

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

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|---------------------------------------|---|-----------------------------|
| Richard A. Horn, |) | |
| |) | Case No. 1:94-CV-1756 (RCL) |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| Franklin Huddle, Jr., <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

**NON-PARTY JEFFREY W. YEATES’ MOTION FOR RECONSIDERATION
OF THE COURT’S MARCH 30, 2010 MEMORANDUM**

Non-party Jeffrey W. Yeates respectfully moves the Court for an Order reconsidering and removing a sentence in its March 30, 2010 Memorandum (“Memorandum”). The Memorandum identifies Mr. Yeates as one of the Central Intelligence Agency (“CIA”) Office of General Counsel attorneys about whom Plaintiff has made allegations of wrongdoing. Memorandum at 2. In support of its view that the Department of Justice should refer these allegations of wrongdoing to the CIA Office of 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 statement, as it pertains to Mr. Yeates, is not accurate, inconsistent with the record in this case, and should be removed from the Court’s Memorandum.

Mr. Yeates has never “admitted” any wrongdoing in this matter. Quite the contrary. On October 23, 2009, Mr. Yeates filed a Motion to Vacate in which he vigorously denied any wrongdoing and sought discovery to support further his Declaration submitted with that Motion. *See* Non-Party Jeffrey W. Yeates’ Motion to Vacate the Court’s January 15, 2009 and February

6, 2009 Opinions and Orders as they Pertain to Mr. Yeates [Dkt. No. 505]. The statement that Mr. Yeates has “admitted” to Plaintiff’s allegations of wrongdoing against him simply is inconsistent with the facts and record in this case. And, any suggestion by the Court regarding the credibility of Plaintiff’s allegations is, at a minimum, premature since there has been no opportunity for Mr. Yeates to be heard.

For the foregoing reasons, and for those set forth in his Motion to Vacate, Non-Party Jeffrey W. Yeates respectfully requests that the Court reconsider its Memorandum and remove the penultimate sentence in the first paragraph at page 5 of the Memorandum.

Dated: April 1, 2010

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 1st day of April, 2010, the foregoing, Non-Party Jeffrey W. Yeates' Motion for Reconsideration of the Court's March 30, 2010 Memorandum, was served upon the counsel of record listed below via the Court's CM/ECF system:

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