

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

VENANCIO AGUASANTA ARIAS, ET AL,

Plaintiffs,

v.

DYNCORP, ET AL.

Defendants.

CIVIL ACTION NO.
1:01CV0198 (RWR)

NOTICE OF DEPOSITION AND SUBPOENA
DUCES TECTUM FOR RAND BEERS

To: Rand Beers
Assistant Secretary of State
United States State Department
2201 C Street N.W.
Washington, D.C. 20520

Please take notice that commencing at **10:00 A.M. on Monday January 28, 2002, at the offices of the International Labor Rights Fund, 733 15 Street, N.W., Suite 920, Washington, DC, 20005**, plaintiffs in the aforementioned action, by their attorneys will take **YOUR** deposition in accord with the provisions of Rule 45 of the Federal Rules of Civil Procedure. The deposition will be taken before a Notary Public, or before some other officer authorized by law to administer oaths. **YOU, RAND BEERS, have testified under oath in an Affidavit filed with the Court on January 7, 2002, to matters pending in this litigation. YOU** are therefore subject to be cross examined on all matters and issues raised in the Affidavit you have filed in support of the Defendant DynCorp Corporation under the Federal Rules of Civil Procedure. **YOU** are required to bring to your deposition, the following documentation or other evidence on which **YOUR** testimony has been based as follows:

1. All evidence and materials which form the basis for your statement that:

These efforts are a key element of the United States foreign policy objectives in Colombia and the Andean region and are of vital importance to our national security, not only because of the tragic impact of narcotic drugs on the health, safety, and security of the American people, but also because of the funding provided by the Andean narcotic traffickers to international terrorist organizations that threaten U.S. interests and the lives and security of Americans. (Aff. ¶ 1.)

2. All evidence and materials which form the basis for your statement that:

The Arias litigation poses a grave risk to U.S. national security and foreign policy objectives. (Aff. ¶ 3.)

3. All evidence and materials which form the basis for your statement that:

...any pronouncements by this court in the context of a private litigation could have foreign policy and national security consequences that the court cannot predict and for which the court cannot account. (Aff. ¶ 4.)

4. All evidence and materials which form the basis for your statement that:

Any disruption through this litigation ... will undermine national security policy ... (Aff. ¶ 3.)

5. All evidence and materials which form the basis for your statement that:

... the drug eradication operations at issue in this litigation are linchpin to U.S. foreign policy objectives. (Aff. ¶ 6.)

6. All evidence and materials which form the basis for your statement that:

The continued pendency of this litigation also will undermine U.S. foreign policy and national security objectives around the world... (Aff. ¶ 7.)

7. All evidence and materials which form the basis for your statement that:

The continuation of this litigation also threatens breaches in operational security of the aerial eradication operations that would not only jeopardize the success of the drug eradication efforts but would pose a grave risk to the lives of the pilots... (Aff. ¶ 8.)

8. All evidence and materials which form the basis for your statement that:

Finally, while I cannot speak of the goals of any of the Ecuadorian plaintiffs who have brought this litigation, it should be noted that the putative class is drawn from a region adjacent to one largely controlled by drugtraffickers and international terrorists. (Aff. ¶ 9.)

9. All evidence and materials which form the basis for your statement that:

The possibility that the plaintiffs have been intimidated or co-opted by these hostile forces should not be overlooked. (Aff. ¶ 9.)

10. All evidence and materials which the basis for all the remaining statements made in your Affidavit in paragraphs 10 to 61 of your affidavit.

11. All evidence and materials in which form the basis for your statements made in the CBS program 60 Minutes aired on January 13, 2002 to the effect that:

a. The United States does not have data on the human impact of the spraying operations of the combined spraying materials which consists of RoundUp Ultra and a surfactant made in Colombia, the composition of which has not been disclosed.

b. The United States is ready to compensate farmers who have suffered damages as a result of the spraying operations in Colombia.

12. All evidence and materials which authorizes DynCorp and/or the United States to spray large areas of the Ecuadorian territory with fumigants, as alleged in the Complaint subject matter of your Affidavit.

DynCorp's Counsel has been invited to attend your deposition. The deposition will continue from day to day until it is finished.

January 16, 2002

Respectfully submitted this 18th Day of January of 2002

Terry Collingsworth (DC Bar No. _____)
Natacha Thys (DC Bar No. _____)
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ATTORNEYS FOR PLAINTIFFS AND THE CLASS

CERTIFICATE OF SERVICE

I, Cristóbal Bonifaz, certify that on January 18, 2002, I served a copy of this Notice of Deposition and Subpoena Duces Tectum upon Counsel for the Defendant DynCorp Corporation Joe G. Hollingsworth at SRIGGS & HOLLINGSWORTH at 1350 I Street, N.W. Washington D.C. 20005-3305, by Federal Express twenty four hour delivery.

Cristóbal Bonifaz