

THE HONORABLE FRANKLIN D. BURGESS

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CYNTHIA CORRIE AND CRAIG CORRIE,
ON THEIR OWN BEHALF AND AS PERSONAL
REPRESENTATIVES OF THE ESTATE OF
RACHEL CORRIE AND HER NEXT OF KIN,
INCLUDING HER SIBLINGS; MAHMOUD OMAR
AL SHO'BI, ON HIS OWN BEHALF, ON BEHALF
OF HIS SURVIVING SIBLINGS MUHAMMAD
AL SHO'BI AND SAMIRA AL SHO'BI, AND ON
BEHALF OF HIS DECEASED FAMILY MEMBERS,
UMAR AL SHO'BI, FATIMA AL SHO'BI, ABIR AL
SHO'BI, SAMIR AL SHO'BI, ANAS AL SHO'BI,
AZZAM AL SHO'BI AND ABDALLAH
AL SHO'BI; FATHIYA MUHAMMAD
SULAYMAN FAYED, ON HER OWN BEHALF
AND ON BEHALF OF HER DECEASED SON,
JAMAL FAYED AND HIS NEXT OF KIN;
FAYEZ ALI MOHAMMED ABU HUSSEIN ON
HIS OWN BEHALF AND ON BEHALF OF HIS
SONS, BAHJAT FAYEZ ABU HUSSEIN,
AHMED FAYEZ ABU HUSSEIN, NOUR FAYEZ
ABU HUSSEIN AND SABAH FAYEZ
ABU HUSSEIN; MAJEDA RADWAN
ABU HUSSEIN ON HER OWN
BEHALF AND ON BEHALF OF HER
DAUGHTERS, HANAN FAYEZ ABU HUSSEIN,
MANAL FAYEZ ABU HUSSEIN, INSHERAH
FAYEZ ABU HUSSEIN, AND FADWA FAYEZ
ABU HUSSEIN; EIDA IBRAHIM SULEIMAN
KHALAFALLAH ON HER OWN BEHALF
AND ON BEHALF OF HER DECEASED

Civil Action No. C05-5192-FDB

**DECLARATION OF GWYNNE
SKINNER IN SUPPORT OF
PLAINTIFFS' BRIEF IN
OPPOSITION TO
DEFENDANT'S MOTION
REQUESTING THAT THE
COURT SOLICIT THE VIEWS
OF THE UNITED STATES
DEPARTMENT OF STATE**

**DECL. OF GWYNNE L. SKINNER in
Support of Oppoytion to Defendant's Motion
to Court to Solicit Views
No. C05-5192-FDB**

SEATTLE UNIVERSITY
RONALD A. PETERSON LAW CLINIC
1112 E. Columbia
Seattle, Washington 98122-4340
TELEPHONE: (206) 398-4130
FACSIMILE: (206) 398-4136

1 HUSBAND, IBRAHIM MAHMOUD MOHAMMED)
 2 KHALAFALLAH AND NEXT OF KIN,)
 3 Plaintiffs,)
 4 v.)
 5 CATERPILLAR INC., a Foreign Corporation,)
 6 Defendant.)
 7)
 8)

9 **DECLARATION OF GWYNNE L. SKINNER**

10 I, Gwynne L. Skinner, state:

11 1. I am counsel for the Plaintiffs in this action. I am a member of the Washington State
 12 Bar. I have personal knowledge of the facts stated herein, and if called as a witness in this
 13 action, I would testify to these facts.

14 2. Attached hereto as Exhibit A, is a draft of a letter that the Court could use if it chooses
 15 to solicit the views of the State Department.

16 3. Attached as Exhibit B is a true and accurate copy of the Court Order denying
 17 defendants' motion to request the State Department's views in *Bowoto v. ChevronTexaco Corp.*,
 18 No. C 99-2506 (N.D. Cal. Aug. 2, 2004). We obtained this copy from Plaintiff's counsel.

19 4. Attached hereto as Exhibit C is a true and accurate copy of Defendant's Reply Mem.
 20 Of Law in Support of Defs.' Mot. To Dismiss, in *Kiobel v. Royal Dutch Petroleum Co.*, 02 CV
 21 7618 (S.D.N.Y. May 5, 2003). CCR obtained this document because it is co-counsel in a case
 22 with which *Kiobel* is consolidated.

23 5. Attached hereto as Exhibit D is a true and accurate copy of a letter from Kanu G.
 24 Agabi, Nigerian Attorney General and Minister of Justice, to John Ashcroft, U.S. Attorney
 25 General, (Dec. 20, 2002) that was submitted as Exhibit A to the Declaration of Rory O. Millson
 26

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1 filed with Defendant's Motion to Dismiss in *Kiobel v. Royal Dutch Petroleum Co.*, 02 CV 7618
2 (S.D.N.Y. Mar. 17, 2003). CCR obtained this document because it is co-counsel in a case with
3 which *Kiobel* is consolidated.

4 6. Attached hereto as Exhibit E is a true and accurate copy of the Report and
5 Recommendation of U.S. Magistrate Judge Pitman to U.S.D.J. Wood in *Kiobel v. Royal Dutch*
6 *Petroleum Co.*, recommending that the court decline to seek the views of the state department,
7 and noting that "the DOJ has not sought to intervene in this action nor has it informally
8 expressed any opinion concerning the impact, if any, adjudication of this action will have on" the
9 United States' foreign relations, which we obtained from Plaintiff's counsel in that case. District
10 Judge Kimba Wood is still considering the defendants' objections to the Magistrate Judge's
11 Report and Recommendation, and has neither adopted nor rejected it at this time. CCR obtained
12 this document because it is co-counsel in a case with which *Kiobel* is consolidated.

13 7. Attached hereto as Exhibit F is a true and accurate copy of defendant's request to
14 solicit the views of the State Department and handwritten notes rejecting the request in *The*
15 *Presbyterian Church of Sudan v. Talisman Energy Inc.*, No. 01-Civ.9882 (S.D.N.Y. Sept. 4,
16 2002). We obtained this from Plaintiff's counsel.

17 8. Attached as Exhibit G is a true and accurate copy of the Docket Sheet from *The*
18 *Presbyterian Church of Sudan v. Talisman Energy Inc.*, No. 01-Civ.9882 (S.D.N.Y. Sept. 4,
19 2002). The docket sheet shows that *Talisman* moved to involve the executive branch while a
20 motion to dismiss was still pending and before discovery had gotten fully under way. The
21 docket shows that the *Talisman* case was filed on in November 2001, and the defendant filed its
22 first motion to dismiss the case in May 2002, which was denied in March 2003. The court
23 denied the request to solicit the views of the State Department while this motion to dismiss was
24 pending, in September 2002. Fact Discovery began in late 2002 and continued until April 18,
25 2005. The docket shows that the U.S. Statement of Interest was filed in March, 2005.

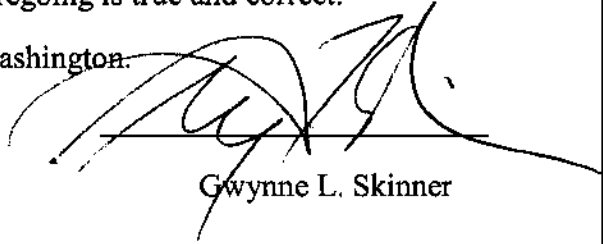
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 17, 2005, at Seattle, Washington.



Gwynne L. Skinner

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