

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

SUHAIL NAJIM ABDULLAH
AL SHIMARI,
Plaintiff,
v.
TIMOTHY DUGAN, et al.,
Defendants.
Case No. 1:08-CV-00827-GBL-JFA

MEMORANDUM IN SUPPORT OF THE MOTION OF
DEFENDANTS CACI PREMIER TECHNOLOGY, INC., AND
CACI INTERNATIONAL INC TO ENLARGE PAGE LIMITS

Defendants CACI Premier Technology, Inc., and CACI International Inc (collectively,
the "CACI Defendants") respectfully request that the Court grant the CACI Defendants leave to
file a single memorandum of thirty-seven pages in support of their motion to dismiss this action.
This seven-page enlargement of page limits is appropriate in order to allow the CACI Defendants
to address a number of complex legal issues raised by the allegations in Plaintiff's Complaint. In
support of this motion, the CACI Defendants state as follows:

1. This action is a single-plaintiff action, in which the Plaintiff asserts that the CACI
Defendants and Defendant Timothy Dugan are liable for injuries the Plaintiff alleges he suffered
while detained in United States custody in Iraq.

2. Plaintiff's Complaint does not identify any alleged contact between Plaintiff and
either Defendant Timothy Dugan or any employee of the CACI Defendants. Rather, the
Complaint seeks to hold Defendants liable for injuries suffered by Plaintiff while in United

States custody based on the theory that Defendants entered into a “torture conspiracy” with whomever allegedly caused injuries to Plaintiff. Compl. ¶ 33. As it relates to the CACI Defendants’ alleged entry into this supposed conspiracy, the Complaint alleges that “CACI conveyed its intent to join the conspiracy by making a series of verbal statements and by engaging in a series of criminal acts of torture alongside and in conjunction with several co-conspirators.” *Id.*

3. Plaintiff’s Complaint contains 171 paragraphs of allegations and asserts twenty causes of action against Defendants.

4. The CACI Defendants foresee filing a motion to dismiss that asserts as grounds for dismissal several district and complex areas of the law. The grounds for dismissal that the CACI Defendants anticipate asserting in a motion to dismiss include the following:

- That Plaintiff’s Complaint does not contain allegations of fact sufficient to show a plausible basis for recovery as required under *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955, 1969 (2007).
- That Defendants are entitled to derivative absolute official immunity from Plaintiff’s suit under the immunity doctrine applied by the Fourth Circuit in *Mangold v. Analytic Services, Inc.*, 77 F.3d 1442, 1447-48 (4th Cir. 1996).
- That Plaintiff’s Complaint presents nonjusticiable political questions.
- That Plaintiff’s claims are preempted by the federal interests embodied in the combatant activities exception to the FTCA and concepts of international law accepted in the United States.
- That Plaintiff’s claims under the Alien Tort Statute (“ATS”) fail to state a claim on which relief may be granted.
- That Plaintiff’s Complaint fails to allege facts sufficient to establish *respondeat superior* liability on the part of the CACI Defendants.

5. The CACI Defendants note that they filed a motion to dismiss the Fourth Amended Complaint in the related action of *Saleh v. CACI International Inc*, No. 05-1165 (D.D.C.) in January 2008. Although that action, unlike the present action, did not include ATS claims, and included only common-law tort claims, the CACI Defendants' memorandum in support of their motion to dismiss was 43 pages in length. .

6. Allowing the CACI Defendants to file a single memorandum of 37 pages in support of a motion to dismiss Plaintiff's Complaint will provide the CACI Defendants with a sufficient opportunity to present their arguments to the Court in a useful and efficient manner. The CACI Defendants have made considerable efforts to reduce the length of their draft memorandum to the thirty pages ordinarily allowed by the Court's local rules, but have determined that further reductions in length would detract from the efficient presentation of their arguments to the Court.

7. The CACI Defendants' counsel conferred with Plaintiff's counsel with respect to this request, and Plaintiff is opposed to the enlargement of page limits sought by the CACI Defendants.

Wherefore, the CACI Defendants respectfully request that the Court grant them leave to file a single memorandum in support of their motion to dismiss that is 37 pages in length.

Respectfully submitted,

/s/ *J. William Koegel, Jr.*

J. William Koegel, Jr.
Virginia Bar No. 38243
John F. O'Connor (admitted *pro hac vice*)
Attorneys for Defendants CACI Premier
Technology, Inc. and CACI International Inc
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000 - telephone
(202) 429-3902 – facsimile
wkoegel@steptoe.com
joconnor@steptoe.com

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of May, 2008, I will electronically file 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:

Susan L. Burke
William Gould
Attorneys for Plaintiff
Burke O'Neil LLC
4112 Station Street
Philadelphia, PA 19127
(215) 487-6596 – telephone
sburke@burkeoneil.com
wgould@burkeoneil.com

In addition, I certify that I will, on the 29th day of May, 2008, serve the above-listed counsel with a copy of the foregoing by electronic mail, in addition to serving by electronic mail the following additional counsel:

Michael Nussbaum
Attorney for Defendant Timothy Dugan
Bonner, Kiernan, Trebach and Crociata, LLP
1233 20th St., NW
Washington, DC 20036
(202) 712-7090
mnussbaum@bktc.net

/s/ J. William Koegel, Jr.

J. William Koegel, Jr.
Virginia Bar No. 38243
Attorney for Defendant CACI-Athena, Inc.
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000 - telephone
(202) 429-3902 – facsimile
wkoegel@steptoe.com