

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ASHRAF TULTY, et al.,

Plaintiffs,

v.

SOCIALIST PEOPLE'S LIBYAN ARAB
JAMAHIRIYA, et al.,

Defendants.

Civil Action No. 04-1780 (JDB)

ORDER

Defendants have moved to dismiss on several grounds, including plaintiffs' failure to satisfy the arbitration requirement of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605(a)(7)(B)(i), and lack of personal jurisdiction and head of state immunity as to defendant Muammar Qadhafi (Libya's head of state). In their opposition to defendants' motion, filed on August 15, 2005, plaintiffs concede that they have not met the jurisdictional arbitration requirement of the FSIA¹ and agree to the dismissal of defendant Qadhafi.

Accordingly, it is this 6th day of September, 2005, hereby

ORDERED that defendants' motion to dismiss is **GRANTED** and this action is dismissed without prejudice.

/s/ John D. Bates

JOHN D. BATES

United States District Judge

Dated: September 6, 2005

¹ Plaintiffs request that any dismissal on this basis be without prejudice.

Copies to:

Robert S. Corish
Corish, Hill & Associates, PLLC
1039 Sterling Road
Suite 102
Herndon, VA 20170
(703) 796-9050
Email: bob5152@adelphia.net
Counsel for plaintiffs

Arman Dabiri
1701 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20006
(202) 879-2606
Email: armandab@worldnet.att.net
Counsel for defendants