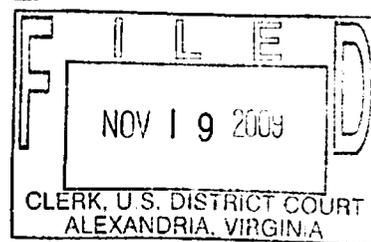


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



)	No. 1:09cv615
IN RE: XE SERVICES ALIEN TORT)	No. 1:09cv616
LITIGATION)	No. 1:09cv617
)	No. 1:09cv618
)	No. 1:09cv645
)	No. 1:09cv1017
)	No. 1:09cv1048

ORDER

The matter came before the Court on plaintiffs’ motion for relief from a stipulation of dismissal pursuant to Rule 60(b), Fed. R. Civ. P. Plaintiffs argue that their counsel was under the mistaken belief that plaintiffs had authorized settlement of these cases at the time the stipulation of dismissal was filed. Because plaintiffs now allege that their counsel lacked any such authorization, they contend that relief under Rule 60(b) is appropriate. During the course of the hearing held on November 19, 2009, it became clear that there may be factual disputes as to whether plaintiffs’ counsel had actual or apparent authority to settle these cases. Accordingly, limited discovery and an evidentiary hearing are appropriate to resolve this dispute. *See Millner v. Norfolk & W. Ry. Co.*, 643 F.2d 1005, 1009 (“When, however, there is a material dispute about . . . the authority of an attorney to enter a settlement agreement on behalf of his client, the trial court must, of course, conduct a plenary evidentiary hearing in order to resolve that dispute” (internal citations omitted).).

Accordingly, and for good cause,

It is hereby **ORDERED** that defendants may conduct discovery limited to (i) plaintiffs’

counsel's authority to settle these cases and (ii) the settlement process as pertains to these cases.

This discovery must be completed by 5:00 p.m., Tuesday, December 29, 2009.

It is further **ORDERED** that plaintiffs are **DIRECTED** to file a memorandum setting forth their factual and legal contentions, a witness list, and a forecast of witness testimony by 5:00 p.m., Tuesday, January 5, 2010.

It is further **ORDERED** that defendants are directed to file a response to plaintiffs' pleading setting forth their factual and legal contentions, a witness list, and a forecast of witness testimony by 5:00 p.m., Tuesday, January 12, 2010.

It is further **ORDERED** that an evidentiary hearing on plaintiffs' motion for relief from a stipulation of dismissal is **SCHEDULED** for 10:00 a.m., Thursday, January 14, 2010.

The clerk is directed to send a copy of this Order to all counsel of record.

Alexandria, Virginia
November 19, 2009



T. S. Ellis, III
United States District Judge