

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

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

Plaintiffs,

v.

ADEL NAKHLA, et al.,

Defendants.

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

DEFENDANT L-3 SERVICES, INC.'S MOTION TO DISMISS & REQUEST FOR A HEARING

Defendant L-3 Services, Inc. moves to dismiss the Second Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject-matter jurisdiction and pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim.

Plaintiffs sue L-3 Services for alleged mistreatment during their detention by the U.S. military in Iraq. L-3 provided personnel to the military to assist in the detention and interrogation of the prisoners detained as part of the United States wartime and occupation operations in Iraq. As more fully set forth in the accompanying memorandum, Plaintiffs do not have standing to bring these claims, and L-3 is immune both derivatively from the sovereign immunity of the United States and as a consequence of the Law of Occupation and immunity conferred by the Occupying Power. Moreover, litigation of Plaintiffs' treatments would involve political questions that make these claims non-justiciable.

Plaintiffs claim they are entitled to recover under the Alien Tort Statute for violations of International Law and for common law torts. Even if their complaint was not barred in its entirety, Plaintiffs' allegations do not state a claim under either theory. Their ATS claims are irremediably flawed

for a number of reasons, and their common law tort claims are barred because the applicable law is Iraqi law under which L-3 is immune and which does not recognize most of Plaintiffs' theories.

For the reasons set forth in the accompanying memorandum, and the motion and memorandum of L-3's co-defendant Mr. Nahkla, this Court should dismiss Plaintiffs' claims with prejudice.

Respectfully submitted,

Dated: November 26, 2008

/s/ F. Greg Bowman

Ari S. Zymelman, *pro hac vice*

azymelman@wc.com

F. Greg Bowman (Bar No. 16641)

fbowman@wc.com

Anne M. Rucker (Bar No. 27808)

arucker@wc.com

WILLIAMS & CONNOLLY LLP

725 Twelfth Street, N.W.

Washington, DC 20005

(202) 434-5000 (telephone)

(202) 434-5029 (facsimile)

Attorneys for Defendant L-3 Services, Inc.