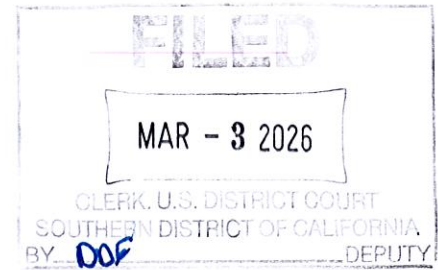


Dale Comstock
daleblacksand@gmail.com
200 Friars Hill Drive, Apt. 201
Panama City Beach, FL 32407
Tel: (850) 625-0766
Pro Se Defendant



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ANSSAF ALIMAYO,

Plaintiff,

vs.

ABRAHAM GOLAN,
ISAAC GILMORE, and
DALE COMSTOCK

Defendants.

Case No. 3:25-cv-03651-LL-AHG

**DEFENDANT, DALE COMSTOCK'S
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

Complaint Filed: December 23, 2025

MOTION TO DISMISS

Defendant, Dale Comstock ("Mr. Comstock"), hereby files this Motion to Dismiss pursuant to Rule 12, Federal Rules of Civil Procedure, and states:

1. At all times material to this litigation, Mr. Comstock has been, and continues to be, a resident of the State of Florida. In fact, Mr. Comstock was served with the Complaint in this matter at his homestead residence in the State of Florida.

2. Mr. Comstock has no connection with the State of California, and this Complaint should be dismissed as to Mr. Comstock for lack of personal jurisdiction.

3. Mr. Comstock acknowledges, as alleged in the Complaint, that he made one very brief trip to California in December 2015 to meet with Abraham Golan during which Mr.

1 Comstock was extended an offer by Mr. Golan for future work to occur outside of the United
2 States. No contract was executed or entered into during this meeting and Mr. Comstock never
3 performed any work in California for or related to Mr. Golan. See Affidavit of Mr. Comstock
4 attached hereto as Exhibit "A."

5
6 4. In fact, Mr. Comstock has never performed any work in California. Mr.
7 Comstock has never resided in California. Mr. Comstock has no connections at all to California
8 and, as such, he should not be subject to and defend a lawsuit improperly filed in California
9 against him.

10 5. California can only exercise jurisdiction over Mr. Comstock if it is not inconsistent
11 with the Constitution of California and the United States. See. Cal. Code Civ. Proc. 410.10. Due
12 process requires that Mr. Comstock have certain minimum contacts with the State of California
13 before he can be subject to a lawsuit in this state "such that the maintenance of the suit does not
14 offend 'traditional notions of fair play and substantial justice.'" *International Shoe Co. v. Walsh*,
15 326 U.S. 310 (1945) (quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1940)).

16
17 6. As set forth in *Picot v. Weston*, 780 F.3d 1206 (9th Cir. 2015) a three part test
18 should be employed to assess whether Mr. Comstock has sufficient contacts with California
19 before he should be subject to personal jurisdiction of the state. This test includes:
20

21 (1) The non-resident defendant must purposefully direct his activities or consummate
22 some transaction with the forum or resident thereof; or perform some act by which he
23 purposefully avails himself of the privilege of conducting activities in the forum, thereby
24 invoking the benefits and protections of its laws;

25 (2) The claim must be one which arises out of or relates to the defendants' forum-
26 related activities; and

27 (3) The exercise of jurisdiction must comport with fair play and substantial justice, i.e.
28

1 it must be reasonable.

2 7. Pursuant to the holding in *Picot*, this test is further dependent upon the nature of
3 the claim at issue. Given the fact Plaintiff's claim is one sounding in tort against Mr. Comstock,
4 the Court should apply a "purposeful direction" test and look to determine whether Mr. Comstock
5 has directed his actions at the State of California, even if those actions took place elsewhere.
6 *Picot*, at 1212.

8 8. In this case, there are no claims that Mr. Comstock took any tortious actions or
9 directed any actions at all toward the State of California. As such, personal jurisdiction over Mr.
10 Comstock in California is not proper.

11 9. Even if the allegations in the Complaint are assumed true, which they are not, the
12 *Picot* decision is clear that entering into a contract alone does not automatically establish
13 minimum contacts in State of California. Rather, there must be actions by Mr. Comstock that
14 create a "substantial connection" with California. *Picot*, 1212. Merely random, fortuitous or
15 attenuated contacts with California are not sufficient. *Id.* In determining whether Mr.
16 Comstock's interaction with Mr. Golan in California is sufficient, the Court should consider
17 "prior negotiations and contemplated future consequences, along with the terms of the alleged
18 contract and the parties' actual course of dealing" all of which have no contact with California at
19 all.
20

21
22 10. Just as in *Picot*, this Court should determine that based on the allegations in the
23 Complaint and the evidence submitted in Mr. Comstock's affidavit, Plaintiff has and cannot
24 demonstrate that Mr. Comstock had sufficient minimum contacts with the State of California to
25 subject himself to the state's jurisdiction.

26 11. Additionally, Mr. Comstock asserts that all claims against him based upon the
27 Alien Tort Statute, 28 U.S.C. 1350, should be dismissed because all tortious acts alleged in the
28

1 Complaint occurred outside of the United States. Based on the Supreme Court's holding in
2 *Kiobel v. Royal Dutch Petroleum Co.*, 569 U.S. 1659 (2013), the Alien Tort Statute should not
3 apply to violations of the law of nations occurring within territory of a sovereign nation other than
4 the United States. Mr. Comstock's conduct, as alleged in the Complaint, does not touch or
5 concern the United States with any level of significance. As such, Plaintiff's claims as to Mr.
6 Comstock should be dismissed.

8 12. Moreover, Mr. Comstock asserts that Plaintiff's claim against him based upon the
9 California Code of Civil Procedure 354.8 ("CCP 354.8") should be dismissed because such law
10 only applies to actions occurring on or after January 1, 2016. As such, the claim against Mr.
11 Comstock based upon CCP 354.8 is facially insufficient as the Complaint alleges that the tort
12 against Plaintiff occurred on or about December 29, 2015.

14 WHEREFORE, based upon the foregoing Plaintiff's claims against Mr. Comstock should
15 be dismissed because (1) Plaintiff has failed and is unable to demonstrate sufficient minimum
16 contacts with the State of California for Mr. Comstock to be subject to personal jurisdiction in the
17 state; (2) Plaintiff's application of the Alien Tort Statute is improper as Mr. Comstock's alleged
18 tortious conduct occurred outside of the United States and in a separate sovereign country; and (3)
19 Plaintiff's reliance on CCP 354.8 is improper because such law does not apply to conduct
20 occurring prior to January 1, 2016. Mr. Comstock also requests all other relief this Court deems
21 just and appropriate.

23 Dated: February 27, 2026

By:

24 /s/ Dale Comstock

25 Dale Comstock

Pro Se Defendant

26 daleblacksand@gmail.com

27 200 Friars Hill Drive, Apt. 201

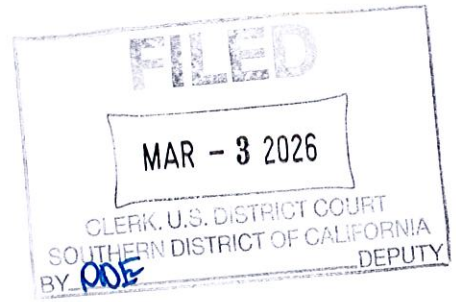
Panama City Beach, FL 32407

28 Tel: (850) 625-0766

Pro Se Defendant

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Pro Se Defendant



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ANSSAF ALIMAYO,

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vs.

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Defendants.

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AFFIDAVIT OF DALE COMSTOCK

Complaint Filed: December 23, 2025

AFFIDAVIT OF DALE COMSTOCK

BEFORE ME, the undersigned authority, personally appeared, Dale Comstock, who, being duly sworn, deposes and says:

1. My name is Dale Comstock and I am over the age of eighteen (18). I have personal knowledge of the events and facts described in this affidavit.

2. I am a United States citizen and a resident of the State of Florida. I have a Florida residence that is my homestead and a Florida driver's license. In fact, I was served with this lawsuit at my residence in Florida. Also, I am an owner, officer and registered agent of multiple limited liability companies organized and conducting business in Florida. These limited liability companies do not perform any business outside of the State of Florida.

1 3. In December 2015, I travelled to San Diego, California to meet with Abraham Golan at his
2 request. I had one meeting with Mr. Golan in California during which I was extended an offer to
3 perform work for him outside of the United States. No contract or other document was ever
4 executed in California, no work was ever performed in California and I never earned any
5 compensation from Mr. Golan in California.
6

7 4. Outside of this one meeting with Mr. Golan in December 2015, I have never lived or worked
8 in California since I originally moved from the state in 1981. I have not knowingly solicited any
9 business from California residents, and I have not directed any actions toward California or
10 residents of California.
11

12 5. I have no connection to California outside of this single meeting with Mr. Golan.

13 6. I declare under penalty of perjury that the foregoing is true and correct.
14

15 Executed on this 28th day of February, 2026.
16

17 FURTHER AFFIANT SAYETH NAUGHT.
18

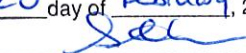
19 

20 Dale Comstock

21 State of Florida
22 County of Bay

23 Subscribed and sworn to (or affirmed) before me, by
means of ☒ physical presence or ☐ online notarization

this 28 day of February, 2026 by Dale Alan Comstock

24 
(Signature of Notary Public - State of Florida)

25 Steven Koger
(Print, Type or Stamp Commissioned Name of Notary Public)

26 ☐ Personally known to me, or

☒ Produced Identification: Florida DL
(Type of Identification)



STEVEN KOGER
Commission # HH 419017
Expires July 9, 2027

CASE NO. 3:25 CV-03651-LL-AHG

DALE COMSTOCK

200 FRIARS HILL DR

APT 201

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FLORIDA

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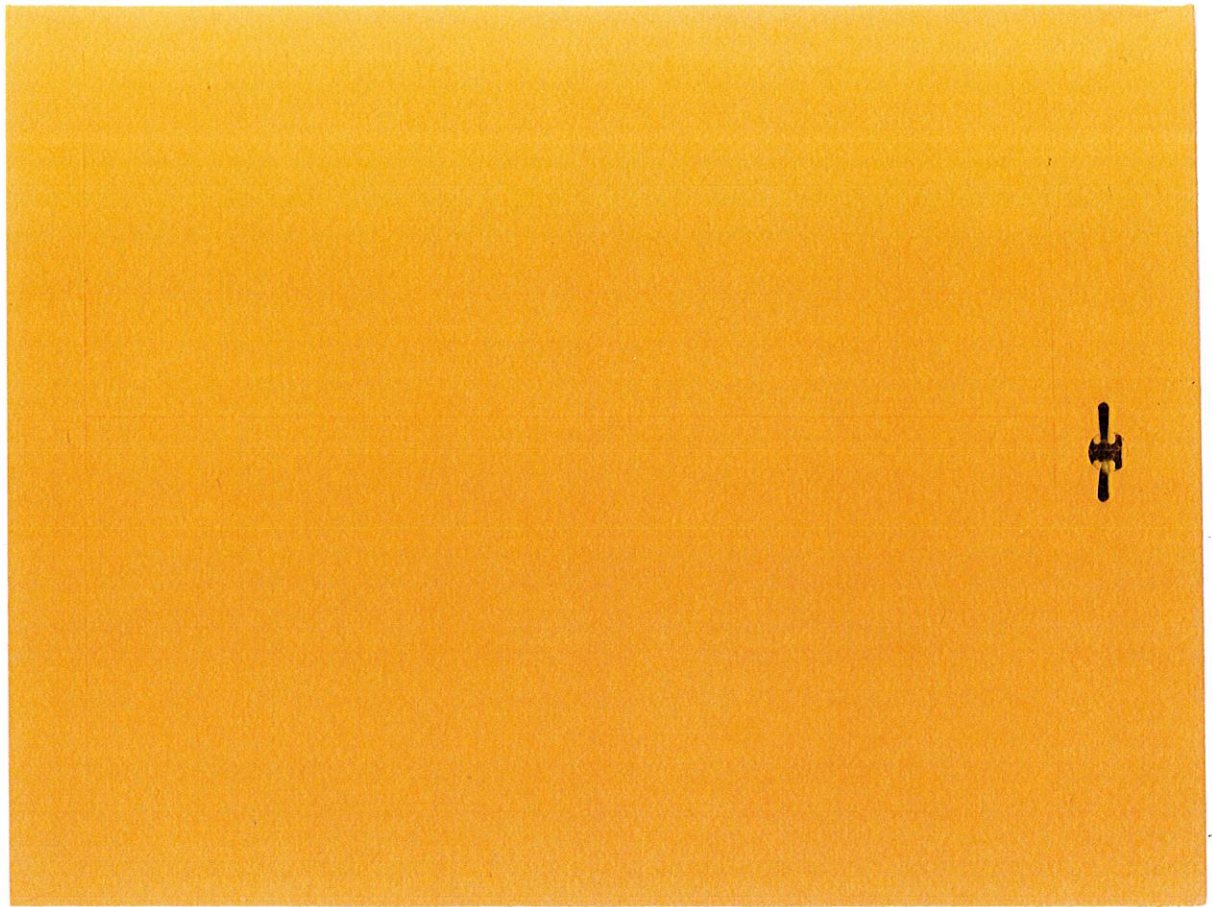
U.S. DISTRICT COURT SDCA

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SUITE 420

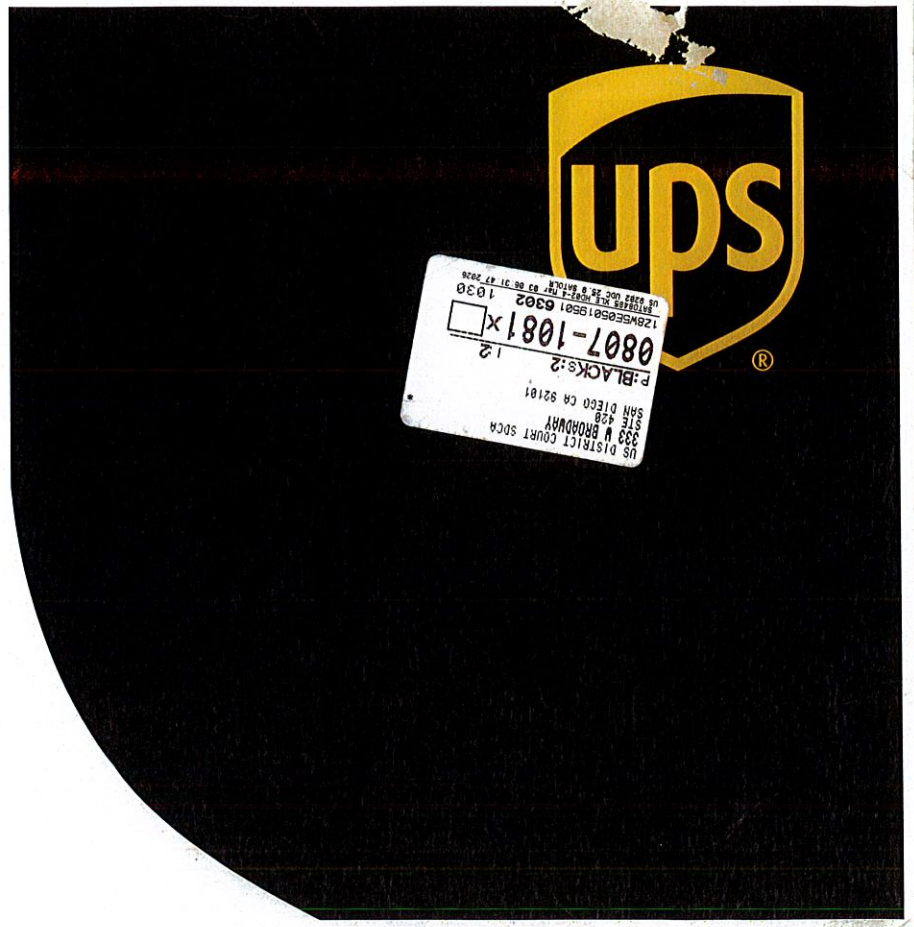
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