

**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
CIVIL APPEALS DOCKETING STATEMENT**

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

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| TITLE IN FULL: Binyam Mohamed; Abou Elkassim Britel; Ahmed Agiza; Mohamed Farag Ahmad Bashmilah; Bisher Al-Rawi, Plaintiffs, v. Jeppesen Dataplan, Inc., Defendant. | DISTRICT: N.D. Cal.; San Jose <input checked="" type="checkbox"/> JUDGE: The Honorable James Ware | |
| | DISTRICT COURT NUMBER: 5:07-cv-02978 | |
| | DATE NOTICE OF APPEAL FILED: 03/14/08 | IS THIS A CROSS-APPEAL? <input type="checkbox"/> YES |
| | IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY): | |
| BRIEF DESCRIPTION OF ACTION AND RESULT BELOW: On May 30, 2007, Plaintiffs filed suit against Defendant Jeppesen seeking damages for personal injuries resulting from Defendant's participation in Plaintiffs' forced disappearance and torture. Before Defendant filed its answer, the U.S. government sought to intervene and to dismiss the suit on the basis of the state secrets privilege. On February 13, 2008, the district court granted the United States' motions to intervene and for dismissal. <input checked="" type="checkbox"/> | | |
| PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL: Whether the district court erred in dismissing Plaintiffs' suit seeking damages for their forced disappearance and torture at the pleading-stage, on the basis of the evidentiary state secrets privilege. | | |
| PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POST-JUDGMENT MOTIONS): Hepting v. AT & T Corporation, 439 F. Supp. 2d 974 (N.D. Cal. 2006), appeal pending (9th Cir.). | | |
| DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING: <input type="checkbox"/> Possibility of settlement <input type="checkbox"/> Likelihood that intervening precedent will control outcome of appeal <input type="checkbox"/> Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (specify) <input type="checkbox"/> Any other information relevant to the inclusion of this case in the Mediation Program <input type="checkbox"/> Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges. | | |

LOWER COURT INFORMATION

| JURISDICTION | | DISTRICT COURT DISPOSITION | |
|--|--|---|--|
| FEDERAL | APPELLATE | TYPE OF JUDGMENT / ORDER APPEALED | RELIEF |
| <input checked="" type="checkbox"/> FEDERAL QUESTION <input checked="" type="checkbox"/> DIVERSITY <input checked="" type="checkbox"/> OTHER (SPECIFY) 28 U.S.C. § 1350 (Alien Tort Statute). | <input checked="" type="checkbox"/> FINAL DECISION OF DISTRICT COURT <input type="checkbox"/> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT <input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY): <input type="checkbox"/> OTHER (SPECIFY): | <input type="checkbox"/> DEFAULT JUDGMENT <input type="checkbox"/> DISMISSAL / JURISDICTION <input type="checkbox"/> DISMISSAL / MERITS <input type="checkbox"/> SUMMARY JUDGMENT <input checked="" type="checkbox"/> JUDGMENT / COURT DECISION <input type="checkbox"/> JUDGMENT / JURY VERDICT <input type="checkbox"/> DECLARATORY JUDGMENT <input type="checkbox"/> JUDGMENT AS A MATTER OF LAW <input type="checkbox"/> OTHER (SPECIFY): | <input checked="" type="checkbox"/> DAMAGES: SOUGHT \$ _____ AWARDED \$ _____ <input type="checkbox"/> INJUNCTIONS: <input type="checkbox"/> PRELIMINARY <input type="checkbox"/> PERMANENT <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input checked="" type="checkbox"/> ATTORNEY FEES: SOUGHT \$ _____ AWARDED \$ _____ <input type="checkbox"/> PENDING <input type="checkbox"/> COSTS: \$ _____ |

CERTIFICATION OF COUNSEL

I CERTIFY THAT:

- COPIES OF ORDER / JUDGMENT APPEALED FROM ARE ATTACHED.
- A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2
- A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.
- I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.

Steven M. Watt
Signature

3/18/2008
Date

COUNSEL WHO COMPLETED THIS FORM

| | |
|---|---|
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* THIS DOCUMENT SHOULD BE FILED IN THE DISTRICT COURT WITH THE NOTICE OF APPEAL*
* IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS*