

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

**ESTATE OF SA'ADI ALI ABBASS
HUSEIN, et al.,**

Plaintiffs.

v.

ERIK PRINCE,

Defendant.

Civil Action No. 1:09-cv-1048

**DEFENDANT'S MOTION TO DISMISS THE COMPLAINT OR, IN THE
ALTERNATIVE, TO STRIKE CERTAIN ALLEGATIONS**

Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(f), Defendant Erik Prince hereby moves to dismiss Plaintiffs' Complaint or, in the alternative, to strike certain allegations contained in the Complaint.

Defendant's Motion to Dismiss should be granted for the following reasons: (1) Plaintiffs do not have standing to pursue a claim under the Racketeer Influenced and Corrupt Organizations Act (RICO) (18 U.S.C. §§ 1961-62, 1964) and have failed to state a claim under RICO; (2) Plaintiffs fail to state a claim under the Alien Tort Statute (28 U.S.C. § 1350); (3) the Complaint presents nonjusticiable political questions; (4) Plaintiffs fail to state a claim under applicable Iraqi law; and (5) Plaintiffs fail to allege that Defendant Prince is personally liable for their alleged injuries.

Defendant's Motion to Strike should be granted because Plaintiffs' Complaint is replete with material that is scandalous, impertinent, highly prejudicial, and irrelevant to the causes of action they assert.

The grounds for Defendant's Motion are set forth more fully in the accompanying

Memorandum of Law.

WHEREFORE, Defendant respectfully requests that the Court grant his Motion.

Dated: October 15, 2009

Respectfully submitted,

/s/

Peter H. White (Va. Bar. No. 32310)

pwhite@mayerbrown.com

Andrew J. Pincus (*pro hac vice*)

Michael E. Lackey, Jr. (*pro hac vice*)

Mayer Brown LLP

1999 K Street, N.W.

Washington, DC 20006-1101

Telephone: (202) 263-3000

Facsimile: (202) 263-3300

Counsel for Defendant

