

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

RICHARD HORN,

Plaintiff,

v.

FRANKLIN HUDDLE, JR., *et al.*,

Defendants.

Case No.: 94-1756 (RCL)

**NON-PARTY ROBERT J. EATINGER'S MOTION FOR RECONSIDERATION AND  
SUPPORTING MEMORANDUM OF POINTS AND AUTHORITIES**

Today, the Court issued a Memorandum Opinion ("Memorandum") on various motions relating to the proposed settlement of this case. [Dkt. 521]. Non-party Robert J. Eatinger, by and through undersigned counsel, respectfully requests reconsideration and deletion of a sentence in the Memorandum that may be construed as a "finding" of wrongdoing by Mr. Eatinger.

The Memorandum identifies Mr. Eatinger as one of three Central Intelligence Agency ("CIA") Office of General Counsel attorneys about whom plaintiff has made allegations of wrongdoing. [Dkt. 521] at 2. In discussing its view that the Department of Justice should refer these allegations of wrongdoing to the Inspector General, the Court states that "the allegations of wrongdoing by the government attorneys in this case are not only credible, they are admitted." *Id.* at 5. This sentence should be deleted from the Memorandum because it not only is unsupported by any evidence that has been subjected to the crucible of cross-examination, it is demonstrably wrong.

None of plaintiff's allegations regarding Mr. Eatinger have been tested through adversarial proceedings, so there is no basis for any determination that those allegations are

“credible.” Furthermore, the allegations of wrongdoing as they pertain to Mr. Eatinger, rather than being “admitted,” are most definitely *contested*. See generally, Non-Party Robert J. Eatinger’s Initial Opposition To Plaintiff’s Motion for Sanctions [Dkt. 502].<sup>1</sup>

For all of the foregoing reasons, it is respectfully requested that the Court reconsider the content of the Memorandum Opinion and delete from it the penultimate sentence in the first paragraph at page 5.

March 30, 2010

Respectfully submitted,

Charles S. Leeper /s/  
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<sup>1</sup> We submit that, for all the reasons stated in Mr. Eatinger’s Initial Opposition, a referral to the Inspector General is unwarranted. However, should the Department of Justice accede to the Court’s request, Mr. Eatinger will contest plaintiff’s allegations of wrongdoing in that forum as well.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30th day of March, 2010, a copy of the above and foregoing **Motion for Reconsideration and Supporting Memorandum of Points and Authorities** was filed electronically with the Clerk of the Court, using the CM/ECF system, which sent notification of such filing to all counsel and parties in the case who have registered their e-mail addresses with the Court. A hard copy of the aforementioned filing will be sent via first class mail to all attorneys and parties who are not set up for electronic notification.

/s/ Charles S. Leeper\_\_\_\_\_