

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 08-7082

September Term 2008

1:07-cv-00927-CKK

Filed On: April 22, 2009

Boban Jovanovic,

Appellant

v.

US Algeria Business Council and John Does,

Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BEFORE: Ginsburg, Rogers, and Garland, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order entered June 26, 2008 be affirmed. As the district court correctly concluded, appellant's defamation claim based on the September 14, 2004 letter is time-barred. See D.C. Code § 12-301(4). Furthermore, appellant has failed to demonstrate that appellees fraudulently concealed the September 21, 2004 letter. See *William J. Davis, Inc. v. Young*, 412 A.2d 1187, 1192 (D.C. 1980) ("Mere silence, failure to disclose, or ignorance of the facts establishing a claim may not ordinarily constitute fraudulent concealment"). Accordingly, there is no tolling of the statute of limitations. Appellant does not dispute that his tortious interference and intentional infliction of emotional distress claims are intertwined with his defamation claims. Therefore, these claims are also time-barred. See *Browning v. Clinton*, 292 F.3d 235, 244 (D.C. Cir. 2002) ("When a cause of action with no prescribed statute of limitations is 'intertwined' with one having a prescribed limitations period, District of Columbia courts apply the prescribed period."). Appellant has waived his argument that the district court erred in dismissing his claim that

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 08-7082

September Term 2008

appellee made fraudulent statements in the September 14, 2004 letter by providing no support for this argument on appeal. See United States v. Law, 528 F.3d 888, 908 n.11 (D.C. Cir. 2008) (treating appellant's "argument as waived because he failed to develop it").

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam