

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

ROBERT DEXTER WEIR et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Civil Action No. 19-1708 (TFH)

**PLAINTIFF PATTERSON’S RESPONSE TO THE UNITED STATES’ MOTION TO
COMPEL**

The American Civil Liberties Union Foundation (ACLU) and Stroock, Stroock & Lavan (collectively Plaintiffs’ counsel) as counsel for Plaintiff Luther Fian Patterson, respond to Defendants’ motion to compel interrogatory responses from Mr. Patterson, served on Plaintiffs’ counsel on April 15, 2021.

As detailed below, and in the attached sworn declaration of Steven M. Watt, despite diligent efforts, since on or around September 4, 2021, Plaintiffs’ counsel have been unable to communicate with Mr. Patterson about his interrogatory responses and are unable to respond to Defendant’s interrogatories on his behalf. Therefore, Plaintiffs’ counsel does not object to the Court dismissing Mr. Patterson’s claims, without prejudice, for his failure to respond to Defendant’s interrogatories and to prosecute his claims.

FACTS

In this action, Plaintiffs’ counsel represent Luther Fian Patterson and three other Jamaican nationals, Robert Weir, Patrick Ferguson, and David Roderick Williams. Mr. Patterson engaged

Plaintiffs' counsel to act on his behalf in a written engagement agreement signed by the ACLU and Mr. Patterson on October, 31, 2018 in Montego Bay, Jamaica.

On August 4, 2021, Defendant served its First Set of Interrogatories to Plaintiffs on Plaintiffs' counsel. Shortly thereafter and over the course of the next two weeks, Plaintiffs' counsel spoke with each of the plaintiffs on numerous occasions by phone and each of them provided Plaintiffs' counsel with answers to those interrogatories. Plaintiffs' counsel served Plaintiff Weir's, Ferguson's and William's signed interrogatory responses on Defendant on September 15, 2021. However, on or around September 4, 2021, Mr. Patterson stopped responding to his counsel's phone calls and messages. Until that point, since Mr. Patterson retained them in October 2018, Mr. Patterson and Plaintiffs' counsel had been in regular phone contact.

In September and October 2021, Plaintiffs' counsel continued to attempt to contact Mr. Patterson to finalize his responses to Defendant's interrogatories, but counsel received no response.

On October 19, 2021, the Court ordered discovery stayed for six months because of Plaintiffs' counsel's inability to produce plaintiffs for deposition safely and efficiently in Jamaica because of the COVID-19 pandemic, and restrictions imposed on travel to and within Jamaica. During this time, Plaintiffs' counsel remained in regular phone contact with Plaintiffs Weir, Ferguson and Williams, and continued their efforts to contact Plaintiff Patterson, including many more phone calls and voicemail messages, and traveling to Jamaica on March 21, 2022, to try to locate him.

Shortly after returning from that trip, on April 7, 2022, Plaintiffs' counsel met and conferred with Defendants and notified them that they had lost contact with Plaintiff Patterson

and would be unable to produce his interrogatory responses. The stay ended and discovery recommenced that same day, April 12, 2022, and, after meeting and conferring with Plaintiffs' counsel on April 15, 2022, Defendants filed their motion to compel responses to the interrogatories from Mr. Patterson the same day.

Plaintiffs' counsel will continue their efforts to locate Mr. Patterson and, if they do, will finalize and then produce his interrogatory responses to Defendants. However, because Plaintiffs' counsel has been unable to produce them to date, and to otherwise prosecute the litigation on his behalf, Plaintiffs' counsel does not object to the Court dismissing Mr. Patterson's claims, without prejudice, for his failure to respond to Defendants' interrogatories and to prosecute his claims.

A proposed order is attached.

Respectfully submitted,

/s/ Dror Ladin
Dror Ladin (D.C. Bar No. NY0277)

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