

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

BASHE ABDI YOUSUF, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:04 CV 1360 (LMB/JFA)
)	
MOHAMED ALI SAMANTAR,)	
)	
Defendant.)	

PLAINTIFFS’ MOTION TO COMPEL PRODUCTION AND FOR COSTS INCURRED

Pursuant to Federal Rule of Civil Procedure 37 and Local Civil Rule 37, Plaintiffs Bashe Abde Yousuf, Aziz Mohamed Deria,¹ John Doe I, John Doe II, and Jane Doe, through undersigned counsel, respectfully move for an order compelling Defendant Mohamed Ali Samantar to produce materials responsive to Plaintiffs’ Interrogatories and Document Requests, and for costs incurred in filing this Motion.

In support of this motion Plaintiffs incorporate their memorandum in support.

WHEREFORE, Plaintiffs request that the Court order Defendant Mohamed Ali Samantar to produce materials responsive to Plaintiffs’ Interrogatories and Document Requests within two calendar days of the entry of the Order on this Motion, and to award the costs incurred by Plaintiffs in bringing this Motion, including attorney’s fees.

¹ Aziz Mohamed Deria is the personal representative of the estates of Mohamed Deria Ali, Mustafa Mohamed Deria, James Doe I, and James Doe II.

CERTIFICATION

Pursuant to Fed. R. Civ. P. 37(a)(1) and Local Civil Rule 37(E), counsel for Plaintiffs met and conferred with Defendant's counsel in a good-faith effort to resolve the discovery matters that are the subject of this motion.

Dated: June 24, 2011

Respectfully submitted,

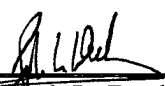


Joseph L. Decker
Virginia State Bar No. 72107
Steven H. Schulman (*pro hac vice*)
W. Randolph Teslik (*pro hac vice*)
Thomas McLish (*pro hac vice*)
Jonathan P. Robell (*pro hac vice*)
Counsel for Plaintiffs Bashe Abdi Yousuf, et al.
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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of June, 2011, I caused a copy of the foregoing Plaintiffs' Motion to Compel Production and for Costs Incurred to be sent via U.S. Mail and via e-mail to the following persons:

Joseph Peter Drennan
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Alexandria, VA 22314
Telephone: (703) 519-3773
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BASHE ABDI YOUSUF, <i>et al.</i> ,)	
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Plaintiffs,)	
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v.)	Civil Action No. 1:04 CV 1360 (LMB/JFA)
)	
MOHAMED ALI SAMANTAR,)	
)	
Defendant.)	

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF
MOTION TO COMPEL PRODUCTION AND FOR COSTS INCURRED**

Pursuant to Federal Rule of Civil Procedure 37 and Local Civil Rule 37, Plaintiffs Bashe Abde Yousuf, Aziz Mohamed Deria,¹ John Doe I, John Doe II, and Jane Doe, through undersigned counsel, respectfully submit this memorandum in support of their motion to compel production, and for costs incurred in filing this Motion. Defendant Mohamed Ali Samantar was to have produced materials responsive to Plaintiffs' Interrogatories and Document Requests by June 21, 2011. His failure to do so comes despite Plaintiffs' extensive efforts to obtain Defendant's discovery in a timely manner.

On May 19, 2011, Plaintiffs served Defendant with the following discovery requests:

- Plaintiffs' First Set of Requests for Production (attached hereto as Exhibit 1)
- Plaintiffs' First Set of Interrogatories (attached hereto as Exhibit 2)
- Plaintiffs' Second Set of Interrogatories (attached hereto as Exhibit 3)

(May 19, 2011 email from J. Robell to J. Drennan, attached hereto as Exhibit 4).

¹ Aziz Mohamed Deria is the personal representative of the estates of Mohamed Deria Ali, Mustafa Mohamed Deria, James Doe I, and James Doe II.

On June 6, 2011, in accordance with Local Civil Rule 26(C), Defendant served his objections to Plaintiffs' Interrogatories and Document Requests. (Defendant Mohamed Ali Samantar's Objections to First and Second Sets of Interrogatories and First Request for Production of Documents Propounded by Plaintiffs, attached hereto as Exhibit 5). During a June 13, 2011 meet and confer teleconference, Defendant's counsel represented that Plaintiffs could expect to receive materials responsive to Plaintiffs' discovery requests within 30 days, in accordance with the Federal Rules, making Defendant's production due on June 21, 2011. Defendant has failed to meet that deadline, and there are only further delays on the horizon.

On June 22, 2011, Plaintiffs' counsel telephoned Defendant's counsel to inquire about the missed deadline. Defendant's counsel represented that he would *attempt* to serve responsive documents and responses to interrogatories by the end of the day on Friday, June 24, 2011. Today, however, Defendant's counsel informed Plaintiffs' counsel that he would yet again fail to respond to Plaintiffs' discovery requests. Defendant's counsel indicated that he had not been able to speak to Defendant (despite having more than one month to do so), and that Defendant would *attempt* to produce responsive materials on June 29, 2011.

Defendant's repeated failures to comply with the discovery rules have forced Plaintiffs to seek the Court's intervention pursuant to Federal Rule of Civil Procedure 37(a)(1) and Local Civil Rule 37(A). Given the short time available for discovery in this case, Plaintiffs cannot indulge Defendant's dilatory tactics. Thus, Plaintiffs respectfully request that the Court order Defendant to produce materials responsive to each of Plaintiffs' outstanding discovery requests within two calendar days after entry of an Order by the Court. *See* Local Civil Rule 37(C) (providing that compliance must be complete within 11 days after entry of order on motion to compel, unless "otherwise authorized" by Court).

Pursuant to Fed. R. Civ. P. 37(a)(5)(A), Plaintiffs also seek an order that Defendant pay all costs, including attorneys fees, associated with this motion. Plaintiffs have made every reasonable effort to resolve this issue without Court intervention, but Defendant's tactics have left Plaintiffs with no choice but to bring this Motion.

CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request that the Court order that the defendant produce all non-privileged, materials responsive to Plaintiffs' First Request for Production of Documents and First and Second Set of Interrogatories within two calendar days after the entry of the Order on this Motion, and award costs, including attorney's fees, incurred in bringing this Motion before the Court.

Dated: June 24, 2011

Respectfully submitted,

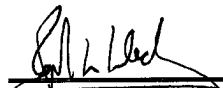


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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of June, 2011, I caused a copy of the foregoing Plaintiffs' Memorandum in Support of Motion to Compel Production and for Costs Incurred to be sent via U.S. Mail and via e-mail to the following persons:

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EXHIBIT 1

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/BRP)
)
 MOHAMED ALI SAMATAR)
)
 Defendant.)

PLAINTIFF'S FIRST SET OF DOCUMENT REQUESTS

Plaintiffs request that the defendant produce all documents identified by the Document Requests below, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and in accordance with the General Instructions and definitions set forth herein, within thirty (30) days of the date of service hereof, or on such date as may be agreed by the parties. All documents called for by the following shall be produced at the offices of Cooley Godward LLP, One Freedom Square, Reston Tower Center, 11951 Freedom Drive, Reston, Virginia 20190-5656.

GENERAL INSTRUCTIONS

A. This request relates to all documents in your possession, custody or control, including documents in the possession, custody or control of any present and/or former attorneys, employees, accountants, financial advisors, representative or agents, or other persons acting or purporting to act on your behalf.

B. You are required to produce the original, and all non-identical copies which differ from the original or from any other copy for any reason, including but not limited to the making of notes thereon, of each document described below. If the original is not in your possession, custody or control, a duplicate may be produced.

C. Each document shall be produced in such a fashion as to indicate clearly the identity of the file in which it was located. All documents are to be produced as they are kept in the usual course of business so that plaintiffs can ascertain the file in which they were located, their relative order in the files and how the files were maintained.

D. If you know of the existence, past or present, of any document described in the following requests, but are unable to produce such document because it is not presently in your possession, custody or control, please identify each and every such document, including the contents, date, sender(s), addressee(s), and any recipient of any copies, state that it is not presently in your possession, custody, or control and state what disposition was made, why such disposition was made, and the identity of the person who now has or may have possession, custody or control of the document.

E. If any document described in the following request has been modified, altered or destroyed any way, in whole or in part, please identify each such document, state how the document was modified or altered, the person who modified, altered, or destroyed the document, and when and why the document was modified, altered, or destroyed.

F. With respect to each document identified by these requests as to which you assert the claim of privilege, separately state the following: (1) the date the document was prepared; (2) the length of the document; (3) the type of the document (*e.g.*, letter, memorandum, note); (4) a general description of the subject of the document; (5) the name and title of its author(s); (6) the name and title of any addressee; (7) the name and title of any other person to whom the document or any copies thereof were sent; and (8) the basis of the claim of privilege.

G. If any of the Document Requests cannot be answered in full, please answer to the extent possible and state with particularity the reasons why a more complete answer cannot be provided.

H. When an objection is made to any Document Request, or subpart thereof, the objection shall state with specificity all grounds on which the objection is based.

I. No part of a Document Request shall be left unproduced on the basis that an objection is interposed to another part of the Document Request.

J. Where documents with attachments are produced, they shall be attached in the same manner as included in the original file. Where documents are produced and all attachments thereto are not attached, please identify the missing attachments and explain the reason(s) for their non-production.

K. Unless otherwise specified, these Document Requests are to be deemed continuing in nature, and require that you promptly produce any additional document of theory that may become known to you or anyone on your behalf after your answers have been prepared or served.

DEFINITIONS

A. “You” and “your” shall mean defendant Yusuf Abdi Ali, his representatives, subordinates, agents, employees, attorneys, companies or any other person or entities acting or purporting to act on his behalf.

B. “Somali” or “Somalia” shall refer to the Democratic Republic of Somalia, as it existed during the period 1980 through 1990.

C. “Somali Armed Forces” shall refer to any unit or member of the following: (a) the Somali military forces: army, navy, air force, or special forces; (b) the National Security Service

(“NSS”); (c) the Red Berets; (d) any police organization including the Defense Intelligence Security Agency (also known as “Hangash”); (e) anyone acting or purporting to act under the authority (whether actual or apparent) of the Somali Armed Forces; and (f) any other military force, unit, organization, department or agency of Somalia and any of the aforementioned predecessor or successor organizations or groups (whether or not formally instituted) and shall be construed so as to mean any of these organizations individually, severally, or collectively.

D. “United States Armed Forces” shall refer to Office of the Secretary of Defense and his subordinates, including the Offices of the Department of the Army, Navy, and Air Force, and shall include the United States Army, Navy, Air Force, and Marines.

E. “Person” shall mean a natural person and any other cognizable entity, including without limitation, firms, partnerships, corporations, divisions, proprietorships, joint ventures, consortiums, clubs, associations, foundations, governmental agencies or instrumentalities, societies, orders, or any other organization or entity.

F. “Communicate” and “Communication” shall mean any transmission or exchange of information by any manner including telephonic “statements”, voicemail, inquiries, negotiations, discussions, agreements, understandings, meetings, notes, mail, facsimile, letters, electronic mail (e-mail), telegrams, teletypes, telexes, telecopies, computer linkups, written memoranda, face-to-face conversations and any verbal or non-verbal assertion (or “statement”) by one or more persons or among two or more persons.

G. “Document” and/or “thing” shall be synonymous in meaning and equal in scope to the usage of the term in Rule 34(a) of the Federal Rules of Civil Procedure and the term “Writing” as defined in the Rule 1001 of the Federal Rules of Evidence. Electronic

correspondence is also included within the meaning of this term. A draft or non-identical copy is a separate document within the meaning of this term.

H. “Refer,” “Relate” and “Concern” (and their forms), shall mean to refer to, relate to, pertaining to, having a relationship to, evidencing or constituting evidence of in whole or in part, to concern, involve, be connected with, reflect, indicate, disclose, summarize, explain, support, refute, exhibit, entail, illustrate, record, memorialize, discuss, include, implicate, name, reveal, expose, denote, imply, suggest, show, mention, demonstrate, embody, comprise, constitute, contain, identify, state, pertain directly or indirectly to, show signs of, or is in any way relevant to the particular subject matter identified.

I. To the extent necessary to bring within the scope of the Interrogatories contained herein any information that might otherwise be construed to be outside their scope, (a) the words “and” and “or” shall be read in the conjunctive and in the disjunctive wherever they appear; (b) the word “all” means “any and all”; (c) the word “including” means “including but not limited to”; (d) the word “any” means and includes both “any” and “every”; (e) “each” shall mean both “each” and “every,” and the word “every” shall mean “each” and “every,” as appropriate; (e) the singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun, and vice versa; (f) the neuter form of a pronoun shall be considered to include within its meaning the masculine and feminine forms of the pronoun, and vice versa; and (f) the use of any tense of any verb shall be considered to include also within its meaning all other tenses of the verb.

J. The phrase “this Action” means *Yousuf v. Samatar*, Civil Action No. 1:04CV1360 LMB (BRP), currently pending in the United States District Court for the Eastern District of Virginia, Alexandria Division.

K. The term “UFFO” as used herein shall mean the civic group formed in or around 1981 in or around Hargeisa, Somalia and sentenced by the National Security Court on February 28, 1982. The group was also known as “The Hargeisa Self-Help Group” and also (in Somali) “Ragga u Dhashay Magaalada.”

DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1.

All documents and communications relating to any fact alleged in the complaint filed in this Action.

DOCUMENT REQUEST NO. 2.

All documents and communications that you may use to support any claim or defense you may assert in this Action.

DOCUMENT REQUEST NO. 3.

All documents and communications relating to your roles and responsibilities as the Minister of Defense of Somalia.

DOCUMENT REQUEST NO. 4.

All documents and communications relating to the organization or structure of the Ministry of Defense of Somalia during your tenure as Minister of Defense of Somalia.

DOCUMENT REQUEST NO. 5.

All documents and communications relating to the chain of command, reporting structure, or operational structure or hierarchy of the Somali Armed Forces during your tenure as Minister of Defense of Somalia.

DOCUMENT REQUEST NO. 6.

All documents and communications relating to the chain of command, reporting structure, or operational structure or hierarchy of the Somali Armed Forces during your tenure as Prime Minister of Somalia.

DOCUMENT REQUEST NO. 7.

All documents and communications relating to the High Command or General Staff of the Somali Armed Forces, including documents sufficient to show the names and rank of the officers who were in positions of senior command of the Somali Armed Forces, during your tenure as Minister of Defense of Somalia.

DOCUMENT REQUEST NO. 8.

All documents and communications relating to your roles and responsibilities as the Prime Minister of Somalia.

DOCUMENT REQUEST NO. 9.

All documents and communications relating to the organization or structure of the Office of the Prime Minister during your tenure as Prime Minister of Somalia.

DOCUMENT REQUEST NO. 10.

All documents and communications relating to the names and positions of individuals holding positions in your Cabinet or on your Staff during your tenure as Prime Minister of Somalia.

DOCUMENT REQUEST NO. 11.

All documents and communications relating to your attendance and training in any United States Armed Forces training program including the International Military Education Training Program.

DOCUMENT REQUEST NO. 12.

All documents and communications relating to any effort by the Somali government or the Somali Armed Forces to prevent, investigate or punish violations of Somali or international law, including torture, extrajudicial killings, war crimes, crimes against humanity, arbitrary detention, or cruel, inhuman, or degrading treatment, allegedly committed by the Somali Armed Forces.

DOCUMENT REQUEST NO. 13.

All documents and communications relating to the Somali National Movement (“SNM”) from 1980 through 1991.

DOCUMENT REQUEST NO. 14.

All documents and communications relating to attacks by the Somali Armed Forces on northwest Somalia, including in the city of Hargeisa, in or around June or July 1988.

DOCUMENT REQUEST NO. 15.

All documents and communications relating to the torture and/or execution of prisoners in or near Hargeisa prisons during your tenure as Minister of Defense of Somalia.

DOCUMENT REQUEST NO. 16.

All documents and communications relating to the torture and/or execution of prisoners in or near Labaatan Jirow prisons during your tenure as Minister of Defense of Somalia.

DOCUMENT REQUEST NO. 17.

All documents relating to the massacre of civilians at Jezira Beach in July 1989.

DOCUMENT REQUEST NO. 18.

All documents relating to your application for asylum, residency, or citizenship in, or acceptance of entry into, the United States, Italy or elsewhere.

DOCUMENT REQUEST NO. 19.

All documents relating to any travel you have made since 1991 involving the crossing of any national border other than the United States border, including copies of all passports and travel visas, whether in your name or under another name or alias.

DOCUMENT REQUEST NO. 20.

All documents filed by you or your representative, and any documents filed by prosecutors or parties or their representatives, in any country, in any judicial or administrative proceeding in which you are or have been a party, or you are or were otherwise asked or ordered to participate.

DOCUMENT REQUEST NO. 21.

All documents and communications between you and any representative of the United States government, including the Central Intelligence Agency, the State Department, the Defense Department or any other department, agency, office, embassy or military branch of the United States government.

DOCUMENT REQUEST NO. 22.

All documents relating to communications between yourself and any journalist, including journalists from both print and broadcast media.

DOCUMENT REQUEST NO. 23.

All documents and communications relating to any funds, monies or credits supplied or provided to you for your benefit by the United States government or any of its departments or agencies, or by any organization or entity affiliated in any manner with the United States government.

DOCUMENT REQUEST NO. 24.

Your resume or any other document(s) reflecting your full work history.

DOCUMENT REQUEST NO. 25.

All documents and communications relating to your income since 1990.

DOCUMENT REQUEST NO. 26.

All documents and communications relating to your income during the periods you served as Minister of Defense and Prime Minister of Somalia.

DOCUMENT REQUEST NO. 27.

All documents and communications relating to any real property, bank account, trust, or other monetary asset, investment, stock or bond, corporation partnership or other business venture, in or over which you have or have had a legal or beneficial interest, or over which you have created or transferred (by sale, gift, or otherwise) a legal or beneficial interest to or from any other person, at any time since 1980, including all documents relating to any transfer of any property, interest, or asset identified above to any person.

DOCUMENT REQUEST NO. 28.

All documents and communications reflecting your residency in the United States including social security identifications and drivers licenses.

DOCUMENT REQUEST NO. 29.

Any diary, journal, or calendar you maintained or have maintained since 1980 or are currently maintaining.

DOCUMENT REQUEST NO. 30.

All documents, such as field manuals or other documents, sufficient to show the operational practices of the Somali Armed Forces.

DOCUMENT REQUEST NO. 31.

All documents, such as codes of military justice or other documents, sufficient to show the rules and procedures regulating the conduct and discipline of the Somali Armed Forces.

DOCUMENT REQUEST NO. 32.

All documents and communications distributed to or by personnel in the Somali Armed Forces pertaining to the standards for treatment of the civilian population in Somalia, including all documents and communications pertaining to the protection of combatants and noncombatants during military operations; the prevention of violations of international and Somali law by the Armed Forces; and the obligation that all Armed Forces personnel comply with international and Somali law, including prohibitions against torture, extrajudicial killings, war crimes, crimes against humanity, arbitrary detention and cruel, inhuman or degrading treatment or punishment.

DOCUMENT REQUEST NO. 33.

All documents and communications relating to Amnesty International's (or any other organization's) letter writing campaigns and/or entreaties and/or pleas to the Siad Barre regime on behalf of individuals imprisoned in Somalia.

DOCUMENT REQUEST NO. 34.

All documents and communications relating to the visit by representatives of Amnesty International to Somalia in 1989, including documents and communications relating to your meeting with them.

DOCUMENT REQUEST NO. 35.

All documents and communications relating to your visits to the United States during the 1980's.

DOCUMENT REQUEST NO. 36.

All documents and communications relating to efforts by The National Academy of Sciences to obtain the release of imprisoned Somali scientists, including all documents and communications relating to the visit of the National Academy of Sciences' representatives to Somalia in October 1987.

DOCUMENT REQUEST NO. 37.

All documents and communications prepared by or provided to you during your tenure as Minister of Defense of Somalia.

DOCUMENT REQUEST NO. 38.

All documents and communications prepared by or provided to you during your tenure as Prime Minister of Somalia.

DOCUMENT REQUEST NO. 39.

All documents and communications relating to any human rights abuses committed by the Somali Armed Forces during your tenure as Minister of Defense of Somalia.

DOCUMENT REQUEST NO. 40.

All documents and communications relating to any human rights abuses committed by the Somali Armed Forces during your tenure as Prime Minister of Somalia.

DOCUMENT REQUEST NO. 41.

All documents sufficient to demonstrate the units of the Armed Forces with responsibility for specific regions of Somalia, including central and regional headquarters and barracks during your tenure as Minister of Defense of Somalia.

DOCUMENT REQUEST NO. 42.

All documents and communications relating to the gathering or dissemination of information and the issuing of orders within and among the Somali Armed Forces during your tenure as Minister of Defense of Somalia.

DOCUMENT REQUEST NO. 43.

All documents and communications relating to your ability to maintain effective control over your subordinates during your tenure as Minister of Defense of Somalia.

DOCUMENT REQUEST NO. 44.

All documents and communications relating to your allegation that Plaintiffs' claims are barred by the statute of limitations.

DOCUMENT REQUEST NO. 45.

All documents and communications relating to any investigation of causes of conflict in the northern regions of Somalia.

Dated: December 16, 2004

BASHE ABDI YOUSUF
JOHN DOE I
JANE DOE I
JOHN DOE II
JOHN DOE III and
JOHN DOE IV
By Counsel

By:



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CERTIFICATE OF SERVICE

I hereby certify, this 16th day of December, 2004, that a true copy of the foregoing was sent by facsimile and first class mail, postage prepaid, to the following counsel of record:

Harvey J. Volzer, Esq.
Shaughnessy, Volzer & Gagner, P.C.
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Bethesda, MD 20814



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EXHIBIT 2

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

ALEXANDRIA DIVISION

BASHE ABDI YOUSUF, *et al.*)
)
 Plaintiffs,)
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 v.) Civil Action No. 1:04 CV 1360 (LMB/BRP)
)
 MOHAMED ALI SAMANTAR)
)
 Defendant.)

PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANT MOHAMED ALI SAMANTAR

Pursuant to Federal Rule of Civil Procedure 33, plaintiffs Bashe Abdi Yousuf, John Doe I, Jane Doe I, John Doe II, John Doe III and John Doe IV (collectively, "Plaintiffs") hereby request that defendant Mohamed Ali Samantar ("Defendant") answer separately and truthfully in writing under oath within 30 days of service hereof, each of the Interrogatories set forth below in accordance with the Definitions and Instructions as they appear below.

DEFINITIONS

A. "You" and "your" shall mean defendant, his representatives, subordinates, agents, employees, attorneys, companies or any other person or entities acting or purporting to act on his behalf.

B. "Somali" or "Somalia" shall refer to the Democratic Republic of Somalia, as it existed during the period 1980 through 1990.

C. "Somali Armed Forces" shall refer to any unit or member of the following: (a) the Somali military forces: army, navy, air force, or special forces; (b) the National Security Service ("NSS"); (c) the Red Berets; (d) any police organization including the Defense Intelligence Security Agency (also known as "Hangash"); (e) anyone acting or purporting to act under the

authority (whether actual or apparent) of the Somali Armed Forces; and (f) any other military force, unit, organization, department or agency of Somalia and any of the aforementioned predecessor or successor organizations or groups (whether or not formally instituted) and shall be construed so as to mean any of these organizations individually, severally, or collectively.

D. "Person" shall mean a natural person and any other cognizable entity, including without limitation, firms, partnerships, corporations, divisions, proprietorships, joint ventures, consortiums, clubs, associations, foundations, governmental agencies or instrumentalities, societies, orders, or any other organization or entity.

E. "Communicate" and "Communication" shall mean any transmission or exchange of information by any manner including telephonic "statements", voicemail, inquiries, negotiations, discussions, agreements, understandings, meetings, notes, mail, facsimile, letters, electronic mail (e-mail), telegrams, teletypes, telexes, telecopies, computer linkups, written memoranda, face-to-face conversations and any verbal or non-verbal assertion (or "statement") by one or more persons or among two or more persons.

F. "Document" and/or "thing" shall be synonymous in meaning and equal in scope to the usage of the term in Rule 34(a) of the Federal Rules of Civil Procedure and the term "Writing" as defined in the Rule 1001 of the Federal Rules of Evidence. Electronic correspondence is also included within the meaning of this term. A draft or non-identical copy is a separate document within the meaning of this term.

G. "Refer," "Relate" and "Concern" (and their forms), shall mean to refer to, relate to, pertaining to, having a relationship to, evidencing or constituting evidence of in whole or in part, to concern, involve, be connected with, reflect, indicate, disclose, summarize, explain, support, refute, exhibit, entail, illustrate, record, memorialize, discuss, include, implicate, name,

reveal, expose, denote, imply, suggest, show, mention, demonstrate, embody, comprise, constitute, contain, identify, state, pertain directly or indirectly to, show signs of, or is in any way relevant to the particular subject matter identified.

H. To the extent necessary to bring within the scope of the Interrogatories contained herein any information that might otherwise be construed to be outside their scope, (a) the words “and” and “or” shall be read in the conjunctive and in the disjunctive wherever they appear; (b) the word “all” means “any and all”; (c) the word “including” means “including but not limited to”; (d) the word “any” means and includes both “any” and “every”; (e) “each” shall mean both “each” and “every,” and the word “every” shall mean “each” and “every,” as appropriate; (e) the singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun, and vice versa; (f) the neuter form of a pronoun shall be considered to include within its meaning the masculine and feminine forms of the pronoun, and vice versa; and (f) the use of any tense of any verb shall be considered to include also within its meaning all other tenses of the verb.

I. The phrase “this Action” means *Yousuf v. Samantar*, Civil Action No. 1:04CV1360 LMB (BRP), currently pending in the United States District Court for the Eastern District of Virginia, Alexandria Division.

J. “Somali Government” shall mean the Government of Somalia, including any ministries, Somali Armed Forces, missions, services, departments, agencies, commissions, legislatures, parliaments, assemblies, and cabinets, and shall be construed so as to mean any of these entities individually, severally or collectively.

K. The term "Identify" (and its forms), when used with respect to documents or things, means to provide, to the extent known, a description of each document or thing sufficient to obtain production thereof by subpoena, discovery request, or court order, including:

- (a) the type of document or thing (letter, photograph, etc.);
- (b) the name and current business or residential address of the author(s) or originator(s), including each person or persons who (a) prepared or participated in the preparation or creation of the document or thing, (b) signed it, initialed it or over whose signature or initials it was issued, and (c) to whom it was addressed or distributed;
- (c) the title and nature of the document's or thing's contents;
- (d) the date appearing on the document or thing and the date or dates when it was prepared;
- (e) a brief summary of the substance of each document or thing;
- (f) the current physical location of the document or thing; and
- (g) if the document or thing is no longer in existence or in defendant's control, the disposition that was made of it and the location of any copies of the document or thing known to the defendant.

ALTERNATIVELY, you may identify any document or thing by instead attaching a full, clear, legible copy thereof to your response hereto, provided that each such copy contains a reference to each Interrogatory to which it is responsive.

L. The term "Identify" (and its forms), when used with respect to persons, means to provide, to the extent known, such person's full name (or if not known, provide sufficient description so that such person will be identifiable to the plaintiffs), present or last known business or residential address, and previous or last known telephone number(s). If the person is

a natural person, also provide that person's present or last known job title, place of employment or business affiliation and business telephone number. If the person is a governmental or business entity, also provide the address of its principle place of business, the address of the particular office and the identity of the person or persons having knowledge of the matter with respect to which the business or governmental entity is named.

M. The term "Identify" (and its forms), when used with respect to communications, means, to the extent known:

- (1) state the date and place of each communication;
- (2) state the medium through which such communication was made (*e.g.*, in person, by telephone, etc.);
- (3) Identify each person who participated in the Communication;
- (4) Identify each person (other than a participant) who heard or had access to the communication;
- (5) state the substance of the communication, including any discussion constituting or relating to the communication, the order in which such discussion was had, and any decisions or conclusions reached in the course of or as a result of the communication; and
- (6) Identify each document or thing relating to the substance of the communication.

INSTRUCTIONS

1. Plaintiffs incorporate herein by reference Rules 26 and 33 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Eastern District of Virginia. These Interrogatories seek responses to the full extent of the Federal and Local Rules.

2. In answering these Interrogatories, you are required to furnish truthfully, fully and in good faith, all information that is presently available to you, regardless of whether such information was obtained directly by you, by your former or present attorneys, agents, consultants, employees, investigators, accountants, experts, or anyone acting or purporting to act on their behalf or your behalf. If, after having consulted all the aforementioned persons, you are unable to provide the information being sought by any Interrogatory or any portion thereof, describe in details your efforts to obtain such information.

3. If any of the following Interrogatories cannot be answered in full, answer to the extent possible, specifying the reasons for your inability to answer the remainder of the Interrogatory and stating whatever information, knowledge or belief you do have relating to the unanswered portion thereof.

4. A request to “state the entire factual basis” for an allegation or contention means to:

(a) State all facts in your knowledge, possession or control regarding any allegation or contention, including all facts that you may use to support the allegation or contention, as well as all facts that tend to contradict or undermine the allegation or contention;

(b) Identify each person having knowledge relating to the subject matter of the allegation or contention, regardless of whether such person’s knowledge tends to support or contradict or undermine the allegation or contention; and

(c) Identify each document or thing relating to the subject matter of the claim or defense, regardless of whether such document or thing tends to support or contradict or undermine the allegation or contention.

5. If and to the extent to which you claim a privilege as a ground for refusing to answer an Interrogatory in whole or in part, describe the bases for such claim of privilege and provide such other information as is required by Federal Rule of Civil Procedure 26(b)(5) and other applicable rules of court or law.

6. If you object to or refuse to answer any part of an Interrogatory on grounds other than privilege, describe the ground(s) separately, fully and with particularity.

7. These interrogatories shall be deemed continuing, and you shall be obligated to change, supplement, and correct your answers to conform to all available information, including such information as first becomes available to you after your answers hereto are served.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each person having knowledge of the facts relating to any of the claims and defenses stated in the “pleadings” (as that term is defined pursuant to Rule 7(a) of the Federal Rules of Civil Procedure) and, for each such person, state the entire factual basis of that person’s knowledge and indicate whether such person will be called to testify at trial.

INTERROGATORY NO. 2:

Provide a timeline of your service in the Somali Government, including your military and civilian positions, for the period 1980 through 1991. For each position you held:

(a) provide your job title or rank at the time;

(b) provide the dates of service in that position;

(c) describe in detail all aspects of your role and responsibilities in that position, including the extent of your command authority relating to any aspect of the operations of the Somali Armed Forces or to any group or persons working in conjunction with, or with the

acquiescence of, the Somali Armed Forces, or any of their predecessor or successor organizations or groups, whether or not formally constituted;

(d) Identify each member or unit of the Somali Armed Forces over which you had command authority;

(e) Identify your immediate superiors; and

(f) Identify your immediate subordinates.

INTERROGATORY NO. 3:

Identify each meeting that you attended in your capacity as Minister of Defense or Prime Minister of Somalia, including meetings with representatives of the U.S. government, the United Nations, or human rights organizations, in which the issue of human rights was discussed. For each such meeting, state the date and location of the meeting, identify the persons in attendance, and provide a summary of the discussion at the meeting that relates to human rights.

INTERROGATORY NO. 4:

Identify each person with knowledge of facts relating to the arrest, abduction, detention, disappearance, killing, or execution of civilians at Jezira Beach in or around July 1989.

INTERROGATORY NO. 5:

Identify each person with knowledge of facts relating to the detention, torture, mistreatment, cruel, inhuman or degrading treatment, or imprisonment of any members of a group sometimes known as UFFO as described in the complaint.

Dated: December 17, 2004

BASHE ABDI YOUSUF
JOHN DOE I
JANE DOE I
JOHN DOE II
JOHN DOE III and
JOHN DOE IV
By Counsel

By: 

Robert R. Vieth (VSB #24304)
Tara M. Lee
Cooley Godward LLP
One Freedom Square
11951 Freedom Drive
Reston, Virginia 20190-5656
(703) 456-8000

Matthew Eisenbrandt
Helene Silverberg
Center for Justice & Accountability
870 Market Street, Suite 684
San Francisco, California 94102
(415) 544-0444

CERTIFICATE OF SERVICE

I hereby certify, this 17th day of December, 2004, that a true copy of the foregoing was hand delivered to the following counsel of record:

Harvey J. Volzer, Esq.
Shaughnessy, Volzer & Gagner, P.C.
1101 15th Street, N.W., Suite 202
Washington, D.C. 20005

Julian Henry Spirer
Fred B. Goldberg, Esq.
Spirer & Goldberg, P.C.
7101 Wisconsin Avenue, Suite 1201
Bethesda, MD 20814



EXHIBIT 3

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/BRP)
)
 MOHAMED ALI SAMANTAR)
)
 Defendant.)

PLAINTIFFS' SECOND SET OF INTERROGATORIES TO DEFENDANT MOHAMED ALI SAMANTAR

Pursuant to Federal Rule of Civil Procedure 33, plaintiffs Bashe Abdi Yousuf, John Doe I, Jane Doe I, John Doe II, John Doe III and John Doe IV (collectively, "Plaintiffs") hereby request that defendant Mohamed Ali Samantar ("Defendant") answer separately and truthfully in writing under oath within 30 days of service hereof, each of the Interrogatories set forth below in accordance with the Definitions and Instructions as they appear below.

DEFINITIONS

- A. "You" and "your" shall mean defendant Mohamed Ali Samantar, his representatives, subordinates, agents, employees, attorneys, companies or any other person or entities acting or purporting to act on his behalf.
- B. "Somali" or "Somalia" shall refer to the Democratic Republic of Somalia, as it existed during the period 1980 through 1990.
- C. "Somali Armed Forces" shall refer to any unit or member of the following: (a) the Somali military forces: army, navy, air force, or special forces; (b) the National Security Service

("NSS"); (c) the Red Berets; (d) any police organization including the Defense Intelligence Security Agency (also known as "Hangash"); (e) anyone acting or purporting to act under the authority (whether actual or apparent) of the Somali Armed Forces; and (f) any other military force, unit, organization, department or agency of Somalia and any of the aforementioned predecessor or successor organizations or groups (whether or not formally instituted) and shall be construed so as to mean any of these organizations individually, severally, or collectively.

D. "Person" shall mean a natural person and any other cognizable entity, including without limitation, firms, partnerships, corporations, divisions, proprietorships, joint ventures, consortiums, clubs, associations, foundations, governmental agencies or instrumentalities, societies, orders, or any other organization or entity.

E. "Communicate" and "Communication" shall mean any transmission or exchange of information by any manner including telephonic "statements," voicemail, inquiries, negotiations, discussions, agreements, understandings, meetings, notes, mail, facsimile, letters, electronic mail (e-mail), telegrams, teletypes, telexes, telecopies, computer linkups, written memoranda, face-to-face conversations and any verbal or non-verbal assertion (or "statement") by one or more persons or among two or more persons.

F. "Document" and/or "thing" shall be synonymous in meaning and equal in scope to the usage of the term in Rule 34(a) of the Federal Rules of Civil Procedure and the term "Writing" as defined in the Rule 1001 of the Federal Rules of Evidence. Electronic correspondence is also included within the meaning of this term. A draft or non-identical copy is a separate document within the meaning of this term.

G. "Refer," "Relate" and "Concern" (and their forms), shall mean to refer to, relate to, pertaining to, having a relationship to, evidencing or constituting evidence of in whole or in

part, to concern, involve, be connected with, reflect, indicate, disclose, summarize, explain, support, refute, exhibit, entail, illustrate, record, memorialize, discuss, include, implicate, name, reveal, expose, denote, imply, suggest, show, mention, demonstrate, embody, comprise, constitute, contain, identify, state, pertain directly or indirectly to, show signs of, or is in any way relevant to the particular subject matter identified.

H. To the extent necessary to bring within the scope of the Interrogatories contained herein any information that might otherwise be construed to be outside their scope, (a) the words “and” and “or” shall be read in the conjunctive and in the disjunctive wherever they appear; (b) the word “all” means “any and all”; (c) the word “including” means “including but not limited to;” (d) the word “any” means and includes both “any” and “every;” (e) “each” shall mean both “each” and “every,” and the word “every” shall mean “each” and “every,” as appropriate; (e) the singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun, and vice versa; (f) the neuter form of a pronoun shall be considered to include within its meaning the masculine and feminine forms of the pronoun, and vice versa; and (f) the use of any tense of any verb shall be considered to include also within its meaning all other tenses of the verb.

I. The phrase “this Action” means *Yousuf v. Samantar*, Civil Action No. 1:04CV1360 (LMB/BRP), currently pending in the United States District Court for the Eastern District of Virginia, Alexandria Division.

J. “Somali Government” shall mean the Government of Somalia, including any ministries, Somali Armed Forces, missions, services, departments, agencies, commissions, legislatures, parliaments, assemblies, and cabinets, and shall be construed so as to mean any of these entities individually, severally or collectively.

K. The term “Identify” (and its forms), when used with respect to documents or things, means to provide, to the extent known, a description of each document or thing sufficient to obtain production thereof by subpoena, discovery request, or court order, including:

(a) the type of document or thing (letter, photograph, etc.);

(b) the name and current business or residential address of the author(s) or originator(s), including each person or persons who (a) prepared or participated in the preparation or creation of the document or thing, (b) signed it, initialed it or over whose signature or initials it was issued, and (c) to whom it was addressed or distributed;

(c) the title and nature of the document’s or thing’s contents;

(d) the date appearing on the document or thing and the date or dates when it was prepared;

(e) a brief summary of the substance of each document or thing;

(f) the current physical location of the document or thing; and

(g) if the document or thing is no longer in existence or in defendant’s control, the disposition that was made of it and the location of any copies of the document or thing known to the defendant.

ALTERNATIVELY, you may identify any document or thing by instead attaching a full, clear, legible copy thereof to your response hereto, provided that each such copy contains a reference to each Interrogatory to which it is responsive.

L. The term “Identify” (and its forms), when used with respect to persons, means to provide, to the extent known, such person’s full name (or if not known, provide sufficient description so that such person will be identifiable to the plaintiffs), present or last known business or residential address, and previous or last known telephone number(s). If the person is

a natural person, also provide that person's present or last known job title, place of employment or business affiliation and business telephone number. If the person is a governmental or business entity, also provide the address of its principle place of business, the address of the particular office and the identity of the person or persons having knowledge of the matter with respect to which the business or governmental entity is named.

M. The term "Identify" (and its forms), when used with respect to communications, means, to the extent known:

- (1) state the date and place of each communication;
- (2) state the medium through which such communication was made (*e.g.*, in person, by telephone, etc.);
- (3) Identify each person who participated in the Communication;
- (4) Identify each person (other than a participant) who heard or had access to the communication;
- (5) state the substance of the communication, including any discussion constituting or relating to the communication, the order in which such discussion was had, and any decisions or conclusions reached in the course of or as a result of the communication; and
- (6) Identify each document or thing relating to the substance of the communication.

INSTRUCTIONS

1. Plaintiffs incorporate herein by reference Rules 26 and 33 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Eastern District of Virginia. These Interrogatories seek responses to the full extent of the Federal and Local Rules.

2. In answering these Interrogatories, you are required to furnish truthfully, fully and in good faith, all information that is presently available to you, regardless of whether such information was obtained directly by you, by your former or present attorneys, agents, consultants, employees, investigators, accountants, experts, or anyone acting or purporting to act on their behalf or your behalf. If, after having consulted all the aforementioned persons, you are unable to provide the information being sought by any Interrogatory or any portion thereof, describe in details your efforts to obtain such information.

3. If any of the following Interrogatories cannot be answered in full, answer to the extent possible, specifying the reasons for your inability to answer the remainder of the Interrogatory and stating whatever information, knowledge or belief you do have relating to the unanswered portion thereof.

4. A request to “state the entire factual basis” for an allegation or contention means to:

(a) State all facts in your knowledge, possession or control regarding any allegation or contention, including all facts that you may use to support the allegation or contention, as well as all facts that tend to contradict or undermine the allegation or contention;

(b) Identify each person having knowledge relating to the subject matter of the allegation or contention, regardless of whether such person’s knowledge tends to support or contradict or undermine the allegation or contention; and

(c) Identify each document or thing relating to the subject matter of the claim or defense, regardless of whether such document or thing tends to support or contradict or undermine the allegation or contention.

5. If and to the extent to which you claim a privilege as a ground for refusing to answer an Interrogatory in whole or in part, describe the bases for such claim of privilege and provide such other information as is required by Federal Rule of Civil Procedure 26(b)(5) and other applicable rules of court or law.

6. If you object to or refuse to answer any part of an Interrogatory on grounds other than privilege, describe the ground(s) separately, fully and with particularity.

7. These interrogatories shall be deemed continuing, and you shall be obligated to change, supplement, and correct your answers to conform to all available information, including such information as first becomes available to you after your answers hereto are served.

INTERROGATORIES

INTERROGATORY NO. 1:

Describe in detail your knowledge of, and your involvement in, any effort by the Somali government or the Somali Armed Forces to prevent, investigate or punish any violations of Somali or international law, (including torture, extrajudicial killings, war crimes, crimes against humanity, arbitrary detention, or cruel, inhuman, or degrading treatment), allegedly committed by the Somali Armed Forces during the 1980's.

INTERROGATORY NO. 2:

Identify every person you may call as an expert witness at trial, including, but not limited to, and for each such person, provide all the information required by Rule 26(a)(2)(B) of the Federal

Rules of Civil Procedure.

Dated: January 4, 2005

BASHE ABDI YOUSUF
JOHN DOE I
JANE DOE I
JOHN DOE II
JOHN DOE III and
JOHN DOE IV
By Counsel

By:



Robert R. Vieth (VSB #24304)
Tara M. Lee
Cooley Godward LLP
One Freedom Square
11951 Freedom Drive
Reston, Virginia 20190-5656
(703) 456-8000

Matthew Eisenbrandt
Helene Silverberg
Center for Justice & Accountability
870 Market Street, Suite 684
San Francisco, California 94102
(415) 544-0444

CERTIFICATE OF SERVICE

I hereby certify, this 4th day of January, 2005, that a true copy of the foregoing was delivered via electronic mail and overnight delivery to the following counsel of record:

Harvey J. Volzer, Esq.
Shaughnessy, Volzer & Gagner, P.C.
1101 15th Street, N.W., Suite 202
Washington, D.C. 20005

Julian Henry Spirer
Fred B. Goldberg, Esq.
Spirer & Goldberg, P.C.
7101 Wisconsin Avenue, Suite 1201
Bethesda, MD 20814



EXHIBIT 4

Tobio, Elizabeth

From: Robell, Jonathan
Sent: Thursday, May 19, 2011 3:56 PM
To: 'joseph@josephpeterdrennan.com'
Subject: Yousuf v. Samantar discovery papers
Attachments: 2004.12.17 Pltf's 1st set of Interrogatories-r.pdf; 2004.12.16 Pltf's 1st set of Document Requests-r.pdf; 2005.01.04 Plaintiffs' Second Set of Interrogatories to Defendant Mohamed Ali Samantar-r.pdf; 2004.12.23 Defendant's Objections to Pltf's Interrogatories &Requests for Documents-r.pdf

Joseph,

In our telephone discussions yesterday regarding the joint discovery plan, I believe you said you do not have copies of the discovery served on Defendant's previous counsel. You may have meant that you did not have them at your fingertips during our call; nonetheless, attached please find the following documents:

- Plaintiffs' First Set of Requests for Production
- Plaintiffs' First Set of Interrogatories
- Defendant's Objections to Plaintiffs' First Set of Requests for Production and Interrogatories
- Plaintiffs' Second Set of Interrogatories

These are the document requests and interrogatories on which we are seeking a response by May 24, as stated in my May 12 letter.

Please let me know if you have any questions. I look forward to meeting you at next Wednesday's pretrial conference.

Regards,

Jon

Jonathan P. Robell

AKIN GUMP STRAUSS HAUER & FELD LLP

1333 New Hampshire Avenue NW | Washington, DC 20036-1564

Direct: 202.887.4526 | Fax: 202.887.4288 | Cell: 917.860.2676 | jrobell@akingump.com

EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

BASHE ABDI YOUSUF, <i>et alii</i>,	*	
	*	
Plaintiffs,	*	
	*	
versus	*	Civil Action No. 04-1360 (LMB/JFA)
	*	
MOHAMED ALI SAMANTAR,	*	
	*	
Defendant.	*	

***DEFENDANT MOHAMED ALI SAMANTAR'S OBJECTIONS TO FIRST AND SECOND
SETS OF INTERROGATORIES AND FIRST REQUEST FOR THE PRODUCTION OF
DOCUMENTS PROPOUNDED BY PLAINTIFFS***

COMES NOW, before this Honorable Court, your defendant in respect of the above-encaptioned cause, *viz.*, MOHAMED ALI SAMANTAR, by and through his undersigned attorney and counsellor, *in praesenti, viz.*, Joseph Peter Drennan, pursuant to the provisions of Local Rule 26 (c), as well as the Scheduling Order entered herein on 25 May 2011 [Document 169], and herewith states his Objections to the following written discovery heretofore propounded by your plaintiffs, *viz.*: i.) "PLAINTIFF'S (*sic.*) FIRST SET OF DOCUMENT REQUESTS" (first propounded on 16 December 2004); ii.) "PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANT MOHAMED ALI SAMANTAR" (first propounded on 17 December 2004); & iii.) "PLAINTIFFS' SECOND SET OF INTERROGATORIES TO DEFENDANT MOHAMED ALI SAMANTAR" (first propounded on 4 January 2005), by showing unto this Honorable Court as follows, *viz.*:

GENERAL OBJECTIONS

Your defendant's objections herein are based upon such information presently available to your defendant. Your defendant, through his present undersigned counsel, continues to

investigate areas relevant to the subject Interrogatories and Requests for Production of Documents, and expressly reserves the right, without imposing on your defendant any duty not required by either the applicable rules of civil procedure or the Local Rules of this Honorable Court, to supplement his objections and responses when and if additional information or documentation comes to his attention.

Your defendant objects generally to all of your plaintiffs' subject Interrogatories and Requests for Production to the extent that they call for production of documents or information subject to a claim of privilege, including, without limitation, the attorney-client privilege or the work-product doctrine, and executive privilege/sovereign immunity. Your defendant also objects generally to all of the Interrogatories insofar as they purport to require your defendant to furnish information regarding privileged documents beyond such information as may be required by this Honorable Court in determining the privileged status of the documents. Your defendant construes each request not to seek the identification or contents of legal memoranda, drafts of pleadings, attorney notes, letters, communications between or among Cabinet members and executives, or other documents that come into existence because of this litigation.

Your defendant objects generally to all of your plaintiffs' Interrogatories and Requests for Production of Documents to the extent that they seek to impose obligations and requirements on your defendant that exceed those embodied in the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Eastern District of Virginia, or at common law.

Your defendant objects to all of your plaintiffs' Interrogatories and Request for the Production of Documents to the extent that they seek documents that are not within the possession, custody or control of your defendant, which include, but are not limited to, documents that are within the personal possession, custody or control of other Somali executives. Further, to the extent that

your defendant is in possession, custody or control of third-party documents, which your defendant construes to include personal documents of other Somali executives and Cabinet members, and which require pre-approval by such individuals prior to release by your defendant, your defendant objects to the Request to the extent such pre-approval has not been provided.

In responding to your plaintiffs' Interrogatories and Requests, your defendant does not, in any manner, waive, or intend to waive, but, rather, preserves and intends to preserve:

1. all objections to competency and admissibility;
2. all rights to object on any ground to the use of any documents produced in response to any Request in any subsequent proceedings, including a trial of this matter; and
3. all rights to object on any ground to any further discovery involving or relating to any Request in your Plaintiffs' Interrogatories and Requests.

Your defendant objects to your plaintiffs' instructions to the extent that they request your defendant to provide information about documents no longer in the possession of your defendant, as overly broad and unduly burdensome.

In responding to your plaintiffs' Interrogatories and Requests, your defendant neither admits nor concedes the appropriateness or accuracy of your plaintiffs' definitions in their Interrogatories and Requests.

SPECIFIC OBJECTIONS

Your defendants hereby incorporate the foregoing General Objections as into each and every objection contained herein and set forth below, and into each and every amendment, supplement or modification to the instant objections or responses hereafter provided to any specific Interrogatory or Requests for Production. The absence of a General Objection within any Specific Objection is not to be construed as a waiver of the General Objections in respect of any

specific Request for Production.

1. *Interrogatory No. 1 (from First Set)*: As currently framed, such Interrogatory is overly broad and compliance therewith would be unduly burdensome. In addition, to the extent that such Interrogatory deigns to elicit whether, *vel non*, your defendant is intent on calling any particular fact witness at trial, the Interrogatory is also objectionable as attempting to discover privileged attorney work-product.

2. *Interrogatory No. 2 (from Second Set)*: The instant Interrogatory would be properly framed to the extent that it covers those expert witnesses that your defendant intends to call at trial; however, to the extent that such Interrogatory seeks information relating to experts that your defendant does not intend to call at trial, the Interrogatory is objectionable under the attorney's work-product privilege.

Document Request Nos. 1 – 10, seriatim: Overly broad and burdensome.

Document Request No. 11: Overly broad and burdensome; however, your defendant would be willing to execute an appropriate authorization form to facilitate discovery of any attendance and training in any United States Armed Forces training program including the International Military Education Training Program, under an appropriate Protective Order.

Document Request Nos. 12 – 17, seriatim: Overly broad and burdensome.

Document Request No. 18: Overly broad and burdensome; however, your defendant would be willing to execute an appropriate authorization form to facilitate discovery of his Immigration file(s) under an appropriate Protective Order.

Document Request Nos. 19 – 23, seriatim: Overly broad and burdensome.

Document Request Nos. 24 – 28, seriatim: Overly broad and burdensome; however, your defendant would be willing to execute an appropriate authorization form to facilitate discovery of his asset and income documentation under an appropriate Protective Order.

Document Request Nos. 29 – 43, seriatim: Overly broad and burdensome.

Document Request No. 45: Overly broad and burdensome.

Dated: 6 June 2011, at Alexandria, Virginia, U.S.A.

Respectfully submitted,

/s/ Joseph Peter Drennan
JOSEPH PETER DRENNAN
218 North Lee Street
Third Floor
Alexandria, Virginia 22314
Telephone: (703) 519-3773
Telecopier: (703) 548-4399
E-mail: joseph@josephpeterdrennan.com
Virginia State Bar No. 023894

ATTORNEY AND COUNSELOR,
IN PRAESENTI, FOR
MOHAMED ALI SAMANTAR

CERTIFICATE OF SERVICE

I, Joseph Peter Drennan, undersigned, hereby and herewith certify that, on 6 June 2011, I caused a true, cyclostyled facsimile of the foregoing to be delivered by carriage of First Class Mail, through the United States Postal Service, with adequate postage prepaid thereon, enshrouded in a suitable wrapper, unto:

Jonathan P. Robell, Esq.
Joseph L. Decker, Esquire
Akin, Gump, Strauss, Hauer & Feld, L.L.P.
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036; &

Lauren A. Wetzler, Assistant United States Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314, and that, on even date, another copy of the foregoing was

despatched to the foregoing attorneys at the respective e-mail addresses of each, viz.:

jrobell@akingump.com ; jdecker@akingump.com ; & lauren.wetzler@usdoj.gov .

Respectfully submitted,

Dated: 6 June 2011, at Alexandria, Virginia U.S.A.

/s/ Joseph Peter Drennan
JOSEPH PETER DRENNAN
218 North Lee Street
Third Floor
Alexandria, Virginia 22314
Telephone: (703) 519-3773
Telecopier: (703) 548-4399
E-mail: joseph@josephpeterdrennan.com
Virginia State Bar No. 023894

ATTORNEY AND COUNSELOR,
IN PRAESENTI, FOR
MOHAMED ALI SAMANTAR

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

BASHE ABDI YOUSUF, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:04 CV 1360 (LMB/JFA)
)	
MOHAMED ALI SAMANTAR,)	
)	
Defendant.)	

[PROPOSED] ORDER

Upon consideration of Plaintiffs' Motion to Compel Production and for Costs Incurred, and the memoranda in support thereof and in opposition thereto, it is hereby:

ORDERED that the motion is hereby **GRANTED**, and that within two (2) calendar days of the date of this Order, Defendant shall produce all non-privileged materials responsive to Plaintiffs' Interrogatories and Document Requests;

ORDERED that Defendant pay all of Plaintiffs' costs, including attorney's fees, incurred in bringing their Motion to Compel.

Entered this ____ day of _____, 2011.

The Hon. John F. Anderson
United States Magistrate Judge

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

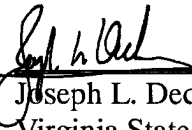
BASHE ABDI YOUSUF, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:04 CV 1360 (LMB/JFA)
)	
MOHAMED ALI SAMANTAR,)	
)	
Defendant.)	

NOTICE OF HEARING

PLEASE TAKE NOTICE that on Friday, July 1, 2011, beginning at 10:00 am or as soon thereafter as counsel may be heard, counsel for the Plaintiffs will present argument on their Motion to Compel Production and for Costs Incurred.

Dated: June 24, 2011

Respectfully submitted,



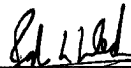
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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of June, 2011, I caused a copy of the foregoing

Notice of Hearing to be sent via U.S. Mail and via e-mail to the following persons:

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