

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

**IN RE: XE SERVICES ALIEN TORT
LITIGATION**

**No. 1:09-cv-615
No. 1:09-cv-616
No. 1:09-cv-617
No. 1:09-cv-618
No. 1:09-cv-645
No. 1:09-cv-1017
No. 1:09-cv-1048
(consolidated for pretrial purposes)
(TSE/IDD)**

**PLAINTIFFS' NOTICE OF WITHDRAWAL OF RULE 60(b)
MOTIONS FOR RELIEF FROM FINAL JUDGMENT**

Plaintiffs in the above-captioned cases hereby withdraw their Motions for Relief Under F.R.C.P. 60(b), filed on November 18, 2009. In support of this submission, plaintiffs state as follows:

1. On November 4, 2009, the undersigned counsel, on behalf of plaintiffs, executed a written settlement agreement with the defendants. Prior to doing so, the undersigned, with the assistance of interpreters, solicited the consent of all plaintiffs and certain other claimants. At the time the undersigned executed the settlement agreement, the undersigned believed that all plaintiffs had provided verbal and/or written assent to the agreement.

2. Having executed the settlement agreement, the undersigned, on November 5, 2009, filed a stipulation of dismissal with prejudice in each of the above-captioned actions.

3. Thereafter, plaintiffs' counsel learned that two plaintiffs objected to the settlement agreement. Accordingly, on November 8, 2009, the undersigned filed a Withdrawal of Stipulation of Dismissal with Prejudice in each of the above-captioned cases.

4. On November 30, 2009, the undersigned traveled to Istanbul and met personally with the two plaintiffs who had claimed they had not agreed to the settlement agreement. During these meetings, I was accompanied by Usama Fahum, an interpreter whom I confirmed is fluent in Arabic. With the assistance of Mr. Fahum, I fully explained the terms of the settlement agreement to these two plaintiffs. Thereafter, each plaintiff informed me that he fully understood the terms of the settlement, and that he desired to enter into the agreement. Each plaintiff then executed the agreement in my presence.

5. All plaintiffs and claimants have now consented to and signed the settlement agreement with the defendants in my presence or in the presence of my representative.

6. I have personally ascertained and am confident that all plaintiffs and claimants fully understand the terms of the settlement agreement and made a knowing and informed decision to enter into the agreement.

7. The undersigned counsel has been duly authorized by all plaintiffs to withdraw the previously filed motions for relief from judgment pursuant to Rule 60(b) in each of the above-captioned cases.

8. In light of the foregoing, the pending Rule 60(b) motions should be denied as moot, and each of the above-captioned cases should stand dismissed with prejudice.

Respectfully submitted,

January 6, 2010

/s/ Susan L. Burke

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Counsel for Plaintiffs

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DECLARATION OF SUSAN L. BURKE

I, Susan L. Burke, declare under the penalty of perjury that the following is true and correct:

1. I am an attorney with the law firm of Burke LLC, formerly Burke O'Neil LLC. I represent all plaintiffs in the above-captioned actions. I submit this declaration in support of Plaintiffs' Notice of Withdrawal of Rule 60(b) Motion for Relief from Final Judgment. I have personal knowledge of the facts set forth below.

2. On November 30, 2009, I met personally with the two plaintiffs who had had expressed reservations about the settlement agreement which led to my filing a motion for relief from judgment pursuant to Rule 60(b) in this matter. During these meetings, I was accompanied by Usama Fahum, an interpreter whom I confirmed is fluent in Arabic. With the assistance of Mr. Fahum, I personally fully explained the terms of the settlement agreement to these two plaintiffs. Thereafter, each plaintiff informed me that he fully understood the terms of the settlement, and that he desired to enter into the agreement. Each plaintiff then executed the agreement in my presence.

