

analogous to those here. The Complaint must therefore be dismissed for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(b)(1), (b)(6).

But even if those jurisdictional issues were resolved, the Complaint also fails to state a legally cognizable claim for defamation. It is undisputable that the advertisement is immediately recognizable as political speech criticizing the President, and thus constitutes core political speech that is subject to the First Amendment's most vigorous protections. The advertisement clearly would have been understood by its audience as such. This contextual reality, as well as the exceedingly high bar that the Campaign must clear in light of *New York Times v. Sullivan*'s actual malice standard, make plain that this litigation is intended to intimidate Trump's critics and the stations that give air time to their criticism, and is not an action that can succeed on the merits. Indeed, the Complaint itself does not dispute that the President made the two challenged statements that it now claims act together to defame him. Instead, it alleges that the advertisement took the President's quotes out of context, Compl. ¶ 1, but the case law is littered with decisions that require the conclusion that such a claim, particularly in this context, cannot possibly succeed. At most, Priorities' advertisement adopted a rational interpretation of ambiguous statements by a public figure, which the Wisconsin Supreme Court has held cannot be defamation *as a matter of law*. The President, to be sure, gravely misjudged what the coronavirus had in store for the United States. As a result, he may very well now regret having made these remarks, but his regrets about them (or his Campaign's discomfort with the prospect of having to explain them) cannot sustain the Complaint. Thus, in the alternative the Complaint must be dismissed for failure to state a claim as a matter of law. *See* Fed. R. Civ. P. 12(b)(6).

II. Background

The facts necessary to decide this motion are set forth in the Complaint, and in appropriately considered material submitted in connection with Defendant Northland Television,