

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
GREENBELT DIVISION**

**WISSAM ABDULLATEFF SA'EED  
AL-QURAISHI, et al.,**

**Plaintiffs,**

**v.**

**ADEL NAKHLA, et al.,**

**Defendants.**

**Civil Action No. 8:08-cv-01696-PJM**

***PLAINTIFFS' OPPOSITION TO L-3'S MOTION  
FOR LEAVE TO FILE SUPPLEMENTAL BRIEFING***

The torture victims oppose Defendant L-3's request to file supplemental briefing relating to their Motion to Dismiss, which is pending before this Court. This motion has been fully briefed and argued.

On March 18, 2009, the Eastern District of Virginia (J. Lee) circulated to the parties via email the Court's denial of CACI's motion to dismiss in the *Al Shimari v. CACI Premier Technology, Inc.*, No. 08-827 (E.D. Va.) (Lee, J.). Five days later, on March 23, 2009, L-3 contacted the torture victims and asked them to consent to a joint request to the Court for the submission of "simultaneous" briefing. The torture victims did not believe it necessary to file additional briefing, as this Court was well aware of the relationship between this action and the action before Judge Lee. *See* Transcript of Oral Argument held on March 9, 2009.

Nonetheless, as a professional courtesy, the torture victims agreed to consent to L-3's filing of supplemental briefing as long as L-3 filed such briefing by March 24, which was six days after L-3 received the Court's decision. (The torture victims reserved the right to respond within three days.) For reasons unknown to the torture victims, L-3 refused this offer of conditional consent.

Repeated litigation delays are very difficult for the torture victims. On June 30, 2008, the victims sued L-3. On November 26, 2008, L-3 filed its motion to dismiss. This motion was fully briefed and then argued on March 9, 2009.

L-3 now seeks to delay this Court's ruling. This Court has already refused to transfer and consulate this action with the EDVA action. Yet L-3 seeks another bite at that same apple by arguing this Court should go into a holding pattern merely to await the outcome of that separate and distinct litigation. L-3 argues that this Court should not "decide[] L-3's motion to dismiss without awaiting the Fourth Circuit's disposition of defendant CACI's interlocutory appeal" from Judge Lee's decision. L-3 Motion for Leave to Brief at 1.<sup>1</sup> L-3 is not entitled to perpetual deferral of the resolution of L-3's *own* motion to dismiss.

The torture victims are confident that this Court does not need additional briefing in order to understand Judge Lee's decision in *Al Shimari v. CACI Premier Technology, Inc.* on its face. The torture victims nonetheless provide the Court such briefing in order to permit the Court to proceed as it deems appropriate.

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<sup>1</sup> The torture victims are filing a motion to dismiss CACI's frivolous notice of appeal.

Dated: April 13, 2009

Respectfully submitted,

/s/ Susan L. Burke

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 13th day of April, 2009, I caused the foregoing Opposition to Motion to Dismiss to be emailed to the following:

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