

Exhibit 4

LEXSEE 2007 U.S. APP. LEXIS 7830

**Robert L. Pugh, Individually on his own behalf and as Executor of the Estates of
Bonnie Barnes Pugh and Malcolm R. Pugh, et al., Appellees v. Socialist People's
Libyan Arab Jamahiriya, et al., Appellants**

No. 06-7167

**UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
CIRCUIT**

2007 U.S. App. LEXIS 7830

April 3, 2007, Filed

NOTICE: [*1] PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

SUBSEQUENT HISTORY: Findings of fact/conclusions of law at *Pugh v. Socialist People's Libyan Arab Jamahiriya*, 2008 U.S. Dist. LEXIS 2955 (D.D.C., Jan. 15, 2008)

PRIOR HISTORY: 02cv02026.
Pugh v. Socialist People's Libyan Arab Jamahiriya, 2006 U.S. Dist. LEXIS 58033 (D.D.C., May 11, 2006)

COUNSEL: For ROBERT L. PUGH, Individually on his own behalf and as Executor of the Estates of Bonnie Barnes Pugh and Malcolm R. Pugh, ANNE CAREY, Individually on her own behalf and as Executrix of the Estate of Harvey Mills Coverley, DEBORAH VAUGHN SCHOOLING, Individually on her own behalf and as Executrix of the Estate of James E. Turlington Sr., JANA ELIZABETH TURLINGTON, JIMMY BRUCE TURLINGTON, CHRISTOPHER DARWYN TURLINGTON, DAVID ONLEY TURLINGTON, JAMES ELDEE TURLINGTON, JR., EDDIE DON TURLINGTON, JOYCE WRIGHT, Individually on her own behalf and as Executrix of the Estate of Elvee Turlington, RUSSELL TURLINGTON, MARY KATHRYN HASSETT, Individually on her own behalf and as Executrix of the Estate of Margaret Elizabeth Schutzius, WILLIAM CARL SCHUTZIUS, CATHERINE ALEXANDRIA SCHUTZIUS,

CHRISTOPHER MATTHEW SCHUTZIUS, JOHN BENEDICT SCHUTZIUS, ERMINE HAILEY, Individually on her own behalf and as Executrix of the Estate of Patrick Wayne Huff, JAN PATILLO, Individually on her own behalf and as Executrix [*2] of the Estates of James E. Huff and Janice Huff, MICHAEL HUFF, AMANDA HILL, JARED HILL, JANET WARNER, Individually on her own behalf and as Executrix of the Estates of Donald J. Warner and Alvin Warner, SUSAN WARNER, SHERRY WARNER, IOANA ALIMANESTIANU, Individually on her own behalf and as Executrix of the Estate of Mihai Alimanestianu, IRINA ALIMANESTIANU, JOANNA ALIMANESTIANU, NICHOLAS ALIMANESTIANU, ALEXANDER ALIMANESTIANU, SERBAN ALIMANESTIANU, CALIN ALIMANESTIANU, PAULINE ALIMANESTIANO, As Executrix of the Estate of Constantin Alimanestiano, CARLA J. MALKIEWICZ, Individually on her own behalf and as Executrix of the Estate of Mark E. Corder, THERESE CODDINGTON, Individually on her own behalf and as Executrix of the Estate of Edward A. Corder, MICHAEL J. CORDER, INTERLEASE, INC., SALLY CHISHOLM JOHNSON, Individually on her own behalf and as Executrix of the Estate of Georgia Mae Chisholm, Plaintiffs - Appellees: Stuart Henry Newberger, Michael Lee Martinez, Crowell & Moring, Washington, DC.

For ALL PLAINTIFFS, Plaintiff - Appellee: Michael Lee Martinez, Crowell & Moring, Washington, DC.

For SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA, LIBYAN EXTERNAL SECURITY ORGANIZATION [*3] aka Jamahiriya Security

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Organization, MUAMMAR QADHAFI, ABDALLAH SENOUSSEI, AHMED ABDALLAH ELAZRAGH, IBRAHIM NAELI, ARBAS MUSBAH, ISSA ADDELSALAM SHIBANI, ABDELSALAM HAMMOUDA EL AGELI, Defendants - Appellants: Arman Dabiri, Law Office of Arman Dabiri & Associates, PLLC, Washington, DC.

JUDGES: BEFORE: Brown, Griffith, and Kavanaugh, Circuit Judges.

OPINION

ORDER

Upon consideration of the motion for summary reversal, the opposition thereto, and the reply; and the motion for summary affirmance, which includes a request for costs, and the opposition thereto, it is

ORDERED that the motion for summary affirmance be granted and the motion for summary reversal be denied. The merits of the parties' positions are so clear as to warrant summary action. See *Taxpayers Watchdog, Inc. v. Stanley*, 260 U.S. App. D.C. 334, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). The district court properly denied the motion to dismiss for lack of subject-matter jurisdiction. Because Libya was

designated as a state sponsor of terrorism at the time the alleged acts occurred, it is not entitled to sovereign immunity, even though it was later removed from the list of state sponsors of terrorism. See 28 U.S.C. § 1605(a)(7) [*4] ; *Acree v. Republic of Iraq*, 361 U.S. App. D.C. 410, 370 F.3d 41, 56 (D.C. Cir. 2004); *Kilburn v. Socialist People's Libyan Arab Jamahiriya*, 363 U.S. App. D.C. 87, 376 F.3d 1123, 1126-27, 1133 (D.C. Cir. 2004); *Kilburn v. Islamic Republic of Iran*, No. 06-7127, 2006 U.S. App. LEXIS 26051 (D.C. Cir. Oct. 19, 2006); see also Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. 104-132, § 221(c), 110 Stat. 1214, 1243; *Republic of Austria v. Altmann*, 541 U.S. 677, 697-700, 124 S. Ct. 2240, 159 L. Ed. 2d 1 (2004). It is

FURTHER ORDERED that the request for costs be denied. There are no allowable costs taxable against appellants in this case. See *D.C. Cir. Rule 39(a)*.

Pursuant to *D.C. Circuit Rule 36*, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See *Fed. R. App. P. 41(b)*; *D. C. Cir. Rule 41* [*5] .

Per Curiam