

No. 19-648

IN THE
Supreme Court of the United States

CACI PREMIER TECHNOLOGY, INC.,
Petitioner,

v.

SUHAIL NAJIM ABDULLAH AL SHIMARI; SALAH HASAN
NUSAIF JASIM AL-EJAILI; ASA'AD HAMZA HANFOOSH
AL-ZUBA'E,
Respondents.

**On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The Fourth Circuit**

SUPPLEMENTAL BRIEF FOR PETITIONER

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RULE 29.6 STATEMENT

The corporate disclosure statement included in the petition for a writ of certiorari remains accurate.

SUPPLEMENTAL BRIEF FOR PETITIONER

Petitioner CACI Premier Technology, Inc. (“CACI”) respectfully submits this supplemental brief regarding this Court’s opinion in *Nestlé USA, Inc. v. Doe*, No. 19-416, and *Cargill, Inc. v. Doe*, No. 19-453.

In this case, respondents allege that CACI violated the Alien Tort Statute when its employees purportedly conspired with, or aided and abetted, U.S. military personnel who mistreated respondents at a prison facility in Iraq. *See* Pet. 4-5. CACI’s petition for a writ of certiorari presents the question whether an order denying a federal contractor’s claim of derivative sovereign immunity is an immediately appealable final order under the collateral-order doctrine. *See* Pet. 1-4. On January 27, 2020, this Court invited the Solicitor General to file a brief expressing the views of the United States.

The United States urged the Court to grant certiorari because “the question presented warrants this Court’s review” and because “[t]his case would be a suitable vehicle in which to address the question presented.” U.S. Br. 5, 20. But before granting the petition, the United States suggested “hold[ing] the petition pending this Court’s resolution of *Nestlé* and *Cargill*” because those cases presented “the question whether domestic corporations are properly subject to claims under the Alien Tort Statute” at all. *Id.* at 22. “If this Court adopt[ed]” the government’s view that domestic corporations “are not” subject to the Alien Tort Statute, the United States explained, the Court’s “decisions would decisively foreclose respondents’ underlying claims here—all of which seek to impose corporate liability under the Alien Tort Statute.” *Id.*

The Court issued its opinion in *Nestlé* and *Cargill* on June 17, 2021. The Court did not reach the question whether the Alien Tort Statute applies to domestic corporations. *See Nestlé*, slip op. at 1 (Gorsuch, J., concurring); *id.* at 8 n.4 (Sotomayor, J., concurring in part and concurring in the judgment). Instead, the Court resolved *Nestlé* and *Cargill* on extraterritoriality grounds. *Id.* at 3-5 (majority opinion).

Because the Court did not resolve the Alien Tort Statute’s applicability to domestic corporations—which was the basis for the United States’ hold recommendation—the Court should grant review in this case for the reasons set forth in CACI’s petition and the United States’ brief supporting the petition.

Respectfully submitted.

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