

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) No. 03 MDL 1570 (GBD/FM)
) ECF Case
)

This document relates to:

ASHTON, *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*,
Case No. 02-CV-6977;
BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*,
Case No. 03-CV-5738;
CANTOR FITZGERALD ASSOCIATES, LP, *et al.* v. AKIDA INVESTMENT CO., LTD., *et al.*,
Case No. 04-CV-7065;
CONTINENTAL CASUALTY CO., *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*,
Case No. 04-CV-05970;
EURO BROKERS, INC., *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*,
Case No. 04-CV-07279;
FEDERAL INSURANCE CO., *et al.* v. AL QAIDA, *et al.*,
Case No. 03-CV-6978; and
ESTATE OF O'NEILL, *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*,
Case No. 04-CV-1923.

Defendant Al Haramain Islamic Foundation, Inc. (USA)'s Notice of Filing

Defendant Al Haramain Islamic Foundation, Inc. (USA) ("AHIF-USA") respectfully submits its Notice of Filing to apprise the Court and the parties of two subsequent developments relating to its Opposition to Plaintiffs' Motion for Sanctions (ECF Nos. 2676) (Jan. 31, 2013).

First, the prosecutors with the U.S. Attorney's Office in Oregon, and the Federal Public Defender for the District of Oregon have discussed the prosecutor's concerns with the release of certain documents to the undersigned counsel for use in this Court. As a result of their discussions, the Federal Public Defender has on this day submitted a consent motion "to clarify the limits on Mr. Sedaghaty's criminal defense attorneys' provision of material to civil

attorneys” in this Court. *See* Motion for Order to Modify Protective Order, *United States v. Sedaghaty*, No. 6:05-cr-60008-AA (D. Oregon) (ECF No. 628) (Feb. 14, 2013) (attached hereto as Exhibit A). Undersigned counsel will notify this Court and the parties of any further developments relating to that consent motion.

Second, plaintiffs’ motion to compel and other discovery papers referenced the designations of Soliman H.S. Al-Buthe, a former director of AHIF-USA, by the Office of Foreign Assets Control (OFAC) and by the United Nations. However, on February 10, 2013, the United Nations Security Council’s Al-Qaida Sanctions Committee granted Mr. Al-Buthe’s request to be delisted. *See* United Nations, Delisting (Feb. 10, 2013) (attached hereto as Exhibit B). As a result, Mr. Al-Buthe is no longer subject to the related United Nations sanctions measures, thereby lifting any obligations on foreign countries to freeze his assets or to prohibit transactions with him. Mr. Al-Buthe’s challenge to OFAC’s designation remains pending.

Respectfully submitted,

/s/ Lynne Bernabei

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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2013, I caused the foregoing Notice of Filing to be served electronically on counsel of record by the Court's Electronic Case Filing (ECF) System, pursuant to ¶ 9(a) of Case Management Order No. 2 (ECF No. 247) (June 16, 2004), and this Court's Order (ECF No. 2652) (Jan. 10, 2013).

/s/ Alan R. Kabat

Alan R. Kabat