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

SUHAIL NAJIM ABDULLAH AL SHIMARI, et al.,	
Plaintiffs, )	Case No. 1:08-CV-00827-GBL-JFA
v. )	
CACI INTERNATIONAL INC, et ano.,	
Defendants. )	

# DEFENDANTS' MOTION FOR 28 U.S.C. § 1292(B) CERTIFICATION OF THE COURT'S ORDER ON DEFENDANTS' MOTION TO DISMISS

Defendants CACI International Inc and CACI Premier Technology, Inc. (collectively, "CACI") respectfully move for an order amending the Court's March 18, 2009 Memorandum Order (the "Memorandum Order") on CACI's motion to dismiss Plaintiffs' amended complaint for the purpose of certifying the Memorandum Order for interlocutory appeal pursuant to 28 U.S.C. § 1292(b). The Court has jurisdiction to issue the requested relief, and 28 U.S.C. § 1292(b) certification is appropriate because the Memorandum Order involves controlling questions of law as to which there is substantial ground for difference of opinion, and an immediate appeal from the Memorandum Order may materially advance the ultimate termination of the litigation. The bases for CACI's motion are set forth in greater detail in the accompanying Memorandum.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> Counsel for Defendants conferred with counsel for Plaintiffs in a good faith effort to narrow any grounds of dispute with respect to this motion. Plaintiffs' counsel stated that Plaintiffs do not consent to the relief sought herein.

Wherefore, the CACI Defendants respectfully request that the Court grant its motion. A proposed order is attached.

Respectfully submitted,

/s/ J. William Koegel, Jr.

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November 11, 2011

### CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of November, 2011, 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:

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/s/ J. William Koegel, Jr.

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	<u></u> /

### **ORDER**

The Court, having considered Defendants' Motion for 28 U.S.C. § 1292(b) Certification of the Court's Order on Defendants' Motion to Dismiss, as well as any oppositions and replies filed in response thereto, and having heard argument of counsel, finds that Defendants' motion is well taken. The Court hereby AMENDS the Court's March 18, 2009 Memorandum Order [Dkt. #94] to include the following statement:

The Court is of the opinion that this Memorandum Order involves controlling questions of law as to which there is substantial ground for difference of opinion, and that an immediate appeal from the Memorandum Order may materially advance the ultimate termination of the litigation. Accordingly, the Court hereby certifies the Memorandum Order for interlocutory appeal pursuant to 28 U.S.C. § 1292(b).

SO ORDERED this	day of	, 2011.
		GERALD BRUCE LEE
		UNITED STATES DISTRICT JUDGE