

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

ALEXANDRIA DIVISION

BASHE ABDI YOUSUF, ET AL., *

*

Plaintiffs, *

*

v. *

Civil Action No. 1:04 CV 1360 (LMB)

*

MOHAMED ALI SAMANTAR, *

*

Defendant. *

*

MOTION TO DISMISS SECOND AMENDED COMPLAINT

Pursuant to Rule 12 (b)(1) of the Federal Rules of Civil Procedure, Defendant Mohamed Ali Samantar (“Defendant”), by and through undersigned counsel, Spierer and Goldberg, P.C. and Shaughnessy, Volzer & Gagner, hereby moves this court to dismiss the Complaint of Plaintiffs Bashe Abdi Yousuf, Mohamed Deria Ali, Mustafa Mohamed Deria, John Doe I, James Doe I, James Doe II, Jane Doe I, and John Doe II (collectively, “Plaintiffs”) for lack of personal jurisdiction over the Defendant who is entitled to immunity from suit as to the claims asserted.

Pursuant to Federal Rule 12 (b)(6), Defendant further moves this Court to dismiss Plaintiffs’ claims as to participation in a joint criminal enterprise in that they fail to state a claim upon which relief can be granted.

Additionally, Plaintiffs’ claims should be dismissed on the grounds that Plaintiffs failed to comply with the requirement of exhaustion of remedies and failed to bring this action within the applicable ten-year statute of limitations.

A Memorandum of Law in Support of Defendant's Motion to Dismiss and a form of Order accompany this Motion.

WHEREFORE, Defendant respectfully requests that this Court enter an ORDER DISMISSING Plaintiff's Second Amended Complaint.

Respectfully submitted,

SHAUGHNESSY, VOLZER & GAGNER

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Fred B. Goldberg, hereby certify that on this 29th day of March, 2007, I caused to be served a true and correct copy of the foregoing Defendant's Motion to Dismiss Second Amended Complaint and the accompanying Memorandum by first-class U.S. Mail, postage pre-paid, on the following:

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_____/s/_____
Fred B. Goldberg