



Portfolio Media, Inc. | 111 West 19th Street, 5th floor | New York, NY 10011 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Amentum Can't Duck Military Translators' Trafficking Claims

By **Alyssa Aquino**

Law360 (March 10, 2022, 4:53 PM EST) -- Amentum once again couldn't escape translators' claims of being forced to work in deplorable conditions on military contracts worth more than \$13.3 billion, when a Maryland federal judge found that the whistleblowers had alleged enough misconduct for their claims to survive.

The company, which was spun off from AECOM, couldn't convince U.S. District Judge Paula Xinis Wednesday that a group of 29 translators didn't show it was aware they were housed in overcrowded tents allegedly infested with rodents, bedbugs and lice, or that they were threatened with deportation and arrest to keep translating for the U.S. Army in Kuwait.

Though the translators' last pass at bringing claims against the company under the Trafficking Victims Protection Reauthorization Act **fell flat in 2019**, they had now provided enough details that, if true, showed that the company was aware of their working conditions, Judge Xinis said. The translators' revised April 2021 complaint claimed that an employee kept the company briefed on the workers' deplorable conditions and approved a plan forcing them to sign false confessions of violating Kuwaiti law, Judge Xinis pointed out.

"At this stage, relators have alleged a claim for relief that is 'plausible on its face,'" **she said on Wednesday.**

The opinion referred to the defendant as AECOM, but representatives for the company told Law360 that the lawsuit concerns a business that was sold and now operates independently as Amentum.

Amentum had sought to escape the latest complaint, saying the translators couldn't hold it accountable for the alleged misconduct of Global Linguist Solutions LLC, a joint venture with DynCorp International LLC that held the translation contracts. Moreover, just because one of the company's employees may have been aware of the situation, it did not mean the company was, it said.

But Judge Xinis called those arguments a "factual tit-for-tat" that had no place during the early stages of litigation. Whether the translators had enough proof backing their claims would be decided later on, she said.

Amentum, GLS and DynCorp — GLS' majority shareholder — also stand accused of violating the False Claims Act while fulfilling two U.S. Army contracts — valued at \$4.6 billion and \$9.7 billion — for translation services.

The deals required contract holder GLS to subcontract a certain amount of work to small businesses. Though GLS entered into teaming agreements with several subcontractors, which are also named in the complaint, the translators say that GLS had actually performed all the contract work.

In 2019, AECOM had been able to shake off both the FCA and the TVPRA claims, and it sought to do so again, saying that the revised suit rested on translators' doomed contention that it was an alter ego of GLS.

The company said the translators relied too heavily on language in GLS' operation agreement to claim AECOM as its alter ego. However, that language only gave AECOM the same "unremarkable" and "typical" rights as any other stakeholder in a joint venture, itsaid.

Though an alter-ego theory of liability is "hardly an easy road to travel," Judge Xinis said the translators had sufficiently pled their case. They had plausibly claimed that AECOM and DynCorp controlled GLS' board of managers, contracting activity and daily operations, including requiring GLS to submit weekly operation reports, she said.

"Considering the alleged involvement of AECOM in both GLS' managerial structure and day to day operations of GLS, combined with its purported level of control over GLS and its employees, relators' claim survives challenge," she said.

The translators originally sued in 2015. Their case became public in October 2018, when the U.S. Department of Justice declined to prosecute the claims.

Liesel Schopler, counsel for the translators, declined to comment on Thursday. AECOM and its counsel did not respond to requests for comment.

The translators are represented by Liesel J. Schopler of Rifkin Weiner Livingston LLC, Joseph A Hennessey of the Law Office of Joseph Hennessey LLC, and Steven A. Schwartz of Chimicles Schwartz Kriner & Donaldson-Smith LLP.

AECOM is represented by Craig Smith, Roderick L. Thomas and P. Nicholas Peterson of Wiley Rein LLP.

The case is Fadlalla et al. v. Dyncorp International LLC et al., case number 8:15-cv-01806, in the U.S. District Court for the District of Maryland.

--Editing by Adam LoBelia.

Update: This story has been updated with information on AECOM National Security Programs' current corporate status.

All Content © 2003-2022, Portfolio Media, Inc.