

**Plaintiff's Opposition, United States District Court, Western District of New York
in the matter of Akil Al-Jundi, et al. v. Nelson A. Rockefeller et al.**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AKIL AL-JUNDI, et al. on behalf of
themselves and all others similarly
situated.

Plaintiffs, 75 Civ. 132E

-against-

The ESTATE of NELSON ROCKEFELLER,
etc.,

Defendants.

PLAINTIFFS' OPPOSITION TO DEFENDANT MANCUSI'S
MOTION TO DISMISS CERTAIN CAUSES OF ACTION
AND TO DE-CERTIFY THE CLASS AS TO REPRISAL
CLAIMS.

Defendant's motion to dismiss or de-certify the Plaintiff
Class contains striking gaps and misstatements as to both law
and fact. Since these errors go to the very heart of his
motions it should be denied in its entirety.

I. DEFENDANT'S REQUEST FOR DISMISSAL BASED ON COLLATERAL
ESTOPPEL IS INVALID.

Mancusi claims that, based on three prior Attica-related
decisions, he is entitled to have plaintiffs' charges against
him of reprisals and bad faith prosecution dismissed. He claims
that the prior cases cleared him of any wrongdoing and should
preclude the present action. Those cases, however, did not
clear him; nor are they preclusive.

Plaintiff's Opposition to Defendant Mancusi's Motion to Dismiss Certain Causes of Action and to De-Certify the Class as to Reprisal Claims, United States District Court, Western District of New York in the matter of Akil Al-Jundi, et al. v. Nelson A. Rockefeller et al. The document is signed by Elizabeth M. Fink.

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