

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

SUHAIL NAJIM)	
ABDULLAH AL SHIMARI <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 1:08-cv-827 (LMB/JFA)
v.)	
)	
CACI PREMIER TECHNOLOGY, INC.)	
)	
Defendant.)	
)	
CACI PREMIER TECHNOLOGY, INC.,)	
)	
Third-Party Plaintiff,)	
)	
v.)	
)	
UNITED STATES OF AMERICA, and)	
JOHN DOES 1-60,)	
)	
Third-Party Defendants.)	
)	

PLAINTIFFS’ MOTION TO CERTIFY DEFENDANT’S APPEAL AS FRIVOLOUS

Plaintiffs respectfully move to certify defendant’s interlocutory appeal (Dkt. No. 1253) as frivolous. Under *Apostol v. Gallion*, 870 F.2d 1335, 1338 (7th Cir. 1989) (cited with approval in *Behrens v. Pelletier*, 516 U.S. 299, 310-11 (1996)), the Court should declare defendant’s appeal frivolous and retain jurisdiction over all claims in this case. The bases for Plaintiffs’ motion are set forth in greater detail in the accompanying memorandum of law.

Wherefore, Plaintiffs respectfully request that the Court grant its motion.

Respectfully submitted,

/s/ John Kenneth Zwerling
John Kenneth Zwerling (VA Bar #08201)

ZWERLING/CITRONBERG, PLLC
114 North Alfred Street
Alexandria, Virginia 22314
Tel. 703-684-8000
jz@zwerling.com

Baher Azmy, *Admitted pro hac vice*
Katherine Gallagher, *Admitted pro hac vice*
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, NY 10012

Robert P. LoBue, *Admitted pro hac vice*
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, New York 10036

Shereef Hadi Akeel, *Admitted pro hac vice*
AKEEL & VALENTINE, P.C.
888 West Big Beaver Road
Troy, MI 48084-4736

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2019, I electronically filed the above document through the CM/ECF system, which sends notification to counsel for Defendant and Third-Party Defendants.

/s/ John Kenneth Zwerling
John Kenneth Zwerling (VA Bar #08201)