

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

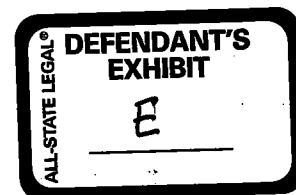
ROBERT L. PUGH, <u>et al.</u> ,)	
)	
Plaintiffs,)	
v.)	
)	Civil Action No. 02-02026 (HHK)
SOCIALIST PEOPLE'S LIBYAN)	
ARAB JAMAHIRIYA, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

STATEMENT OF INTEREST OF THE UNITED STATES

The United States, pursuant to 28 U.S.C. § 517,¹ hereby respectfully informs the Court that the Court's invitation to the Attorney General to submit views regarding the application in this case of the head-of-state immunity doctrine continues to remain under active consideration.

As indicated in the report submitted to the Court on June 1, 2006, the United States remains in the midst of significant discussions concerning the course of U.S.-Libya relations. On June 30, 2006, the United States rescinded Libya's designation as a state sponsor of terrorism. See Rescission of Determination Regarding Libya, 71 Fed. Reg. 39696 (July 13, 2006). The United States also continues its diplomatic discussions

¹ 28 U.S.C. § 517 authorizes the Attorney General of the United States to send any officer of the Department of Justice to "attend to the interests of the United States in a suit pending . . . in the courts of a State. . ." The submission of a Statement of Interest does not constitute an intervention in this action but is the equivalent of an *amicus curiae* brief. See Flatow v. Islamic Republic of Iran, 305 F.3d 1249, 1252-53 & n.5 (D.C. Cir. 2002).



with Libya about the possible resolution of claims brought by American citizens against Libya or its officials for their possibly tortious actions, including claims pending in United States courts. Indeed, the possible resolution of some of these claims was addressed during a September 23, 2006 meeting in New York City between the Secretary of State and her Libyan counterpart. In this context, it would serve the diplomatic and foreign policy interests of the United States to delay further responding to the Court's invitation because participation in litigation at this time could make it difficult for the United States to play a constructive role in promoting resolution of the claims.

The United States has been in contact with counsel for the plaintiffs and with Libyan authorities through diplomatic channels, neither of whom have raised any objection to the United States deferring any filing until a later date. The United States therefore would plan to report on the status of its position to the Court no later than January 15, 2007. The United States appreciates the Court's patience in this matter.

Dated: September 29, 2006

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

JEFFREY A. TAYLOR
United States Attorney

VINCENT M. GARVEY
Deputy Branch Director

/s/ Daniel Riess
DANIEL RIESS (Texas Bar No. 24037359)
Civil Division
United States Department of Justice
Tel: (202) 353-3098
Fax: (202) 616-8460
Email: Daniel.Riess@usdoj.gov

Mailing Address:

Post Office Box 883
Washington, D.C. 20044

Courier Address:

20 Massachusetts Ave., N.W.
Room 6122
Washington, D.C. 20001

Attorneys for the United States of America