

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. ARTHUR F. ENGORON PART IAS MOTION 37EFM

Justice

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INDEX NO. 651938/2018

THE INTERNATIONAL LEGAL FORUM,

MOTION DATE 07/30/2018

Plaintiff,

MOTION SEQ. NO. 001

- v -

THE AMERICAN STUDIES ASSOCIATION,

DECISION AND ORDER

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18

were read on this motion for

DISMISSAL

Upon the foregoing documents, it is hereby ordered that defendant's motion for dismissal is granted.

Plaintiff, the International Legal Forum ("ILF"), commenced this lawsuit against defendant, the American Studies Association ("ASA"), alleging violations of New York City and New York State Human Rights Laws. ASA now moves, pursuant to CPLR 3211, to dismiss plaintiff's complaint.

ASA is non-profit membership organization comprised of scholars, teachers, writers, administrators and activists from around the world with a stated purpose of promoting the study of American Culture through the encouragement of research, teaching, publication, and strengthening relationships among persons and institutions in this country and abroad. ILF is an Israeli organization, founded in 2016, with the stated purpose of fostering educational activity to promote human rights internationally.

ILF alleges that ASA "publicized a boycott of Israeli persons and made statements on its web site which clearly indicate that Israeli persons are not welcome at its events." (NYSCEF doc. no. 17.) ILF alleges that ASA violated various human rights law by not permitting ILF, an Israeli organization, to join ASA. However, ILF has not taken the significant step of actually attempting to join ASA. Consequently, it does not have a claim that is justiciable. A justiciable controversy requires the plaintiff "have an interest sufficient to constitute standing to maintain the action but also that the controversy involve present, rather than hypothetical, contingent or remote, prejudice to plaintiffs." Am. Ins. Ass'n v Chu, 64 NY2d 379, 379 (1985).

Here, ILF's allegations of damages are speculative and there is no injury that has yet occurred. Consequently, ILF's claims are not ripe for adjudication, and ASA is entitled to dismissal of plaintiff's complaint.

Moreover, even if ILF's claims were ripe, this Court strains to see how ASA's actions, as alleged by ILF, would not be protected under ASA's right to freedom of association. However, the Court need not decide that issue at this time as ASA has otherwise demonstrated its entitlement to dismissal of the complaint.

For the reasons set forth herein, defendant's motion is granted, and the Clerk is hereby directed to enter judgment dismissing the complaint.

5/10/2019

DATE

ARTHUR F. ENGORON, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE