

**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-0827 GBL-JFA
	)	
CACI INTERNATIONAL, INC., <i>et. al.</i> ,	)	
	)	
Defendants	)	
	)	
	)	

**REPLY TO CACI’S OPPOSITION TO  
PLAINTIFFS’ MOTION FOR LEAVE**

CACI claims in Opposition to Plaintiffs’ Motion for Leave To File a Rebuttal that the Court should ignore “Plaintiffs’ unsupported rendition of the facts” because granting the motion would require the Court to permit CACI to file a response, and thus would delay resolution of CACI’s motion to dismiss. But CACI wrongly elevates speed over accuracy.<sup>1</sup> The Court clearly needs to be certain that it is resting its ruling by applying the law to the facts alleged by Plaintiffs, not to the facts made up by CACI during oral argument. Fed.R.Civ.P. 12(b)(6). Indeed, the Court of Appeals for the Fourth Circuit cautions it is an abuse of the District Court’s discretion to rest its decision on erroneous findings of material fact. *See Franks v. Ross*, 313

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<sup>1</sup> Plaintiffs are not trying to delay the proceedings. Indeed, Plaintiffs filed the motion seeking leave to file the rebuttal on October 27, the very first business day after the oral argument, and noticed the hearing for October 30, a date on which the parties were scheduled to appear before the Court on CACI’s motion for summary judgment. Plaintiffs noticed the hearing for a later date after CACI determined it could not respond so quickly.

F.3d 184 (4<sup>th</sup> Cir. 2002); *Quince Orchard Valley Citizens Ass'n . Hodel*, 872.F.2d 75, 78 (4<sup>th</sup> Cir. 1989). Plaintiffs respectfully request that the Court grant them leave to file the rebuttal.

/s/ Susan L. Burke

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## CERTIFICATE OF SERVICE

I hereby certify that on the 3<sup>rd</sup> day of October, 2008, I caused the foregoing Plaintiffs' Motion for Leave To File a Rebuttal to be emailed via the ECF system to the following:

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