

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

KASIPPILLAI MANOHARAN, *et al.*,

Plaintiffs,

v.

Civil Action No. 11-235 (CKK)

PERCY MAHENDRA (“MAHINDA”)  
RAJAPAKSA,

Defendant.

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**MOTION TO PERMIT RESPONSE TO SUGGESTION OF IMMUNITY  
SUBMITTED BY THE UNITED STATES OF AMERICA**

**I.  
INTRODUCTION**

Come now, Plaintiffs, through their undersigned attorney, and move this Court to permit Plaintiffs to file, no later than February 27<sup>th</sup>, 2012, a Memorandum in Opposition to the Suggestion of Immunity submitted by the United States on January 13<sup>th</sup>, 2012. Plaintiffs have had no opportunity to respond to the legal arguments advanced by the Executive Branch. Plaintiffs believe the Suggestion of Immunity is deficient in many respects, including the assertion that the judicial power of the United States under Article III of the Constitution may be exercised by the Executive Branch in ordering this Court to dismiss this case.

Counsel for President Rajapaksa advised [P]laintiffs' counsel that the motion is opposed, and that no further briefing should be allowed because: “the United States

believes that its determination regarding President Rajapaksa's immunity is dispositive of this matter” (Status Report of the United States, para. 4); the United States' “determination is controlling and not subject to judicial review” (Suggestion of Immunity, para. 1); and the State Department's letter “recognizes the particular importance attached by the United States to obtaining the prompt dismissal of the proceedings against President Rajapaksa in view of the significant foreign policy implications of such an action” (Suggestion of Immunity, Exhibit 1). Accordingly, the Court is divested of jurisdiction other than to dismiss the action promptly, as requested by the United States.

This motion is not filed for the purpose of delay.

## II. CONCLUSION

For the reasons set for above, the Motion to Permit Response should be granted.

DATED: January 13, 2012

Respectfully submitted,



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\_\_\_\_\_ /

**[PROPOSED] ORDER**

Having considered Plaintiffs’ Motion To Permit Response To Suggestion Of Immunity Submitted By The United States Of America no later than February 27<sup>th</sup>, 2012, it is this \_\_\_\_ day of \_\_\_\_\_, 2012, ORDERED that Plaintiffs’ motion is GRANTED.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

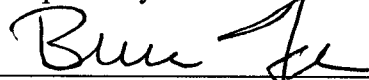
**CERTIFICATE OF SERVICE**

I, BRUCE FEIN, I hereby certify that on January 13, 2012, a copy of the foregoing motion along with its supporting Memorandum of Points and Authorities, and a proposed order, were filed via the Court's CM/ECF filing system, by which those papers automatically will be served on Defendant's counsel and the United States.

Dated: January 13, 2012

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Respectfully submitted,



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