

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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KASIPPILLAI MANOHARAN, et al.,)	
)	
Plaintiffs,)	Civil Action No. 1:11-cv-235 (CKK)
)	
v.)	
)	
PERCY MAHENDRA RAJAPAKSA,)	
)	
Defendant.)	
_____)	

**OPPOSITION TO PLAINTIFFS’ MOTION TO PERMIT RESPONSE TO
SUGGESTION OF IMMUNITY SUBMITTED BY THE UNITED STATES**

Undersigned counsel for Mahinda Rajapaksa, the President of the Democratic Socialist Republic of Sri Lanka, respectfully submits¹ that, in light of the Suggestion of Immunity Submitted by the United States of America (“SOI”)(Dkt. #12), this action should be dismissed promptly and without the additional briefing Plaintiffs request (Dkt. #13) because the United States has demonstrated that “the Executive Branch has the sole authority to determine the immunity from suit of sitting heads of state” like President Rajapaksa, and “[n]o court has ever subjected a sitting head of state to suit once the Executive Branch has suggested the head of state’s immunity.” SOI ¶ 1. Moreover, “the United States believes that its determination regarding President Rajapaksa’s immunity is dispositive of this matter.” Status Report Submitted by the United States of America (Dkt. #11) ¶ 4. Finally, the State Department “recognizes the particular importance attached by the United States to obtaining prompt dismissal of the proceedings against President Rajapaksa in view of the significant foreign policy implications of such an action.” SOI Exh. 1 at 2 (Dkt. #12-1).

¹ This response is filed without waiver of President Rajapaksa’s immunity from the jurisdiction and process of the United States courts, as now formally recognized by the United States of America (Dkt. #12), and expressly reserves all defenses available to President Rajapaksa under FED. R. CIV. P. 12 and otherwise. See Dkt. #9-1, at 1 n.1.

Accordingly, and for the reasons previously shown in support of President Rajapaksa's Motion to Solicit the Views of the United States, Plaintiffs' Motion to Permit Response to Suggestion of Immunity Submitted by the United States should be denied, and this action should be dismissed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2012, a copy of the foregoing Opposition to Plaintiffs' Motion to Permit Response to Suggestion of Immunity Submitted by the United States was filed through the Court's CM/ECF filing system, by which that paper automatically will be served on Plaintiffs' counsel.

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