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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DR. JUDY WOOD, on behalf of	:	
The United States of America	:	
	:	
Plaintiff,	:	<u>ECF CASE</u>
	:	
vs.	:	March 3, 2008
	:	
APPLIED RESEARCH ASSOCIATES, INC.,	:	07 CIV 3314 (GBD)
et al	:	
	:	
Defendants.	:	

**DECLARATION OF JERRY V. LEAPHART
IN OPPOSITION TO THE MOTIONS TO DISMISS FILED BY
SIMPSON GUMERTZ & HEGER, INC. and JOINED BY
GILSANZ MURRAY STEFICEK, LLP**

JERRY V. LEAPHART, an attorney duly admitted to practice law before the Courts of the State of New York and the Southern District of New York, declares that the following statements are true and accurate:

1. I am the attorney for plaintiff in the above cited matter.
2. I respectfully submit this declaration in support of plaintiff’s Opposition to the Motions to Dismiss filed on February 28, 2008 by Simpson Gumpertz & Heger, Inc. (“SGH”), Docket #52 and joined by Gilsanz Murray Steficek, LLP (“Gilsanz”), Docket #55 that same day.
3. Further, this is a case that is governed by Rockwell Int’l Corp. v United States, 127 S. Ct. 1397, 167 L. Ed. 2d 190, (2007), a factor that SGH readily acknowledged in its prior memorandum of law in support of a pending motion to dismiss in Reynolds v. SAIC, Case #

07 CIV 4612 (GBD). However, the memorandum of law (Docket #52) in this matter does not contain any references to Rockwell and, instead, reverts to analysis under now overruled or, at a minimum, distinguished legal precedent. For that reason, it is asserted that their motion to dismiss should be summarily denied.

4. Further, to the extent the motion to dismiss of SGH and GSM require further rebuttal, the Memorandum of Law, Affirmation and Affidavits submitted at Docket ## 57-61 are hereby deemed incorporated herein by reference and deemed applicable as opposition to the motions to dismiss of SGH, joined by GSM.

5. It is also noted that these defendants (SGH and GSM) stake out claims that the complaint herein lacks sufficient “particularity” citing F.R.Civ.P. Rule 9(b), as have the other defendants who have moved for dismissal. As noted in the memorandum of law (Docket #57), the claim of “particularity” is not well founded because this is a case involving fraud carried out on the basis of excessive reliance upon detail and upon technical data that is within the control of the defendants among other factors.

6. In connection with defendant GSM, we have ascertained additional information not heretofore known, that further confirms the extent to which information remains in the control of defendants.

7. We now have information from a February 23, 2008, newspaper article published in the N.Y. Times, copy annexed as Exhibit A, that defendant Gilsanz engaged in engineering work at Ground Zero, the site of the destroyed Twin Towers, on September 11, 2001. Accordingly, he has first-hand information that he knew, or should have, that confirms the claims of plaintiff herein that the Twin Towers were destroyed by directed energy weapons. The declaration submitted by GSM does not reveal the fact of Mr. Gilsanz’s direct experience on

September 11; accordingly, that declaration may be lacking candor. In any event the motions to dismiss should be denied.

/s/Jerry V. Leaphart
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Dated: Danbury, CT
March 3, 2008

ELECTRONIC CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2008, a copy of the foregoing Plaintiff's Memorandum of Law in Opposition of Defendants' Motion to Dismiss was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Jerry V. Leaphart
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