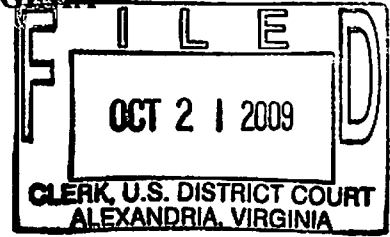


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



ESTATE OF HIMOUD SAED ABTAN,)
et al.,)
)
Plaintiffs,)
)
v.)
)
ERIK PRINCE, et al.,)
)
Defendants.)

Case No. 1:09cv617

ORDER

The matter is before the Court on defendants' motion to dismiss (Docket No. 10).
For the reasons stated in the accompanying Memorandum Opinion of even date,
It is hereby **ORDERED** that defendants' motion to dismiss (Docket No. 10) is
GRANTED IN PART, DENIED IN PART, and DEFERRED IN PART. Accordingly, Count
1 of the complaint in this case is **DISMISSED WITH LEAVE TO AMEND** to remedy, if
appropriate pursuant to Rule 11, Fed. R. Civ. P., the factual allegations as required to state a
cognizable claim under 28 U.S.C. § 1350. Moreover, Count 2 of the complaint is **DISMISSED**
WITH PREJUDICE. Furthermore, Counts 3, 4, 5, 6, 7, and 8 are **DISMISSED WITH**
LEAVE TO AMEND to remedy, if appropriate pursuant to Rule 11, Fed. R. Civ. P., the
allegations of diversity subject matter jurisdiction pursuant to 28 U.S.C. § 1332. Additionally,
Count 9 is **DISMISSED WITH PREJUDICE** insofar as it alleges violations of 18 U.S.C. §
1962(b). Count 9 is **DISMISSED WITH LEAVE TO AMEND** to remedy, if appropriate
pursuant to Rule 11, Fed. R. Civ. P., the factual allegations as required to state a cognizable
claim alleging violations of 18 U.S.C. § 1962(c).

It is further **ORDERED** that plaintiffs are **DIRECTED** to file any amended complaint conforming to this Order and the accompanying Memorandum Opinion by 5:00 p.m., Wednesday, October 28, 2009.

It is further **ORDERED** that defendants are **DIRECTED** to file any motion to dismiss the amended complaint pursuant to Rule 12, Fed. R. Civ. P., by 5:00 p.m., Friday, November 6, 2009.

It is further **ORDERED** that a ruling on defendants' motion to dismiss Counts 3, 4, 5, 6, 7, and 8 on grounds of the applicable nonfederal law is **DEFERRED** until the time at which a further Order issues.

It is further **ORDERED** that a ruling on defendants' motion to dismiss Count 7 on grounds of (i) the government contractor defense and (ii) the absolute immunity doctrine is **DEFERRED** until the time at which a further Order issues.

The Clerk is directed to send a copy of this Order to all counsel of record.

Alexandria, Virginia
October 21, 2009



T. S. Ellis, III
United States District Judge