

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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ESTATE OF HIMOUD SAED ABTAN, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	Case No. 07-cv-1831 (RBW)
v.	)	
	)	
BLACKWATER LODGE AND TRAINING	)	
CENTER, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

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ESTATE OF ALI HUSSAMALDEEN	)	
ALBAZZAZ, <i>et al.</i> ,	)	
	)	Case No. 07-cv-2273 (RBW)
Plaintiffs,	)	
v.	)	
	)	
BLACKWATER LODGE AND TRAINING	)	
CENTER, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

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***PLAINTIFFS' OPPOSITION TO DEFENDANTS'  
MOTION TO DISMISS THE SECOND AMENDED COMPLAINT IN CASE NO.1:07-CV-  
01831 AND THE AMENDED COMPLAINT IN CASE NO.2:07-CV-02273***

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## INTRODUCTION

Defendants renew their attempt to dismiss or transfer this action to the Eastern District of Virginia, a neighboring jurisdiction located ten miles away with statutory limitations on punitive damages, because of Plaintiffs' alleged "obvious error" in their selection of the District of Columbia as the chosen forum.<sup>1</sup> Despite the "error," this Court denied Defendants' first motion to dismiss on identical grounds.<sup>2</sup> The Second Amended Complaint in *Abtan v. Blackwater Lodge and Training Center* (SAC) and the Amended Complaint in *Albazzaz v. Blackwater Lodge and Training Center* (FAC) (together referred to as "Complaints") joining new plaintiffs add no new facts and no new causes of actions. Defendants' motion is simply a renewal and restatement of the earlier venue motion that this Court already denied. Accordingly, Plaintiffs' argument is essentially the same as in the Memorandum opposing Defendants' motion to dismiss the earlier complaints. These actions belong in this District because acts and omissions culminating in the wanton and senseless killing of innocent persons occurred here in the District of Columbia.

## STATEMENT OF FACTS RELEVANT TO VENUE

The Complaints allege that the following acts and omissions occurred in the District of Columbia:

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<sup>1</sup> Defendants are not seeking a transfer for reasons of convenience. Plaintiffs were willing to transfer this and the related action to the Eastern District of Virginia if the Defendants agreed not to argue that Virginia's statutory cap on damages should be applied to the claims. Defendants refused this offer. *See Declaration of William O'Neil ("O'Neil Declaration") at ¶ 2.*

<sup>2</sup> Minute Order granting Plaintiffs Motion for Leave to Amend and denying without prejudice Defendants' Motion to Dismiss for Lack of Venue (March 28, 2008).

**A. The Complaints Allege the Shootings Occurred as a Result of Prince and Blackwater Contracting with the Department of State.**

The Complaints allege that heavily-armed Blackwater shooters were in Iraq killing innocents because Blackwater was providing services to the Department of State. SAC ¶¶ 31-33; FAC ¶¶ 16-17. The Complaints allege that the Defendants routinely conduct business and enter into contracts in this District. SAC ¶ 28; FAC ¶ 13 .

They allege that Erik Prince, who completely controls the web of Blackwater companies, has earned and is continuing to earn hundreds of millions of dollars (already exceeding one billion dollars) from doing business with the United States federal government. SAC ¶¶ 20, 72, 79-80; FAC ¶¶ 13, 50, 57-58.

The relevant Department of State office is located in Washington, D.C. at 2201 C Street, N.W., Washington, D.C. See *O'Neil Declaration at ¶ 3, Exhibit 1*. Various individuals with reason to know have stated that Blackwater has or had an office either in or near the Department of State, but Plaintiffs have been unable to confirm these claims. See *O'Neil Declaration at ¶ 4*. Knowledgeable Department of State officials testified before Congress that the State Department supervised Blackwater from the District of Columbia:

High Threat Protection (HTP) Program Office (*in Washington*) individually reviews and approves candidates for key leadership positions. The contractor certifies that all other personnel meet the requirements. The Program Office may review qualifications and remove individuals not meeting contract requirements at any time.... The DS HTP program office (*in Washington*) meets weekly with contractor management and conducts periodic Program Management/Contract Compliance Reviews of task order operations at posts. In addition, the HTP office conducts announced and unannounced visits to contractor training

facilities to monitor compliance with contract-training requirements.

*See O'Neil Declaration at ¶ 5, attaching Statement of Richard J. Griffin, Assistant Secretary of State for Diplomatic Security, Oct. 2, 2007 (emphasis added).*

The Complaints allege that Blackwater “routinely send heavily-armed shooters into the streets of Baghdad with the knowledge that some of those shooters are chemically influenced by steroids and other judgment-altering substances.” This knowledge was obtained by Defendants here in this District. Defendants knew many of the Blackwater shooters were using steroids because the Department of State previously investigated that issue, and found significant steroid use. *See O'Neil Declaration at ¶ 6.*

**B. The Complaints Allege Prince and Blackwater Made Misrepresentations in this District To Procure Business from the Department of State.**

The Complaints allege that Defendants falsely held themselves out to the United States as operating legitimate companies, rather than revealing that they are mercenary or quasi-mercenary companies, in order to procure government business. *SA C ¶¶ 73-77; FAC ¶¶ 51-55.*

**C. The Complaints Allege Blackwater Misled Congress by Falsely Underreporting Blackwater's Excessive and Unjustified Use of Force.**

The Complaints allege that the many Blackwater shootings are being investigated by the Congressional Committee on Oversight and Government Reform (“Committee”). *SAC ¶ 68; FAC ¶ 48.* The Complaints allege that Prince and Blackwater produced to that Committee approximately 437 internal incident reports that reveal that Blackwater forces consistently use excessive and unnecessary force. *SAC ¶¶ 46, 68; FAC ¶¶ 26, 48.* The Complaints allege that Blackwater employees told a Washington Post reporter that



Blackwater documents produced to the Oversight Committee underreported the actual number of shootings. *SAC ¶ 55; FAC ¶ 34.*

**D. The Complaints Allege the Executive Branch Opened a Criminal Investigation of the Blackwater Shootings in this District.**

The Complaints allege that Blackwater's actions are being investigated by the United States Department of Justice and the United States Federal Bureau of Investigation. *SAC ¶ 65; FAC ¶ 44.* This investigation is occurring in this District, not in the Eastern District of Virginia. The Department of Justice has convened the Grand Jury in this jurisdiction, not the Eastern District of Virginia. The Grand Jury has subpoenaed witnesses to testify in this District. *See O'Neil Declaration at ¶ 7.* An Assistant United States Attorney from this District, not the Eastern District of Virginia, communicated with the victims' families about the Department's need for the automobiles as physical evidence. *See O'Neil Declaration at ¶ 8.*

**E. Defendants' Renewed Motion To Dismiss Fails To Discuss Any Activities by Prince and the Blackwater Companies in this District.**

The Defendants' Motion To Dismiss is noticeably silent on facts relating to venue, such as whether Prince and the other Defendants made telephone calls, attending meetings, and otherwise engaged in conduct in this District that led to the award of the Department of State contracts. The Defendants' Motion To Dismiss does not deny that both Erik Prince and the Blackwater companies engaged in continuous contacts with Department of State officials and others within this District in order to win and keep the lucrative contracts that resulted in this action. The Defendants' Motion To Dismiss does

not challenge this Court's ability to exercise personal jurisdiction over all of the Defendants.<sup>3</sup>

### ARGUMENT

These are actions alleging that Erik Prince and his Blackwater companies are lawless mercenaries who have obtained federal government business under the false pretense of operating lawful enterprises. These are actions alleging that Erik Prince and his Blackwater companies wrongfully procured a contract and earned more than one billion dollars from the United States Department of State by making misrepresentations in this District. These are actions alleging that Erik Prince and his Blackwater companies wrongfully permitted "shooters" known to be on steroids to repeatedly and routinely use excessive force against Iraqis. These are actions alleging that Erik Prince and his Blackwater companies are affirmatively misleading Congress about the extent of their consistent and excessive use of force.

The District of Columbia, as the seat of the federal government (including the Department of State), is the place where a substantial number of acts and omissions critical to Plaintiffs' claims occurred. Indeed, but for acts and omissions by Prince and

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<sup>3</sup> This failure to challenge jurisdiction is dispositive on the venue issue for all defendants except Erik Prince because defendants other than individuals who fail to challenge jurisdiction "lose their venue argument because they are deemed to reside in the district in which they are subject to personal jurisdiction." *Halliburton Energy Svcs. Inc. v. N.L. Industries*, No. Civ. H-05-4160, 2006 WL 3949170 at \*11 (S.D.Tex. Jul. 25, 2006); *see also KMR Capital, L.L.C., v. Bronco Energy Fund, Inc.*, No. 06-189, 2006 WL 4007922, at \*5, n. 69 (W.D.Texas July 11, 2006) (collecting cases); *Centerville ALF, Inc. v. Balanced Care Corp.*, 197 F.Supp.2d 1039, 1048 (S.D.Ohio 2002) (defendant who concedes a district court's personal jurisdiction by failing to raise a 12(b)(2) defense in motion to dismiss is deemed to reside in district for purposes of venue); *Chavis v. A-1 Limousine*, No. 95 Civ. 9560, 1998 WL 78290, at \*3 (S.D.N.Y. Feb. 24, 1998) (defendants' concession that they are subject to personal jurisdiction in district establishes that venue is proper); *Soli-Tech, Inc. v. Halliburton Co.*, No. 91-CV-10232-BC, 1993 WL 315358 at \*2 (E.D.Mich. Jan. 26, 1993) ("Because Defendants did not raise personal jurisdiction as a defense in their 'first defensive move,' that defense is waived. Accordingly, defendant 'resides' within this Court's judicial district and as such venue is proper under 28 U.S.C. §1391(c).").

the Blackwater companies in the District of Columbia, the innocents who lost their lives in Nisoor Square would be alive today.

**I. PLAINTIFFS' CHOICE OF FORUM IS ENTITLED TO DEFERENCE.**

Defendants' venue preference is the Eastern District of Virginia, a forum that caps punitive damages and is not the forum chosen by Plaintiffs.(See footnote one, above.) While Plaintiffs do not dispute that venue would be proper in Virginia under Section 1391(b)(1), it is not the venue Plaintiffs have chosen. Plaintiffs, and not Defendants, are entitled to deference on their forum choice as long as they select a venue permitted by 28 U.S.C. § 1391(b). *Great Socialist People's Libyan Arab Jamahiraya v. Miski*, 496 F.Supp.2d 137, 144 (D.D.C. 2007); *Lentz v. Eli Lilly & Co.*, 464 F.Supp.2d 35, 38 (D.D.C.2006) (*citing Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 255, 102 S.Ct. 252, 70 L.Ed.2d 419 (1981)); *see also Liban v. Churchey Group II*, 305 F.Supp.2d 136, 141 (D.D.C.2004) (stating that "courts generally must afford substantial deference to the plaintiff's choice of forum") (citation omitted).

**II. VENUE IS PROPER IN THIS DISTRICT UNDER 28 U.S.C. §1391(b)(2).**

Defendants and Plaintiffs agree that venue is proper in the District of Columbia if a substantial part of the acts and omissions relevant to the claim occurred in the District of Columbia. Defendants, however, mistakenly conclude that venue is improper because the alleged tortious actions and the alleged injuries occurred in Iraq and none of the acts or omissions related to the incidents occurred in the District of Columbia. As to this crucial factual determination, Defendants are simply wrong.

First, as a matter of procedure, Plaintiffs are not required to plead the facts that support venue under 28 U.S.C. §1391(b)(2). *See Fed.R.Civ.P., Adv. Comm. Notes to*

*Form 2*, at ¶ 3 (“Since improper venue is a matter of defense, it is not necessary for plaintiff to include allegations showing the venue to be proper.”); *15 Wright & Miller, Federal Practice & Procedure*, at §3826. This Court is free to consider all facts supporting venue even if not specifically alleged in the complaint. *See S.E.C. v. Ernst & Young*, 775 F.Supp. 411 (D.D.C. 1991) (refusing to dismiss for failure to plead venue as plaintiff need not plead venue; rather, lack of venue is an affirmative defense).

Second, as a matter of law, this Court need not decide whether *more* acts and omissions resulting in the claim occurred in Iraq or the District of Columbia. “Nothing in section 1391(b)(2) mandates that a plaintiff bring suit in the district where the most substantial portion of the relevant events occurred, nor does it require a plaintiff to establish that every event that supports an element of a claim occurred in the district where venue is sought.” *Modaressi v. Vedadi*, 441 F.Supp.2d 51, 57 (D.D.C. 2006) (emphasis in original). *See also Sharp Elec. Corp.v. Hayman Cash Register Co.*, 655 F.2d 1228, 1229 (D.C.Cir.1981)(supporting plaintiff’s choice of venue “if the activities in the forum district were not substantial.”)<sup>4</sup>

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<sup>4</sup> In *Defendants’ Reply in Support of their Motion to Dismiss the Amended Complaint for Lack of Venue and to Dismiss Non-Legal Entities*, page 6, Defendants question whether *Sharp* remains good law after the 1990 revision of Section 1391(b)(2). Plaintiffs disagree for three reasons. First, the 1990 Amendments to Section 1391(b) only reinforced the holding of *Sharp*, thus strengthening the reasoning of that case. *See* 28 U.S.C. §1391 (2000) (noting 1990 Amendments that provided for proper venue in “any district in which a substantial part of the events or omissions giving rise to the claim occurred”); *Sharp*, 655 F.2d. at 1229 (supporting plaintiff’s choice of venue “if the activities that transpired in the forum district were not insubstantial”). Second, although Defendants characterize the *Sharp* holding as limited to “ensur[ing] the existence of at least one forum,” *Reply* at 6, *Sharp* is in fact most cited as an authority for determinations of when venue is proper, the same grounds for which Plaintiffs cite the case. *See, e.g., Mathis v. Geo Group, Inc.*, 535 F.Supp.2d 83, 86 (D.D.C. 2008) (citing *Sharp* as authority in deciding a motion for §1391 venue transfer). Finally, although Defendants

Rather, as noted in *FC Investment Group v. Lichtenstein*, 441 F.Supp.2d 3, 11 (D.D.C. 2006), the venue statute, amended in 1990, no longer requires a court to determine the “best district,” or the district with the “most significant” connection to the claim. Instead, the statute assumes by its terms that there can be more than one district in which a substantial part of the events giving rise to the claim occurred. *See generally Wright & Miller, Federal Practice and Procedure* §3806 (1994 Supp.).

Venue is proper in the District of Columbia if a substantial part of the acts and omissions relevant to the claim occurred in the District of Columbia. Venue does not become improper merely because a substantial part of the acts and omissions occurred in another district or, in this instance, a foreign country, Iraq. *FC Investment Group v. Lichtenstein*, 441 F.Supp.2d 3, 11 (D.D.C. 2006) (citing, among others, *Setco Enterprises Corp. v. Robbins*, 19 F.3d 1278, 1281 (8th Cir. 1994)) (venue not improper even if another district the site of more acts and omissions.)

As explained by the Court of Appeals, the “forum court should not oppose the plaintiff’s choice of venue if the activities that transpired in the forum district were not insubstantial in relation to the totality of events giving rise to the plaintiff’s grievance and if the forum is generally convenient for all litigants.” *Sharp* at 1229; *see also Great Socialist People’s Libyan Arab Jamahiraya v. Miski*, 496 F.Supp.2d 137, 144 (D.D.C. 2007). In evaluating where the event occurred for purposes of venue, “a court should not focus only on those matters that are in dispute or that directly led to the filing of the

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question the viability of *Sharp*, the case has been repeatedly cited as good law by the D.C. District Court since the 1990 amendments to Section 1391. *See, e.g., Mathis, supra; Great Socialist People's Libyan Arab Jamahiriya v. Miski*, 469 F.Supp.2d at 142-43 (relying on *Sharp*'s reasoning in deferring to plaintiff's choice of venue).

action,” but should review “the entire sequence of events underlying the claim.” *FC Investment Group*, 441 F.Supp.2d at 11 (citing *Mitrano v. Hawes*, 377 F.3d 402, 405 (4th Cir. 2004)).

Third, and most importantly, as a matter of fact, Defendants are simply wrong in stating that Plaintiffs fail to allege any events or omissions that give rise to Plaintiffs’ claims occurred in this District, but rather in Iraq alone.<sup>5</sup> *Def. Motion page 3*. As set forth in the Statement of Facts, above, Plaintiffs allege a litany of conduct and misconduct that occurred in the District of Columbia. Plaintiffs allege the essential Blackwater government contracts were entered into with government agencies in this District, were supervised by government officials in this District, and were paid by funds located in this District.

Defendants have not denied, and cannot deny, that they engaged in series of communications with Department of State and other government officials located in the District of Columbia designed to procure and keep their government business. All of these communications suffice to serve as basis for venue, because they were essential links in a chain of events culminating in the shootings in Nisoor Square. The “substantial part of the events or omissions” test is satisfied “by a communication transmitted to or from the district in which the cause of action was filed, given a sufficient relationship between the communication and the cause of action.” *FC Investment Group*, 441 F.Supp.2d at 11 (quoting *U.S. Titan, Inc. v. Guangzhou Zhen Hua Shipping Co.*, 241 F.3d 135, 153-54 (2d Cir.2001)).

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<sup>5</sup> Notwithstanding their claim that none of the events or acts that give rise to Plaintiffs’ claims took place in the United States, footnote 6 of Defendants’ Motion states that the negligent hiring, training and supervision count in the Complaints conceivably could have occurred outside Iraq, although not in the District of Columbia.

Here, that relationship exists. Had Erik Prince and the Blackwater companies refrained from seeking that the Department of State award contracts, and refrained from persuading the Department of State to continue to award such contracts even in the face of compelling evidence that a substantial number of Blackwater shooters were using steroids, the innocents who were gunned down at Nisoor and Al Watahba Squares would still be alive today.

**III. DISMISSAL IS NOT APPROPRIATE UNTIL PLAINTIFFS HAVE CONDUCTED VENUE DISCOVERY.**

Defendants aggressively assert that this Court should dismiss this action on the grounds that the District of Columbia is not a proper venue and that discovery is not needed because “Plaintiffs have again filed complaints without alleging any plausible basis for venue in this Court.” *Defendants’ Motion at 5*. To be sure, this Court would not have denied Defendants’ motion to dismiss if no “plausible basis” for venue existed. *Defendants’ Motion at 2, 4 and 9*. Therefore, Defendants’ aggressive assertion ignores the controlling law establishing that Plaintiffs are entitled to discovery to establish additional facts supporting their forum choice if factual issues raise questions regarding the Plaintiffs chosen venue. *See Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 n. 13 (1978) (“For example, where issues arise as to jurisdiction or venue, discovery is available to ascertain the bearing on such issues.”); *Franz v. United States*, 591 F.Supp. 374, 376 (D.D.C. 1984) (noting that “parties were allowed full discovery for the purpose of ascertaining facts relevant to the venue issue”); *Brumley v. Dep’t of Labor*, No. 87-3471, 1988 WL 75926, at \*2 (D.D.C. July 13, 1988) (allowing discovery as to jurisdiction and venue); *Diemer v. United States Postal Service*, No. 86-0647, 1987 WL 9037, at \*1 (D.D.C. Mar. 19, 1987) (noting previous discovery as to venue).

Such discovery is especially appropriate when, as in this case, “venue facts are within the knowledge of the defendant” which “may not be known to the plaintiff.” *Ferraioli v. Cantor*, 259 F.Supp. 842, 846 (S.D.N.Y 1966). Here, Defendants are not publicly traded companies, and knowledge about their specific activities in the District of Columbia is not readily available. For example, although Defendants assert that the contract was issued in Virginia by the Office of Acquisition Management of the U.S. Department of State, (Roitz Dec. at ¶ 12), Defendants fail to attach the contract itself. Total Intelligence Solutions similarly identifies contracts formed with government entities or businesses in Virginia, but fails to identify contracts formed with government entities or businesses located in this District. (Devost Dec. at ¶ 5). Defendants’ declarations simply skirt the key questions, and utterly fail to disavow or discuss Defendants conduct and activities in this District.<sup>6</sup>

#### **IV. DEFENDANTS FAIL TO MEET THE STANDARD FOR TRANSFERING THIS ACTION.**

Defendants’ Motion both disavows and seeks transfer to the Eastern District of Virginia. *Compare Defendants’ Motion at pp. 2 and 6* (“claims should be dismissed, not transferred”), *p. 11* (it is appropriate to dismiss rather than transfer...) *with id. at p. 13* (Court should transfer the case to the Eastern District of Virginia). Here, Defendants do not articulate any reasons why this Court should use its discretionary power to transfer

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<sup>6</sup> In the alternative, and only to the extent necessary, Plaintiffs will voluntarily dismiss without prejudice claims against Defendant Erik Prince. Under Federal Rule of Civil Procedure 41(a)(1), such a dismissal would have the effect of ensuring venue in this Court under Section 1391(b)(1) because the other Defendants have all conceded personal jurisdiction and thus reside in this District. *See* footnote 3, above. Rule 41(a)(1) “explicitly allows a plaintiff to voluntarily dismiss its case provided that the defendant has not served the adverse party with an answer or a motion for summary judgment.” *Black Ride III, Inc. v. West*, No. 04-1027, 2005 WL 1522055, at \*3 (D.D.C. June 28, 2005) (citing *Chambers v. Gesell*, 120 F.R.D. 1, 2 (D.D.C. 1998)).



the action pursuant to 28 U.S.C. § 1404(a). *Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 257, 102 S.Ct. 252, 70 L.Ed.2d 419 (1981) (recognizing court power and stating standard for reviewing request for transfer).

Section 1404(a) permits transfers for the convenience of parties and witnesses. However, “[i]n assessing the convenience to the parties [in the context] of the two potentially proper venues, the court recognizes that the plaintiff’s choice of forum is usually accorded substantial deference in the venue analysis.” *Reiffin v. Microsoft Corp.*, 104 F.Supp.2d 48, 52 (D.D.C.2000) (citations omitted).

Here, Defendants do not – and cannot – allege that the parties and witnesses suffer any inconvenience given the reality that this District courthouse is less than 10 miles from the Eastern District of Virginia courthouse. *See Modaresi*, 441 F.Supp.2d at 57 n. 7 (noting that in a case where both parties resided in Maryland, the geographic distance between the District of Columbia and the District of Maryland “is far too small to present anything more than minor practical difficulties for the parties or their witnesses” and thus did not defeat the public-private interests that otherwise weighed against the transfer); *see also DSMC v. Convera*, 273 F.Supp.2d 14, 21 (D.D.C. 2002) (the effort to move the case to the “abutting” Eastern District of Virginia is itself evidence that no such inconvenience would arise from litigating in the District of Columbia and disproves any claim of inconvenience).<sup>7</sup>

Defendants’ half-hearted effort to transfer the case cannot nullify the plaintiffs’ choice of forum. *See Sheraton Operating Corp. v. Just Corporate Travel*, 984 F.Supp. 22,

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<sup>7</sup> Moreover, any claims of inconvenience are betrayed by the fact that several defendants brought their own suit in the District of Columbia Superior Court on an unrelated matter only one day after defendants filed their motion to dismiss. *See O’Neil Dec. at ¶9.*

26 (D.D.C.1997) (stating that “even if a transfer would significantly benefit the defendant, the Court will not grant the motion if the result merely would shift the inconvenience from the defendant to the plaintiff; the net convenience must increase”) (quoting *Kirschner Brothers Oil, Inc. v. Pannill*, 697 F.Supp. 804, 807 (D.Del.1988)).

### CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that Defendants’ motion to dismiss be denied.

Dated: April 22, 2008

/s/Susan L. Burke

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Katherine R. Hawkins, do hereby certify that on the 22nd day of April 2008, I caused true and correct copies of Plaintiffs' Opposition To Defendants Motion to Dismiss to be served electronically via the Court's cm/ecf system upon the following individuals at the address indicated:

Michael Lackey, Esq.  
Peter White, Esq.  
Mayer Brown, LLP  
1909 K Street, N.W.  
Washington, D.C. 20006

/s/ Katherine R. Hawkins  
Katherine R. Hawkins

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____ ESTATE OF HIMOUD SAED ABTAN, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
v.	)	Case No. 07-cv-1831 (RBW)
	)	
BLACKWATER WORLDWIDE, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	
ESTATE OF ALI HUSSAMALDEEN ALBAZZAZ,	)	
	)	
Plaintiff,	)	Case No. 07-cv-2273 (RBW)
v.	)	
	)	
BLACKWATER WORLDWIDE, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**DECLARATION OF WILLIAM T. O'NEIL**

**William T. O'Neil** hereby declares as follows:

1. My name is William T. O'Neil, and I am counsel to plaintiffs in the above captioned matters.
2. In telephone conversations with counsel for defendants, Plaintiffs expressed a willingness to agree to transfer these actions to the Eastern District of Virginia if the Defendants agreed not to argue that Virginia's statutory cap on damages should be applied to the claims. Defendants refused this offer.

3. According to the United States Department of State Directory, a true and correct copy of which is attached as Exhibit 1, the headquarters of the Department of State is located at 2201 C Street, N.W., Washington, D.C. According to page OD-17 of Exhibit 1, the Assistant Secretary of State in charge of the Bureau of Diplomatic Security has his office in Room 6316 of State Department headquarters.

4. According to a prior Blackwater independent contractor, Blackwater has or had an office either in or near the Department of State, but Plaintiffs have been unable to confirm these claims.

5. Attached hereto as Exhibit 2 is a true and correct copy of *Statement of Richard J. Griffin, Oct. 2, 2007*.

6. According to a prior Blackwater independent contractor, the Department of State investigated the use and abuse of steroids by contractors in Iraq, including contractors working as shooters for Defendants. The State Department provided Defendants with the results of that investigation.

7. According to press reports, the United States Department of Justice has convened a Grand Jury in the District of Columbia and the Grand Jury has subpoenaed witnesses to testify in this District. Attached here to as Exhibit 3 is a true and correct copy of one such press report from the New York Times on November 20, 2007.

8. An Assistant United States Attorney from this District communicated with the victims' families through counsel.

9. Defendants Blackwater Security Consulting, LLC and Blackwater Lodge and Training Center, Inc., brought suit in the Superior Court for the District of Columbia on an unrelated matter only one day after defendants filed their motion to dismiss.

Attached hereto as Exhibit 4 is a true and correct copy of the lawsuit captioned *Blackwater Security Consulting, LLC, et al. vs. Wiley Rein, et al.*, case number 08-00530, filed on January 23, 2008 in the Superior Court of the District of Columbia.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 19, 2008 in Washington, D.C.

  
William T. O'Neil



United States Department of State  
**Telephone Directory**

This customized report includes the following section(s):

Organizational Directory

# Organizational Directory

## United States Department of State 2201 C Street NW, Washington, DC 20520

### Office of the Secretary (S)

#### Secretary

Secretary Condoleezza Rice 7th Floor	202-647-5291
Personal Assistant Laura E. Lineberry 7226	202-647-9572
Chief of Staff Brian Gunderson 7226	202-647-5548
Deputy Chief of Staff Ruth Elliott 7226	202-647-9572
Staff Assistant to Chief of Staff Kelley Irey 7234A	202-647-5548
Deputy Chief of Staff for Planning Brian Besanceney 7226	202-647-9572
Senior Advisor Colby Cooper 7226	202-647-9071
Scheduling Linda Dewan 7226	202-647-5733
Executive Assistant Robert S. Beecroft 7226	202-647-9572
Special Assistant Christopher Quade 7226	202-647-9573
Special Assistant Amy B. Scanlon 7226	202-647-6822
Staff Assistant Anne Lyons 7226	202-647-5298
Staff Assistant Daniel Fogarty 7226	202-647-9572

#### Executive Secretariat (S/ES)

Special Assistant to the Secretary and the Executive Secretary of the Department Daniel B. Smith 7224	202-647-5301
Deputy Executive Secretary Kenneth Merten 7224	202-647-8448
Deputy Executive Secretary Kevin M. Whitaker 7224	202-647-6548
Deputy Executive Secretary Uzra S. Zeya 7224	202-647-5302

#### Secretariat Staff (S/ES-S)

Director Uzra S. Zeya 7241	202-647-9935
Deputy Director Taylor V. Ruggles 7241	202-647-9936
Interagency Coordinator Saadia E. Sarkis 7241	202-647-6590
Secretariat Staff 7241	202-647-8879

#### Office of Correspondence and Records (S/ES-CR)

Director Clarence N. Finney, Jr. 7512	202-647-3574
Senior Correspondence Review Ofc Barbara Hambrick 7512	202-647-8046
Senior Correspondence Review Officer Brenda Horton 7512	202-647-8468
Day Shift Supervisor Samuel McElhaney 7512	202-647-0140
Evening Shift Supervisor Charles Alexander 7512	202-647-0140
Records Research Unit 7512	202-647-0144

#### Operations Center (S/ES-O)

Director John R. Bass 7516	202-647-2522
Deputy Director for the Watch Julieta V. Noyes 7516	202-647-2522
Deputy Director Crisis Management Staff Dean R. Thompson 7516	202-647-7640
Senior Watch Officer (24 Hours Per Day) 7516	202-647-1512
Editor 7516	202-647-1530

Crisis Management Staff 7516	202-647-7640
Emergency and Evacuations Planning 7516	202-647-7640
Emergency Relocation 7516	202-647-7640
Military Representative LTC. William Pilcher, Jr. 7516	202-647-6097

#### Office of the Executive Director (S/ES-EX)

Executive Director, Deputy Executive Secretary Carol Z. Perez 7507	202-647-7457
Deputy Executive Director Frank Ledahawsky 7507	202-647-5467
Personnel Officer Cynthia J. Motley 7515	202-647-5638
Budget Officer Reginald J. Green 7515	202-647-9794
General Services Officer Christopher J. Del Corso 7519	202-647-9221

#### Office of Information Resource Management (S/ES-IRM)

Director Daniel T. Mcle 7528	202-647-2977
Deputy Director John A. Bentel 7528	202-647-2977
Deputy Director Kevin L. Wagganer 7528	202-647-2977
ISSO Mark B. Horowitz 8th Fl	202-647-8676
POEMS Systems Administrator Cindy Trodden Almodovar 7528	202-647-8328
IMO Mobile Communications Shawn Franz, Acting 7528	202-647-7603

#### Ombudsman for Civil Service Employees (S/CSO)

Ombudsman Thomas Jefferson, Jr. 7430	202-647-2182
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#### Executive Secretary of the Foreign Services Grievance Board (S/FSG)

Chairman Edward Reidy 3100 S SA15	703-875-5175
Executive Secretary Jacqueline Ratner 3100 S SA15	703-875-5175

### Office of the Deputy Secretary (D)

#### Deputy Secretary of State

Deputy Secretary of State John D. Negroponte 7220	202-647-8636
Chief of Staff Virginia L. Bennett 7220	202-647-8931
Personal Assistant Eunhee Jeong 7220	202-647-8636
Special Assistant Gustavo Delgado 7220	202-647-8690
Special Assistant Mary Sue Conaway 7220	202-647-8198
Special Assistant Kaye Lee 7220	202-647-5888
Special Assistant Edward Wittenstein 7220	202-647-5290
Special Assistant Aaron Jost 7220	202-647-5256
Staff Assistant Mary L. Dubose 7220	202-647-8931
Staff Assistant Seifa Hauptmann 7220	202-647-5889
Staff Assistant Diane Alexander 7220	202-647-9640



**Office of the Director of U.S. Foreign Assistance (F)****Director**

Director of U.S. Foreign Assistance and Administrator of USAID Henrietta H. Fore 5932	202-647-2527
Personal Assistant to the Director Linda Landers 5932	202-647-2527
Deputy Director of U.S. Foreign Assistance Richard L. Greene 5932	202-647-2608
Chief Operating Officer Dirk Dijkerman 5932	202-647-2600
Personal Assistant to the Deputy Director and COO Christy Roman 5932	202-647-2608
Executive Assistant Alison Shorter-Lawrence 5927	202-647-2627
Senior Advisor Khushali Shah 5923	202-647-2877
Senior Advisor Peggy Hoyle 5923	202-647-2624
Congressional Relations Specialist Lydia Hall 5923	202-647-2701
Office Director for Program Management James Painter 3871	202-647-2734
Senior Coordinator; Africa Region Paul Crawford 1248	202-736-4751
Senior Coordinator; South Central Asia Region Dan Rosenblum (Acting) 4227	202-647-5222
Regional Director - Europe & Eurasia Region Dan Rosenblum 4227	202-647-5222
Senior Coordinator; East Asia & Pacific Region Eileen Smith 5480	202-647-2660
Senior Coordinator; Near East Asia Region Chris Milligan 5480	202-647-2699
Regional Director - Western Hemisphere Region Charles North 1048	202-736-4749
Office Director - Global/Functional Paula Lynch 5427	202-647-2758
Coordinator for Resources and Appropriations Pat Sommers 3871	202-647-2605
Coordinator for Strategic Information & Monitoring & Evaluations Donna Stauffer 3871	202-647-2683
Coordinator for Program Integration Linda Howey 3871	202-647-3834

**Counselor of the Department (C)****Counselor**

Counselor Eliot A. Cohen 7246	202-647-5529
Personal Assistant Kathleen L. Helton-Floyd 7246	202-647-5529
Special Assistant Col. Stephen Ganyard 7246	202-647-9394
Special Assistant Kelly Magsamen 7246	202-647-6315
Staff Assistant Kenneth (KJ) Meyer, Jr. 7246	202-647-5147

**Office of the Chief of Protocol (S/CPR)****Chief Of Protocol**

Reception Desk - General Information 1238	202-647-2663
Chief of Protocol Donald B. Ensenat 1232	202-647-4543
Special Assistant Dee Lilly 1232	202-647-2648
Deputy Chief of Protocol Raymond P. Martinez 1232	202-647-4120
Assistant Chief of Protocol for Management Annette P. Feeley 1238	202-647-1700
Assistant Chief of Protocol for Visits Bryan Langley	202-647-1277

1238

Assistant Chief of Protocol for Ceremonials Amy Little 1237 202-647-1144

Assistant Chief of Protocol for Diplomatic Affairs Gladys Boluda 1238 202-647-1985

Assistant Chief of Protocol for Blair House Randell D. Bumgardner Blair House 202-879-7883

**Coordinator for Counterterrorism (S/CT)****Coordinator for Counterterrorism**

Ambassador-at-Large & Coordinator Dell L. Dailey 2509	202-647-9892
Principal Deputy Coordinator Frank C. Urbancic 2509	202-647-8949
Special Assistant William H. Wright 2509	202-647-7035
Personal Assistant Donna Lieberman 2509	202-647-9892
Staff Assistant Patrice Pierce 2509	202-647-6554
Deputy Coordinator for Programs, Plans, Press and Public Diplomacy Gerald M. Feierstein 2509	202-647-2183
Deputy Coordinator for Homeland Security Susan F. Burk 2509	202-647-7223
Deputy Coordinator for Regional Affairs and Trans-Regional Affairs Virginia E. Palmer 202-647-5810	2509
Deputy Coordinator for Operations Mark I. Thompson SA-4C (Navy Hill)	202-776-8359
Office Director for Regional Affairs Theodore X. Allegra 2250	202-647-2184
Office Director for Programs, Plans, Press and Public Diplomacy Rhonda H. Shore, Acting 2250	202-647-1845
Press and Public Affairs Advisor Rhonda H. Shore 2250	202-647-1845
Legislative Affairs Advisor (Vacant) 2250	202-647-6475
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Management Officer Ronald L. Gain 2428	202-647-1843
Executive Director (S/ES-EX) Carol Perez 7507	202-647-7457

**Coordinator for Reconstruction and Stabilization (S/CRS)****Coordinator for Reconstruction and Stabilization**

Coordinator Ambassador John Herbst 7100 SA3	202-663-0307
Principal Deputy Coordinator Mark Asquino 7100 SA3	202-663-0803
Deputy Coordinator Larry Sampler 7100 SA3	202-663-0815
Director, Civilian Reserve Task Force Gary Russell SA15	703-875-4023
Director, Civilian Readiness & Response Jon Benton 7100 SA3	202-663-0855
Director, Planning Oscar G. De Soto 7100 SA3	202-663-0825
Director, Resource Management Wilna Ray 7100 SA3	202-663-0847
Director, Strategic Communications John Winant 7100 SA3	202-663-0185
Director, Conflict Prevention Thomas H. Moore 7100 SA3	202-663-0820

**Office of the U.S. Global Aids Coordinator (S/GAC)****Coordinator**

Coordinator Ambassador Mark R. Dybul Suite 200 SA29	202-663-2304
Principal Deputy Coordinator and Chief Medical Officer Dr. Thomas A. Kenyon Suite 200 SA29	202-663-3189
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Executive Director William E. Dilday Suite 200 SA29	202-663-2571
Acting Director of Management and Budget Rebecca M. Hooper Suite 200 SA-29	202-663-2339
Director of Multilateral Diplomacy Mary V. Jeffers Suite 200 SA-29	202-663-2586
Director of Strategic Information Katherine M. Marconi Suite 200 SA-29	202-663-2537
Legal Advisor Stephen D. McCreary Suite 6420 HST	202-647-4731
Director of Congressional Relations Myron Meche Suite 200 SA-29	202-663-2727
Director of Public Affairs and Public Diplomacy Kristin A. Pugh Suite 200 SA-29	202-663-2708
Director of Public-Private Partnerships British A. Robinson Suite 200 SA29	202-663-2577
Director of Program Services Caroline A. Ryan Suite 200 SA-29	202-663-2569
Chief of Staff Thomas J. Walsh Suite 200 SA29	202-663-2639
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Reception Suite 200 SA29	202-663-2440
Unclassified Fax Suite 200 SA29	202-663-2979

**Office of Civil Rights (S/OCR)****Director**

Director (Vacant) 7428	202-647-9294
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Senior Attorney-Advisor (Civil Rights) Janice Caramanica 7428	202-647-9295
Chief Intake and Resolution Jacqueline Canton 7428	202-647-9295
Chief Diversity Management and Outreach Stephanie Gillespie 7428	202-647-9295
OMS Nancy Holly 7428	202-647-9294

**Ombudsman (S/O)****Ombudsman**

Ombudsman Patricia Popovich	
Deputy Associate Ombudsman Frederick A. Whittington, Jr. 7430	202-647-5658

**Office of Policy Planning Staff (S/P)****Director**

Director David F. Gordon 7311	202-647-2972
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Assistant to the Principal Deputy Director Whitney Porter 7311	202-647-2372
Administrative Assistant Dianne Hopper 7312	202-647-3536
Special Assistant Todd Deatherage 7311	202-647-1709
Special Assistant Whit Wolman 7311	202-647-1965

**Members of the Policy Planning Staff**

Member James Green 7312	202-647-1178
Member Jared Cohen 7312	202-647-0531
Member Mike Rabasco 7312	202-647-0724
Member Dean Pittman 7312	202-647-4487
Member Will McIlhenny 7311	202-647-7361
Member Ted Craig 7312	202-647-7361
Member Dan Twining 7312	202-647-8494
Member Jean Geran 7311	202-647-3490
Member Karen Volker 7312	202-736-7308
Member Dick Sokolsky 7312	202-647-2457
Member Ash Jain 7311	202-647-4039
Member Connie Philipot 7311	202-647-2236
Member Mara Tchalakov 7312	202-647-3267
Member Amanda Catanzano 7312	202-647-2289
Member Nazanin Ash 7312	202-647-3541

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Chief Speechwriter Christian Brose 7311	202-647-9842
Speechwriter Elise Jordan 7311	202-647-7203
Speechwriter Janelle Carter 7311	202-647-9841
Staff Assistant (Vacant) 7311	202-647-9943

**Open Forum**

Chairman (Vacant) 5312A	202-647-0532
Staff Assistant (Vacant) 5312A	202-647-0488
Office Manager (IVacant) 5312	202-647-0819

**Ambassador at Large for War Crimes Issues (S/WCI)****Ambassador-At-Large**

Ambassador-At-Large Clint Williamson 7419A	202-647-5072
OMS Pamela Lee-Pow Ayoung 7419A	202-647-8218
Deputy Milbert Shin 7419A	202-647-9880
Staff Assistant Towana Vanzego 7419A	202-647-5072
Foreign Affairs Officer Brendan Doherty 7419A	202-647-6751
Military Advisor Cathleen (Cathy) Harms 7419A	202-647-8210
Special Assistant Matthew Levine 7419A	202-647-9620
Foreign Affairs Officer Jason Gorey 7419A	202-647-8219
Special Advisor Andrew Morrison 7419A	202-647-5093
Military Advisor A.B. Sam Mubangu 7419A	202-647-5201
Detainee Affairs Anthony Ricci 7419A	202-647-5543
Special Advisor Joe Mellott 7419A	202-647-5234

**Office of the Under Secretary for Political Affairs (P)****Under Secretary**

Under Secretary for Political Affairs R. Nicholas Burns 7240	202-647-2471
Personal Assistant Mary Jo Fuhrer 7240	202-647-2471
Executive Assistant Eric Rubin 7240	202-647-1598
Special Assistant Herro Mustafa 7244	202-647-4314
Special Assistant Alan Meltzer 7244	202-647-1033
Special Assistant Sumona Guha 7244	202-647-4315
Special Assistant George Kent 7244	202-647-1973
Special Assistant Joseph Cassidy 7244	202-647-0994
Special Assistant Alyssa Ayres 7246	202-647-5944
Special Assistant Maren Brooks 7247A	202-647-4107
Personal Assistant Rena Seaholm 7240	202-647-1598
Personal Assistant Alida Chacon 7240	202-647-2471
Staff Assistant Mavis Davis 7244	202-647-0995
Staff Assistant Maggie Robinson 7244	202-647-1574
Staff Assistant Martin Gurch 7244	202-647-0192

### Office of the Under Secretary for Economic, Energy, and Agricultural Affairs (E)

#### Under Secretary

Under Secretary Reuben Jeffery III 7256	202-647-7575
Personal Assistant Lacey Dingman 7256	202-647-7575
Executive Assistant David D. Nelson 7256	202-647-7674
Special Assistant Gregory Hicks 7256	202-647-4092
Senior Advisor Dayna Hutchings 7256	202-647-7327
Special Assistant Thomas Pierce 7256	202-647-8141
Special Assistant Paul Skoczylas 7256	202-647-7448
Special Assistant Amy Westling 7256	202-647-7190
Special Assistant Robert Winchester 7256	202-736-4894
Special Assistant Jeffery Young 7256	202-647-9333
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Staff Assistant April Abdulmalik 7256	202-647-5708
Staff Assistant Yvette Y. Jenkins 7256	202-647-8854
OMS Melissa Strom 7256	202-647-7688

### Office of the Under Secretary for Arms Control and International Security (T)

#### Under Secretary

Under Secretary of State John C. Rood, Acting 7208	202-647-1049
Personal Assistant Janice Neal 7208	202-647-1522
Senior Adviser James Timbie 7208	202-647-4404
Executive Assistant Hugh Amundson 7208	202-647-1749
Special Assistant Thomas Cynkin 7208	202-647-0062
Special Assistant Eric DeSautels 7208	202-647-0068
Special Assistant Tim Katsapis 7208	202-647-0072
Senior Adviser Susan Koch 7208	202-647-0440
Special Assistant Maureen Tucker 7208	202-647-0302
Staff Assistant (Vacant) 7208	202-736-7960
Staff Assistant Pratik Chougule 7208	202-647-0071
Secretary Louise Archer 7208	202-647-4227
Secretary Christy Braxton 7208	202-647-0060

#### International Security Advisory Board (ISAB)

Executive Director George Look 3209	202-647-9501
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### Office of the Under Secretary for Management (M)

#### Under Secretary

Under Secretary Patrick F. Kennedy 7207	202-647-1500
Executive Assistant Frank Coulter 7207	202-647-1501
Personal Assistant Mary L. Dubose 7207	202-647-1500
Special Assistant John W. McIntyre 7207	202-647-0728
Special Assistant Jennifer L. Johnson 7207	202-647-0166
Special Assistant Judes E. Stellingwerf 7207	202-647-1787
Staff Assistant (Vacant) 7207	202-647-0167
Staff Assistant (Vacant) 7207	202-647-0170
Staff Assistant Brenda Parham-Harris 7207	202-647-1501

#### Office of Management Policy (M/P)

Director Marguerite Coffey, Acting Director 5214	202-647-0093
Deputy Director Marguerite Coffey 5214	202-647-0768

#### Office of White House Liason (M/WHL)

Director Carrie B. Cabelka 7245	202-647-4820
Deputy Director Patricia Ganier 7245	202-647-4820
Associate Director Michael Molina 7245	202-647-4820
Staff Assistant Lisa Danzig 7245	202-647-4820

#### Diplomatic Reception Rooms (M/FA)

Director Gail Serfaty 8th Fl.	202-647-1990
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#### Office of Rightsizing the United States Government Overseas Presence (M/R)

Director Roy E. Chavera 2820	202-647-6518
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### Office of the Under Secretary for Democracy and Global Affairs and Coordinator (G)

#### Under Secretary

Under Secretary Paula Dobriansky 7250	202-647-6240
Personal Assistant Debra Nelson 7250	202-647-6704
Executive Assistant Jeffrey DeLaurentis 7250	202-647-7609
Senior Adviser Joaquin Ferrao 7253	202-647-4096
Senior Adviser Laura Lederer 7253	202-647-2990
Senior Adviser Jed Meline 7250	202-647-7196
Special Assistant Kate Friedrich 7253	202-647-1190
Senior Adviser Paul Lettow 7253	202-647-1189
Special Assistant Pamela Bates 7253	202-647-1038
Special Assistant Colleen Hoey 7253	202-647-9108
Special Assistant Anne Carson 7253	202-647-8703
Staff Assistant Laurie Mitchell 7250	202-647-8877
Staff Assistant Agnes Liptak 7250	202-647-6205
Special Assistant Aimee Cutrona 7253	202-647-8703

#### Office of the Science and Technology Adviser to the Secretary (STAS)

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Deputy S&T Adviser Andrew Reynolds 3240	202-647-8694
Office Management Specialist Joyce Brown 3240	202-647-8725

Senior Counselor for Science, Technology and Foreign Policy Walter Kelly 3240	202-647-8939	EUR, USAID Liaison Nicholas Studzinski SA22, 2321A	202-216-5853
Senior Counselor for International Security and S&T Affairs (Vacant)		SCA, DOD Liaison Hollis Summers SA22, 2321A	202-216-5850
AAAS Science and Diplomacy Fellow Alexander Bradley 410 SA23	202-663-3242	Office Management Cynthia Tejan-Cole SA22, 2321A	202-312-9726
AAAS Science and Diplomacy Fellow Winnie Lau 410 SA23	202-663-3243	NEA, Reporting David Winn SA22, 2321A	202-312-9753
AAAS Science and Diplomacy Fellow Christina McCain 410 SA23	202-663-3241		
<b>Office of the Under Secretary for Public Diplomacy and Public Affairs (R)</b>			
<b>Office to Monitor and Combat Trafficking in Persons (G/TIP)</b>			
Senior Advisor Mark P. Lagon 2201 SA-22	202-312-9639	<b>Undersecretary</b>	
Deputy Office Director Paula R. Goode 2201 SA-22	202-312-9639	Under Secretary Karen P. Hughes 7261	202-647-9199
<b>International Women's Issues (G/IWI)</b>		Personal Assistant Ellen Nelson 7261	202-647-9172
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Staff Assistant Kenya Kyler SA22 Suite 2135	202-312-9664	Special Assistant Carla Mudgett 7261	202-647-9901
Senior Advisor for Iraq Steven E. Steiner SA22 Suite 2135	202-312-9665	Special Assistant Jennifer Daniels 7261	202-647-9104
Senior Advisor for BMENA Deborah L. Emmert SA22 Suite 2135	202-312-9867	Special Advisor Andrea McDaniel 7261	202-647-3533
Senior Advisor for Afghanistan Siria Lopez SA22 Suite 2135	202-312-9669	Staff Assistant Justin Wilson 7261	202-647-9148
Foreign Affairs Officer Orna T. Blum SA22 Suite 2135	202-312-9675	Special Advisor Stephanie Smith 7261	202-647-7167
Foreign Affairs Officer Penny Rechkemmer SA22 Suite 2135	202-312-9879	Staff Assistant Stephanie Obenschain 7261	202-647-9130
Office Manager/Events Coordinator Valerie Keitt SA22 Suite 2135	202-312-9678	Staff Assistant Elizabeth Roberts-Strang 7261	202-647-9902
Program Assistant for Iraq Kathryn Kargman SA22 Suite 2135	202-312-9743	<b>Office of Policy Planning Resource (R/PPR)</b>	
<b>Office of the Special Envoy for Human Rights in North Korea (G/SENK)</b>		Director Gretchen G. Welch 7261	202-647-0588
Special Envoy Jay Lefkowitz 7250	202-647-6338	Deputy Director (Vacant)	
Senior Advisor Christian Whiton 7250	202-647-6338	Senior Advisor Morris E. "Bud" Jacobs 1442	202-647-0444
Special Assistant John Kachtik 7250	202-647-6115	Resource Planning Officer Rodney M. Reynolds 1442	202-647-0598
<b>Avian Influenza Action Group (G/AIAG)</b>		Senior Advisor Brian Carlson 1442	202-647-6296
Special Representative on Avian & Pandemic Influenza John E. Lange SA22, 2321A	202-312-9755	Resource Planning Officer Selena M. Castello 1442	202-647-6283
Deputy Coordinator James Keith SA22, 2321A	202-312-9734	Public Affairs Officer Seema W. Matin 1442	202-647-6550
Special Projects, IPAPI Amina Ahmad SA22, 2321A	202-216-5852	Foreign Affairs Officer Carolyn E. Voce 1442	202-647-6317
ECON, SPP, Borders Bill Brooks SA22, 2321A	202-312-9727	Staff Assistant Joseph B. Witters 1442	202-647-0588
USDA Liaison Patrick Clerkin SA22, 2321A	202-312-9774	Senior Advisor Robert J. "Jim" Bigart 1442	202-647-6265
Management Kenneth Cohen SA22, 2321A	202-312-9790	<b>Office of the Inspector General (OIG)</b>	
Office Management Talia Holston SA22, 2321A	202-312-9755	<b>Inspector General</b>	
IO, WHA Peggy Jones SA22, 2321A	202-312-9754	Office of the Inspector General Main Number 8100, SA3	202-663-0340
CA, Public Affairs Vivan Keller SA22, 2321A	202-312-9783	Inspector General Howard J. Krongard 8100, SA3	202-663-0361
Bioterrorism, Exercises, G8 Joseph Kowalski SA22, 2321A	202-312-9626	Executive Assistant Sandra K. Jacobs 8100, SA3	202-663-0339
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Policy Coordination Division Chief Deborah A. Hunsley H615 SA1	202-261-8838		
Compensation Management Division Chief Kumiah N. Harrison H615 SA1	202-261-8135	<b>Office of International Religious Freedom (DRL/IRF)</b>	
		Director Stephen Liston 4829A	202-647-0463
		Deputy Director Deborah Schneider 4829A	202-647-0348
<b>Office of Performance Evaluation (HR/PE)</b>		<b>Office of the Executive Director (OES-DRL/EX)</b>	
Director Ergibe A. Boyd H720 SA1	202-663-2060	Executive Director Cherie J. Jackson 2331	202-647-4068
Deputy Director Mario Cantu H720 SA1	202-663-2060	Deputy Director John J. Finnegan, Jr. 2331	202-647-4068
Program Development and Guidance Division Chief Cheryl R. Hodge H720 SA1	202-663-2060	Financial Management Division Chief Natalie Howard 2331	202-647-4346
Program Operations Division Chief Jacqueline R. Smith H720 SA1	202-663-2060	General Service Division Chief Ernestine Pierce 2331	202-647-4539
		Information Management Division Chief Celine Neves 2331	202-647-1592
<b>Office of Resource Management and Organization Analysis (HR/RMA)</b>		OES Help Desk 2331	202-647-2221
Director Philippe A. Lussier H1301 SA1	202-663-2308	Department Help Desk	202-647-7760
Workforce Planning and Compensation Division Chief Chet Phillips (Acting) H1301 SA1	202-663-2307	Personnel Management Division Chief Cindy Vialpando 2331	202-647-2906
Resource Planning and Allocation Division Chief Eugene Batt H1301 SA1	202-663-2308		
Classification and Compensation Policy Staff Chief Jeffrey Miller H1301 SA1	202-663-3032	<b>Office of Multilateral Affairs (DRL/MLA)</b>	
Lawsuit Coordination Unit Blanche Twardowski H1301 SA1	202-663-2315	Director Julieta Noyes 7822	202-647-4380
		Deputy Director Lynn Sicade 7822	202-647-2362
		Senior Advisor for Multilateral Affairs Christopher Camponova 7822	202-647-1180
			202-647-1180
<b>Office of Recruitment, Examination and Employment (HR/REE)</b>		<b>Office of International Labor and Corporate Social Responsibility (DRL/ILCSR)</b>	
Director Marianne M. Myles H518 SA1	202-261-8849	Director James Viray 4835	202-647-3663
Deputy Director Bruce Cole H518 SA1	202-261-8849	Deputy Director Mark Mittelhauser 4829A	202-647-3271
Recruitment Division Chief Diane L. Castiglione H518 SA1	202-261-8897		
FS & CS Recruitment Outreach Branch Chief Robyn Hinson-Jones H622 SA1	202-261-8889	<b>Office of Strategic and External Affairs (DRL/SEA)</b>	
Student Programs Branch Chief Jennifer Mobley H518 SA1	202-261-8924	Director David Denehy 7802	202-647-2551
Examination Division Staff Director Margaret M. Dean H518 SA1	202-261-8898		
Application Evaluation Branch Chief Ann Colter H518 SA1	202-261-8933	<b>Office of Country Reports and Asylum Affairs (DRL/CRA)</b>	
Registrar's Branch Chief Carolyn Torrence H518 SA1	202-261-8919	Director Nadia Tonjour H242 SA1	202-261-8024
		Deputy Director LeRoy Potts H242 SA1	202-261-8025
		<b>Office of Human Rights and Democracy (DRL/PHD)</b>	
		Director Oscar G. DeSoto 7802	202-647-1716
		Deputy Director Kent C. Brokenshire 7802	202-647-4326
		Deputy Director Calli Fuller 7802	202-647-1423
		Senior Advisor on Asia Susan O'Sullivan 7802	202-647-4648
<b>Bureau of Democracy, Human Rights and Labor (DRL)</b>		<b>Program Unit (DRL/P)</b>	
<b>Assistant Secretary</b>		Manager of Global Programs Kendra Davis H242 SA1	202-663-2689
Ambassador-at-Large for International Religious Freedom John V. Hanford III 4835	202-647-1422	Program Officer Steve Brattain H242 SA1	202-261-8003
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Principal Deputy Assistant Secretary Jonathan D. Farrar 7802	202-647-2570		
Deputy Assistant Secretary Erica J. Barks-Ruggles 7802	202-647-1780		
Deputy Assistant Secretary Jeffrey R. Krilla 7802	202-647-2570		

Program Officer Vitessa Del Prete H242 SA1	202-261-8030	Office Manager Specialist Karen Armstrong 4th FI SA14	703-312-3460
Program Officer Pamela Erickson H242 SA1	202-261-8020	Security Technology Operations Division Steve Romero 2nd FI SA14	703-312-3607
Program Officer Jennifer King H242 SA1	202-261-8107	Office Manager Specialist Marvinne Panning 2nd FI SA14	703-312-3605
Program Officer Ramiro Martinez H242 SA1	202-261-8008	Facility Security Engineering Division Robert Soule 148 SA24	703-323-6651
Intern Jennifer Mickel H242 SA1	202-261-8029	Staff Coordinator Kendra Fletcher SA24	703-923-6652
Program Officer Megan Oates H242 SA1	202-663-2678		
Intern Matthew Steinhelfer H242 SA1	202-261-8018		

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Assistant Secretary Richard J. Griffin 6316	202-647-6290
Executive Assistant George Gaines 6316	202-647-1496
Personal Assistant Pat Mackall 6316	202-647-1493
Senior Policy Advisor Johnny Guy 6316	202-647-0147
Senior Legislative Affairs Advisor Stephen Greene 6316	202-647-1497
Special Assistant Jason Lew 6316	202-647-1479
Senior Staff Assistant Sandra Piech 6316	202-647-1224
Staff Assistant (Vacant) 6316	202-647-2714
Legislative Affairs Adviser Robert Kelty 6316	202-647-1223

#### Principal Deputy Assistant Secretary for Diplomatic Security and Director, Diplomatic Security Service (DS/DSS)

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Special Assistant David Schnorbus 23rd FI SA20	571-345-3811
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Overseas Security Advisory Council (OSAC) Executive Director Todd Brown 24th FI SA20	571-345-2216
OSAC Deputy Executive Director Fred Stolper 24th FI SA20	571-345-2218
Diplomatic Security Command Center Director Peter Hargraves 24th FI SA20	571-345-3132
Public Affairs Grace Moe 21st FI SA20	571-345-2506

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Special Assistant David Croccia 23C04 SA 20	571-345-3786
Personnel Assistant Melinda Bonnell 23E06 SA 20	571-345-3787

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Director Deborah Glass, Acting 10th FI SA14	703-312-3113
Facilities Security Division Joe Zaranka 10th FI SA14	703-312-3104
Physical Security Division Deborah Glass SA14	703-312-3113
Defensive Equipment and Armored Vehicles Division Keith Walker SA7	703-644-3465

#### Office of Security Technology (DS/C/ST)

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Program Manager Bert Blakeman 1st FI SA14	703-312-3665
Countermeasures Protection Division Mark Steakley, Acting 4th FI SA14	703-312-3277

#### Office of Diplomatic Couriers (DS/C/DC)

Director Michael Young 23rd FI SA20	571-345-3390
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#### Assistant Director For Domestic Operations (DS/DSS/DO)

Assistant Director Pat Donovan 23rd FI SA20	571-345-3836
Special Assistant Richard Wade 23rd FI SA20	571-345-3834
Personal Assistant Regina Hebron 23rd FI SA20	571-345-3835

#### Office of Investigations and Counterintelligence (DS/DO/ICI)

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Counterintelligence Division Chief Scott P. Bultrowicz 19th FI SA20	571-345-7654
Professional Responsibility Division James Combs 17th FI SA20	571-345-2277
Criminal Investigations Division Douglas Quiram 12th FI SA20	571-345-2994
Protective Intelligence Investigations Division Chuck Hunter 20th FI SA20	571-345-3863
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Management Analyst Susan Cleaves 12C06 SA20	571-345-2918
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Chicago Field Office Special Agent in Charge Kurt Rice Suite 2121	321-353-6163
Houston Field Office Special Agent in Charge Jack Picardy Suite 870	713-209-3483
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Miami Field Office Special Agent in Charge Ed Moreno Suite 404	305-536-5781
New York Field Office Special Agent in Charge Chris Paul Suite 500	201-346-8100
San Francisco Special Agent in Charge Tom Depenbrock Suite 900	415-705-1176
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#### Office for Protection (DS/DO/P)

Director Darwin Cadogan 5th FI SA14	703-312-3322
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#### Office of Domestic Facilities Protection (DS/DO/DFP)

Director Glen A. Gershman HST 1214	202-647-0032
Special Assistant Sandra Gust HST 1214	202-647-9738
Intelligence Officer Ted Johnson HST 1214	202-647-0165
Office Management Secretary Doris Weaver HST 1214	202-647-0003

#### Security Support Division (DS/DO/SSD)

Division Chief George Bailey L309 SA1	202-663-1676
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Administrative Assistant Betsy Cosgrove L309 SA1	202-663-1676	Assistant Director for Training (DS/DSS/T)	
		Assistant Director Charlene Lamb SA11B	571-226-9761
Uniformed Operations (DS/DO/USO)		Special Assistant Allie Peters SA11B	571-226-9760
Acting Division Chief Bill Evans HST 1214	202-647-0031	Personal Assistant Lydia Sparks SA11B	571-226-9760
Security Specialist Russell Brigham HST 1214	202-647-0150		
Administrative Assistant Stephanie Hunter SA 20 8th Floor	571-345-3745	Office of Antiterrorism Assistance Program (DS/T/ATA)	
Special Events Program Manager Liz Wood HST 1214	202-647-5925	Director Stephen Brunette SA11B	571-226-9631
Events Coordinator Kurt Arneson HST 1214	202-647-8518	Executive Assistant Brenda Clabon SA11B	571-226-9630
Events Coordinator Allen Finely HST 1214	202-647-5305	Deputy Director Lynnnda Tibbetts SA11B	571-226-9633
Events Coordinator Byron Harley HST 1214	202-647-5040	Special Assistant Gregory Olmstead SA11B	571-226-9632
		Office of Mobile Security Deployment (DS/T/MSD)	
Resources, Policy, Budget (DS/DO/SSD/RSP)		Director Greg Hays 3rd FI SA11	703-204-6246
Financial Program Manager Jonathon Myers SA-1 L-309	202-663-3699	Deputy Director Gregory P. Olmstead 3rd FL SA11	703-204-6245
Financial Procurement Officer Joanna Serth SA-1 L-309	202-663-3723	Office of Training and Performance Support (DS/T/TPS)	
Financial Analyst Dawn Sherwood SA-1 L-309	202-663-3382	Director David Benson 3rd FI SA11	703-204-6205
Technical Writer Lori Strickland SA-1 L-309	202-663-1823	Deputy Director Nancy Stout 3rd FI SA11	703-204-6182
Inventory Control Specialist Kevin Turner SA-1 L-309	202-663-1665	Secretary Denise Butler 3rd FI SA11	703-204-6203
		Security Engineering & Computer Security Training Division John Bagnal SA11	703-204-6221
Operations/Identification Services (DS/DO/SSD/DSIS) (Gov't Employees)		Security & Law Enforcement Training Division Bill Miller 3rd FI SA11	703-204-6188
Media Technician Supervisor James Makle L309 SA1	202-663-1665	Assistant Director for International Programs (DS/DSS/IP)	
		Assistant Director Gary Gibson 23rd FI SA20	571-345-3841
Operations/Identification Services (DS/DO/SSD/DSIS) (Contract Employees)		Special Assistant John Bush 23rd FI SA20	571-345-3826
Operations Program Manager Carolyn Jackson HST B266	202-647-2463	Personal Assistant Lawanda Grant 23rd FI SA20	571-345-3842
		Office of Regional Directors (DS/IP/RD)	
Operations and Special Access (DS/DO/SSD/SO)		African Affairs Regional Director of Operations Kevin Barry 22nd FI SA20	571-345-3455
Operations Program Manager Robert Serth HST B237	202-647-0511	East Asian and Pacific Affairs Regional Director of Operations Jim Bacigalupo 22nd FI SA20	571-345-3459
		European Affairs Regional Director of Operations Michael Darmiento 22nd FI SA20	571-345-3444
Domestic Security Operations (DS/DO/USO/SO)		Near Eastern Affairs Regional Director of Operations Mark Hipp SA20	571-345-3386
Security Program Manager Kenneth Perry L309 SA 1	202-663-1311	South Asian Affairs Regional Director of Operations Mark Hipp SA20	571-345-3386
		Western Hemisphere and Canada Affairs Regional Director of Operations Thad Osterhout 22nd FI SA20	571-345-3477
Uniform Protective Service Operations (DS/DO/USO/UPS)		Office of Overseas Protective Operations (DS/IP/OPO)	
Project Manager Gerard Neville HST B-243	202-647-0840	Director Justine Sincavage 16th FI SA20	571-345-2395
Deputy Project Manager Jeffrey Hahn HST B-243	202-647-0249	Office of Intelligence and Threat Analysis (DS/IP/ITA)	
Deputy Project Manager Larry Jackson HST B-243	202-647-0334	Director Robert Hartung 20th FI SA20	571-345-3936
Deputy Project Manager Ron Kelly HST B-243	202-647-1816	Office of Special Programs & Coordination (DS/IP/SPC)	
Technical Writer Eric Johnson HST B-243	202-647-0745	Director Raymond Bassi 21st FI SA20	571-345-2795
Technical Writer Juanita McLeod HST B-243	202-647-0744	Executive Director for Diplomatic Security (DS/EX)	
Human Resource Manager Mary Wilkie HST B-243	202-647-0250	Executive Director Stephen J. Mergens 23rd FI SA20	571-345-3816
Uniformed Protective Division (DS/DO/UPD)			
Division Chief Bill Evans L309 SA1	202-663-1345		
Administrative Assistant Stephanie Hunter HST 1214	202-647-0031		
Special Events Program Manager Liz Wood 8th FI SA20	571-345-3745		

Office Management Specialist Carolyn Dudley 23rd FI SA20	571-345-3816	New York Director	212-826-4500
		San Francisco Director	415-744-2910
<b>Office of Management Services (DS/EX/MGT)</b>		<b>Senior Coordinator for Security Infrastructure (DS/SI)</b>	
Deputy Executive Director Jan Burke 14th FI SA20	571-345-2726	Senior Coordinator Donald Reid 23rd FI SA20	571-345-3788
Special Assistant James E. Weston 14th SA20	571-345-3725	Special Assistant Jacqueline Atiles 23rd FI SA20	571-345-3790
Administrative Assistant Eve Roland 14th FI SA20	571-345-2727	Office Administrator Carol Bao 23rd FI SA20	571-345-3791
Contracting and Procurement Division Chief Bill Black/Terri Ballard, Acting 8th FI SA20	571-345-3746	Special Assistant Frank Wilkins 23rd FL SA20	571-345-3827
Human Resources Management Division Chief Jacqueline Hill 9th FI SA20	571-345-2768		
Logistics Services Division Chief Pat Hasiak/Stefan Green, Acting 8th FI SA20	571-345-2152	<b>Office of Computer Security</b>	
Support Services Branch Stefan Green 8th FL SA20	571-345-2131	Director Mary Stone Holland 15th FI SA20	571-345-2589
Space Management Branch Pat Hasiak 9th FI SA20	571-345-2146		
Policy and Planning Division Chief Brenda Ferry/Janet Mayland, Acting 14th FL SA20	571-345-2734	<b>Office of Information Security Programs</b>	
Planning Branch Janet Mayland 14th FI SA20	571-345-2729	Director Cheryl Hess 13th FI SA20	571-345-3080
Policy Analysis Branch Brenda Ferry 14th FI SA20	571-345-2738		
		<b>Office of Personnel Security and Suitability</b>	
		Director James Onusko 11th FL SA20	571-345-3219
<b>Chief Technology Office (DS/EX/CTO)</b>		<b>Bureau of East Asian and Pacific Affairs (EAP)</b>	
Chief Technology Officer Kenneth Stanley 17th FI SA20	571-345-2339	<b>Assistant Secretary</b>	
Systems Management Division John Clynch 18th FI SA20	571-345-2098	Assistant Secretary Christopher R. Hill 6205	202-647-9596
Capital Architectures & Planning Division Gary Saylor 17th FI SA20	571-345-2239	APEC and Economic Coordinator Patricia M. Haslach 6205	202-647-7266
Records Management Division Kathleen Siljegovic 14th FI SA20	571-345-2712	Personal Assistant Anastasia Miller 6205	202-647-9596
		Principal Deputy Assistant Secretary D. Kathleen Stephens 6205	202-736-4393
		Office Management Specialist Patty Rhodes 6205	202-736-4393
<b>Office of Chief Financial Officer (DS/EX/CFO)</b>		Principal Deputy Assistant Secretary Glyn T. Davies 6205	202-736-4393
Chief Financial Officer William Terrini 8th FI SA20	571-345-2199	Office Management Specialist Jean McCoubrey 6205	202-647-8929
Office Management Specialist Carla Savory 8th FI SA20	571-345-2199	Deputy Assistant Secretary Scott A. Marciel 6205	202-647-6904
Financial Planning Division Sarah Munoz SA20	571-345-2208	Office Management Specialist Holly Wazelle 6205	202-647-6904
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		Office Management Specialist Myrna Farmer 6205	202-647-6910
<b>Deputy Assistant Secretary for Foreign Missions (DS/OFM)</b>		U.S. Ambassador to APEC and Economic Coordinator Patricia M. Haslach 6205	202-647-7266
Deputy Assistant Secretary and Deputy Director Claude J. Nebel HST 2236	202-647-3417	Special Assistant Thomas B. Gibbons 6205	202-736-4161
Managing Director for Operations John Sheely SA33	202-647-3417	Staff Assistant Shaana Day 6205	202-647-6916
		Staff Assistant Manu Bhalla 6205	202-647-6921
		Staff Assistant Jeffrey Arnold 6205	202-647-6921
<b>Office of Travel, Property, and Banking (DS/OFM/TPB)</b>		Deputy Assistant Secretary Alex A. Arvizu 6205	202-647-8929
Office Director Richard Massey 2238	202-647-0325		
		<b>Office of the Executive Director (EAP/EX)</b>	
<b>Office of Diplomatic Vehicles, Tax, and Customs (DS/OFM/VTC)</b>		Executive Director Joyce Barr 4313A	202-647-9054
Tax and Customs Director 211 SA33	202-895-3540	OMS for Executive Director Shireen B. Valli 4313A	202-647-9054
Diplomatic Motor Vehicles Director Jacqueline Robinson 246 SA33	202-895-3528	Deputy Executive Director Alan Greenfield 4313A	202-647-9054
		Administrative Officer Janice E. Burke 4313A	202-647-7681
<b>Regional Offices</b>		Post Management Officer for IT Issues Robert P. Blankenship 6310	202-647-6280
Chicago Director	312-353-5762	Domestic Systems Manager Dumar Stanley 6310	202-647-9324
Houston Director	713-272-2865	Awards Coordinator Natalie Hill 4313A	202-647-6206
Los Angeles Director	310-235-6292	Supervisory Post Management Officer (Korea, Indonesia and E. Timor) Patricia (Tri) McCarthy 4313A	202-647-6219
Miami Director	305-442-4943		

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Post Management Officer (Japan, Brunei, Malaysia, Singapore, Hong Kong) John Dockery 4313A	202-647-6223	Intern Andrew Publicover 4318	202-647-8775
Post Management Officer (Burma, Cambodia, Laos, Thailand, Vietnam) David LaMontagne 4313A	202-647-7654	<b>Office of Economic Policy (EAP/EP)</b>	
Post Management Officer (Australia, New Zealand, Samoa, Solomon Isl, Fiji, Marshall Isl, Micronesia, Palau, PNG, French Polynesia) Norma Brown 4313A	202-647-8612	Director Theodore J. Lyng 5317	202-647-2001
Human Resources Unit Chief Annette Hales 4313A	202-647-8611	Deputy Director Meredith Miller 5317	202-647-2011
Chief Financial Management Officer Annie M. Carter 4313A	202-647-6218	International Economist David Firestein 5317	202-647-1947
Program Assistant Cyd Margulies 4313a	202-647-6893	International Economist Darcy Anderson 5317	202-647-3487
Assignments Officer Susan Niblock 4313A	202-647-7634	NCAPEC Alec Wilczynski Seattle	206-441-9022
Assistant Assignments Officer Mary Gunn 4313A	202-647-6457	Science Officer Tom Wang 5317	202-647-4806
		AAAS Jared Ragland 5317	202-647-2089
		International Economist Lan Truong 5317	202-647-2023
		OMS Shawn Roy 5317	202-647-4835
		Intern Lauren Nesbitt 5317	202-647-4836
		Intern Franklin Fuentes 5317	202-647-2020
<b>Office of Australia, New Zealand, and Pacific Island Affairs (EAP/ANP)</b>			
Director C. Steven McGann 4312	202-736-4659	<b>National Center for Asia-Pacific Eco Coop, Seattle, Wash (EAP/EP/NCAPEC/WASH)</b>	
Deputy Director Thomas Vajda 4312	202-647-9990	Alex Wilczynski Seattle	202-441-9022
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Country Officer (New Zealand, Samoa) Kelly McKellogg 4312	202-736-4745	Deputy Director/Economic Affairs Chief Wendell Albright 4206	202-647-3154
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Country Officer (Pacific Island Forum) Bill Brent 4312	202-647-4712	Political/Cons Officer Charles E. Bouldin 4206	202-647-4741
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Office Management Specialist Carolyn Pollard-Ford 4312	202-647-9690	Economic Officer Lori Shoemaker 4206	202-647-4459
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		Desk Officer/Pickering Fellow Laurie Williford 4206	202-647-1311
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Officer for Macroeconomic Issues (Vacant) 4318	202-647-6782	Public Diplomacy Officer Scott Walker 5313	202-647-8418
Officer for Environ/Science/Technology & Consular Affairs George Ward 4318	202-647-7628	DPRK Desk Office Maureen Haggard 5313	202-647-6727
Officer for Mongolian Affairs David Citron 4318	202-647-6802	DPRK Human Rights Officer Laura Rosenberger 5313	202-647-0081
Officer for Human Rights and Rule of Law Mike Goldman 4318	202-647-6813	KEDO Jeff Baron 5313	202-647-0503
Officer for Hong Kong & Macau David Citron 4318	202-647-6802	KEDO Tech Ops Issues Jerome J. Bosken 5313	202-647-0333
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		Public Affairs Adviser Kenneth Bailes 5312	202-647-2149
		Deputy Public Affairs Advisor Melanie Harris Higgins 5312	202-647-1028
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Congressional Adviser (Vacant) 5313	202-647-2313
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Global Affairs Officer Ruth Kurzbauer 5313	202-647-2031
Political/Military Adviser Andrew Mueller 5313	202-647-2399
Multi-Lateral Security Affairs Officer Colleen P. Kelly 5313	202-647-2722
ASEAN Affairs Jack Andre 5313	202-647-6094
Foreign Affairs Officer Kevin Sheives 5313	202-647-1217
Counterterrorism Stuart Allan 5313	202-647-1184
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Deputy Director Sue L. Bremmer 4312	202-647-7711
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Deputy Director Leslie High 5318	202-736-4598
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Country Officer for Japan, Burma, Cambodia, Laos, Thailand, Vietnam Jessica Davies 5318	202-647-7292
Country Officer (China, Hong Kong, AIT Taipei, Mongolia) Lloyd Neighbors 5318	202-647-7953
Country Officer (Korea) Scott Walker 5313	202-647-0176
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## Private Security Contracting In Iraq And Afghanistan

**Statement of Ambassador Richard J. Griffin**  
**Assistant Secretary of State for Diplomatic Security**  
**Testimony before the House Committee on Oversight and Government Reform**  
**(as prepared for delivery)**

**Oct. 2, 2007**

Good morning Chairman Waxman, Ranking Member Davis, and members of the Committee.

It is my honor to appear before you today with my colleagues from the State Department. I would like to thank you and the Committee members for your continued support and interest in the Bureau of Diplomatic Security's (DS) worldwide mission. Through Congressional support, DS safeguards American diplomats, facilities, and information around the world to allow the Department of State and other agencies to conduct America's mission overseas to create a more secure, democratic, and prosperous world for the benefit of the American people and the international community.

Posted to U.S. embassies and consulates in 159 countries, DS is the most widely represented law enforcement organization globally and is the primary U.S. law enforcement contact for foreign government and law enforcement authorities overseas. DS special agents serve as Regional Security Officers responsible for embassy security at posts around the world and participate in a robust worldwide criminal program to combat visa and passport fraud and other related offenses. Our global presence includes over 1,450 Special Agents posted overseas and dispersed among 25 field and resident offices domestically. In addition, DS agents provide a wide range of protective services for the U.S. Secretary of State, U.S. Ambassador to the UN, and foreign dignitaries visiting the U.S.

To fully appreciate the context of both DS's current staffing and its mission requirements, one should start with the recommendations of Admiral Bobby Inman's "Report of the Secretary of State's Advisory Panel on Overseas Security," commonly known as the "Inman Report." When the report was released in 1985, the panel recommended that DS would require 1,156 agents "at home and abroad to carry out all of the recommendations in this report." With the opening of additional embassies overseas and the increased threat to our personnel, it is safe to say that those mission requirements have significantly increased in the intervening 22 years. Due to the sheer scope of our protective operations in Iraq and the limited number of DS agents worldwide, DS has been required to utilize alternate methods to meet the expanding roles and responsibilities of protecting Department personnel in non-permissive environments.

The employment of security contractors has become a critical Department tool for providing services necessary to protect U.S. embassies, consulates, mission housing areas, Foreign Service personnel and ambassadorial residences in more than 111 countries worldwide (155 diplomatic posts). For the past 20 years, the State Department has successfully used contractors to assist DS in meeting our protection requirements. In the mid-1980s, after the bombing of the US Embassy in Beirut and in conjunction with the Diplomatic Security and Antiterrorism Act of 1986, private companies were afforded the opportunity to compete for security contracts at U.S. overseas missions. In these contracts, the Department sought to standardize the way posts contracted and paid for guard force services, to enhance uniform fiscal reporting, and to streamline security management.

Over the last decade, conflicts, wars, political unrest, and terrorist activity have required the deployment of diplomats to areas that have become extremely dangerous places to live and work. As the U.S. Government continued its diplomatic efforts in those critical areas, the assets and resources needed to ensure the safety and security of U.S. diplomats and other government representatives have also increased. As a result, DS began using civilian contract personal security specialists (PSS) to fulfill this immediate Department priority. DS first deployed PSS contractors in September of 1994 during a prolonged period of unrest in Haiti. In the intervening period, the Department has fielded PSS contractors in Bosnia, Afghanistan, Israel, Haiti and Iraq. Some examples include:

- Protecting U.S. ambassadors implementing the Dayton Peace Accords (1995)
- Protective services in the former Yugoslavia (2000)
- Protecting the U.S. Senior Security Coordinator for Gaza and the West Bank (2002)
- Protecting President Karzai in Afghanistan (2002)

The use of PSS contractors has allowed DS to rapidly expand its capability to meet the increased protective duties and to support national-security initiatives without the delay of recruiting and training full-time personnel. PSS contractors can be recruited, vetted, hired, trained, and deployed in approximately 90 – 120 days, compared to the two-year-long recruitment, hiring, and training process for a DS Agent. Additionally, the contract mechanism allows the Government to quickly hire a skilled cadre of security professionals for emergency needs as world events unfold, usually with little notice. Utilizing contract personnel also allows the Department the flexibility to rapidly expand or reduce the level of security personnel deployed based on changing requirements.

In March 2000, recognizing that there was a consistent and sustained need for PSS contractors, the Department developed and awarded the first iteration of the Worldwide Personal Protective Services (WPPS) contract. The WPPS initiative was a proactive effort by the Department to pre-plan, organize, deploy, and oversee PSS contractors for the protection of U.S. and/or certain foreign government officials as required by the security and threat environment. WPPS I was awarded to DynCorp International to provide services in the former Yugoslavia and was subsequently used for deployments in the Palestinian Territories beginning in July 2002 and in Afghanistan for the Karzai Protective Operation in November 2002. The program continued to expand to provide PSS staff in Kabul for the Ambassador's protective detail and for the Afghan Reconstruction Group in early 2004. In 2005, the program began operating in Haiti protecting the Haitian President and U.S. Embassy personnel.

In early 2004, additional task orders were added to the WPPS contract to provide PSS support for Embassy Baghdad when it opened on July 1, 2004. DynCorp was unable to meet the full requirements of the expanding mission and a second service provider was established through a contract with Blackwater USA. Another company, Triple Canopy, was subsequently awarded a contract to protect the Regional Embassy Office in Basrah, Iraq. Concurrently, the Department drafted and released a competitive contract covering the ever-increasing requirement for protective services throughout the world.

In June of 2005, DynCorp, Blackwater USA, and Triple Canopy were awarded contracts under what is now known as the WPPS II contract. Personnel qualifications, training, equipment, and management requirements were substantially upgraded under WPPS II, due to the ever changing program requirements in a combat environment such as Iraq.

#### **An Overview of the WPPS II Contract**

Contractors were selected through a competitive bidding process, and the current contract was awarded in July 2005. DS utilizes the WPPS II umbrella contract under which it issues task orders to the three qualified companies – Blackwater USA, DynCorp, and Triple Canopy. The contract has a ceiling of \$1.2 billion per contractor over five years (one base + four option years). There are currently seven active task orders under WPPS II: Jerusalem, Kabul, Bosnia, Baghdad, REO Basrah, REO Al Hillah, and REO Kirkuk (including USAID Erbil). An eighth operational task order for aviation services in Iraq was awarded to Blackwater USA on September 4, 2007. Performance under this task order should begin in late November 2007. Task Order 1 covers the contractors' local program management offices in the Washington, D.C. area.

Security contractors perform a narrow range of tactical duties, including protection of certain foreign heads of state, high-level U.S. officials (including members of Congress), and U.S. diplomats under Chief-of-Mission authority. As such, the Department requires that security contractors working for DS must meet stringent requirements for employment and sustain high performance standards once employed. Candidates undergo a screening process by their employer/contractor before submitting their applications to the State Department. After the applications are submitted, the Department of State performs a background investigation on each American-citizen contractor employee, who must qualify for a U.S. Government security clearance at an appropriate level. The Department requires a similar process for foreign national contractors, who, likewise, must qualify to receive a clearance appropriate to their assignments. DS Special Agents oversee security contractors who are trained to DS specifications by DS-vetted trainers. Before deploying, the PSS contractors receive 164 hours of DS-approved instruction and training. Only successfully trained and qualified contractors are deployed.

#### **WPPS II PSS Contract Requirements and Training**

The Department of State requires in each private security firm contract it awards that each person working on the contract meet specific experience requirements delineated by position title/description. The security firm contractor must verify that each person proposed possesses the requisite experience and training required by the contract before that individual is approved to enter the program. The DS High Threat Protection (HTP) Program Office (in Washington) individually reviews and approves candidates for key leadership positions. The contractor certifies that all other personnel meet the requirements. The Program Office may review qualifications and remove individuals not meeting contract requirements at any time.

Qualification statements for a Protective Security Specialist (PSS) require a minimum of one year of experience in protective security assignments. This experience and background may have been gained in any of the following assignments:

- U.S. Department of State Diplomatic Security Service
- U.S. Secret Service
- U.S. Federal Agencies, e.g., FBI (former Special Agents with protective- security background)
- U.S. Special Forces or Special Operations
- U.S. Military Infantry (Army or USMC)
- Commercial Executive Protection Services with Military or Police Background
- Law Enforcement Experience (U.S. Military Police/Criminal Investigation Division or in an Emergency Services, Special Weapons, or Tactical Operations Type Unit of a Local or State Law Enforcement Agency)

All PSS personnel are trained in accordance with the requirements in the WPPS II base contract. The contract contains the qualifications and requirements for both facilities and instructors providing PSS training. PSS personnel must attend and successfully complete pre-deployment training that consists of 164 hours of instruction delivered by instructors previously vetted by DS. PSS training covers the following topics:

- Terrorist Operations
- Organization of a Protective Detail
- Protective Services Formations and Standard Operating Procedures
- Protective Security Advances
- Driver Training
- Vehicle Dynamics
- Evasive Maneuvers
- Armored Vehicle Dynamics
- Basic Motorcade Operations
- Radio Procedures
- Countermeasures
- Emergency Medical Training
- Firearms
- Defensive Tactics
- Land Navigation

In addition to DS-provided course materials, contractor-developed lesson plans must be approved by the DS HTP program office and the DS Training Center. DS HTP personnel visit contractor facilities and observe training to ensure compliance with contract requirements.

#### **WPPS II Staffing and Costs**

There are a total of 1,433 personnel, excluding sub-contractors, currently working under the WPPS II contract. Of that total, 833 work as personal security specialists, 410 as guards, and 190 as support personnel. In Iraq alone, there are 716 personal security specialists, 390 authorized guards, and 155 support personnel. The aviation task order will add at least 241 personnel in Iraq. The approximate current annual costs under WPPS II contracts for all areas of operation (Afghanistan, Bosnia, Israel, and Iraq) are as follows:

Blackwater	\$360,123,994
Blackwater Aviation	\$112,581,657
DynCorp	\$38,862,060
Triple Canopy	\$59,315,251
TOTAL WPPS	\$570,882,962



The approximate total costs for Iraq only, inclusive of all contractors (and including aviation) is \$519,938,634.

#### **Oversight of WPPS II Contractor Operations**

DS utilizes a two-part (parallel and mutually supportive) oversight structure. It is composed of a post mechanism and a Washington (via contract office) mechanism.

The DS Regional Security Officer (RSO) at post provides general oversight and manages the operations of security contractors. The post's high threat protection office is responsible for all protective operations under Chief of Mission authority. A number of DS Agents are assigned to provide oversight of the protective operations, including the PSS contractors. This supervision includes the "embedding" of DS Agents within PSS protective details to observe/participate in training and accompany the details on actual movements.

The DS HTP program office (in Washington) meets weekly with contractor management and conducts periodic Program Management/Contract Compliance Reviews of task order operations at posts. In addition, the HTP office conducts announced and unannounced visits to contractor training facilities to monitor compliance with contract-training requirements.

#### **Standard Operating Procedures (SOPs)**

The RSO is responsible for developing and maintaining SOPs for each section of post's security program. The SOPs for the high threat protection office cover a wide range of policies that include, but are not limited to, radio communications, protective operations, after-action review—and-reporting procedures, pre-mission briefings, standards of conduct, firing-range procedures, and operational security.

#### **The "Use of Force" Policy**

The WPPS base contract requires all PSS personnel to follow the Mission Firearms Policy of the post to which they are assigned, in this case Embassy Baghdad. Any use of force by a PSS in the course of operations must comply with this policy.

Embassy Baghdad's Mission Firearms Policy is defensive in nature, while at the same time taking into account specific circumstances surrounding our security operations in an active war zone. The Mission Firearms Policy is founded upon the Department of State's respect for the paramount value of all human life, and our commitment to take all reasonable steps to prevent the need to use deadly force. Accordingly, the touchstone of the policy is necessity; deadly force can only be used in situations where there is no safe alternative to using such force, and without which the PSS, the protectee, or other individuals would face imminent and grave danger.

The policy utilizes an "escalation of force" continuum to ensure that the proper level of force is applied in each unique situation. This "escalation of force" policy utilizes a seven-step process that must be utilized as appropriate under the circumstances: (1) English/Arabic visual warning signs on vehicles; (2) hand/verbal warning signs; (3) use of bright lights; (4) use of Pen flares; (5) weapon pointed at offending vehicle; (6) shots fired into engine block of vehicle; and (7) shots fired into windshield of vehicle. It should be noted that deadly force can be immediately applied provided that it is necessary under the specific situation's circumstances.

#### **Incident Reporting Requirements**

All PSS contractors are required to immediately report to the RSO any operational incidents of weapons discharges, attacks, serious injury, or death. Contractors are also required to report any incident that would reflect negatively on the United States, the Department, the Embassy, or the contractor. Significant incidents involving PSS personnel are reviewed by the RSO and by relevant management and oversight offices within the Department to ensure that specific use of force incidents are consistent with Department policies. Incidents of PSS personnel misconduct are addressed through procedures in accordance with our contractual arrangements.

#### **Contractor Discipline**

The WPPS base contract establishes minimum standards of conduct not only regarding the use of firearms, but also covering areas such as dress and appearance, performance of duties, disorderly conduct, drugs and alcohol, and criminal activity. All PSS personnel acknowledge that violation of these policies may result in termination from the program. Depending on the nature of a given incident, the Department may require remedial training, request the contractor to reassign personnel to duties not requiring a firearm, remove the personnel from the project, or to make referrals to law enforcement authorities. Should the facts of an incident indicate potential criminal acts, further action is determined in consultation with the Department of Justice. The DS HTP program office (in Washington) maintains records of personnel terminated for cause from the WPPS program in order to prevent them from re-entering the program with another contractor.

#### **Incidents Involving PSS Personnel**

DS provides security for nearly 1,000 U.S. Embassy personnel located in Baghdad and a number of regional locations throughout Iraq, in support of reconstruction efforts. DS PSS contractors are used on a daily basis to provide security for those personnel, as well as visiting dignitaries such as U.S. Cabinet members and Congressional delegations.

PSS personnel must follow stringent procedures aimed at avoiding the use of force, for which they are extensively trained and which the standard SOP require they are briefed on before each mission. From January 1 to September 18, 2007, PSS contractors conducted 3,073 missions in which they escorted American diplomats or visitors to locations within Iraq. Out of those 3,073 missions, there were 77 incidents involving PSS personnel that resulted in the use of weapons. These missions occurred during a period in which there were 54,236 recorded attacks (an average of 6026 per month) throughout Iraq; almost 208 attacks per day during which PSS contractors must safely transport Department personnel.

In closing, I would like to take this opportunity to note that protecting the Department's most precious asset – our people – has come at great cost to both DS and our security contract personnel. Since 2004, two DS agents and 40 security contractors have lost their lives and 76 security contractors have been wounded in Iraq, Afghanistan, and Israel while protecting Department personnel.

Chairman Waxman and Ranking Member Davis, I thank you and the other members of the Committee for the opportunity to appear here today. I would now be happy to answer any questions you or any other members may have.



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November 20, 2007

## U.S. Prosecutors Subpoena Blackwater Employees

By DAVID JOHNSTON and JOHN M. BRODER

WASHINGTON, Nov. 19 — Federal prosecutors have issued grand jury subpoenas to some of the Blackwater employees present at a Sept. 16 shooting in Baghdad in which the company's security personnel killed 17 Iraqi civilians, lawyers in the case and government officials briefed on the matter said Monday.

The opening of the grand jury inquiry is a significant step in the case because it indicates that prosecutors believe that there is enough evidence of wrongdoing to warrant a formal criminal investigation.

Officials cautioned that the decision to begin a grand jury inquiry did not mean that prosecutors had decided to charge anyone with a crime in what they said was a legally complex case. Some government lawyers have expressed misgivings about whether a federal law exists that would apply to the actions Blackwater employees are accused of committing.

The officials, who spoke on the condition of anonymity because they were discussing grand jury matters, would not say exactly how many subpoenas had been issued, but they said the subpoenas were mainly to Blackwater employees who were at the scene of the shooting but did not fire their weapons. The prosecutors are also seeking company records compiled at the time of the shooting as well as employee work histories and military service files.

The grand jury inquiry in Washington was first reported Monday by ABC News on the network's Web site.

A spokesman for the Justice Department would not comment on whether prosecutors had convened a grand jury in the case. It was not known whether Attorney General Michael B. Mukasey approved the decision, but it would be unusual for prosecutors to take such a step in a high-profile case without advising the attorney general.

Blackwater's spokeswoman, Anne E. Tyrrell, said that she could not confirm that a grand jury investigation was under way and that she would have no comment on any federal inquiry involving the company. She did say, however, that it would not be unexpected that federal prosecutors would convene a grand jury to support the F.B.I. investigation.

"It should come as no surprise that this might happen when the F.B.I. is investigating such a matter," she said.

She added, "If official findings conclude that someone was complicit in wrongdoing, we will support holding that person accountable."

The existence of a formal criminal inquiry intensifies the pressure on Blackwater, which is seeking to salvage

its reputation and preserve its lucrative security contracts with the federal government. The company has earned nearly \$1 billion in federal contracts since 2001 and is currently operating under a \$1.2 billion contract with the State Department. That contract expires next spring, and State Department officials have said that renewal depends in part on the outcome of the investigations.

Federal agents investigating the events of Sept. 16 have found that at least 14 of the 17 killings were unjustified and violated deadly-force rules in effect for security contractors in Iraq, said civilian and military officials briefed on the case.

Only 5 of the 19 guards believed to be in the convoy that morning fired their weapons, the officials said. Prosecutors are gradually narrowing the case to the likely targets of the inquiry, the employees who fired upon the Iraqis, including an unidentified guard referred to by investigators as "turret gunner No. 3" who was responsible for a number of deaths.

The ABC News report, citing sworn statements given by Blackwater employees to State Department investigators, suggested that Blackwater guards had given contradictory accounts of the chaotic violence in the episode, in Nisour Square in central Baghdad.

One guard reportedly told the authorities that he did not observe any hostile activity directed toward the convoy before the shooting. But another is said to have reported seeing individuals in Iraqi police uniforms firing at the convoy before Blackwater guards opened fire. It is not known whether these Blackwater guards were among those who received subpoenas.

Criminal investigators found no evidence to support assertions by Blackwater employees that they were fired upon by Iraqi civilians, contradicting initial assertions by Blackwater officials who said that company employees fired in self-defense and that several vehicles were badly damaged by hostile gunfire.

The F.B.I. inquiry has faced a number of hurdles. Agents did not arrive in Baghdad until several weeks after the shooting and were thus hampered in efforts to reconstruct the scene. Federal investigators have impounded several vehicles, but some officials have said they may reveal little forensic evidence.

The State Department, which employs Blackwater to guard its diplomats and other high-level civilians in Iraq, interviewed most of the Blackwater agents involved in the shooting under grants of immunity. Those statements are off limits to the F.B.I. and cannot be used in any prosecution.

In addition, government officials said a number of Blackwater guards declined to cooperate with the F.B.I. and had retained lawyers.

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THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA  
Civil Division

BLACKWATER SECURITY  
CONSULTING, LLC, a Delaware Limited  
Liability Company; BLACKWATER  
LODGE AND TRAINING CENTER, INC.,  
a Delaware Corporation, both located at  
Suite 800, 1650 Tysons Blvd., McLean, VA  
22102

CARD

Case No:  
Judge:

Plaintiffs,

vs.

Wiley Rein LLP  
1776 K Street, N.W.  
Washington, DC 20006

Serve:  
Richard E. Wiley, Esq.  
1776 K Street, NW  
Washington, DC 20006

FILED  
CIVIL ACTIONS BRANCH  
JAN 23 2008  
SUPERIOR COURT  
OF THE DISTRICT OF COLUMBIA  
WASHINGTON, DC

C14

-And-

Margaret A. Ryan, Esq.  
United States Court of Appeals for the  
Armed Services  
401 E Street, N.W.  
Washington, DC 20442

08-0000530

Defendants.

COMPLAINT

*COME NOW* Plaintiffs, by and through undersigned counsel, and make this Complaint against Defendants. In support thereof, Plaintiffs state the following:

1. This action is against the law firm of Wiley Rein LLP, formerly Wiley Rein & Fielding LLP (hereinafter "Wiley Rein") for legal malpractice in the course of representing Blackwater Security Consulting, LLC, and Blackwater Lodge and Training Center, Inc., in a tort lawsuit filed on January 5, 2005, in the North Carolina General Court of Justice, Superior Court Division for Wake County, captioned *RICHARD P. NORDAN, as Ancillary Administrator for the*

~~COMPLETED~~

Case: 2008 CA 000530 M  
00030365200  
Dkt: CARLA

*Separate Estates of STEPHEN S. HELVENSTON, MIKE R. TEAGUE, JERKO GERALD ZOVKO, and WESLEY J.K. BATALONA v. BLACKWATER SECURITY CONSULTING, LLC, a Delaware Limited Liability Company; BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware Corporation, JUSTIN L. McQUOWN, an individual; and THOMAS POWELL, an individual* (hereinafter “the Nordan Lawsuit”).

### **PARTIES**

2. Plaintiffs in this action are Blackwater Security Consulting, LLC, a Delaware Limited Liability Company, and Blackwater Lodge and Training Center, Inc., a Delaware Corporation (together and hereinafter “Blackwater”), each of which has a place of business at 1650 Tysons Blvd., McLean, VA 22102.

3. Defendant Wiley Rein LLP is a law firm with its principal place of business at 1776 K Street, N.W., Washington, DC 20006.

4. Defendant Margaret A. Ryan (hereinafter “Ryan”) is a former partner of Co-Defendant Wiley Rein LLP with primary responsibility for the Nordan lawsuit.

### **JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction to hear this claim pursuant to D.C. Code §11-921.

6. This Court maintains personal jurisdiction over each named defendant pursuant to D.C. Code § 13-423(a).

7. Venue lies in this Court as the acts giving rise to this matter took place in Washington, D.C.



## FACTUAL BACKGROUND

8. Blackwater sought the services of Wiley Rein for the purpose of defending the tort claims in the Nordan lawsuit.
9. Ryan's duties included principal responsibility for the defense of the Nordan lawsuit as well as overseeing all matters and other attorneys performing services for Blackwater in the Nordan lawsuit.
10. The Nordan lawsuit arose out of the performance of acts and duties performed by Blackwater and its employees in Iraq, pursuant to contractual arrangements with the United States Government whereby Blackwater was performing duties as a "battlefield contractor."
11. As a "battlefield contractor" acting under an agency of the United States, to wit the United States Department of Defense and/or the United States Department of the Army, Blackwater was entitled to remove the Nordan lawsuit to Federal Court pursuant to 28 U.S.C. § 1442.
12. On January 24, 2005, certain partners and associate attorneys of Wiley Rein, filed Notices of Appearance as counsel for Blackwater in the Nordan lawsuit.
13. On January 24, 2005, Wiley Rein filed pleadings designed to remove the Nordan lawsuit to the United States District Court for the Eastern District of North Carolina, and filed a notice that, "Pursuant to 28 U.S.C. §§ 1441 and 1446 . . . this action has been removed to the United States District Court for the Eastern District of North Carolina, Western Division." (These documents are referred to hereinafter as the "removal documents.") The removal notice cited "28 U.S.C. §§1331 and 1441" (in ¶3), but did not cite 28 U.S.C. § 1442 (federal officer removal) as a basis for removal to federal court.

14. Since May of 2005, at least the following five tort lawsuits against battlefield contractors have successfully invoked 28 U.S.C. § 1442 to remove a lawsuit to federal court:

- o *Fisher v. Halliburton*, 454 F. Supp. 2d 637, 639 (S.D. Tex. 2006);
- o *McMahon v. Presidential Airways*, 410 F. Supp. 2d 1189, 1196 (M.D. Fla. 2006);
- o *Smith v. Halliburton*, 2006 WL2521326 (S.D. Tex. August 30, 2006);
- o *Lane v. Halliburton*, Slip Op., 2006 WL 2583438 (S.D. Tex. Sept. 7, 2006); and,
- o *Smith-Idol v. Halliburton*, Civil Action H-06-1971 (S.D. Tex. September 7, 2006).

15. On January 31, 2005, after the removal documents had been filed, Wiley Rein moved to dismiss the Nordan lawsuit in the United States District Court for the Eastern District of North Carolina.

16. On February 11, 2005, Plaintiffs in the Nordan lawsuit filed a Motion for Remand, which Wiley Rein opposed on March 7, 2005. Dismissal was the only appropriate remedy based upon the law and prior cited cases including but not limited to the previously noted cases; as well as cases decided well before the Nordan lawsuit was filed; as well as *Baker v. Carr*, 82 S.Ct. 691 (1962); the fact that the Courts have determined that such issues as set forth in the Nordan lawsuit are non-justiciable political questions; and there was a lack of judicially discoverable and manageable standards.

17. On June 20, 2005, attorneys of Wiley Rein made appearances on behalf of Blackwater at multiple Informal Conferences conducted by District Director Richard V. Robilotti of the United States Department of Labor Office of Workers' Compensation in New York, New York, at which Informal Conferences the Plaintiffs counsel in the Nordan lawsuit also appeared on behalf of some of the Defense Base Act beneficiaries associated with the Nordan lawsuit. The U.S. Department of Labor Memoranda of Informal Conference signed by District Director Robilotti indicated that, "Parties requested that conference be postponed due to complexity of issues. All benefits will continue."

18. On June 20, 2005, Wiley Rein filed in the United States District Court for the Eastern District of North Carolina a Notice of Subsequently Decided Authority and Clarification of Removal Notice, which cited neither 28 U.S.C. § 1442 nor the United States Supreme Court's June 13, 2005 decision in *Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308 (2005). *Grable* involved a lawsuit which had been removed to federal court on the basis that the Plaintiff "could have brought it in federal district court originally, 28 U.S.C. § 1441(a), as a civil action 'arising under the Constitution, laws, or treaties of the United States,' § 1331" (the same two provisions cited by Wiley Rein in its January 24, 2005 removal notice). Critically, the Supreme Court also explained in *Grable* that, "There is, however, another longstanding, if less frequently encountered, variety of federal 'arising under' jurisdiction, this Court having recognized for nearly 100 years that in certain cases federal question jurisdiction will lie over state-law claims that implicate significant federal issues. The doctrine captures the commonsense notion that a federal court ought to be able to hear claims recognized under state law that nonetheless turn on substantial questions of federal law, and thus justify resort to the experience, solicitude, and hope of uniformity that a federal forum offers on federal issues . . . ." *Grable*, 545 U.S. at 312 (internal citations omitted).

19. At no time did Wiley Rein bring to the Court's attention 28 U.S.C. § 1442 as a basis for removal nor did Wiley Rein bring to the Court's attention *Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308 (2005).

20. 28 U.S.C. § 1442 vested jurisdiction in a federal court—in this case the United States District Court for the Eastern District of North Carolina—if such basis for jurisdiction had been asserted.

21. On August 11, 2005, the United States District Court for the Eastern District of North Carolina granted Nordan's Motion to Remand on the basis of lack of jurisdiction and denied as moot Blackwater's Motion to Dismiss, in response to which Wiley Rein filed both a Notice of Appeal and a Petition for Writ of Mandamus to the United States Court of Appeals for the Fourth Circuit on August 30, 2005.
22. On September 19, 2005, the United States Court of Appeals for the Fourth Circuit consolidated Blackwater's Appeal and its Petition for Writ of Mandamus for purposes of briefing and oral argument. In the meantime, Counsel for Plaintiff in the Nordan lawsuit sent Wiley Rein a letter demanding a response to discovery requests and an answer to the state court complaint. Wiley Rein sought a hearing in the Wake County Superior Court on September 23, 2005, before the Honorable Donald W. Stephens in order to pursue a stay of the litigation. Judge Stephens declined to stay the matter at the hearing, and subsequently issued an Order dated October 4, 2005, denying Blackwater's motion for a stay.
23. On or around September 23, 2005, Wiley Rein admitted to Blackwater in-house counsel that Wiley Rein had not yet even considered filing a Motion for Stay pursuant to Rule 8 of the Federal Rules of Appellate Procedure.
24. On September 28, 2005, at the urging of Blackwater in-house counsel, Wiley Rein filed with the United States Court of Appeals for the Fourth Circuit a Motion for Stay pursuant to Rule 8 of the Federal Rules of Appellate Procedure, which the Court of Appeals ultimately granted on November 8, 2005.
25. On October 7, 2005, Judge Stephens denied Blackwater's motion to stay discovery pending Blackwater's Appeal and Petition for a Writ of Mandamus to the United States Court of Appeals for the Fourth Circuit.

26. On October 10, 2005, substitute appellate counsel for Blackwater in another attempt to obtain federal jurisdiction, filed a letter pursuant to Rule 28(j) of the Federal Rules of Appellate Procedure, advising the United States Court of Appeals for the Fourth Circuit that, “The facts alleged in the Notice of Removal . . . and the Complaint . . . aver the elements of, and satisfy the three-pronged test for, § 1442 jurisdiction. Accordingly ‘for purposes of [appellate] review it is proper to treat the removal petition as if it had been amended to include a citation to § 1442 to cure any jurisdictional defect. *Willingham [v. Morgan]*, 395 U.S. [402,] 407 n.3 [(1969)]. See 28 U.S.C. §1653.”

27. On October 11, 2005, Wiley Rein filed with the United States Court of Appeals for the Fourth Circuit a Motion to Withdraw as counsel for Blackwater, advising the Court that, “On October 5, 2005, Petitioners-Defendants Blackwater Security Consulting, L.L.C. and Blackwater Lodge and Training Center, Inc. (‘Blackwater’) designated attorneys C. Allen Foster, Eric Charles Rowe, and Michael Peter Socarras from the law firm of Greenberg Traurig, LLP as additional counsel of record for case numbers 05-1949 and 05-2033 before this Court.”

28. On October 31, 2005, substitute appellate counsel from the law firm of Greenberg Traurig, LLP, further explained to the United States Court of Appeals for the Fourth Circuit in the Brief of Appellants that, “The District Court had removal jurisdiction under 28 U.S.C. §1442(a)(1). . . . The Notice of Removal ¶ 1 cited 28 U.S.C. §§ 1441 and 1446 as authority for removal. It should have cited *id.* at § 1442(a)(1), which is ‘an incident of federal supremacy . . . one of [whose] purposes was to provide a federal forum for cases where federal officials must raise defenses arising from their official duties.’ *Willingham v. Morgan*, 395 U.S. 402, 405 (1969). Regardless, in this Court, the Notice of Removal should be deemed amended to cite the appropriate provision. *Id.* at 407, n.3; 28 U.S.C. § 1653.”



29. However, on August 24, 2006, the United States Court of Appeals for the Fourth Circuit dismissed Blackwater's Appeal and denied its Petition for Writ of Mandamus on the basis that the issue of 28 U.S.C. § 1442 had not been appropriately raised and had been waived. In particular, in footnote eight of the Fourth Circuit's August 24, 2006, the panel stated:

Blackwater additionally argues that it is the functional equivalent of a federal officer and that removal jurisdiction therefore existed in the district court under 28 U.S.C. § 1442(a) (2000). Blackwater failed to raise this issue before the district court. Citing 28 U.S.C. § 1653 (2000), Blackwater nevertheless invites us to deem its notice of removal to be amended to include § 1442(a) as an asserted basis for removal, to interpret the district court's failure to consider that basis as severable from its remand order under *Waco*, and thereby to create jurisdiction to review an issue that the district court never considered.

While “[d]efective allegations of jurisdiction may be amended, upon terms, in the trial or appellate courts,” § 1653, Blackwater did not simply omit to cite to § 1442(a). Rather, it failed to argue before the district court that the provision supported removal. This court generally declines to consider issues raised for the first time on appeal absent a fundamental miscarriage of justice. *See, e.g. Muth v. United States*, 1 F.3d 246, 250 (4<sup>th</sup> Cir. 1993). Even if it were appropriate, at this point, to deem an action taken that Blackwater never sought to take, it would not cure Blackwater's waiver of the possible jurisdictional basis by failing to marshal arguments and evidence in support of it below. . . . We therefore do not consider whether § 1447(d) bars our review of this newly raised issue.

30. On about August 24, 2006, Plaintiffs learned that they would not be afforded the benefits of 28 U.S.C. § 1442.

31. As a result of the Fourth Circuit's decision, the case was remanded back to the North Carolina General Court of Justice, Superior Court Division for Wake County.

### NEGLIGENCE

32. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

33. On January 24, 2005, until it filed its Notice of Withdrawal on October 11, 2005, Wiley Rein and Ryan had an attorney-client relationship with Blackwater.

34. From January 24, 2005, until it filed its Notice of Withdrawal on October 11, 2005, Wiley Rein and Ryan owed Blackwater a professional duty of care consistent with the acceptable standards of care.

35. In fulfilling that professional duty of care, Defendants were required

(1) to be aware of and;

(2) raise § 1442 of 28 U.S.C. as a basis for removal to the United States District Court for the Eastern District of North Carolina;

(3) file appropriate pleadings with the District Court asserting Blackwater's right of removal pursuant to 28 U.S.C. § 1442;

(4) file an appropriate and timely stay request with the Fourth Circuit Court of Appeals,

(5) bring to the Court's attention appropriate authority including but not limited to the U.S. Supreme Court's ruling in *Grable, supra*;

(6) monitor the actions of its attorneys and employees to assure that the appropriate and necessary duties were being conducted;

(7) adhere to the standard of care in all other respects.

36. Defendants failed to adhere to the required standards of care and duties as aforesated.

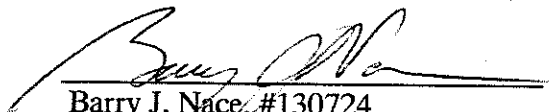
37. Had Defendants adhered to these duties, the Nordan lawsuit would have been dismissed and the litigation involving Plaintiffs would have ended, for the reasons set forth previously including the reasons set forth in paragraph 16.

38. As a proximate and direct result of the above described failures and breaches of the required duties, Plaintiffs were required to and will be required to defend themselves in the Nordan lawsuit and in addition to suffering losses for payment of services to Wiley Rein will also suffer future attorneys' fees and costs of litigation, damages from any award against them in

the Nordan lawsuit, damages for lost business as a result of adverse publicity from the Nordan lawsuit and the lack of dismissal thereof, and other damages to be determined, all believed to be in an amount of at least thirty (30) million dollars.

39. **WHEREFORE**, Plaintiffs seek damages in the amount of Thirty Million Dollars (\$30,000,000.00), interest from the date of the negligence, and costs of this litigation.

Dated: January 23, 2008



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Barry J. Nace, #130724  
Paulson & Nace  
1615 New Hampshire Avenue, NW  
Third Floor  
Washington, DC 20009  
(202) 463-1999

**DEMAND FOR TRIAL BY JURY**

Plaintiffs demand a trial by jury on all issues raised herein.



---

Barry J. Nace, Esq.

CA Form 1

Superior Court of the District of Columbia  
CIVIL DIVISION

500 Indiana Avenue, NW, Room JM170  
Washington, DC 20001 Telephone: 879-1133

Blackwater Security Consulting, LLC; and Blackwater  
Lodge and Training Center, Inc.

03-0000530

Plaintiff

vs.  
Margaret A. Ryan, Esq.

Civil Action No. [ ]

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon your exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government you have 60 days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Room JM 170 at 500 Indiana Avenue, N.W. between 9:00 am. and 4:00 pm., Mondays through Fridays or between 9:00 am. and 12:00 Noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within five (5) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Clerk of the Court

Barry J. Nace, Esq.

Name of Plaintiff's Attorney

1615 New Hampshire Ave., NW, Third Floor

Address

Washington, DC 20009

(202) 463-1999

Telephone

By [Signature]  
Deputy Clerk

Date 01/23/2008

PUEDE OBTENERSE COPIAS DE ESTE FORMULARIO EN ESPANOL EN EL TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA, 500 INDIANA AVENUE, N.W., SALA JM 170

YOU MAY OBTAIN A COPY OF THIS FORM IN SPANISH AT THE SUPERIOR COURT OF D.C., 500 INDIANA AVENUE, N.W., ROOM JM 170

**IMPORTANT: IF YOU FAIL TO SERVE AND FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT *FAIL TO ANSWER WITHIN THE REQUIRED TIME***

**If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (628-1 161) or the Neighborhood Legal Services (682-2700) for help or come to Room JM 170 at 500 Indiana Avenue, N.W., for more information concerning where you may ask for such help.**



CA Form 1

Superior Court of the District of Columbia  
CIVIL DIVISION  
500 Indiana Avenue, NW, Room JM170  
Washington, DC 20001 Telephone: 879-1133

Blackwater Security Consulting, LLC; and Blackwater Lodge and Training Center, Inc.

08-0006530

Plaintiff

vs.

Civil Action No.

Wiley Rein LLP

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon your exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government you have 60 days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Room JM 170 at 500 Indiana Avenue, N.W. between 9:00 am. and 4:00 pm., Mondays through Fridays or between 9:00 am. and 12:00 Noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within five (5) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Clerk of the Court

Barry J. Nace, Esq.

Name of Plaintiff's Attorney

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YOU MAY OBTAIN A COPY OF THIS FORM IN SPANISH AT THE SUPERIOR COURT OF D.C., 500 INDIANA AVENUE, N.W., ROOM JM 170



# Superior Court of the District of Columbia

CIVIL DIVISION - CIVIL ACTIONS BRANCH

## INFORMATION SHEET

Blackwater Security Consulting, LLC and Blackwater Lodge and Training Center, Inc.

Case Number: 08-0000520

VS

Date: 01-23-08

Wiley Rein LLP and Margaret A. Ryan, Esq.

Name: (please print) <b>Barry J. Nace, Esq.</b>		Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Self (Pro Se) Other: _____
Firm Name: <b>Paulson &amp; Nace</b>		
Telephone No.: (202) 463-1999	Six digit Unified Bar No.: 130724	

TYPE OF CASE:     Non-Jury                       6 Person Jury                       12 Person Jury  
 Demand: \$ 30,000,000.00                      Other: \_\_\_\_\_

**PENDING CASE(S) RELATED TO THE ACTION BEING FILED**

Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar #: \_\_\_\_\_

Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar #: \_\_\_\_\_

**NATURE OF SUIT: (Check One Box Only)**

**A. CONTRACTS**

- |   |   |
|---|---|
| <input type="checkbox"/> 01 Breach of Contract    | <input type="checkbox"/> 07 Personal Property         |
| <input type="checkbox"/> 02 Breach of Warranty    | <input type="checkbox"/> 09 Real Property-Real Estate |
| <input type="checkbox"/> 06 Negotiable Instrument | <input type="checkbox"/> 12 Specific Performance      |
| <input type="checkbox"/> 15 _____                 |   |

**COLLECTION CASES**

- 14 Under \$25,000 Pltf. Grants Consent  
 16 Under \$25,000 Consent Denied  
 17 OVER \$25,000

**B. PROPERTY TORTS**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> 01 Automobile                         | <input type="checkbox"/> 03 Destruction of Private Property | <input type="checkbox"/> 05 Trespass             |
| <input type="checkbox"/> 02 Conversion                         | <input type="checkbox"/> 04 Property Damage                 | <input type="checkbox"/> 06 Traffic Adjudication |
| <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102(a) |   |  |

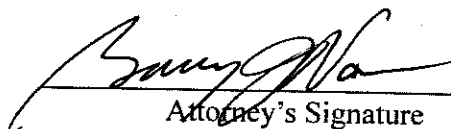
**C. PERSONAL TORTS**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> 01 Abuse of Process<br><input type="checkbox"/> 02 Alienation of Affection<br><input type="checkbox"/> 03 Assault and Battery<br><input type="checkbox"/> 04 Automobile-Personal Injury<br><input type="checkbox"/> 05 Deceit (Misrepresentation)<br><input type="checkbox"/> 06 False Accusation<br><input type="checkbox"/> 07 False Arrest<br><input type="checkbox"/> 08 Fraud | <input type="checkbox"/> 09 Harassment<br><input type="checkbox"/> 10 Invasion of Privacy<br><input type="checkbox"/> 11 Libel and Slander<br><input type="checkbox"/> 12 Malicious Interference<br><input type="checkbox"/> 13 Malicious Prosecution<br><input checked="" type="checkbox"/> 14 Malpractice Legal<br><input type="checkbox"/> 15 Malpractice Medical (Including wrongful death)<br><input type="checkbox"/> 16 Negligence-(Not Automobile, Not Malpractice) | <input type="checkbox"/> 17 Personal Injury-(Not Automobile, Not Malpractice)<br><input type="checkbox"/> 18 Wrongful Death (Not malpractice)<br><input type="checkbox"/> 19 Wrongful Eviction<br><input type="checkbox"/> 20 Friendly Suit<br><input type="checkbox"/> 21 Asbestos<br><input type="checkbox"/> 22 Toxic/Mass Torts<br><input type="checkbox"/> 23 Tobacco |
|---|---|--|

SEE REVERSE SIDE AND CHECK HERE  IF USED

INFORMATION SHEET, Continued

<p><b>D. OTHERS</b></p>		
<p><b>i.</b></p> <p><input type="checkbox"/> 01 Accounting</p> <p><input type="checkbox"/> 02 Att. Before Judgment</p> <p><input type="checkbox"/> 04 Condemnation (Emin. Domain)</p> <p><input type="checkbox"/> 05 Ejectment</p> <p><input type="checkbox"/> 07 Insurance/Subrogation Under \$25,000 Pltf. Grants Consent</p> <p><input type="checkbox"/> 08 Quite Title</p> <p><input type="checkbox"/> 09 Special Writ/Warrants DC Code § 11 -941</p>	<p><input type="checkbox"/> 10 T.R.O./Injunction</p> <p><input type="checkbox"/> 11 Writ of Replevin</p> <p><input type="checkbox"/> 12 Enforce Mechanics Lien</p> <p><input type="checkbox"/> 16 Declaratory Judgment</p> <p><input type="checkbox"/> 17 Merit Personnel Act (OEA) (D.C. Code Title 1, Chapter 6)</p> <p><input type="checkbox"/> 18 Product Liability</p> <p><input type="checkbox"/> 24 Application to Confirm, Modify, Vacate Arbitration Award (D.C. Code § 16-4315)</p>	<p><input type="checkbox"/> 25 Liens: Tax/Water Consent Granted</p> <p><input type="checkbox"/> 26 Insurance/Subrogation Under \$25,000 Consent Denied</p> <p><input type="checkbox"/> 27 Insurance/Subrogation Over \$25,000</p> <p><input type="checkbox"/> 28 Motion to Confirm Arbitration Award (Collection Cases Only)</p> <p><input type="checkbox"/> 29 Merit Personnel Act (OHR)</p> <p><input type="checkbox"/> 30 Liens: Tax/Water Consent Denied</p>
<p><b>ii.</b></p> <p><input type="checkbox"/> 03 Change of Name</p> <p><input type="checkbox"/> 06 Foreign Judgment</p> <p><input type="checkbox"/> 13 Correction of Birth Certificate</p> <p><input type="checkbox"/> 14 Correction of Marriage Certificate</p>	<p><input type="checkbox"/> 15 Libel of Information</p> <p><input type="checkbox"/> 19 Enter Administrative Order as Judgment [D.C. Code § 2-1802.03(h) or 32-1519(a)]</p> <p><input type="checkbox"/> 20 Master Meter (D.C. Code § 42 -3301, et seq.)</p>	<p><input type="checkbox"/> 21 Petition for Subpoena [Rule 28 -I (b)]</p> <p><input type="checkbox"/> 22 Release Mechanics Lien</p> <p><input type="checkbox"/> 23 Rule 27 (a)(1) (Perpetuate Testimony)</p>

  
 \_\_\_\_\_  
 Attorney's Signature

1-23-08  
 \_\_\_\_\_  
 Date



**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

AARON E FRESHWATER  
Vs.  
GABROE J. HAUSER, MD

C.A. No. 2008 CA 000525 M

**INITIAL ORDER AND ADDENDUM**

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure ("SCR Civ") 40-I, it is hereby **ORDERED** as follows:

(1) Effective this date, this case has assigned to the individual calendar designated below. All future filings in this case shall bear the calendar number and the judge's name beneath the case number in the caption. On filing any motion or paper related thereto, one copy (for the judge) must be delivered to the Clerk along with the original.

(2) Within 60 days of the filing of the complaint, plaintiff must file proof of serving on each defendant: copies of the Summons, the Complaint, and this Initial Order. As to any defendant for whom such proof of service has not been filed, the Complaint will be dismissed without prejudice for want of prosecution unless the time for serving the defendant has been extended as provided in SCR Civ 4(m).

(3) Within 20 days of service as described above, except as otherwise noted in SCR Civ 12, each defendant must respond to the Complaint by filing an Answer or other responsive pleading. As to the defendant who has failed to respond, a default and judgment will be entered unless the time to respond has been extended as provided in SCR Civ 55(a).

(4) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an Initial Scheduling and Settlement Conference to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings, including, normally, either mediation, case evaluation, or arbitration. Counsel shall discuss with their clients **prior** to the conference whether the clients are agreeable to binding or non-binding arbitration. **This order is the only notice that parties and counsel will receive concerning this Conference.**

(5) Upon advice that the date noted below is inconvenient for any party or counsel, the Quality Review Branch (202) 879-1750 may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. Request must be made not less than six business days before the scheduling conference date. No other continuance of the conference will be granted except upon motion for good cause shown.

Chief Judge Rufus G. King, III

Case Assigned to: Judge BROOK HEDGE  
Date: January 23, 2008  
Initial Conference: 9:00 am, Friday, April 25, 2008  
Location: Courtroom 517  
500 Indiana Avenue N.W.  
WASHINGTON, DC 20001



In accordance with the Medical Malpractice Proceedings Act of 2006, D.C. Code § 16-2801, et seq. (2007 Winter Supp.), "[a]fter an action is filed in the court against a healthcare provider alleging medical malpractice, the court shall require the parties to enter into mediation, without discovery or, if all parties agree[,] with only limited discovery that will not interfere with the completion of mediation within 30 days of the Initial Scheduling and Settlement Conference ("ISSC"), prior to any further litigation in an effort to reach a settlement agreement. The early mediation schedule shall be included in the Scheduling Order following the ISSC. Unless all parties agree, the stay of discovery shall not be more than 30 days after the ISSC." D.C. Code § 16-2821.

To ensure compliance with this legislation, on or before the date of the ISSC, the Court will notify all attorneys and *pro se* parties of the date and time of the early mediation session and the name of the assigned mediator. Information about the early mediation date also is available over the internet at <https://www.dccourts.gov/pa/>. To facilitate this process, all counsel and *pro se* parties in every medical malpractice case are required to confer, jointly complete and sign an EARLY MEDIATION FORM, which must be filed no later than ten (10) calendar days prior to the ISSC. Two separate Early Mediation Forms are available. Both forms may be obtained at [www.dccourts.gov/medmalmediation](http://www.dccourts.gov/medmalmediation). One form is to be used for early mediation with a mediator from the multi-door medical malpractice mediator roster; the second form is to be used for early mediation with a private mediator. Both forms also are available in the Multi-Door Dispute Resolution Office, Suite 105, 515 5th Street, N.W. (enter at Police Memorial Plaza entrance). Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to [earlymedmal@dcsc.gov](mailto:earlymedmal@dcsc.gov). *Pro se* Plaintiffs who elect not to eFile may file by hand in the Multi-Door Dispute Resolution Office.

A roster of medical malpractice mediators available through the Court's Multi-Door Dispute Resolution Division, with biographical information about each mediator, can be found at [www.dccourts.gov/medmalmediation/mediatorprofiles](http://www.dccourts.gov/medmalmediation/mediatorprofiles). All individuals on the roster are judges or lawyers with at least 10 years of significant experience in medical malpractice litigation. D.C. Code § 16-2823(a). If the parties cannot agree on a mediator, the Court will appoint one. D.C. Code § 16-2823(b).

The following persons are required by statute to attend personally the Early Mediation Conference: (1) all parties; (2) for parties that are not individuals, a representative with settlement authority; (3) in cases involving an insurance company, a representative of the company with settlement authority; and (4) attorneys representing each party with primary responsibility for the case. D.C. Code § 16-2824.

No later than ten (10) days after the early mediation session has terminated, Plaintiff must eFile with the Court a report prepared by the mediator, including a private mediator, regarding: (1) attendance; (2) whether a settlement was reached; or, (3) if a settlement was not reached, any agreements to narrow the scope of the dispute, limit discovery, facilitate future settlement, hold another mediation session, or otherwise reduce the cost and time of trial preparation. D.C. Code § 16-2826. Any Plaintiff who is *pro se* may elect to file the report by hand with the Civil Clerk's Office. The forms to be used for early mediation reports are available at [www.dccourts.gov/medmalmediation](http://www.dccourts.gov/medmalmediation).

Chief Judge Rufus G. King, III