, contempt, or ridicule is published to a third party.

...

TransUnion provided third parties with credit reports containing OFAC alerts that labeled the class members as potential terrorists, drug traffickers, or serious criminals. The 1853 class members therefore suffered a harm with a “close relationship” to the harm associated with the tort of defamation. We have no trouble finding that the 1,853 class members suffered a concrete harm that qualifies as an injury in fact.” (*TransUnion LLC v. Ramirez*, *supra*, 141 S. Ct. at 2208-2209)

3. Discussing the damage being falsely labeled a terrorist on a government list, the

Supreme Court expressed:

The harm from being labeled a “potential terrorist” bears a close relationship to the harm from being labeled a “terrorist”. In other words, the harm from a misleading statement of this kind bears a sufficiently close relationship to the harm from a false and defamatory statement.”

(*TransUnion LLC v. Ramirez*, *supra*, 141 S. Ct. 2209, emphasis ours.

4. This case does away with Defendants’ claims that Plaintiffs lack standing.

5. Plaintiffs also request that this Court take judicial notice of the fact that OFAC derives its terrorist list from the consolidated Terrorist Screening Database (TSDB). Pursuant to Homeland Security Presidential Directive 6 (Dkt. 14, Exh. 1), the terrorist information used by all screening agencies derives from the TSDB.²

6. Plaintiffs apologize to the Court for having had to file yet another motion, but the relevance and importance of the case brought to the Court’s attention herein is germane to the controversies pending before the Court carries sufficient weight as to warrant the filing of this motion to request that the Court take judicial notice of this case.

WHEREFORE, Plaintiffs respectfully request that this Court GRANT this motion and

² “The heads of executive departments and agencies shall conduct screening using such information at all appropriate opportunities...”

consequently take judicial notice of the Supreme Court's decision in *TransUnion, LLC v. Ramirez*, 141 S.Ct. 2190 (2021) as supplemental authority of Plaintiffs' "Opposition to Motion to Dismiss".

Respectfully submitted,

I CERTIFY: That I have filed this motion by means of the Court's CM/ECF platform that notifies all attorneys of record.

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