

The bases for the CACI Defendants' motion are set forth in greater detail in the accompanying Memorandum.

Wherefore, the CACI Defendants respectfully request that the Court grant this motion.

An agreed form of the proposed order is being submitted herewith to the Court.

Respectfully submitted,

/s/ Stephen C. Gray

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1. This action is one of five single-plaintiff lawsuits filed by Plaintiff's counsel against the CACI Defendants and/or L-3 Services in May and June 2008 seeking recovery for injuries the plaintiffs allegedly incurred while in United States custody in Iraq. The other four cases were filed in the Central District of California, the Western District of Washington, the District of Maryland, and the Eastern District of Michigan. With one exception, each of these lawsuits asserts claims against the CACI Defendants, L-3 Services, and one individual defendant alleged to be residing in the forum district.¹

2. The California suit was the first of these suits filed by Plaintiffs, having been filed on May 5, 2008. All of the other suits were filed on or about June 30, 2008.

3. The CACI Defendants, joined by all of the other defendants in the case, moved to transfer the California action to the Eastern District of Virginia pursuant to 28 U.S.C. § 1404(a). That motion remains pending before the court. The CACI Defendants anticipate filing motions to transfer this action, as well as the other actions in which the CACI Defendants are parties, to the Eastern District of Virginia. The CACI Defendants previously succeeded in obtaining transfer of a similar putative class action suit filed by Plaintiff's counsel from the Southern District of California to the Eastern District of Virginia. *See Saleh v. Titan Corp.*, 361 F. Supp. 2d 1152 (S.D. Cal. 2005).²

¹ The suit filed in the Eastern District of Michigan does not name an individual defendant and does not assert claims against the CACI Defendants, although the Complaint alleges identically to the other four suits that L-3 Services was engaged in a conspiracy to abuse detainees with the CACI Defendants and certain government and military officials.

² In *Saleh*, Plaintiffs' counsel ultimately convinced the Eastern District of Virginia to transfer the case for a second time, this time to the District of Columbia where it could be consolidated with another suit alleging detainee abuse in Iraq. The District of Columbia, however, is not a possible transferee forum for this or the other actions in which the CACI Defendants have been named because each case includes a single individual defendant who has previously succeeded on a lack of personal jurisdiction defense in the District of Columbia.

4. The parties have had multiple communications concerning the orderly litigation of these new lawsuits, including litigation of the transfer motions the CACI Defendants intend to file. The CACI Defendants and L-3 Services sought plaintiffs' concurrence in extensions on defendants' deadlines to respond to the complaint in these actions because the CACI Defendants and L-3 Services believe it would be a tremendous waste of the resources of the courts and the parties to brief complicated motions to dismiss until the ultimate forum has been determined. Defendants desired an extension until a reasonable time after the motions to transfer had been decided; plaintiffs' counsel would only agree to an extension to a fixed date provided that Defendants would not seek further extensions even if the motions to transfer had not been adjudicated.

5. After many rounds of negotiations, the parties reached an agreement to extend defendants' deadline to respond to the plaintiffs' Complaints without prejudice to Defendants' right to seek further extensions to allow for decision on the motions to transfer. In return for these agreed extensions, the CACI Defendants and L-3 Services agreed not to file any additional motions to transfer venue (besides the California motion they had already filed) until on or after July 22, 2008. The hearing on the CACI Defendants' motion to transfer the California action was originally scheduled for July 21, 2008, and a delay in filing the additional transfer motion could provide the parties an opportunity to take into account any transfer decision from the California court in assessing their position on transfer of the other cases.³

³ Since the parties reached this agreement, the California court has decided to adjudicate the motion to transfer without a hearing and vacated the July 21, 2008 hearing date.

6. For the Washington, Maryland, and Michigan cases, the parties agreed to 30-day extensions until August 26, 2008 for Defendants to respond to the Complaints. This extension would allow the defendants to forgo filing their transfer motions as requested by the plaintiffs without implicating the deadlines to respond to the Complaints. This was important to the CACI Defendants because they would be spared the possibility of briefing a motion to dismiss under the law of the cases' current Circuits and then – if transfer were granted – having to re-brief these issues under Fourth Circuit law. In *Saleh*, the parties had to brief their motions to dismiss under the law of three Circuits, the Ninth Circuit, the Fourth Circuit, and the D.C. Circuit, as the case was transferred from court to court. The parties agreed that these requested extensions would be without prejudice to the defendants' right to seek a further extension and the plaintiffs' right to oppose any such request.

7. For the present action, Plaintiff's counsel suggested that the parties seek a 60-day extension instead of the 30-day extension agreed to in the other cases. Plaintiff's counsel advised that they had not yet effected service on defendant, Mr. Dugan, which made it uncertain when Mr. Dugan would have a deadline for responding to Plaintiff's Complaint. The CACI Defendants and L-3 agreed with this proposal, as it made sense to have all Defendants' deadline for responding to the Complaint on the same day, and the additional time would give Plaintiff's counsel more time to effect service.

8. Therefore, the CACI Defendants respectfully submit that the agreed-upon 60-day extension will allow the parties to proceed with transfer motions and motions to dismiss in an orderly fashion, to coordinate the parties' efforts in Ohio, California, Washington,

Maryland, and Michigan, and maximize the likelihood that all Defendants will have the same deadline for responding to Plaintiff's Complaint.

Respectfully submitted,

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