

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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CERTAIN UNDERWRITERS AT))
LLOYDS LONDON, <u>et al.</u> ,))
))
Plaintiffs,))
))
v.)	Civil Action No. 06-731 (GK)
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GREAT SOCIALIST PEOPLE'S))
LIBYAN ARAB JAMAHIRIYA,))
<u>et al.</u> ,))
))
Defendants.))
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CERTAIN UNDERWRITERS AT))
LLOYDS LONDON, <u>et al.</u> ,))
))
Plaintiffs,))
))
v.)	Civil Action No. 08-504 (GK)
))
GREAT SOCIALIST PEOPLE'S))
LIBYAN ARAB JAMAHIRIYA,))
<u>et al.</u> ,))
))
Defendants.))
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ORDER

In C.A. No. 06-731, Plaintiffs Certain Underwriters at Lloyds London ("Lloyds"), Allianz Cornhill Insurance, PLC; Aviation & General Insurance Company, Ltd.; English & American Insurance Company Ltd.; Markel Insurance Company Ltd.; Minster Insurance Company Ltd.; MMO/New York Marine and General; Nippon Insurance Company of Europe Ltd.; Riverstone Insurance UK Ltd.; Sovereign Marine & General Insurance Company Ltd.; SR International Business

Insurance Company Ltd.; Tower Insurance Ltd.; and La Réunion Aérienne (collectively, "Plaintiffs") bring these actions against Defendants Great Socialist People's Libyan Arab Jamahiriya; Libyan Internal Security; Libyan External Security; Mu' ammar al-Qadhafi; Abdallah al-Sanusi; Ibrahim al-Bishari (collectively, "Libyan Defendants"); the Syrian Arab Republic; Syrian Air Force Intelligence; and Muhammed al Khuli (collectively, "Syrian Defendants"),¹ pursuant to the Foreign Sovereign Immunities Act ("FSIA"), 28 U.S.C. § 1602, et seq. (2006) (Count I); common law conversion and trespass (Counts II and III); and Aircraft Piracy under the Alien Tort Claims Act ("ATCA"), 28 U.S.C. § 1350 (2006) (Count IV). Second Am. Compl. [C.A. No. 06-731, Dkt. No. 60].

In C.A. No. 08-504, the same Plaintiffs bring suit pursuant to the National Defense Authorization Act for Fiscal Year 2008, Pub. L. No. 110-181, § 1083, 122 Stat. 3 (2008). They claim that Defendants violated the FSIA (Count I); committed common law conversion and trespass (Counts II and III); and engaged in Aircraft Piracy under the ATCA (Count IV). Compl. [C.A. No. 08-504, Dkt. No. 1].

¹ Defendants Syrian Arab Republic, Syrian Air Force Intelligence, and Muhammed al Khuli defaulted in C.A. No. 06-731 [Dkt. Nos. 21-23] and have failed to appear in C.A. No. 08-504. Hereinafter, "Defendants" refers to all Defendants except the Syrian defendants.

This matter is before the court on Defendants' Motions to Dismiss Duplicative Complaint [C.A. No. 06-731, Dkt. No. 74; C.A. No. 08-504, Dkt. No. 18] and Defendants' Supplemental Motions to Dismiss [C.A. No. 06-731, Dkt. No. 80; C.A. No. 08-504, Dkt. No. 24]. Upon consideration of the extensive briefing by parties and the United States Government, and the entire record herein, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED, that Libyan Defendants' Motions to Dismiss are **granted**; and it is further

ORDERED, that Plaintiffs are to file, no later than February 1, 2010, a Praecipe indicating how they wish to proceed against the Syrian Defendants.

January 6, 2010

/s/
Gladys Kessler
United States District Judge

Copies to: Attorneys of record via ECF