

FREQUENTLY ASKED QUESTIONS

Q: Is Blackwater's \$10 million dollar lawsuit against the surviving families or the estates or the attorney for the estates?

A: In reality, Blackwater's \$10 million lawsuit is against the families. Under North Carolina law, only the "estate" of a decedent may bring a lawsuit for wrongful death. This is a procedural difference from other states, which require the surviving family members to bring a lawsuit for wrongful death. This is also why the original lawsuit against Blackwater was filed by the "estates" of the four men who were killed, instead of their surviving family members.

The estates can only act through a human representative. In North Carolina, the estates act through a representative called an "administrator." For an estate to bring a lawsuit in North Carolina, the estate must file the lawsuit in the name of the administrator. Here, the administrator is Richard P. Nordan. He also happens to be an attorney. He is not the attorney for the estates or for the families, but instead, only the "administrator" of the estates.

When Blackwater sued the families, it had to do it in the same fashion in which it was sued, because the basis of Blackwater's lawsuit is that the families breached the dead men's contracts by suing Blackwater in the first place. Therefore, due to this legal formality, the title of Blackwater's lawsuit states that it is against Richard P. Nordan, as the administrator of the estates. This is the same fashion in which the original wrongful death lawsuit against Blackwater was filed.

The reason the case by Blackwater is not alleged against the family members directly is simply a function of technical procedural laws in North Carolina, which require wrongful death cases to be brought by the estate of the decedent and in the name of the administrator of the estate. If this case was pending in California for example, it would be alleged directly against the family members. In fact, in the lawsuit, Blackwater specifically seeks to silence the family members themselves. Therefore, in all actuality, Blackwater's case is against the family members.

Any argument by Blackwater, its agents or others who suggest that the lawsuit by Blackwater is not against the families is simply an effort to distract from the horrible and egregious notion of Blackwater actually suing the families of the men who were killed. The lawsuit is effectively against the families, despite the fact that its title is slightly different due to the technical legal requirements of North Carolina law.

In addition, it is the family members who are the beneficiaries of the estates and entitled to any assets of the estates. If the estates are hit with a judgment and assets are taken out of the estates as a result of Blackwater's lawsuit, it will be the family members who will suffer.

Blackwater's lawsuit for \$10 million dollars is very much an attack on the families.

Q: Aren't the lawyers being paid on a contingency fee basis?

A: No. With respect to the issue of a contingency fee, it is important to understand that there are two separate cases here. One case is the original case filed against Blackwater. The second case is the \$10 million case filed by Blackwater against the families. The Legal Defense Fund at www.blackwatervictims.com relates to this second case. The estates must defend themselves against Blackwater's lawsuit. However, the families do not have the financial resources to provide the estates with such a defense.

You cannot take the defense of a case on a contingency fee. A contingency fee works on the concept of recovering a percentage of the money won in the case. In successfully defending a case, the amount of the verdict would be zero. A percentage of zero is still zero. Therefore, there is no contingency fee arrangement for the defense of the case brought by Blackwater.

The families look forward to your support.