

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOSEPH KIRCHNER,

Plaintiff,

v.

MIKE JOHNSON, Speaker of the House of
Representatives, *et al.*,

Defendant.

Civil Action No. 25-2735 (ACR)

NOTICE OF DISPOSITIVE MOTION

Pursuant to this Court’s Standing Order in Civil Cases (ECF No. 10), Defendant Apple Inc. (“Apple”), by and through undersigned counsel, hereby gives notice that it intends to file a dispositive motion pursuant to Federal Rule of Civil Procedure (“Rule”) 12.

BACKGROUND

Over the course of 282 pages and 686 paragraphs, Plaintiff Joseph Kirchner’s Second Amended Complaint (“Complaint”) alleges fifteen separate causes of action against both government and private actors, all arising from his belief that he invented an AI framework that would bring about world peace and a self-aware AI. *See generally* 2d Am. Compl. (ECF No. 13). The complaint is excessively long, impossible to parse or answer, self-contradictory, and devoid of any concrete, particularized, or factually supported allegations against Apple. It neither provides a short and plain statement of Kirchner’s claims, nor does it state a claim.

LEGAL STANDARDS

A Rule 12(b)(6) motion to dismiss assesses the sufficiency of a complaint, testing whether the plaintiff has pleaded sufficient facts to state a claim that is plausible on its face. *Bell Atl. Corp. v Twombly*, 550 U.S. 544, 570 (2007). To survive a Rule 12(b)(6) motion to dismiss,

a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). In *Iqbal*, the Supreme Court reiterated that “only a complaint that states a plausible claim for relief survives a motion to dismiss.” *Id.* at 679.

Rule 12(e) “provides defendants with a remedy for inadequate complaints that fail to meet the minimum pleading standards set forth in Rule 8(a).” *McQueen v. Woodstream Corp.*, 244 F.R.D. 26, 34 (D.D.C. 2007). Rule 8 requires a complaint to be “a short and plain statement of the claim showing that the pleader is entitled to relief.” Rule 8(a)(2). A complaint should be “simple, concise, and direct.” Rule 8(d)(1). Courts may dismiss claims deemed “too long, too convoluted, and too confusing to require Defendants to respond.” *Rogler v. Dep’t of Health & Hum. Servs.*, 620 F. Supp. 2d 123, 128 (D.D.C. 2009) (dismissing a 61-page, 237-paragraph amended complaint for failure “to conform to Federal Rules of Civil Procedure 8(a) and 10(b)”).

Rule 12(f) permits a court to “strike from a pleading . . . any redundant, immaterial, impertinent, or scandalous matter.” Fed. R. Civ. P. 12(f). A “court has ‘liberal discretion’ to strike such filings as it deems appropriate.” *Pigford v. Veneman*, 215 F.R.D. 2, 4 (D.D.C. 2003) (quoting *Stanbury Law Firm, P.A. v. IRS*, 221 F.3d 1059, 1063 (8th Cir. 2000)). Courts have stricken portions of a complaint where the allegations are irrelevant or entirely extraneous to the actual claims before the Court. *See, e.g., Wiggins v. Phillip Morris, Inc.*, 853 F. Supp. 457, 458 (D.D.C. 1994) (striking allegations that “fail[ed] to support plaintiff’s legal claims against either defendant in this case”); *Witherspoon v. Phillip Morris*, 964 F. Supp. 455, 467-68 (D.D.C. 1997) (striking allegations that were “unnecessarily voluminous” and contained “unnecessary evidentiary information”).

ARGUMENT

This Court can and should dismiss the Complaint in its entirety, as Kirchner has had

multiple opportunities to correct the problems in his pleadings; in the alternative, the Court should strike the vast majority of the Complaint’s allegations as extraneous or redundant and order Kirchner to amend the Complaint with a short and plain statement of his claims. Dismissal is also appropriate under Rule 12(b)(6), as despite the length of the Complaint, Kirchner has failed to state a claim.

First, the Complaint is a far cry from the required “short and plain statement,” including countless irrelevant, redundant, extraneous, or otherwise unnecessary allegations that would unfairly tax Apple if it were forced to address them all. Indeed, Apple can barely make sense of the specific allegations that apply to Apple—as compared to the other private and governmental defendants—and as a result can hardly be expected to marshal its defenses. A pleading does not fulfill the requirements of Rule 8 if it “contains an untidy assortment of claims that are neither plainly nor concisely stated, nor meaningfully distinguished from bold conclusions, sharp harangues[,] and personal comments.” *Jiggetts v. Dist. of Columbia*, 319 F.R.D. 408, 413 (D.D.C. 2017) (citation modified). And although the ordinary remedy is to provide the plaintiff with an opportunity to amend, a plaintiff who has been given ample opportunity to comply with Rule 8 but fails to do so is subject to having his claims dismissed without providing another opportunity to amend. *Jiggetts*, 319 F.R.D. at 413-14; *see also Ciralsky v. CIA*, 355 F.3d 661, 669 (D.C. Cir. 2004) (affirming dismissal of the entire action because the amended complaint suffered from the same Rule 8 deficiencies); *Shallal v. Gates*, 254 F.R.D. 140, 143–44 (D.D.C. 2008) (noting that the “unusual remedy” of dismissing an action for failure to comply with a court order is warranted where a complaint, despite multiple attempts to amend, repeatedly fails to comply with the Federal Rules). This Court has already dismissed Kirchner’s claims once, *see* Aug. 20, 2025, Min. Order, and neither his original complaint (ECF No. 1; 136 pages, 348

paragraphs) nor his first amendment (ECF No. 5; 289 pages, 711 paragraphs) has met the Rule 8 standard. Dismissal with prejudice is warranted.

Second, Kirchner fails to state a claim at any point in these voluminous pleadings. As best as Apple can determine, only three of the fifteen causes of action name Apple, and all three appear to take issue with (1) Apple purportedly having access to information that Kirchner sent through Apple's "network" to the application Claude AI ; (2) Apple purportedly protecting its own intellectual property by making it difficult for users to track or interfere with Apple's network traffic; and (3) Apple somehow interfering with and accessing Kirchner's legal files in late 2025, despite not being named as a defendant in this case until January 19, 2026 (ECF No. 13) or being served until March 10, 2026 (ECF No. 28). None of these is supported by any evidence or specific factual allegation that Apple engaged in any wrongful conduct in either hosting the application into which Kirchner entered his data or in protecting its own intellectual property, or that Apple actually accessed Kirchner's legal files, or even had knowledge thereof.

Accordingly, Defendant Apple Inc. intends to file a dispositive motion along the above-described lines, subject to this Court's scheduling of a pre-motion conference.

Dated: March 24, 2026

Respectfully submitted,

ARENTFOX SCHIFF LLP

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