

In the United States Court of Federal Claims

)	
BAHRAIN MARITIME & MERCANTILE)	
INTERNATIONAL B.S.C.)	
Db a BMMI)	
812 Shaikh Jabber Al Amed)	
Al Subah Highway)	
Sitra, Kingdom of Bahrain)	
)	
Plaintiff,)	
)	
v.)	No. 09-739C
)	Senior Judge James F. Merow
THE UNITED STATES,)	
)	
Defendants.)	

PLAINTIFF’S RESPONSE TO ORDER ON
DEFENDANTS’ MOTION FOR A MORE DEFINITE STATEMENT

1. Plaintiff Bahrain Maritime & Mercantile International B.S.C., Db a BMMI, 812 Shaikh Jabber Al Amed Al Subah Highway, Sitra, Kingdom of Bahrain (BMMI) files this RCFC 7(b) Response to the Court’s Order of May 7th, 2010 on Defendants’ RCFC 12(e) Motion for a More Definite Statement.

THE KINGDOM OF BAHRAIN SATISFIES THE RECIPROCITY REQUIREMENT

2. The Kingdom of Bahrain satisfies the requirement of the *Reciprocity Act*, 28 U.S.C. § 2502(a), *viz.* an American citizen may sue the foreign sovereign of Bahrain on the same terms as native citizens.

3. Attachment 1 is the Declaration of Elham A. Hassan, the Principal & Partner of Elham Ali Hassan & Associates, 12th Floor, Al-Rossais Tower, Diplomatic Area, Manama, Kingdom of Bahrain, a Bahrain-based law firm. This Declaration evidences that American citizens have equal access to Bahrain's court system for the purpose of suing the Kingdom of Bahrain. Attachment 2 is the *curriculum vitae* of Ms. Hassan and other Partners of this law firm, <http://www.elhamlaw.com/main/partners.html> (last visited May 10th, 2010).

Respectfully submitted,

/s/ Cyrus E. Phillips IV

Cyrus E. Phillips IV
Virginia State Bar Number 03135

May 10th, 2010

Colonial Place I
2111 Wilson Boulevard, Suite 700
Arlington, Virginia 22201-3052

Telephone: (703) 351-5044

Facsimile: (703) 351-9292

Mobile: (703) 819-5944

Electronic Mail: lawyer@procurement-lawyer.com

Attorney of record for Plaintiff,
Bahrain Maritime & Mercantile International B.S.C.

CERTIFICATE OF SERVICE

I hereby certify, under penalty of perjury, that as required by RCFC 5(a)(1)(B), on Monday, May 10th, 2010 a true and complete copy of this Plaintiff BMMI's RCFC 7(b) Response to Order on Defendants' RCFC 12(e) Motion for a More Definite Statement was filed electronically via the Court's Electronic Case Filing System, through which notice of this filing will be sent to:

Russell J. Upton, Esq.

Electronic Mail: Russell.J.Upton@usdoj.gov

Attorney of record for Defendants,
Defense Logistics Agency and its
Defense Supply Center Philadelphia.

/s/ Cyrus E. Phillips IV

Cyrus E. Phillips IV

ATTACHMENT 1



22 March 2010

EAH/10/216

To whom This May Concern

We, Elham Ali Hassan & Associates, a Bahrain based law firm, would like to confirm that there is nothing in Bahrain laws that prohibits any party, regardless of its nationality to file suits against the Bahrain government.

Further, we would like to confirm that any American citizen or entity can file suits against the Bahrain Government, and such citizen or entity will be treated as equal as a Bahraini citizen or entity for this purpose.

I state under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on 22 March 2010.

Yours faithfully

Elham A. Hassan
Elham Ali Hassan & Associates

ATTACHMENT 2



إلهم علي حسن ومشاركوها
ELHAM ALI HASSAN & ASSOCIATES


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Partners



Elham Ali Hassan

Principal & Partner, Head of Litigation
e.hassan@elhamlaw.com

Elham Ali Hassan has been practicing law in Bahrain for over 20 years and is acknowledged as one of the leading litigators at the forefront of legal developments – she genuinely wants to help solve problems, knows how to deliver the highest quality service and professional representation, and is accustomed to handling high public profile matters, negotiations, and settlements. Elham advises and acts on behalf of multi-national organizations, institutions, agencies, and international law firms. Over the course of her career Elham has devoted substantial attention to solving problems involving shareholder, partnership and employment matters, contractual formation and interpretation, restraints of trade, insurance, intellectual property, land ownership controversies, franchises, financial transactions disputes, and the seizure of assets under maritime law. Elham has civil litigation experience at the pre-litigation, first instance, and appellate levels and criminal litigation experience. She has been admitted to both the Court of Cassation and Constitutional Court and is a member of the International Bar Association, International Trade Mark Association, National Committee of International Chamber of Commerce, and the Center of Commercial Arbitration for the GCC Countries.

Areas of Practice

Civil/Commercial Litigation, Arbitration, Contracts, Employment Law, Insolvency Law, Property Law, Constitutional Law, Family Affairs/Human Rights.

Education

LLB, Arab University of Beirut

Languages

English, Arabic, Farsi, and French

▲ TOP



Essa Jawahery

Managing Partner
e.jawahery@elhamlaw.com

Essa Jawahery is an accomplished young achiever who joined the firm in 2005 with an unusual blend of business and legal knowledge and skill. He quickly gains the confidence of executive management in client companies by focusing on understanding and achieving business goals while helping minimize inherent legal risks. Essa has assisted local and foreign business organizations of all sizes, and in all stages of growth, with their legal and business needs in Bahrain and overseas. His clients include Public companies as well as middle-market and start-up companies, with many of his clients being closely held businesses. These clients have been in a very broad range of industry sectors as diverse as transportation, insurance, brokerage, technology, manufacturing, real estate, banking, finance, telecoms, energy, service, accounting, construction, shipping, engineering and retail. Clients

quickly learn and appreciate that Essa is adept at gathering and assimilating information, analyzing complicated situations, identifying risks, and helping develop and implement an action plan to achieve a favorable result. In these endeavors he is backed by a broad range of legal and business knowledge and experience, superb writing abilities and oral presentation skills, as well as outstanding academic credentials. Essa is a member of the University of Oxford's Law Society and Anglia Law School's Law Society (he held the position of Treasurer for a number of years).

Areas of Practice

Acquisitions, Business & Commercial Law, Corporate Finance, Contracts, Employment Law, International Law, Companies Law, Central Bank of Bahrain and Bahrain Stock Exchange regulations, Intellectual Property, Telecommunications.

Education

Oxford Institute of Legal Practice, Oxford, United Kingdom, Honors: Post Graduate in Legal Practice (Core: Acquisitions, Debt Finance, Equity Finance); and Anglia Law School, Essex, United Kingdom, Honors: LLB

Languages

English and Arabic

▲ TOP



Sara Jawahery

Partner, Head of Corporate

s.jawahery@elhamlaw.com

Prior to joining the Firm, Sara Jawahery worked at the Telecommunication Regulatory Authority in Bahrain as a lawyer in the Legal Affairs Unit. She was involved in advising the General Director with respect to various local law matters. Sara then joined the legal department at Liquidity Management Centre (Bahrain) in 2006; a company established for the purpose of facilitating the investment of the surplus funds of Islamic banks and financial institutions into quality short and medium term financial instruments structured in accordance with the Islamic Shari'a principles. With expertise in both the Telecommunications and Islamic Banking industry, Sara has advised clients on various transactions in both industries. Sara is also involved in advising newly established investment firms, as well as parties to mergers & acquisitions, on the legal and regulatory requirements of the Central Bank of Bahrain and the Bahrain Stock Exchange. She was also leading the team in negotiations on an unprecedented settlement regarding a high profile damages claim for gross negligence.

Areas of Practice

Telecommunications, Corporate Law, Commercial Law, Banking/Investment Law, Employment Law, Engineering Law.

Education

London Metropolitan University, London, United Kingdom, Honors: LLB

Languages

English and Arabic

▲ TOP

Associates

Hassan Khair El Nour

h.elnour@elhamlaw.com

Batool Al Halwachi

b.alhalwachi@elhamlaw.com

Huda A. Hijris

h.hijris@elhamlaw.com

Wafa Al Saleh

w.alsaleh@elhamlaw.com

Suhair Al Saleh

s.alsaleh@elhamlaw.com

Aysha Abdul Malik

a.abdulmalik@elhamlaw.com

Aamal Al Abassi

a.alabassi@elhamlaw.com

Amani Al Obaidat

a.obaidat@elhamlaw.com



+973
17533317

+973
17532262

info@elhamlaw.com

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