

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

SUHAIL NAJIM ABDULLAH AL SHIMARI,)	
<i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:08-cv-0827 LMB-JFA
)	
CACI PREMIER TECHNOLOGY, INC.,)	
)	
Defendant,)	

DEFENDANT’S STATUS UPDATE

Defendant CACI Premier Technology, Inc. (“CACI”) respectfully submits this status update to advise the Court of proceedings in the United States Supreme Court bearing on the present case.

This Court has stayed the present action pending a decision by the United States Supreme Court on CACI’s petition for a writ of *certiorari*. Dkt. #1320. In our status update of January 27, 2020, we advised the Court that the Supreme Court requested that the Solicitor General file a brief expressing the views of the United States on CACI’s petition for a writ of *certiorari*. Dkt. #1322. The Solicitor General has not yet filed its brief in the Supreme Court and CACI’s *certiorari* petition remains pending. In the meantime, we wanted to advise the Court of another development in the Supreme Court that may affect the present case.

On July 2, 2020, the Supreme Court granted two petitions for writs of *certiorari* filed by American corporations that, like CACI, are facing claims brought under the Alien Tort Statute for alleged violations of international norms causing injuries overseas. *Nestle USA, Inc. v. Doe I*,

No. 19-416 (U.S. *cert. granted* July 2, 2020); *Cargill, Inc. v. Doe I*, No. 19-453 (U.S. *cert. granted* July 2, 2020). The petitions granted by the Supreme Court raise two issues:

1. Whether the presumption against extraterritorial application of the Alien Tort Statute is displaced by allegations that a U.S. company generally conducted oversight of its foreign operations at its headquarters and made operational and financial decisions there, even though the conduct alleged to violate international law occurred in—and the plaintiffs’ suffered their injuries in—a foreign country; and
2. Whether a domestic corporation is subject to liability in a private action under the Alien Tort Statute.¹

Both of the issues on which the Supreme Court has granted *certiorari* have been asserted by CACI as reasons why Plaintiffs’ claims in this case fail as a matter of law. *See, e.g.*, Dkt. #154 at 24-25 (arguing that corporations are not subject to liability under ATS); Dkt. #1061 at 11-14 (arguing that the presumption against extraterritoriality barred claims under ATS alleging injuries occurring abroad). Thus, while it remains to be seen precisely how the Supreme Court will resolve the questions on which it has granted review in *Cargill* and *Nestle*, it does seem likely that the Supreme Court’s ultimate ruling in these appeals will have a significant bearing on the present case.

¹ The Questions Presented quoted here are from the *Cargill* petition.

Respectfully submitted,

/s/ John F. O'Connor

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of July, 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following counsel:

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