

# Motion of Defendant Mancusi to Dismiss Certain Causes of Action and Other Relief in the matter of Akil Al-Jundi, et al. vs. Rockefeller, et al.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

AKIL AL-JUNDI, a/k/a Herbert Scott  
2000, et al.,

Plaintiffs,

-vs-

THE ESTATE OF NELSON A. ROCKEFELLER,  
et al.,

Defendants.

CIV. No. 75-1326

MOTION OF DEFENDANT,  
VINCENT S. MANCUSI, TO  
DISMISS CERTAIN CAUSES  
OF ACTION AND OTHER  
RELIEF

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Defendant, VINCENT S. MANCUSI, pursuant to Rules 12 and  
23 FRCP moves for an Order:

1. Granting as to Defendant Mancusi those causes of  
action designated, "Reprisals" and "Bad Faith Prosecutions".
2. In the alternative, decertifying those causes of  
action designated, "Reprisals" and "Bad Faith Prosecutions".
3. Denying all claim of privilege by the Attorney  
General of the State of New York with respect to Attica documents  
which have previously been made available to or examined by  
Plaintiffs' counsel.

The grounds for the motion are:

1. Members of the Plaintiff class are collaterally  
estopped and barred from asserting the allegations with respect  
to "Reprisals" in the Fifth through Eighth causes of action  
against Defendant Mancusi. The allegations of reprisals were or  
should have been raised in the order v. Mancusi and Inmates of  
Attica Correctional Facility v. Rockefeller, et al. (1971) and id.  
(1972).
2. Requiring Defendant Mancusi to defend against the  
same and additional charges of reprisals now, fourteen years

-1-

Motion, dated January 13, 1986, of Defendant Mancusi to Dismiss Certain Causes of Action and Other Relief in the matter of Akil Al-Jundi, et al. vs. Estate of Rockefeller, et al. The Order was prepared by Richard E. Moot, of Moot & Sprague, for the United States District Court, Western District of New York. A Certificate of Service and Filing, by Mr. Moot under the same date, is attached. Attached as exhibits are; affidavits of Mancusi and Theresa A. Smyth; lists of plaintiffs and defendants in the course of various federal Attica actions.

## Identifier

NYSA\_W0100-21\_00021101

## Alternate Identifier

Case Files: 75-132

## Source

"New York State Department of Law special investigation files relating to the Attica uprising, circa 1971-2001. W0100-21."

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