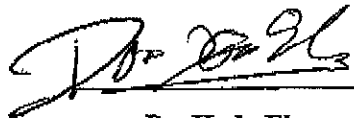


RICO"). In addition, Mr. Harbert has filed a counterclaim (the "Counterclaim") against Plaintiff for breach of contract, fraud in the inducement, unjust enrichment, breach of fiduciary duty and malicious prosecution. Accordingly, Plaintiff's discovery demands must elucidate her claims that Mr. Harbert breached the September 21, 2004 agreement by permitting Mr. Harbert's son, former defendant Billy Harbert, Jr., to interfere with Plaintiff's performance of her duties thereunder; by refusing to accept advantageous settlement terms obtained by Plaintiff on behalf of Mr. Harbert with the assistance of Senator Bob Dole; and by failing to pay both the monthly stipend and the success fee earned by Plaintiff pursuant to the terms and conditions of the subject agreement. The discovery required for proof of the breach of contract claim would encompass the proof of the quantum meruit claim, and, other than Mr. Harbert's contention in the Counterclaim that attorney William Sharp had not in fact approved of the contract, rebut the allegations of the Counterclaim. With respect to the proof of the Civil RICO claim, Plaintiff must prove that Mr. Harbert organized the phantom equipment-leasing scheme in which former defendant Sabbia Aktiengesellschaft ("Sabbia") made payments from Contrade Ormond, Burrus Banque Privee SA Geneve ("Contrade Ormond") in Switzerland to South Trust Bank in Birmingham, Alabama; that the execution of this scheme reduced the apparent profitability of the contracts with respect to which the Harbert Contractors were engaged in the bid-rigging scheme which was the subject of the False Claims Case in which Plaintiff was acting as Case Manager; that the execution of the scheme also provided a fund, consisting of the purchase price for the equipment purportedly being leased, which was in fact paid to the participants in the bid-rigging scheme; that as a result of these two consequences of the phantom equipment-leasing scheme, the discovery of the bid-rigging conspiracy was significantly delayed; and that when the conspiracy came to light, Plaintiff was damaged in her reputation and income by her association with Mr. Harbert.

Under the applicable Federal Rules of Civil Procedure, interrogatories, document production and admissions can only be directed to a party, which leaves Mr. Harbert as the sole person who will be responding to these discovery devices. In this connection, it is anticipated that pursuant to Local Rule 16.4 and 26.2(b), Plaintiff will request that this

Court grant Plaintiff relief from the limit of 25 interrogatories otherwise imposed by Federal Rule of Civil Procedure 33(a)(1). Depositions will need to be conducted, not only of Mr. Harbert, but Mr. Sharp, the central third party in the Counterclaim; Billy Harbert, Jr., at whose instance Plaintiff was terminated; Carolyn Mark, the attorney at the Department of Justice who was prepared to settle Mr. Harbert's liability in the False Claims Case for a small fraction of the liability ultimately adjudicated after Plaintiff's termination; Senator Dole, who played a crucial role in negotiating the settlement with the Department of Justice; Richard F. Miller, the relator of the False Claims Case; Keith V. Morgan, one of the principal prosecutors of the False Claims Case; Guillaume Tourniare, the notary who acknowledged the execution of the September 21 agreement; Carla D. Faile, the notary who acknowledged the November 11, 2004 letters attributed to Mr. Harbert; the person most knowledgeable at Philipp Holzmann A.G. ("Holzmann"), the architect of the bid-rigging scheme; and appropriate members of Congress and Middle East governments with whom Plaintiff formerly conducted her business prior to the revelation of the bid-rigging of the Cairo Waste Water Project. In this connection, it is anticipated that pursuant to Local Rules 16.4 and 26.2(b), Plaintiff will request that the Court grant relief from the limit of ten depositions and, in the case of Mr. Harbert if not others, the limit of seven hours per deposition otherwise imposed by Federal Rule of Civil Procedure 30(a)(2)(A)(i) and 30(d)(1). Finally, subpoenas duces tecum will need to be directed to Contrade Ormond, South Trust Bank, Sabbia and Holzmann, among others, in order to obtain the documents necessary to prove the existence and implementation of the equipment-leasing scheme. **Dated September 11, 2008**



Dr. Hoda Elemary

Plaintiff in Propria Persona