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**VIA ECF**

June 6, 2017

The Honorable Roanne L. Mann  
Chief United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *LaVenture, et al. v. United Nations et al.*, CV-14-1611 (Townes, J.) (Mann, C.M.J.)

Dear Judge Mann:

Plaintiffs in the above-titled action respectfully submit this letter motion requesting that the Court enter the proposed scheduling order set forth below for briefing in response to the Statement of Interest submitted by the United States Government (the "Government") on May 24, 2017 (ECF No. 17).

Plaintiffs' counsel and counsel for the Government have conferred about this matter and the requests set forth in this letter. Nicholas Cartier of the U.S. Department of Justice, who submitted the Statement of Interest on behalf of the Government, has indicated that, while they would consider any request by the Court for further briefing, since the Government is not a party to the litigation they are not in a position to consent to such a schedule absent an indication that the Court wishes such briefing.

Plaintiffs filed this case on March 11, 2014, against the United Nations ("UN"), the United Nations Stabilization Mission in Haiti ("MINUSTAH"), UN Secretary-General Ban Ki-Moon, and certain other UN officials, seeking to redress harms arising out of the on-going cholera epidemic in Haiti. Upon filing of the complaint, Plaintiffs immediately retained a process server to serve the United Nations and the officials named in the Complaint. The process servers were turned away twice at the United Nations, which refused to accept service. Nail and mail service was unavailable given that there was no place to nail the Summons at the United Nations without security's intervention. Despite the impediments, in addition to the efforts detailed above, on June 20, 2014, Plaintiffs also served Ban Ki-Moon personally and in his capacity as an official of the United Nations (See ECF No. 4).

In response to the Court's Order of April 7, 2017, inviting the Government "to file a letter... expressing the view of the United States concerning plaintiffs' request" for permission to file an amended complaint adding new plaintiffs and to move for default

judgment (ECF. No. 15), on May 24, 2017, the Government filed a Statement of Interest in which it raised a number of issues not addressed in Plaintiffs' Motions, including the notion that the clear, unequivocal acceptance of liability on the part of the Secretary General of the United Nations in these types of particular cases is merely a "general commitment to provide for compensation for injury to innocent third parties," and that the Plaintiffs position in the case before this court rests on "purported inadequacies of the UN's dispute resolution mechanism." There are also questions raised in the Statement of Interest as to the adequacy of service on the United Nations and its officials. Thus, the Statement of Interest is effectively a motion to dismiss the case. As such, it should be briefed as a dispositive motion would be. *See, e.g., Sadikoglu v. United Nations Dev. Programme*, No. 11 Civ. 0294(PKC), 2011 WL 4953994, at \*2 (S.D.N.Y. Oct. 14, 2011) (describing briefing in connection with a statement of interest regarding UN immunity); *Bisson v. United Nations*, No. 06 Civ. 6352(PAC)(AJP), 2007 WL 2154181, at \*2-6 (S.D.N.Y. July 27, 2007).

Therefore, Plaintiffs respectfully request that the Court enter a scheduling order as follows:

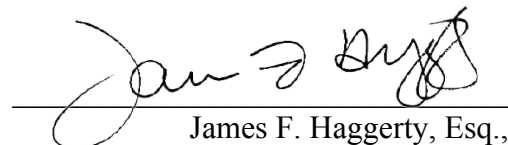
- On or before July 24, 2017, Plaintiffs may submit a Memorandum in Opposition to the Statement of Interest;
- On or before August 24, 2017, the Government may submit a Reply to the Memorandum in Opposition to the Statement of Interest; and
- On or before September 25, 2017, Plaintiffs may submit a Sur-Reply to the Memorandum in Opposition to the Statement of Interest.

Plaintiffs note that a similar briefing schedule was adopted in the *Georges* case (See *Georges v. United Nations*, 13-CV-7146, ECF No. 27).

Such a schedule would permit Plaintiffs and the Government to adequately address the issues raised in the Statement of Interest. Plaintiffs also respectfully request that the Court allow their Memorandum in Opposition to the Statement of Interest to be up to fifty pages in length, and that their Sur-Reply be up to twenty pages in length, as was approved in *Georges*. Such lengths will enable Plaintiffs to fully address the complex issues at stake.

We thank the Court for its consideration of these matters.

Respectfully submitted,

  
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