

From: Shapiro, Hal  
To: 'Yousef Al Otaiba' <[otaiba7@hotmail.com](mailto:otaiba7@hotmail.com)>  
Cc: 'Richard Mintz' <[Richard.Mintz@harbourgrp.com](mailto:Richard.Mintz@harbourgrp.com)>; 'Hagir Elawad' <[HEIawad@uaeembassy-usa.org](mailto:HEIawad@uaeembassy-usa.org)>  
Sent: Thu Mar 29 16:41:35 2012  
Subject: RE: Legal Action against Abu Dhabi Group

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Suggested Next Steps

Legal Steps

1. The Abu Dhabi Group (and its owners and related entities) and the Pakistani banks (Bank Alfalah and United Bank Limited) should retain U.S. counsel promptly.
  - a. The UAE parties should retain separate counsel from the Pakistani banks, as the UAE legal interests potentially diverge from the Pakistani banks (liability may be cut off at the Pakistani level).
  - b. Ideally, the UAE entities would help the Pakistani parties select counsel that work well together.
  - c. Counsel must determine if a joint defense agreement is advisable here, allowing the defendants to work together and shield their discussions under the attorney-client privilege.
2. Counsel need to promptly gather facts to determine the strength of the case, including:
  - a. the extent to which alleged terrorist groups in fact conducted banking transactions through the Pakistani entities,
  - b. whether the Pakistani parties knew or should have known of the alleged transactions,
  - c. whether the UAE parties knew or should have known of the alleged transactions, and
  - d. whether relevant, appropriate banking procedures were employed.
3. Counsel need to determine what legal defenses may apply, including:
  - a. jurisdiction of U.S. law to the foreign parties at issue,
  - b. jurisdiction over the alleged subject matter of the case,
  - c. whether the law cited by the plaintiff is applicable to the case in question, and
  - d. whether other bases for a motion to dismiss exist.
4. All communications with possible co-defendants and plaintiff's should occur only through counsel.

Communications/Political Response

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Communications/Political Response

1. This area needs to be managed at three levels:

- corporate/bank;
- individual/Abu Dhabi principals; and
- UAE/Abu Dhabi Government.

As with the legal strategy, there should be coordinated but distinct plans and spokespersons for each of the entities above.

2. As we have seen in previous cases, the plaintiffs will attempt to extract a settlement by first threatening both legal action and public attacks against the standing and reputation of the Abu Dhabi leadership and the Government of the UAE. We predict that the opposition strategy will attempt to link the suspected actions of the Pakistani banks directly to the leadership of the UAE and Abu Dhabi to do as much reputational damage as possible in an effort to extract the maximum settlement or prepare the most favorable foundation for litigation.

3. It will be critical to take all necessary steps to isolate actions of banks from Abu Dhabi leadership and UAE Government. This plan would necessitate minimal, if any, public comment from Abu Dhabi or UAE officials. All efforts should be taken to direct media and political inquiries to the banks.

4. As always, all communications and political engagement should be directed by appropriate legal counsel to assure total alignment with legal strategy.

5. Hill inquiries are best handled through phone calls or meetings rather than in writing.

6. On communications, next steps would include:

- In cooperation with legal counsel, THG and Embassy will develop communications plan for Abu Dhabi leadership and UAE Government. This would include:
  - o drafting holding statements;
  - o preparing and briefing spokespersons;
  - o preparing comprehensive background paper on UAE counter-terrorism initiatives and cooperation with U.S.;
  - o contingency planning to anticipate opponent's attacks and new facts alleged or disclosed; and

- o preparing and briefing spokespersons;
- o preparing comprehensive background paper on UAE counter-terrorism initiatives and cooperation with U.S.;
- o contingency planning to anticipate opponent's attacks and new facts alleged or disclosed; and
- o establishing media and political monitoring.
- Identify separate communications counsel for banks:
  - o UAE advisors should coordinate strategy and comments with bank advisors;
  - o banks should prepare holding statements and prepare spokespersons; and
  - o long-term litigation support plan should be devised if case progresses in U.S. courts.