

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DONALD VANCE and NATHAN ERTEL,	)	
	)	06 C 6964
Plaintiffs,	)	
	)	Judge Andersen
v.	)	
	)	Magistrate Judge Keys
DONALD RUMSFELD, UNITED STATES of	)	
AMERICA and UNIDENTIFIED AGENTS,	)	
	)	
Defendants.	)	JURY TRIAL DEMANDED

**PLAINTIFFS' EXHIBITS TO PROPOSED  
SECOND AMENDED COMPLAINT**

Arthur Loevy  
Michael Kanovitz  
Jon Loevy  
Gayle Horn  
LOEVY & LOEVY  
312 N. May St., Suite 100  
Chicago, IL 60607

February 8, 2008



**MULTI-NATIONAL FORCE - IRAQ**  
CAMP VICTORY, BAGHDAD  
APO AE 09342-1400

REPLY TO  
ATTENTION OF:

8 APR 2006

Office of the Staff Judge Advocate

Name: Donald Vance  
ISN: 200343  
SSN: 351-66-1844

Subject: Detainee Status Board

Dear Mr. Donald Vance:

A Detainee Status Board has been convened to determine your legal status as a U.S. citizen detained in the conflict in Iraq. The board has been scheduled to begin no earlier than 23 April, 2006. This Board will determine your status as one of the following:

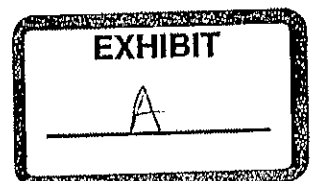
(1) **Enemy Combatant:** An individual who is a member agent of Al Qaeda, the Taliban, or another international terrorist organization against which the United States is engaged in an Armed Conflict.

(2) **Security Internee:** An individual detained because there exists reasonable grounds to believe you pose a threat to security or stability in Iraq. Reasonable grounds consist of sufficient indicators to lead a reasonable person to believe that detention is necessary for imperative reasons of security, e.g. that you pose a threat to MNF-I or Iraqi security forces, or to the safety of civilians in Iraq, or otherwise pose a threat to security and stability in Iraq

(3) **Innocent Civilian:** An individual who should be immediately released because there are no reasonable grounds to believe that you pose a threat to security or stability in Iraq. Detention is not necessary for imperative reasons of security, e.g. you do not pose a threat to MNF-I or Iraqi security forces, or to the safety of civilians in Iraq, or are otherwise not a threat to security and stability in Iraq.

The unclassified factual basis that will be used by the Board to determine your status is as follows:

On or about April 15, 2006 you were detained by members of the Coalition Forces for being a suspect in supplying weapons and explosives to insurgent/criminal groups through your affiliation with the Shield Group Security Company (SGS) operating in Iraq. Credible evidence suggests that certain members of SGS are supplying weapons to insurgent groups in Iraq. Further, you are suspected of illegal receipt of stolen weapons and arms in Iraq from Coalition Forces.



You have the following rights at the Board:

- (1) You have the right to be present at all open sessions of the Board.
- (2) You have the right to testify or not to testify.
- (3) You do not have the right to legal counsel, but you may have a personal representative assist you at the hearing if the personal representative is reasonably available.
- (4) You have the right to present evidence, including the testimony of witnesses who are reasonably available.
- (5) You have the right to examine and cross-examine witnesses.

The following procedures apply at Board hearings:

- (1) All relevant evidence, including hearsay evidence, is admissible. The Board hearing is not adversarial. A recorder may present evidence to the Board. Witnesses will testify under an oath or affirmation to tell the truth.
- (2) The Board's decisions are determined by a majority of voting members.


If you wish to have evidence, witnesses or a personal representative at the Board, you must deliver a written request to the Camp Commander of your detention facility before the Board convenes. The Board will attempt to accommodate reasonable requests for persons who it finds are immediately available. If you have any questions concerning this Board, please contact the Camp Commander with your inquiry and it will be forwarded to The Multi-National Force - Iraq Office of the Staff Judge Advocate for clarification.

Sincerely,



Bradley J. Huestis  
LTC, U.S. Army  
President of the Board

ACKNOWLEDGEMENT OF RECEIPT:



Donald Vance (Signature)

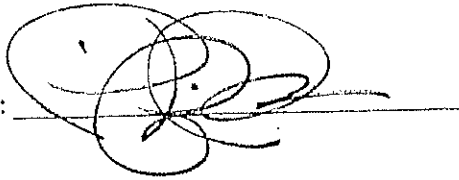
Date: 4-2-06

Time: 21:42

CERTIFICATE OF SERVICE

On ~~20 April~~ 2006, I, PHILIP REIMAN, personally served a copy of "Detainee Status Board" dated ~~20 April 06~~ on Donald Vance, ISN: 200343. This document notifies him of his rights and procedures at his Detainee Status Board.

Signed: \_\_\_\_\_

A handwritten signature in black ink, appearing to be "PHILIP REIMAN", written over a horizontal line. The signature is stylized and somewhat cursive.



**MULTI-NATIONAL FORCE - IRAQ**  
CAMP VICTORY, BAGHDAD  
APO AE 09342-1400

REPLY TO  
ATTENTION OF:

18 APR 2006

Office of the Staff Judge Advocate

Name: Nathan Adam Erpel  
ISN: 200342  
SSN: 231-08-1975

Subject: Detainee Status Board

Dear Mr. Nathan Adam Erpel:

A Detainee Status Board has been convened to determine your legal status as a U.S. citizen detained in the conflict in Iraq. The board has been scheduled to begin no earlier than 23 April, 2006. This Board will determine your status as one of the following:

(1) **Enemy Combatant:** An individual who is a member agent of Al Qaeda, the Taliban, or another international terrorist organization against which the United States is engaged in an Armed Conflict.

(2) **Security Internee:** An individual detained because there exists reasonable grounds to believe you pose a threat to security or stability in Iraq. Reasonable grounds consist of sufficient indicators to lead a reasonable person to believe that detention is necessary for imperative reasons of security, e.g. that you pose a threat to MNF-I or Iraqi security forces, or to the safety of civilians in Iraq, or otherwise pose a threat to security and stability in Iraq.

(3) **Innocent Civilian:** An individual who should be immediately released because there are no reasonable grounds to believe that you pose a threat to security or stability in Iraq. Detention is not necessary for imperative reasons of security, e.g. you do not pose a threat to MNF-I or Iraqi security forces, or to the safety of civilians in Iraq, or are otherwise not a threat to security and stability in Iraq.

The unclassified factual basis that will be used by the Board to determine your status is as follows:

On or about April 15, 2006 you were detained by members of the Coalition Forces for being a suspect in supplying weapons and explosives to insurgent/criminal groups through your affiliation with the Shield Group Security Company (SGS) operating in Iraq. Credible evidence suggests that certain members of SGS are supplying weapons to insurgent groups in Iraq. Further, you are suspected of illegal receipt of stolen weapons and arms in Iraq from Coalition Forces.

You have the following rights at the Board:

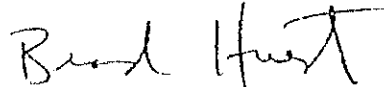
- (1) You have the right to be present at all open sessions of the Board.
- (2) You have the right to testify or not to testify.
- (3) You do not have the right to legal counsel, but you may have a personal representative assist you at the hearing if the personal representative is reasonably available.
- (4) You have the right to present evidence, including the testimony of witnesses who are reasonably available.
- (5) You have the right to examine and cross-examine witnesses.

The following procedures apply at Board hearings:

- (1) All relevant evidence, including hearsay evidence, is admissible. The Board hearing is not adversarial. A recorder may present evidence to the Board. Witnesses will testify under an oath or affirmation to tell the truth.
- (2) The Board's decisions are determined by a majority of voting members.

If you wish to have evidence, witnesses or a personal representative at the Board, you must deliver a written request to the Camp Commander of your detention facility before the Board convenes. The Board will attempt to accommodate reasonable requests for persons who it finds are immediately available. If you have any questions concerning this Board, please contact the Camp Commander with your inquiry and it will be forwarded to The Multi-National Force - Iraq Office of the Staff Judge Advocate for clarification.

Sincerely,



Bradley J. Huestis  
LTC, U.S. Army  
President of the Board

ACKNOWLEDGEMENT OF RECEIPT:

  
\_\_\_\_\_  
Nathan Adam Erpel (Signature)

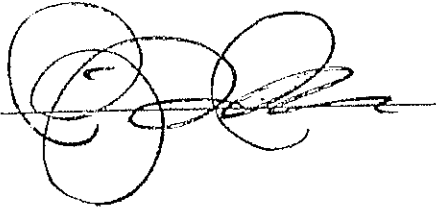
Date: 20 April 06

Time: 21:45

CERTIFICATE OF SERVICE

On 20 April 2006, I, Philip Reiman, personally served a copy of "Detainee Status Board" dated 20 April 06, on Nathan Adam Erpel, ISN: 200342. This document notifies him of his rights and procedures at his Detainee Status Board.

Signed: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Philip Reiman", written over a horizontal line.



# DEPARTMENT OF DEFENSE

LEGAL OFFICE – TASK FORCE 134  
MULTI-NATIONAL FORCE – IRAQ  
APO AE 09342

REPLY TO  
ATTENTION OF:  
Magistrate Office

Date: 22 April 2006

Detainee Name: **NATHAN ADAM ERTEL**  
ISN: **200342**  
Internment Facility: **CROPPER**

Subject: Notice of Status and Appellate Rights

1 Status. This is to notify you of your status and the basis for your detention. You are being detained as a Security Internee pursuant to United Nations Security Council Resolution (UNSCR) 1546, 1637, and Coalition Provisional Authority (CPA) Memorandum 3 (Revised). You have been detained for the following reasons

You work for a business entity that possessed one or more large weapons caches on its premises and may be involved in the possible distribution of these weapons to insurgent/terrorist groups.

2 Appellate Rights. You have the right to appeal your internment in accordance with Article 78 of the Geneva Convention. You may use the appeal form provided, or any writing containing your full name and ISN. If you provide a written statement of appeal, the statement will be translated into English and included in your case file for consideration by subsequent competent review authorities. **To be considered, written material must be submitted to any guard, military police, or camp official for delivery to the Magistrate.**

3 You may also have another person submit additional written material on your behalf. If another person is submitting written material, ensure they put your full name and ISN number on the document so it can be properly placed in your file. Written materials may be submitted to any military police or camp official at any visitation site at Abu Ghraib, Bucca, Cropper or Suse to be forwarded to the reviewing authority

4 Written material you wish to submit for consideration from any source must be received by the reviewing authority in a timely manner. It is imperative that you gather and submit your written appeal and any other written submissions **AS SOON AS POSSIBLE**. Untimely written submissions could result in the reviewing authority not having the all the information available when making a decision on your case. Written matters will be translated into English and included in your case file.

<b>Proof of Service</b>
Date of Service:
Served By:
_____
(Name / Rank)

