

HERBERT S. ROSENBLUM

Attorney and Counselor at Law
A Professional Corporation
526 King Street, Suite 211
Alexandria, Virginia 22314

Mailing Address:
Post Office Box 58
Alexandria, Virginia 22313-0058

Telephone: 703/684-0060
Facsimile: 703/684-0072
E-Mail: herbert@hsrlawpc.com

January 6, 2010

SENT VIA EMAIL @ Haytham@puckettfaraj.com
SENT VIA FACSIMILE @ 202/280-1039

Haytham Faraj, Esquire
Puckett & Faraj, PC
2181 Jamieson Avenue
Suite 1505
Alexandria, Virginia 22314

Re: MVM, Inc.; 3D Global Solutions, Inc. vs.
Case No: 1:06cv00722 (GK)
Our File No. 4647/02

Dear Mr. Faraj:

Enclosed herein please find Defendant's Responses to Request for Admissions.

Cordially,



Herbert S. Rosenblum

HSR/erk
Enclosure: As noted.
cc: Clients

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
(Civil Division)

3D GLOBAL SOLUTIONS, INC.)
)
 Plaintiff)
)
vs.) Civil Action No. 1:06-CV-722(GK)
)
MVM, INC.)
)
 Defendant)
)

Requesting Party: 3D Global, Inc.
Responding Party: MVM, Inc.

DEFENDANT'S RESPONSES TO REQUESTS FOR ADMISSIONS

COMES NOW, the Defendant, MVM, INC., by Counsel and in Response to Plaintiff's Requests for Admissions states as follows:

REQUEST NO. 1:

You are requested to admit that as of this date, after a reasonably diligent search and/or investigation, neither you nor any agents, employees, or representative acting on your behalf are aware of any evidence that the alleged "Exhibit B" was attached to the Agreement for Recruiting Services – attached hereto as exhibit "A" consisting of 6 pages including the fax cover sheet – and transmitted by facsimile by MVM, Inc, or anyone acting on MVM's behalf to 3D Global on September 29, 2005.

RESPONSE:

Denied.

HERBERT S. ROSENBLUM
ATTORNEY AND COUNSELOR AT LAW
A PROFESSIONAL CORPORATION
POST OFFICE BOX 58
ALEXANDRIA, VIRGINIA 22313-0058
(703) 684-0969

REQUEST NO. 2

You are requested to admit that as of this date, after a reasonably diligent search and/or investigation, neither you nor any agents, employees, or representatives acting on your behalf are aware of any evidence showing that al alleged "Exhibit B" to the "Agreement For Recruiting Services" between MVM and 3D Global, setting forth the language requirement for third country nationals (TCN) recruited by 3D Global for service in Kabul was ever mailed, transmitted, emailed, or communicated to 3D Global.

RESPONSE:

Denied.

REQUEST NO. 3

You are requested to admit that the letter dated January 20, 2006 from Mr. Joseph Morway, Executive Vice President of MVM, Inc. to Mr. Christopher Sager, Regional Procurement Support Office, Department of State, along with the attached Legal memorandum prepared for MVM, Inc. by the law firm of Dickstein, Shapiro, Morin & Ohinsky LLP, attached hereto as Exhibit B" is a true copy.

RESPONSE:

Admitted that these are true copies.

REQUEST NO. 4

You are requested to admit that "Exhibit B" attached hereto is a document that was kept in the ordinary course of business and that all of its contents are admissible as evidence for purposes of trial and summary disposition motions, if any.

RESPONSE:

Denied that legal opinion is admissible, under the rules of evidence.

REQUEST NO. 5

You are requested to admit that the contract faces from 3D to MVM on September 26, 2005, and MVM, Inc. to 3D on September 29, 2006, consisted of exactly six pages, including the cover page. Attached here as Exhibit A.

RESPONSE:

Defendant denies said request.

REQUEST NO. 6

You are requested to admit that between September 2005 and January 2006, Jaysen Turner, an employee working as Operations Director of MVM, Inc., personally oversaw the delivery from Peru and deployment to Afghanistan of approximately 230 Third Country Nationals ("TCN's") provided by 3D.

RESPONSE:

Denied.

REQUEST NO. 7

You are requested to admit that no MVM employee, including Jaysen Turner, ever informed 3D, either orally or in writing, of any language deficiency or problem regarding any of the 230 TCN's provided by 3D until at least December 2, 2005.

RESPONSE:

Denied. Jaysen Turner had no responsibility as to the language proficiency of the TCN's. It was incumbent upon 3D to provide qualified applicants.

REQUEST NO. 8

You are requested to admit that MVM, Inc. never informed 3D of any alleged language deficiency with any TCN's 3D had provided until after the U.S. Government moved to terminate its Embassy Security Force Contract at the U.S. Embassy in Kabul, Afghanistan with 3D (Contract No. SGE500-05-C-I071- hereafter "Embassy Contract").

RESPONSE:

Denied.

REQUEST NO. 9

You are requested to admit that MVM, Inc. maintained, in correspondence to the State Department or its representatives, that it had not breached the Embassy Contract and claimed that, in fact, "State's determination to terminate the Contract for default based on MVM's alleged failure to meet the language requirements was a pretext for its true and improper reason for terminating the contract, that is, to avoid MVM's provision of Namibians for the Supervisory Guard and ERT positions."

RESPONSE:

Denied. MVM attempted in good faith to have the contract termination changed to “Termination for Convenience” in order that MVM could maintain its standing with the DOS and the Government.

REQUEST NO. 10

You are requested to admit that Peruvian guards with the same language skills as the TCN’s provided by 3D in this case served effectively as guards in Rustumiyah, Iraq, during the same time period in which the Government claimed a breach by MVM, Inc.

RESPONSE:

Denied.

REQUEST NO. 11

You are requested to admit that, even after MVM, Inc. hired an outside agency to test the Peruvian and South African TCN’s delivered by 3D following the Government’s complaint, the majority of those TCN’s did not need to be replaced and were qualified to assume their duties with mere remedial training.

RESPONSE:

Denied.

REQUEST NO. 12

You are requested to admit that MVM tendered to the Government a 21-page remedial plan on December 9, 2005, in which it claimed that there would have been no harm to the

Government if it had permitted MVM to remediate the language skills of even those TCN's whose language skills were in issue.

RESPONSE:

Admitted that a plan was submitted but same was rejected by the Government. All other requests in this paragraph are denied.

MVM, Inc.

By Counsel

HERBERT S. ROSENBLUM, ESQ.
Virginia Bar No. 06125
526 King Street Suite 211,
P.O. Box 58
Alexandria, Virginia 22313
Telephone: (703) 684-0060
Facsimile: (703) 684-0072
Counsel for MVM, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of January, 2010, I faxed, mailed, and e-mailed a true copy of the foregoing Response to Request for Admissions to:

Haytham Faraj, Esq.
2181 Jamieson Avenue
Suite 1505
Alexandria, Virginia 22314
Telephone: (760) 521-7934
Facsimile: (202) 280-1039
Counsel for 3D Global Solutions, Inc.

Herbert S. Rosenblum, Esq.

HERBERT S. ROSENBLUM
ATTORNEY AND COUNSELOR AT LAW
A PROFESSIONAL CORPORATION
POST OFFICE BOX 58
ALEXANDRIA, VIRGINIA 22313-0058
(703) 684-0060