

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
CIVIL ACTION NO. 2:06-CV-00049-F**

BLACKWATER SECURITY CONSULTING, LLC, a)
Delaware Limited Liability Company; and)
BLACKWATER LODGE AND TRAINING CENTER,)
INC., a Delaware Corporation,)
)
Petitioners,)
)
v.)
)
RICHARD P. NORDAN, as Ancillary Administrator)
for the Separate Estates of STEPHEN S.)
HELVENSTON, MIKE R. TEAGUE, JERKO)
GERALD ZOVKO, and WESLEY J. K. BATALONA,)
)
Respondent.)

**MOTION FOR ORDER TO
SHOW CAUSE AND
REQUEST FOR
EXPEDITED
CONSIDERATION**

On April 20, 2007, the Court granted Petitioners’ petition for an order directing arbitration and ordered the parties to proceed with arbitration. In direct violation of the Court’s Order, Respondent has filed papers in Wake County state court asking that court to declare that he is not required to arbitrate. Respondent has also filed in Wake County a motion for a Temporary Restraining Order and Preliminary Injunction enjoining the arbitration that this Court has just ordered. A hearing on the preliminary injunction is scheduled in Wake County Superior Court on May 15, 2007. The mere filing of these papers violates this Court’s Order. Mr. Nordan’s actions in violation of the rulings of this Court are in contempt of this Court’s Order directing the parties to arbitrate, meriting prompt entry of a contempt order and appropriate sanctions against Nordan and his counsel, including Petitioners’ attorneys’ fees.

WHEREFORE, Petitioners respectfully request that the Court, prior to the May 15 state court hearing: (i) require Respondent and his counsel to show cause, if any they may have, as to why they should not be found in contempt of Court for failure to obey the Court’s Order; (ii)

enjoin Respondent to cease prosecution of any further court actions relating to the Blackwater claims ordered to arbitration; (iii) require Respondent and his counsel to pay the reasonable expenses, including attorneys' fees, incurred by Petitioners as a result of their failure to comply with the Court's Order; and (iv) impose such other and further sanctions against Respondent and his counsel and/or make such further orders as the Court may deem appropriate.

This the 8th day of May, 2007.

McDERMOTT, WILL & EMERY, LLP

By: /s/ Michael P. Socarras

Michael P. Socarras
DC Bar No. 418127
600 13th Street NW
Washington, DC 20005
(202) 756-8000
Facsimile: (202) 756-8087
msocarras@mwe.com

SMITH, ANDERSON, BLOUNT, DORSETT,
MITCHELL & JERNIGAN, L.L.P.

By: /s/ Kirk G. Warner

Kirk G. Warner
NCSB No. 16238
Mark A. Ash
NCSB No. 13967
Post Office Box 2611
Raleigh, North Carolina 27602
(919) 821-1220
Facsimile: (919) 821-6800
kwarnersmithlaw.com
mashsmithlaw.com

ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2007, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system. Notification of such filing was given, as indicated below, by the CM/ECF system to those registered, or by mailing a copy of the same by U.S. Mail, postage paid, to parties who are not registered to receive a Notice of Electronic Filing for this case:

David F. Kirby
Kirby & Holt, LLP
3201 Glenwood Avenue
Suite 100
Raleigh, North Carolina 276212
E-Mail: dkirby@kirby-holt.com
Attorneys for Respondent

Daniel J. Callahan
Callahan & Blaine, APLC
3 Hutton Centre Drive, Suite 900
Santa Ana, California 92707
E-Mail: daniel@callahan-law.com
Attorneys for Respondent

Notification has also been sent via U.S. Mail and facsimile to:

David S. Coats
Bailey & Dixon, L.L.P.
P.O. Box 1351
Raleigh, NC 27602-1351
Fax: 919-828-6592
Attorneys for Respondent

This the 8th day of May, 2007.

/s/ Kirk G. Warner
Kirk G. Warner