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13 UNITED STATES DISTRICT COURT  
14 SOUTHERN DISTRICT OF CALIFORNIA

15 SALEH, an individual; SAMI ABBAS AL  
16 RAWI, an individual; MWAFaq SAMI  
17 ABBAS AL RAWI, an individual; AHMED,  
18 an individual; ISMAEL, an individual;  
19 NEISEF, an individual; ESTATE OF  
20 IBRAHIEM, the heirs and estate of an  
21 individual; RASHEED, an individual; JOHN  
22 DOE NO. 1; JANE DOE NO. 2; A CLASS  
23 OF PERSONS SIMILARLY SITUATED,  
24 KNOWN HEREINAFTER AS JOHN and  
25 JANE DOES NOS. 3-1050,

21 Plaintiffs,

22 v.

24 TITAN CORPORATION, a Delaware  
25 Corporation; ADEL NAHKLA, a Titan  
26 employee located in Abu Ghraib, Iraq; CACI  
27 INTERNATIONAL INC., a Delaware  
28 Corporation; CACI INCORPORATED-  
FEDERAL, a Delaware Corporation; CACI  
N.V., a Netherlands corporation; STEPHEN  
A. STEFANOWICZ; and JOHN B. ISRAEL,

28 Defendants.

Case No. 04-CV-1143 R (NLS)

**NOTICE OF MOTION AND MOTION  
OF DEFENDANTS CACI  
INTERNATIONAL INC, CACI, INC. –  
FEDERAL, AND CACI N.V. TO  
TRANSFER VENUE**

**DATE: FEBRUARY 7, 2005**  
**TIME: 2:00 P.M.**  
**CTRM: 5**

1           **TO: PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:**

2           **PLEASE TAKE NOTICE** that on February 7, 2005 at 2:00 p.m., or as soon thereafter  
3 as the matter may be heard in Courtroom 5 of the above-entitled Court, located at 940 Front  
4 Street, San Diego, California, 92101, Defendants CACI International Inc., CACI, INC. –  
5 FEDERAL, And CACI N.V. (collectively, the “CACI Defendants”) will and hereby do move  
6 this Court pursuant to Federal Rule of Civil Procedure 1404(a) to transfer this action to the  
7 United States District Court for the Eastern District of Virginia. Transfer is appropriate because  
8 the relevant private and public interest factors, such as convenience to witnesses, access to  
9 sources of proof, and judicial economy, all favor litigation of this action in the Eastern District of  
10 Virginia rather than this District, which has no connection to the Plaintiffs and most of the  
11 Defendants. In the alternative, the CACI Defendants request transfer of this action to the United  
12 States District Court for the District of Columbia if the Court is disinclined to transfer the action  
13 to the Eastern District of Virginia.

14  
15  
16  
17           This Motion is based on the Notice of Motion and Motion, the Memorandum of Points  
18 and Authorities in Support thereof, the Declaration of Jeffrey P. Elefante dated November 4,  
19 2004, the pleadings and papers on file herein and any argument or further evidence submitted in  
20 support of said Motion

21  
22 Dated: November 10, 2004

Respectfully submitted,

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By: 

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

SALEH, an individual; SAMI ABBAS AL  
RAWI, an individual; MWAFaq SAMI  
ABBAS AL RAWI, an individual; AHMED,  
an individual; ESTATE OF IBRAHIEM, the  
heirs and estate of an individual; RASHEED,  
an individual; JOHN DO NO. 1; JANE DOE  
NO. 2; A CLASS OF PERSONS  
SIMILARLY SITUATED, KNOWN  
HEREINAFTER AS JOHN and JANE DOES  
NOS. 3-1050,

Plaintiffs,

v.

TITAN CORPORATION, a Delaware  
Corporation; ADEL NAHKLA, a Titan  
employee located in Abu Ghraib, Iraq; CACI  
INTERNATIONAL INC., a Delaware  
Corporation; CACI INCORPORATED-  
FEDERAL, a Delaware Corporation; CACI  
N.V., a Netherlands corporation; STEPHEN  
A. STEFANOWICZ; and JOHN B. ISRAEL,

Defendants.

) Case No. 04-CV-1143 R (NLS)

**CERTIFICATE OF SERVICE**

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///

1 I, the undersigned, hereby certify:

2 I am employed in the County of San Diego, State of California. I am over the age of 18  
3 and not a party to the within action; my business address is 501 West Broadway, Suite 400, San  
4 Diego, California.

5 On November 10, 2004, in the manner specified on the mailing list, I served the  
6 documents described as:

7 **NOTICE OF MOTION AND MOTION OF DEFENDANTS**  
8 **CACI INTERNATIONAL INC., CACI, INC. - FEDERAL**  
9 **AND CACI N.V. TO TRANSVER VENUE**

10 **MEMORANDUM OF POINTS AND AUTHORITIES**  
11 **IN SUPPORT OF THE MOTION OF DEFENDANTS CACI**  
12 **INTERNATIONAL INC., CACI, INC. - FEDERAL AND**  
13 **CACI N.V. TO TRANSVER VENUE**

14 **DECLARATION OF JEFFREY P. ELEFANTE IN SUPPORT**  
15 **OF MOTION BY DEFENDANTS CACI INTERNATIONAL**  
16 **INC., CACI, INC. - FEDERAL AND CACI N.V. TO**  
17 **TRANSVER VENUE**

18 on the interested parties in this action addressed as follows:

19 **SEE ATTACHED SERVICE LIST**

20  **(BY HAND)** On November 10, 2004 I delivered such envelope to the party listed  
21 above and left the envelope with the party, the receptionist or person in charge thereof between  
22 the hours of 9:00 a.m. and 5:00 p.m.

23  **(BY MAIL)** On November 10, 2004 I placed such envelope for collection, deposit  
24 and mailing with the United States Postal Service following ordinary business practices at my  
25 place of business. I am readily familiar with the business practice of my place of business for  
26 collection and processing of correspondence for mailing with the United States Postal Service.  
27 Correspondence so collected and processed is deposited with the United States Postal Service  
28 that same day in the ordinary course of business. I am aware that, on motion of party served,  
service is presumed invalid if postal cancellation date or postage meter date is more than one day  
after date of deposit for mailing an affidavit.

**(BY FACSIMILE)** On November 10, 2004, I caused a true copy of the document(s)  
to be transmitted via facsimile to a facsimile machine maintained by the person on whom the


1 document(s) is served. Facsimile service has been agreed upon by the parties. I am aware that  
2 the service is complete at the time of transmission, but any period of notice shall be extended  
3 after service by facsimile transmission by two court days.

4  **(BY OVERNIGHT MAIL)** On November 10, 2004, at San Diego, California, I  
5 deposited such envelope in a box or other facility regularly maintained by an express service  
6 carrier, or delivered to a courier or driver authorized by this express service carrier to receive  
7 documents in an envelope or other package designated by this express service carrier, with  
8 delivery fees paid or provided for.

9 I certify that the above referenced documents filed with the Court in this matter were  
10 produced on paper purchased as recycled.

11 I certify and declare under penalty of perjury under the laws of the State of California that  
12 the above is true and correct.

13 Executed November 10, 2004 at San Diego, California.

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17 Sue Baker

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## SERVICE LIST

*Rawi, et al. v. Titan Corp., et al.*  
Case No. 04-CV-1153 R (NLS)

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17 UNITED STATES DISTRICT COURT  
18 SOUTHERN DISTRICT OF CALIFORNIA

19 SALEH, an individual; SAMI ABBAS AL  
20 RAWI, an individual; MWAFaq SAMI  
21 ABBAS AL RAWI, an individual; AHMED,  
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23 NEISEF, an individual; ESTATE OF  
24 IBRAHIEM, the heirs and estate of an  
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26 DOE NO. 1; JANE DOE NO. 2; A CLASS  
27 OF PERSONS SIMILARLY SITUATED,  
28 KNOWN HEREINAFTER AS JOHN and  
JANE DOES NOS. 3-1050,

Plaintiffs,

v.

TITAN CORPORATION, a Delaware  
Corporation; ADEL NAHKLA, a Titan  
employee located in Abu Ghraib, Iraq; CACI  
INTERNATIONAL INC., a Delaware  
Corporation; CACI INCORPORATED-  
FEDERAL, a Delaware Corporation; CACI  
N.V., a Netherlands corporation; STEPHEN  
A. STEFANOWICZ, and JOHN B. ISRAEL,

Defendants.

Case No. 04-CV-1143 R (NLS)

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF THE  
MOTION OF DEFENDANTS CACI  
INTERNATIONAL INC, CACI, INC. -  
FEDERAL, AND CACI N.V. TO  
TRANSFER VENUE**

**DATE: FEBRUARY 7, 2005**  
**TIME: 2:00 P.M.**  
**CTRM: 5**



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20

1 **I. INTRODUCTION**

2 Plaintiffs' Second Amended Complaint ("Complaint" or "SAC") is clearly barred as a  
3 matter of law for the reasons set forth in the motion to dismiss filed by Defendants CACI  
4 International Inc, CACI, INC.-FEDERAL, and CACI N.V. (the "CACI Defendants"). As a  
5 result, the CACI Defendants believe that Plaintiffs' claims will never proceed beyond the  
6 pleading stage. Regardless, however, it is clear that the Plaintiffs should not have brought this  
7 action in this district. Therefore, for the convenience of the parties and witnesses, and in the  
8 interest of justice, the CACI Defendants move to transfer this action, pursuant to 28 U.S.C.  
9 § 1404(a), to the United States District Court for the Eastern District of Virginia (or, in the  
10 alternative, to the United States District Court for the District of Columbia).

13 The gravamen of this dispute—in which Plaintiffs allege a conspiracy between civilian  
14 government contractors and the United States military concerning treatment of detainees in  
15 Iraq—is centered at U.S. military installations in Iraq that have no connection to this District.  
16 To the extent the dispute has a principal locus within the United States, that locus is in  
17 Arlington, Virginia, home of both the Pentagon and three of the four contractor defendants.  
18 The bulk of the witnesses and evidence in this case is located either in the environs of the  
19 Pentagon, or at U.S. military installations abroad that are much closer to the Eastern District of  
20 Virginia (*i.e.*, suburban Washington, D.C.) than to this District. Indeed, it is beyond cavil that  
21 the Nation's capitol area is in the center of gravity for this action.

24 The only connection between this litigation and the Southern District of California is  
25 that one Defendant, Titan Corporation, is headquartered here. The Plaintiffs are all Iraqi  
26 nationals who live outside the United States and have no connection to this District. Thus,  
27 Plaintiffs' choice of forum should be afforded little weight in considering this motion.  
28

1 Moreover, Plaintiffs will not be inconvenienced by transfer of the action to a location closer to  
2 the sources of proof. Plaintiffs have not alleged that any injurious conduct took place in the  
3 Southern District of California, nor alleged any facts to suggest that the supposed conspiratorial  
4 agreement asserted in the Complaint was negotiated or closed in this District. In short, any  
5 incidental connection the litigation may have to this District is far outweighed by the  
6 inconvenience both to parties and nonparties of litigating this action nearly 3,000 miles away  
7 from the evidence that exists in this country. Moreover, it is beyond dispute that the United  
8 States District Court for the Eastern District of Virginia has considerable expertise in handling  
9 matters involving sensitive national security issues, such as espionage cases, which make that  
10 court well-suited for oversight of any discovery issues arising in this case should it proceed  
11 beyond the pleading stage.  
12

13  
14 Accordingly, the Court in its discretion should order the case transferred to the Eastern  
15 District of Virginia—the location of the Pentagon, the CACI Defendants, and the government  
16 contracts at issue. In the alternative, the Court may transfer venue to the U.S. District Court for  
17 the District of Columbia, where a case concerning similar allegations against the same  
18 contractor Defendants is pending.  
19

20 **II. FACTS RELEVANT TO TRANSFER MOTION**  
21

22 In this case, a group of Iraqi nationals who were detained by the U.S. military in Iraq  
23 have filed a proposed class action against four civilian government contractors and three  
24 individual contract employees, alleging that the Defendants conspired with certain officials of  
25 the United States government to engage in illegal treatment of Iraqi detainees, and that  
26 Plaintiffs were injured by Defendants' illegal conduct ensuing from that alleged conspiracy.  
27  
28 *See* Second Amended Complaint (“SAC”) ¶¶ 1, 36, 74-166.

1           **A.     PARTIES AND NONPARTY WITNESSES**

2           The named Plaintiffs are all Iraqi nationals, none of whom resides in this District. All  
3 but one of the named Plaintiffs reside in Iraq. One named Plaintiff, an expatriate Iraqi, is a  
4 Swedish citizen who sometimes resides in Michigan. SAC ¶¶ 2-11. All of the proposed class  
5 members are individuals detained in Iraq, none of whom is alleged to have any connection to  
6 the United States or this District. SAC ¶¶ 12-14.

7  
8           The Defendants are civilian government contractors who have performed services for  
9 the U.S. military in Iraq. Defendant Titan Corporation is a Delaware corporation headquartered  
10 in San Diego, California. SAC ¶ 15. Defendant CACI International Inc is a Delaware  
11 corporation headquartered in Arlington, Virginia. SAC ¶ 20. Defendants CACI, INC.-  
12 FEDERAL (a Delaware corporation) and CACI N.V. (a Netherlands corporation) are wholly-  
13 owned subsidiaries of CACI International Inc, and share CACI's Arlington, Virginia  
14 headquarters. SAC ¶¶ 21-22.

15  
16  
17           The three individual Defendants (Adel Nahkla, John B. Israel, and Stephen A  
18 Stefanowicz) are individuals alleged to have acted at the Abu Ghraib Prison in Iraq (and, upon  
19 Plaintiffs' supposed information and belief, at other unspecified locations) under the  
20 employment or direction of Titan and/or the CACI Defendants. SAC ¶¶ 16-19, 23-24. Their  
21 nationality is not alleged in the complaint. Defendant Stefanowicz is a resident of  
22 Pennsylvania. SAC ¶ 23. Defendants Nahkla's and Israel's residences are not alleged in the  
23 Second Amended Complaint.

24  
25           Unnamed non-party government officials, who are alleged to have contracted and/or  
26 conspired with the Defendants, are principally agents and officers of the United States  
27 Department of Defense, which is headquartered at the Pentagon in Arlington, Virginia. See  
28

1 SAC ¶¶ 25, 47, 49, 56, 59-65 & Ex. F, 76-89. For venue purposes, the Department of Defense  
2 is considered to be located either in the Eastern District of Virginia (where the Pentagon is  
3 located) or in Washington, D.C. (the seat of the United States government).  
4

5 To the extent that the Second Amended Complaint alleges the involvement of  
6 nonmilitary U.S. intelligence agencies or officials, *see* SAC ¶¶ 64, 76-78, 83, 86, 89, such  
7 agencies are headquartered near Washington, D.C., including the Central Intelligence Agency  
8 in Langley, Virginia (within the Eastern District of Virginia) and the National Security Agency  
9 at Fort Meade, Maryland (which is within 100 miles of both the Eastern District of Virginia and  
10 the District of Columbia). *See* SAC ¶¶ 48, 64. The complaint further alleges, on information  
11 and belief, that Defendants provided interrogation services under blanket-purchase agreements  
12 with agencies not related to interrogation services, such as the United States Department of the  
13 Interior. SAC ¶ 64. The Interior Department is located in Washington, D.C.  
14

15 **B. CONDUCT**  
16

17 The conduct and injuries of which Plaintiffs complain are alleged to have taken place  
18 primarily at detention facilities in Iraq. SAC ¶¶ 2-14, 36, 87-88, 101-158, esp. ¶ 156. Some  
19 additional conduct is alleged to have taken place at Guantanamo Bay, Cuba. SAC ¶ 97. To the  
20 extent that the complaint alleges wrongful conduct at other U.S. military detention facilities or  
21 unknown locations, such facilities or locations are likely located in the Middle Eastern theater.  
22

23 Plaintiffs allege that this conduct was pursuant to alleged conspiratorial agreements  
24 between the Defendant government contractors and U.S. government officials. SAC ¶¶ 1, 25,  
25 51, 54, 56, 59, 61, 64, 76-95. The principal contract of which the Plaintiffs complain, which  
26 provided for civilian interrogation services in Iraq, was negotiated and executed by CACI  
27 Premier Technology, Inc. ("CACI PT"). CACI PT, a subsidiary of CACI, INC.-FEDERAL, is  
28

1 not named as a defendant in this action. CACI PT is headquartered in Arlington, Virginia. *See*  
2 SAC ¶¶ 47(d), 64; Declaration of Jeffrey Elefante ¶¶ 5-6 (filed herewith as Exhibit A).

3  
4 Plaintiffs have not alleged any facts placing the formation of the alleged conspiracy in  
5 the Southern District of California. *See* SAC ¶¶ 25, 74-100. Nor did any of the complained-of  
6 injurious conduct, *i.e.*, the alleged mistreatment of detainees, occur here. *Id.* ¶¶ 2-14, 101-158.

7 The only allegations in the complaint that place any conduct at all in California are  
8 pleaded on information and belief. Those paragraphs, which speculate that certain relationships  
9 were formed, and certain implementing conduct took place, in the United States, allege that the  
10 conduct took place in California, Virginia, the District of Columbia, or elsewhere. SAC ¶¶ 83,  
11 86, 166. None of those allegations is based on Plaintiffs' knowledge, nor do any of them place  
12 the complained-of conduct exclusively in California. *See id.*

13  
14 An action similar to this one, making similar allegations against Titan and the CACI  
15 Defendants, has been filed in the United States District Court for the District of Columbia, and  
16 is currently pending before Judge James Robertson. *Ibrahim et al. v. Titan Corp. et al.*, No. 04-  
17 CV-1248-JR. The *Ibrahim* action is filed by a group of former Iraqi detainees other than the  
18 named Plaintiffs here, and is based on the same contract(s) and the same alleged conduct. A  
19 copy of the *Ibrahim* complaint is attached to Plaintiffs' Motion to Enjoin Duplicative Action.  
20 The *Ibrahim* case is in its infancy: the complaint was filed July 27, 2004; the defendants filed  
21 motions to dismiss on October 12, 2004.  
22

### 23 24 **III. ARGUMENT**

25 Other than being the corporate home of one out of seven defendants, this District has no  
26 connection to this litigation. This lawsuit, brought by Iraqi nationals who have no connection  
27 to the United States, much less California, concerns alleged misconduct in Iraq—halfway  
28



1 around the world from San Diego, and 3,000 miles closer to Defendants' proposed venue  
2 (suburban Washington, D.C.) than to this forum. To the extent the dispute concerns actions  
3 taken in the United States, those actions would have occurred in or around Arlington, Virginia,  
4 where the CACI personnel who negotiated the government contracts at issue are located, and  
5 where the Pentagon, other U.S. intelligence agencies, and three of the four government  
6 contractors are located.

8 Because Plaintiffs have no connection to this District, their choice of forum is entitled to  
9 little weight in the Court's analysis. The nonparty witnesses and other sources of proof are  
10 overwhelmingly located either in the Middle East, far from this District, or in and around  
11 suburban Washington, D.C. Moreover, the Eastern District of Virginia has a demonstrated  
12 expertise in dealing with lawsuits that involve classified or otherwise sensitive evidence, such  
13 as espionage cases. To ease burdens on parties and nonparties, to ease access to sources of  
14 proof, and in the interest of justice, the Court should transfer this suit either to the Eastern  
15 District of Virginia, where the Pentagon and the CACI Defendants are located, or to the District  
16 for the District of Columbia, where a similar lawsuit is already pending.

19 **A. GOVERNING LEGAL PRINCIPLES**

20 This Court has broad discretionary authority to transfer this action under 28 U.S.C.  
21 § 1404(a). That section provides: "For the convenience of the parties and witnesses, in the  
22 interest of justice, a district court may transfer any civil action to any other district or division  
23 where it might have been brought." Section 1404(a) was enacted as a statutory substitute for  
24 motions to dismiss for *forum non conveniens*, when the alternative forum is within the territory  
25 of the United States. As under the *forum non conveniens* doctrine, the purpose of a § 1404(a)  
26 transfer is to "prevent the waste of time, energy, and money and to protect litigants, witnesses,  
27  
28

1 and the public against unnecessary inconvenience and expense.” *Van Dusen v. Barrack*, 376  
2 U.S. 612, 616 (1964) (quotations and citations omitted).

3 Accordingly, the type of factors to be considered in a transfer motion are similar to  
4 those considered in *forum non conveniens* motions. *Ravelo Monegro v. Rosa*, 211 F.3d 509,  
5 512-13 (9th Cir. 2000); *see Gulf Oil Corp. v. Gilbert*, 330 U.S. 501, 507 (1947). Factors that  
6 may be appropriate for consideration in deciding a motion to transfer venue include things such  
7 as:  
8

9  
10 (1) the location where the relevant agreements were negotiated and  
11 executed, (2) the state that is most familiar with the governing law,  
12 (3) the plaintiff’s choice of forum, (4) the respective parties’  
13 contacts with the forum, (5) the contacts relating to the plaintiff’s  
14 cause of action in the chosen forum, (6) the differences in the cost  
of litigation in the two forums, (7) the availability of compulsory  
process to compel attendance of unwilling non-party witnesses,  
and (8) the ease of access to sources of proof.

15 *Jones v. GNC Franchising*, 211 F.3d 495, 498 (9th Cir. 2000) (quoting *Stewart Org. v. Ricoh*  
16 *Corp.*, 487 U.S. 22, 29 (1988)); *see also Lou v. Belzberg*, 834 F.2d 730, 739 (9th Cir. 1987).

17  
18 The Court should conduct an “individualized, case-by-case consideration of  
19 convenience and fairness,” using these “case-specific factors,” *Stewart Org.*, 487 U.S. at 29,  
20 and should weigh in the balance the public interest, as well as the interests of the private  
21 litigants before the Court. *Id.* at 30; *see also Jones*, 211 F.3d at 499 & n.20. The relevant  
22 “private interest factors” are those enumerated in *Jones*: they include “ease of access to sources  
23 of proof, the availability of compulsory process for unwilling witnesses, the comparative cost of  
24 obtaining willing ones, and ‘all other practical problems that make trial of a case easy,  
25 expeditious and inexpensive.’” *Ravelo Monegro*, 211 F.3d at 512 (quoting *Gulf Oil*, 330 U.S.  
26 at 508). “Public interest factors” to be considered include court congestion, the unfairness of  
27 burdening citizens in an unrelated forum with jury duty, the interest in having localized  
28

1 controversies decided at home, the interest in trying the case in a forum familiar with the  
2 applicable law, and the interest in avoiding unnecessary conflicts of laws. *See id.* at 512 (citing  
3 *Gulf Oil*, 330 U.S. at 508-09).

4  
5 Although a § 1404(a) transfer and a *forum non conveniens* motion weigh the same types  
6 of factors, the standard for decision differs. A transfer under § 1404(a) is to be “granted upon a  
7 lesser showing of inconvenience” than a *forum non conveniens* motion. *Norwood v.*  
8 *Kirkpatrick*, 349 U.S. 29, 32 (1955); *Piper Aircraft*, 454 U.S. at 265 (“District courts were  
9 given more discretion to transfer under § 1404(a) than they had to dismiss on grounds of *forum*  
10 *non conveniens.*”); *see also Joe Boxer Corp. v. R. Siskind & Co., Inc.*, 1999 WL 429549, \*7  
11 (N.D. Cal. June 28, 1999) (discretion to transfer is broader than discretion to dismiss). While a  
12 dismissal for *forum non conveniens* requires a “clear showing,” *Miskow v. Boeing Co.*, 664 F.2d  
13 205, 208 (9th Cir. 1981), a motion for § 1404(a) transfer requires only a showing “that the  
14 transfer will serve the convenience of the parties and witnesses and will promote the interest of  
15 justice.” *Goodyear Tire & Rubber Co. v. McDonnell Douglas Corp.*, 820 F. Supp. 503, 506  
16 (C.D. Cal. 1992).

19 **B. THE PRIVATE INTERESTS OF THE LITIGANTS WARRANT A**  
20 **TRANSFER OF THIS ACTION**

21 In this case, the interests of the litigants before the Court—the plaintiff’s choice of  
22 forum, the relative ease of access to sources of proof, including the availability of compulsory  
23 process for unwilling witnesses and the cost of obtaining willing witnesses, and all the practical  
24 problems and expenses of trying the case (*Gulf Oil*, 330 U.S. at 508; *Ravelo Monegro*, 211 F.3d  
25 at 512)—all tip in favor of transfer to the Eastern District of Virginia or the District of  
26 Columbia. There is nothing about this case that makes litigation in the Southern District of  
27 California convenient for any of the parties, much less the nonparty witnesses.  
28

1                   **1. Plaintiffs' Choice of Forum Warrants Only Minimal Consideration**

2           Plaintiffs sued in the Southern District of California, despite having no connection  
3 whatsoever to this forum. None of the named Plaintiffs live here. All but one of the named  
4 Plaintiffs are Iraqis who reside in Iraq; one named Plaintiff, an expatriate Iraqi, is alleged to be  
5 a Swedish citizen who sometimes resides in Michigan. SAC ¶¶ 2-11. Although a plaintiff's  
6 choice of forum ordinarily carries substantial (though not dispositive) weight, such deference is  
7 based on the presumption that the plaintiff has selected his home forum, which will naturally be  
8 most convenient for him. *See Koster v. Lumbermens Mut. Cas. Co.*, 330 U.S. 518, 525 (1947).  
9 "When the plaintiff is foreign, however," and suing in the U.S., "this assumption is much less  
10 reasonable." *Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 256 (1981). In weighing convenience  
11 of the trial location, "a foreign plaintiff's choice deserves less deference." *Id.*  
12

13           The deference is lesser still when the plaintiff is an individual attempting to sue on  
14 behalf of hundreds or thousands of other potential plaintiffs, each of whom might have different  
15 considerations of convenience. *Koster*, 330 U.S. at 524; *Lou*, 834 F.2d at 739. "To entertain  
16 such an action places the forum in a position of responsibility toward the whole class which the  
17 plaintiff assumes to represent." *Koster*, 330 U.S. at 525. A class action "brings to the court  
18 more than an ordinary task of adjudication; it brings a task of administration; and what forum is  
19 appropriate for such a task may require consideration of its relation to the whole group of  
20 members . . . whom plaintiff volunteers to represent as well as to the nominal plaintiff himself."  
21 *Id.* at 525-26. In such a case, for convenience's sake, the location of the defendants, and the  
22 "books, records and witnesses" that may exist at defendants' home offices, are entitled to  
23 greater consideration. *See id.* at 526.  
24

25           "If the operative facts have not occurred within the forum and the forum has no interest  
26  
27  
28

1 in the parties or subject matter, [the plaintiff]'s choice is entitled to only minimal  
2 consideration." *Lou*, 834 F.2d at 739. Here, the operative facts pled by Plaintiffs have no  
3 connection with the Southern District of California. None of the complained-of conduct  
4 occurred here. See SAC ¶¶ 101-158. The complaint fails to allege any facts that place the  
5 formation of the alleged conspiracy in the Southern District of California. See SAC ¶¶ 74-100.  
6

7 Plaintiffs' complaint stops short of alleging that the conspiratorial agreement was  
8 negotiated or closed in the Southern District of California, or that any individual here  
9 negotiated or joined the alleged conspiracy:  
10

11 Certain government officials and senior management in Defendant  
12 Titan and CACI Corporate Defendants had relationships that assisted in  
13 the formation and implementation of the Torture Conspiracy. Upon  
14 information and belief, these relationships were formed and fostered by  
15 meetings, telephonic discussions, in-person discussions, email  
16 discussions and other communications that occurred in, among other  
17 places, California, Virginia and the District of Columbia.

18 SAC ¶ 83. At most, Plaintiffs allege that Defendants acted to implement the alleged  
19 conspiracy:  
20

21 [Defendants] took steps in California, Virginia and other locations  
22 throughout the United States to screen potential applicants to ascertain  
23 whether they would be willing to engage in illegal acts. Certain Team  
24 Titan postings sought 'male U.S. citizens' and revealed that applicants  
25 'must undergo a favorable U.S. Army Counterintelligence screening  
26 interview.'

27 SAC ¶ 86. But Plaintiffs' premise (not to mention their unsupported conclusion) is incorrect:  
28 the "Team Titan" project referred to in paragraph 86 had nothing to do with the contract that  
29 CACI PT has to supply interrogators to the military in Iraq. See *Elefante Decl.* ¶ 7.

30 The only other allegation of conduct in California is Plaintiffs' unsupported allegation  
31 that Defendants "took steps to obstruct justice in the District of Columbia, Virginia, California,  
32 and other states, as well as abroad." SAC ¶ 166. Notably, the only alleged act of obstruction as

1 to which location is specifically alleged is the alleged falsification of an international death  
2 certificate, alleged to have taken place outside the United States. *See* SAC ¶ 164. The  
3 complaint does not allege any specific acts of obstruction to have taken place within this  
4 District. *See* SAC ¶¶ 159-66.

5  
6       Significantly, none of the allegations of conduct in California is based on Plaintiffs'  
7 knowledge—the allegations are all made on information and belief. *See* SAC ¶¶ 83, 86, 166.  
8 Moreover, none of those allegations allege any conduct committed specifically in California,  
9 much less in this District. Rather, each paragraph alleges that the conduct was committed in  
10 California, Virginia, the District of Columbia, or elsewhere. *See id.* Thus, even these few slim  
11 allegations (among the hundreds in the complaint) are speculative as to whether the conduct  
12 occurred in this state or elsewhere—particularly in Virginia (the proposed transferee district).  
13 When the Court considers the attached Elefante Declaration in addition to the face of the  
14 Second Amended Complaint (“SAC”), it becomes clear that the SAC contains no factually  
15 supported allegations that establish any connection between this District and the operative facts  
16 giving rise to Plaintiffs’ asserted claims.

17  
18  
19       In sum, none of the Plaintiffs can show the Southern District of California is convenient  
20 for them. Even for Plaintiffs, the Eastern District of Virginia is more convenient. Plaintiffs  
21 living in Iraq or Sweden, or even part-time in Michigan, are all closer to the East Coast of the  
22 United States than to the West Coast. The same is true of any Iraqi residents who theoretically  
23 might be part of the class that Plaintiffs may seek to certify, or who were witnesses to the  
24 alleged conduct. The Virginia venue is more convenient to Plaintiffs’ counsel, as well, with the  
25 exception of counsel that is “[s]erving as local counsel only.” *See* SAC at 61. Three of  
26 Plaintiffs’ six sets of lawyers are located on the East Coast, in New York and Philadelphia. *Id.*

1 Additional Plaintiffs' counsel are located in Chicago and Michigan. *Id.* Plaintiffs' local  
2 counsel is the only one of their thirteen lawyers who is located in this District (and admitted to  
3 the California bar). *Id.*

4  
5 The only connection between this litigation and the Southern District of California is  
6 that Defendant Titan Corporation has its corporate offices in San Diego. While this bare fact  
7 *may* suffice for venue in a technical sense, it does not make this forum a convenient forum for  
8 trying the action, when all of the operative facts, most of the parties, and the vast majority of  
9 witnesses and documents are located elsewhere. Indeed, it is telling that when Plaintiffs filed  
10 this lawsuit in San Diego, they held their press conference to announce that fact in Washington,  
11 D.C., near the Pentagon and CACI's corporate offices.

## 12 2. Sources of Proof: Witnesses and Documents

13  
14 "Perhaps the most important private interest factor is the relative availability of evidence  
15 and witnesses." *Nai-Chao v. Boeing Co.*, 555 F. Supp. 9, 17 (N.D. Cal. 1982). Access to the  
16 sources of proof, whether testimonial, documentary, or physical, is obviously fundamental to  
17 the parties' ability to try the case, and thus to the interests of justice. In this case, the sources of  
18 proof, to the extent that they are located in the United States at all, are concentrated within the  
19 reach of the subpoena power of the District Court for the Eastern District of Virginia or that for  
20 the District of Columbia.

21  
22  
23 The convenience of non-party witnesses is generally accorded more weight than the  
24 convenience of party witnesses. *See, e.g., State Street Capital Corp. v. Dente*, 855 F. Supp.  
25 192, 197 (S.D. Tex. 1994) ("it is the convenience of non-party witnesses rather than that of  
26 party witnesses, that is accorded greater weight in a transfer of venue analysis"); *Aquatic*  
27 *Amusement Assocs. v. Walt Disney World Co.*, 734 F. Supp. 54, 57 (N.D.N.Y. 1990) ("While  
28

1 the convenience of party witnesses is a factor to be considered, the convenience of non-party  
2 witnesses is a more important factor.”) Further, in weighing the importance of non-party  
3 witnesses, courts should look to the nature and quality of the witnesses’ testimony with respect  
4 to the issues in the case, not just to the number of witnesses. *Id.*

5  
6 Non-party witnesses for the military and other government agencies, and officials  
7 charged with investigating the incidents at the detention facilities in Iraq, are expected to be  
8 critical witnesses in this matter. Such witnesses are overwhelmingly concentrated either in  
9 Iraq, at the facilities where the alleged abuse took place, or at the Pentagon and its immediate  
10 environs. To the extent that critical non-party witnesses are located elsewhere, *e.g.*, in military  
11 installations throughout the United States and in the Middle East and European theaters, the  
12 Eastern District of Virginia is still more likely to be convenient to such witnesses than is the  
13 Southern District of California.

14  
15 There is no reason to expect, given the nature of the allegations, that non-party  
16 witnesses will be willing to testify absent compulsory process. It is much more likely that  
17 many non-party government witnesses will *not* be willing to testify unless subpoenaed. The  
18 inability to compel unwilling witnesses is an “important” factor to be considered in a transfer  
19 motion. *Gulf Oil*, 330 U.S. at 508; *Jones*, 211 F.3d at 499.

20  
21 Plaintiffs’ choice of forum in the Southern District of California greatly complicates the  
22 use of compulsory process for both sides to obtain access to unwilling witnesses. With almost  
23 all of the government witnesses in this case subject to compulsory process only from the United  
24 States District Courts for the Eastern District of Virginia (which has geographic jurisdiction  
25 over the Pentagon, as well as the CIA, and, within 100 miles, the NSA in nearby Maryland) or  
26 the District of Columbia (which has geographic jurisdiction over the seat of the federal  
27  
28



1 government),<sup>1</sup> it is inevitable that those courts will be heavily involved in the issuance of  
2 witness and document subpoenas in this case. It would impose unreasonable demands on those  
3 courts to initiate untold proceedings on their miscellaneous dockets solely for the purpose of  
4 enforcing discovery in a case nearly 3,000 miles away, just as it would impose unreasonable  
5 demands on this Court to attempt to control discovery using only the compulsory process of  
6 distant courts, with no compulsory powers of its own save over the parties.  
7

8 Choice of a forum that would hamper Defendants' ability to compel witnesses or  
9 documents that may be critical to their defense threatens to gravely undermine the fundamental  
10 fairness of the trial process as well as the Defendants' right to present a defense. Plaintiffs'  
11 choice of venue, especially in the absence of any compelling reason for the choice of forum in  
12 the first instance, should not be permitted to hamstring Defendants' use of compulsory process.  
13 *See Am. Int'l Underwriters (Philippines), Inc. v. Continental Ins. Co.*, 843 F.2d 1253, 1258 (9th  
14 Cir. 1988) (affirming abstention where inability to compel non-party witnesses made a federal  
15 forum inconvenient).  
16  
17

18 Former employees of Premier Technology Group, Inc. ("PTG"), an entity formerly  
19 headquartered in northern Virginia, may also be critical non-party witnesses in this litigation.  
20 In May 2003 (long after the alleged conspiracy began, according to Plaintiffs, *see* SAC ¶ 82),  
21 CACI, INC.-FEDERAL purchased most of the assets of PTG. Elefante Decl. ¶¶ 5-6. It is  
22 CACI PT, not one of the three CACI Corporate Defendants, that obtained the contract for  
23 interrogation services in Iraq that is implicated in the complaint. Elefante Decl. ¶¶ 5-6. Former  
24  
25

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26 <sup>1</sup> It is anticipated, though not yet confirmed, that military witnesses serving in overseas  
27 areas may be subjected to compulsory process through subpoenas directed at the Department of  
28 Defense, aided by the military chain of command. In any event, such witnesses are no more  
subject to this Court's subpoena power than to the subpoena power of the federal courts in  
Virginia and D.C.

1 PTG employees who are not now employed by or under the control of one of the CACI  
2 Corporate Defendants and who may be key defense witnesses are most likely to be concentrated  
3 in the Northern Virginia area, where PTG was headquartered and conducted its business.  
4

5 In addition to the serious problem of meaningful access to compulsory process,  
6 Plaintiffs' selection of venue poses significant costs even for willing witnesses. Party witnesses  
7 critical to the defense are also concentrated in the Eastern District of Virginia. The three CACI  
8 Corporate Defendants' corporate offices, as well as the corporate offices for CACI PT, are  
9 located in northern Virginia. In addition, Titan Corporation's government contracting office for  
10 the relevant contract is located in northern Virginia. *See Titan Corp.'s Opposition to Pl. Mot. to*  
11 *Enjoin Duplicative Action at 7 (filed Oct. 18, 2004).* For Iraqi nationals or U.S. citizens still in  
12 Iraq who may also be defense witnesses, the East Coast forum is significantly more convenient  
13 than the West Coast forum. Obviously, all else being equal, trying this action in the Eastern  
14 District of Virginia or in the District of Columbia would involve far less travel expense for the  
15 vast majority of potential witnesses than trying it on the West Coast.  
16  
17

18 In addition to the concentration of critical witnesses in Northern Virginia, documents  
19 containing facts critical to the Plaintiffs' claims and Defendants' defenses are likely to be  
20 concentrated in this same region. Presumably, many key documents will be held by custodians  
21 in the Pentagon and offices of other government agencies located within 100 miles of the  
22 Alexandria Courthouse in the Eastern District of Virginia. *See Koster*, 330 U.S. at 526.  
23 Notably, each of the three nonmilitary government agencies mentioned in the Second Amended  
24 Complaint (the CIA, the NSA, and the Department of the Interior) is also located within 100  
25 miles of the Alexandria Courthouse.<sup>2</sup>  
26  
27  
28

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<sup>2</sup> The CIA is located in the Eastern District of Virginia; the Department of the Interior in

1 Access to documentary proof is further complicated by the fact that many, if not most,  
2 of the documents relevant to the claims and defenses in this action will be classified. There can  
3 be little doubt that any litigation of the merits of this action will entail a significant amount of  
4 information protected by the nation's highest secrecy classification, known as "sensitive  
5 compartmentized information," or "SCI." SCI is defined as:

7 classified information concerning or derived from  
8 intelligence sources, methods or analytical process, which  
9 is required to be handled exclusively within formal control  
systems established by the Director of Central Intelligence.

10 See Director of Central Intelligence, Directive No. 6/9, Nov. 18, 2002, available online at  
11 <http://www.fas.org/irp/offdocs/dcid6-9.htm>.

12  
13 SCI materials must be maintained, and can be reviewed, only in a SCI facility (an  
14 "SCIF"), or with an express waiver of the published security requirements. *Id.* While it is  
15 possible to establish new SCIFs, the required security measures and clearances involve  
16 substantial cost and time if they are not already in place. *See id.* The Alexandria Courthouse  
17 already has an established SCIF, maintained by and for the United States Department of Justice,  
18 and there are several other SCIFs in the general vicinity.

19  
20 In sum, it is clear that all the private factors weigh in favor of transfer. "[T]he relative  
21 ease of access to sources of proof; availability of compulsory process for attendance of  
22 unwilling, and the cost of obtaining attendance of willing, witnesses; . . . and all other practical  
23 problems that make trial of a case easy, expeditious and inexpensive," would be well-served by  
24 transfer to the Eastern District of Virginia. *Gulf Oil*, 330 U.S. at 508. Under the circumstances,  
25 Plaintiffs' choice of forum is due minimal weight at most. *Lou*, 834 F.2d at 739. In fact, it is  
26  
27

28  

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Washington, D.C. The NSA, in Fort Meade, Maryland, is less than 100 miles away.

1 obvious that transfer to the Eastern District of Virginia would serve to maximize Plaintiffs'  
2 convenience and reduce Plaintiffs' expenses, as well.

3  
4 **C. THE PUBLIC INTEREST WEIGHS IN FAVOR OF A TRANSFER**

5 The public interest, including things such as court congestion and judicial economy, is  
6 also to be weighed in a venue transfer motion. *Stewart Org.*, 487 U.S. at 30; *Jones*, 211 F.3d at  
7 499 & n.21; *see also Gulf Oil*, 330 U.S. 508-09. Here, the balance of the public interest factors  
8 favors a transfer to the Eastern District of Virginia.

9  
10 Through no fault of its own, the Southern District of California has a more congested  
11 calendar than the Eastern District of Virginia. Recent appointments to the bench notwithstand-  
12 ing, the Southern District of California cannot reasonably be expected to adjudicate this action  
13 with as much deliberate speed as the Eastern District of Virginia, which ranks first in the  
14 country in time to disposition for civil cases. *See* Administrative Office of the United States  
15 Courts, 2003 Fed. Court Management Statistics, at 70, available online at  
16 [www.uscourts.gov/cgi-bin/cmsd2003.pl](http://www.uscourts.gov/cgi-bin/cmsd2003.pl). In 2003, the median time from filing to trial for a civil  
17 trial in the Eastern District of Virginia was 8 months; it was nearly three times as long in the  
18 Southern District of California, 23.5 months. *See id.* at viii, 70, & 130. Given the nature of the  
19 litigation, it is in the public interest, as well as the interests of the litigants, to have a prompt  
20 adjudication of Plaintiffs' claims.  
21  
22

23 Judicial economy will also be served by a transfer to the Eastern District of Virginia  
24 because that court is familiar with, and regularly deals with, the atypical issues that are likely to  
25 present themselves in this case, such as those related to discovery, inspection, review, use, and  
26 testimony related to government classified information and the more closely regulated materials  
27 containing SCI. As noted above, the Alexandria Courthouse has an SCI facility that is actively  
28

1 maintained by the U.S. Department of Justice. That courthouse is accustomed to the logistics  
2 attendant to trials involving national security secrets: it is currently conducting the Zacarias  
3 Moussaoui trial, and has also been the site of numerous other espionage or national security-  
4 related prosecutions, including those of Robert Hanssen, John Walker Lindh, Brian Regan, Mir  
5 Amal Kansi, and Aldrich Ames.

7 **D. VENUE IS PROPER IN THE EASTERN DISTRICT OF VIRGINIA**

8 To prevail on a motion to transfer venue under § 1404(a), Movants must establish that  
9 the proposed transferee district is one where the action could have been brought. *Goodyear*  
10 *Tire*, 820 F. Supp. at 506. The relevant general venue statute provides as follows:

12 A civil action wherein jurisdiction is not founded solely on diversity of  
13 citizenship may, except as otherwise provided by law, be brought only  
14 in (1) a judicial district where any defendant resides, if all defendants  
15 reside in the same State, (2) a judicial district in which a substantial  
16 part of the events or omissions giving rise to the claim occurred, or a  
17 substantial part of property that is the subject of the action is situated,  
18 or (3) a judicial district in which any defendant may be found, if there  
19 is no district in which the action may otherwise be brought.

20 28 U.S.C. § 1391(b).

21 As explained above, the overwhelming majority of the events and omissions complained  
22 of in the Second Amended Complaint occurred overseas, outside any district within the United  
23 Stats. If the Second Amended Complaint shows that any “substantial part of the events or  
24 omissions giving rise to the claim” occurred within the United States at all, such events or  
25 omissions occurred in the Eastern District of Virginia, where the government contracts at issue  
26 were negotiated and executed among, variously, the Pentagon, other U.S. government agencies,  
27 the CACI Defendants, their corporate predecessors, and the government contracts office of  
28 Titan. If executing government contracts, by itself, constitutes a “substantial part of the events  
or omissions” underlying Plaintiffs’ complaint, then venue is proper in the Eastern District of

1 Virginia. If the contracts, by themselves, do not suffice for venue under § 1391(b)(2), then  
2 there is no district in which venue is proper under § 1391(b)(2), and consequently venue is  
3 proper either in California or Virginia, the respective corporate homes of Titan and the CACI  
4 Defendants, under § 1391(b)(3). In that instance, transfer is proper for convenience and in the  
5 interest of justice under § 1404(a).  
6

7 **E. TRANSFER IS ALSO PROPER TO THE UNITED STATES DISTRICT**  
8 **COURT FOR THE DISTRICT OF COLUMBIA**

9 In the alternative, this Court may also transfer this case to the United States District  
10 Court for the District of Columbia. A related case, making similar allegations against the same  
11 group of corporate Defendants, is currently pending there before Judge James Robertson. *See*  
12 *Ibrahim et al. v. Titan Corp. et al.*, No. 04-CV-1248-JR.  
13

14 The private interests involving convenience for the litigants and nonparty witnesses all  
15 favor litigation in the District of Columbia as easily (or nearly as easily) as in the Eastern  
16 District of Virginia. The federal courthouse in the District of Columbia is less than ten miles  
17 from the courthouse in Alexandria. The same geographic considerations apply. Moreover,  
18 because it has geographic jurisdiction over the seat of the federal government, including the  
19 Department of Defense, the Department of Interior, and the nation's nonmilitary intelligence  
20 agencies, the U.S. District Court for the District of Columbia would have subpoena power over  
21 unwilling nonparty witnesses. *See Barfman v. Cheney*, 827 F. Supp. 1,2 (D.D.C. 1993) (venue  
22 in D.C. proper over claims against Secretary of Defense); *Mundy v. Weinberger*, 554 F. Supp.  
23 811, 817-18 (D.D.C. 1982) (same).  
24

25  
26 Considerations of the public interest and judicial economy also favor transfer to the  
27 District of Columbia. There is a significant potential for savings through judicial economy,  
28

1 through possible consolidation with the *Ibrahim* case pending before Judge Robertson.<sup>3</sup> That  
2 case has substantial overlap with this one: both cases involve allegations of conspiracy, and  
3 detainee mistreatment, arising out of the U.S. military's detention facilities in Iraq. Both cases  
4 are against the same group of contractor defendants: Titan Corporation and the three CACI  
5 Defendants. Although they involve different detainees, the cases involve the same detention  
6 facilities in Iraq, the same government contracts and contractors, and similar claims of harm.  
7 Thus, they are likely to involve substantially overlapping, if not completely duplicative,  
8 discovery demands. Although it would come at the cost of some speed and some convenience  
9 for the CACI Defendants and for non-party officials located at or near the Pentagon, litigation  
10 in the District of Columbia would offer the parties, the nonparties, and the courts substantial  
11 savings through elimination of duplicative litigation and duplicative discovery.  
12

13  
14 The only question, for transfer to the District of Columbia under §§ 1404(a) is whether  
15 this action could have been brought there in the first place. Venue is proper in the District of  
16 Columbia if “a substantial part of the events or omissions giving rise to the claim occurred”  
17 there. 28 U.S.C. § 1391(b)(2). Because D.C. is the seat of the federal government, including  
18 executive departments such as the Departments of Defense and Interior, it might be possible to  
19 conclude that Plaintiffs' allegations concerning Defendants' government contracts are sufficient  
20 to sustain venue in the District of Columbia. That presumably is the basis for the *Ibrahim*  
21 plaintiffs' having sued in the District of Columbia.  
22

23  
24 Because the requirements of § 1391(b)(2) are more easily satisfied in the Eastern  
25

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26 <sup>3</sup> Obviously, consolidation is not to be taken for granted. That would be a question for  
27 the D.C. district court in the first instance, under that court's own procedures for handling related  
28 cases. Nonetheless, it is significant that this case and the *Ibrahim* case involve the same  
Defendants, similar Plaintiffs, and similar claims. Moreover, the *Ibrahim* case is at the same  
procedural stage as this case—it is still in its infancy, with responsive pleadings not yet served  
and discovery not yet begun in earnest.

1 District of Virginia (location of the Pentagon, the CACI Defendants, Titan's government  
2 contracting office, and the location where a number of the government contracts at issue here  
3 were negotiated and executed), and because it is their corporate home, the CACI Defendants  
4 principally seek transfer to the Eastern District of Virginia, Alexandria Division. However, due  
5 to the pendency of the *Ibrahim* case, and the ability of the D.C. court to exercise subpoena  
6 power over witnesses and entities located in the District of Columbia and northern Virginia, the  
7 Movants note that the U.S. District Court for the District of Columbia may be a suitable  
8 alternative forum for transfer, should the Court decline to transfer to the Eastern District of  
9 Virginia.

10  
11  
12 **IV. CONCLUSION**

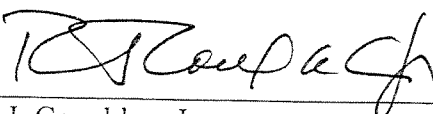
13 For the foregoing reasons, the Eastern District of Virginia is a far more convenient  
14 forum than the Southern District of California. Accordingly, this action should be transferred to  
15 the Eastern District of Virginia. In the alternative, convenience and judicial economy would  
16 also be served by transferring the case to the United States District Court for the District of  
17 Columbia, where a related case involving the same allegations and Defendants is already  
18 pending.

19  
20 Dated: November 10, 2004

Respectfully submitted,

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By:

  
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11 Attorneys for Defendants CACI International Inc,  
12 CACI INC. – FEDERAL, and CACI N.V.

13 UNITED STATES DISTRICT COURT  
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 SALEH *et al.*

16 Plaintiffs,

17 v.

18 TITAN CORPORATION *et al.*

19 Defendants.  
20

) Case No.: 04 CV 1143 R (NLS)

) **DECLARATION OF**  
) **JEFFREY P. ELEFANTE IN SUPPORT**  
) **OF MOTION BY DEFENDANTS CACI**  
) **INTERNATIONAL INC, CACI, INC. –**  
) **FEDERAL, AND CACI N.V. TO**  
) **TRANSFER VENUE**

21 Jeffrey P. Elefante attests as follows:

22 1. My name is Jeffrey P. Elefante. I am over the age of eighteen, of sound mind  
23 and body and competent to testify.  
24

25 2. I am Executive Vice-President, General Counsel, Secretary, and Director of  
26 Contract and Admin. Services for CACI International Inc. I have been employed by CACI  
27 International Inc or one of its subsidiary corporations since 1983 and worked in its legal  
28 division continuously since 1987.

1           3.     I have personal knowledge of the facts to which I attest herein. I could testify  
2 to such things in a court of law, and would, if called to do so.

3           4.     CACI International Inc is the parent corporation of severally wholly owned  
4 subsidiaries, including CACI, INC.-FEDERAL and CACI N.V. CACI International Inc and  
5 CACI, INC.-FEDERAL are incorporated in Delaware and have their principal place of  
6 business in Arlington, Virginia. CACI, INC.-FEDERAL is, in turn, the parent corporation of,  
7 CACI Premier Technology, Inc. CACI Premier Technology, Inc. is a Delaware corporation  
8 with its principal place of business in Arlington, Virginia.  
9

10           5.     In May 2003, CACI, INC.-FEDERAL acquired most of the assets of the  
11 company formerly known as Premier Technology Group, Inc., headquartered in Chantilly,  
12 Virginia. These assets became the corpus of CACI Premier Technology, Inc. Among the  
13 assets acquired through this purchase was a Blanket Purchase Agreement issued initially by  
14 the Department of the Army and subsequently transferred to the Department of Interior. In  
15 connection with the purchase of the Premier Technology Group's assets, the Blanket Purchase  
16 Agreement was novated to CACI Premier Technology, Inc.  
17

18           6.     Beginning in August 2003, the United States Department of the Interior issued  
19 a series of delivery orders to CACI Premier Technology, Inc. pursuant to the Blanket Purchase  
20 Agreement. Two of those delivery orders called for CACI Premier Technology, Inc. to  
21 provide, among other things, interrogators in support of Joint Coalition Task Force-7 in Iraq.  
22 CACI International Inc is not a party to that contract. Nor is CACI, INC.-FEDERAL or  
23 CACI, N.V. a party to that contract.  
24

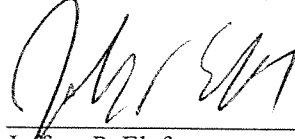
25           7.     The "Team Titan" project which Plaintiffs allege in their Second Amended  
26 Complaint has nothing to do with CACI Premier Technology, Inc.'s contract to supply  
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interrogators. Indeed, the only involvement any CACI company has had in the provision of  
interrogation services is the work performed by employees of CACI Premier Technology, Inc.  
in Iraq, which began with task orders issued by the United States government in August 2003.

8. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of November, 2004, at Arlington, Virginia.

  
\_\_\_\_\_  
Jeffrey P. Elefante