

**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)
)
)

This document relates to:

FEDERAL INSURANCE CO., *et al.* v. AL QAIDA, *et al.*,
Case No. 03-CV-6978.

**Notice of Defendant Dr. Abdul Rahman Al-Swailem's
Renewed Motion to Dismiss**

PLEASE TAKE NOTICE that, pursuant to Rule 12(b), Fed. R. Civ. P., defendant Dr. Abdul Rahman Al Swailem, by and through undersigned counsel, hereby makes a limited appearance for the purpose of moving the Court, before the Honorable George B. Daniels, United States District Judge, at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order dismissing, pursuant to Rules 12(b)(1) and 12(h)(3), Fed. R. Civ. P., the complaint in *Federal Insurance Co., et al. v. Al Qaida, et al.*, Case No. 03-CV-6978, on the basis of common law sovereign immunity, since at all relevant times, Dr. Al-Swailem was an official of the Saudi government, and all the acts that he took in his capacity as President of both the Saudi Red Crescent Society (SRC) and the Saudi Joint Relief Committee (SJRC), which are undisputed agencies or instrumentalities of the Saudi government, were official acts on behalf the government, which has properly asserted immunity on his behalf, so that dismissal of the complaint, pursuant to Rules 12(b)(1) and 12(h)(3), is warranted.

Alternatively, dismissal pursuant to Rules 12(b)(7) and 19(a)(1)(B) is warranted, since the SRC and SJRC are required parties or the real parties in interest, and plaintiffs have

improperly circumvented these agencies' undisputed immunity under the FSIA by attempting to seek relief from Dr. Al-Swailem for official acts he took on their behalf.

Respectfully submitted,

/s/ Lynne Bernabei

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DATED: August 29, 2013

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2013, I caused the foregoing Notice of Motion to Dismiss 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