

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

|  |   |                            |
|--|---|----------------------------|
| SUHAIL NAJIM ABDULLAH                      | ) |                            |
| AL SHIMARI <i>et al.</i> ,                 | ) |                            |
|  | ) |                            |
| Plaintiffs,                                | ) |                            |
|  | ) |                            |
| v.   | ) | C.A. No. 08-cv-827 GBL-JFA |
|  | ) |                            |
| CACI INTERNATIONAL, INC., <i>et. al.</i> , | ) |                            |
|  | ) |                            |
| Defendants                                 | ) |                            |
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|  | ) |                            |

**THE TORTURE VICTIMS’  
MOTION TO LIFT THE COURT’S STAY OF DISCOVERY**

The Plaintiff Torture Victims move to lift the Court’s order staying discovery in this matter, entered on October 24, 2008. The Defendants sought, and the Court ordered, a stay of all discovery pending the Court’s consideration of Defendants’ Motion to Dismiss and Defendants’ Motion for Summary Judgment. (Docket #64).

This Court’s consideration of these motions is now complete. On November 25, 2008, the Court denied CACI’s Motion for Summary Judgment on November 25, 2008 (Docket #76). On March 18, 2009, this Court ruled on CACI’s motion to dismiss, granting it in part and denying it in part. (Docket #94). The Court noted that discovery needed to proceed before the Court could rule conclusively on CACI’s various defenses. *See, e.g.*, Mem. Order at 26-27 (citing need for discovery to fully consider CACI’s derivative absolute official immunity argument); Mem. Order at 29 (stating that the Court has “insufficient information at this stage of the litigation” to make conclusive findings regarding CACI’s arguments); Mem. Order at 34

(“The scope of Defendants’ contract is thus an open issue that requires discovery.”) Mem. Order at 35 (“discovery...is necessary”); Mem. Order at 37 (“discovery is needed [...]”); Mem. Order at 42 (finding that “discovery is needed” to determine whether CACI’s actions qualify as combatant activities, and whether a defense applies)).

The Torture Victim Plaintiffs hereby request that the stay on discovery be lifted and discovery commence pursuant to the Rule 16(b) Scheduling Order discovery schedule ordered by the Court on November 12, 2008 (attached as Exhibit 1). A proposed Order is attached.

Respectfully submitted,

/s/ Susan L. Burke

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Date: March 27, 2009

## CERTIFICATE OF SERVICE

I hereby certify that on the 27<sup>th</sup> day of March, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following

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