

in Support of Defendant's Motion to Dismiss And/Or For Summary Judgement." The Supporting Memorandum included the following statement establishing as a part of the request for dismissal, expert testimony:

Filed herewith are the sworn affidavits of Robert W. Sommer, NASA; Colonel William E. Krebs, USAF; Vice Admiral Robert F. Schoultz, USN; and Richard L. Ballard, Office of the Deputy Chief of Staff for Research, Development and Acquisition, USA. The affidavits establish that the "UFO" allegedly seen by plaintiffs, and which it is alleged was the proximate cause of their asserted injuries, is not, and was not, owned, operated, or in the aircraft inventories of the United States of America nor was such an object under the control of the United States of America or its employees.

On the basis of those affidavits, the United States moves this Court for an Order dismissing the Complaint of plaintiffs with prejudice, or, in the alternative, finding that there exists no genuine issue of material fact, for summary judgement in

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## THE CASH-LANDRUM UFO INCIDENT

favor of the defendants.

Dismiss and/or for Summary Judgement filed January 17, 1986.

In addition, Conforti provided typed copies of the "Protective Order" and an "Order for Dismissal" for Judge Ross Sterling's signature. The Protective Order was signed on May 28, 1986, and the Order for Dismissal was signed on August 21, 1986.

Ross notified Betty, Vickie and I about the Order for Dismissal. In her letter dated October 21, 1985, she said:

I was sorry to hear that the Defendants Motion to

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## THE CASH-LANDRUM UFO INCIDENT

Dismiss the case was granted by Judge Ross Sterling. Sixty



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS UNITED STATES AIR FORCE  
WASHINGTON, D.C. 20324

2 SEP 1983

Mr. Peter A. Gersten  
Gagliardi, Torres and Gersten  
27 North Broadway  
Tarrytown, NY 10591

Re: Appeal of Personal Injury Claims of Betty Cash, Vicki Landrum and Colby Landrum

Dear Mr. Gersten

The appeals of your clients' claims for personal injuries allegedly caused by an overflight of an unidentified flying object and unidentified helicopters on 29 December 1980 have been considered under 10 U.S.C. 2733 and are denied.

The reason for this decision is that the facts as alleged by the claimants fail to establish that their injuries were caused in any way by the United States Government or any of its agencies or instrumentalities. You should not consider the acceptance and subsequent denial of this claim as an admission of the truth of any facts alleged by your clients. Our investigation has revealed no evidence of involvement by any military personnel, equipment or aircraft in this alleged incident. The arguments you presented to establish liability of the government are not supported by any case or statutory law.

This is the final administrative action that can be taken on your clients' claims. This denial also satisfies the administrative filing requirements of the Federal Tort Claims Act. Based on this denial, your clients have the right to file suit against the government in an appropriate United States District Court not later than six months from the date of the mailing of this letter of denial.

Sincerely

*Charles M. Stewart*  
CHARLES M. STEWART, Colonel, USAF  
Director of Civil Law  
Office of The Judge Advocate General



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
FILED  
AUG 21 1986

BETTY CASH, et al  
Plaintiffs

vs.

UNITED STATES OF AMERICA  
Defendants

JESSE E. CLARK, CLERK  
BY DEPUTY: *Potts*  
Civil Action No. H-84-348

### ORDER OF DISMISSAL

CAME ON this day the Motion to Dismiss and/or for Summary Judgment filed by the United States and the Court, having considered the Motion and accompanying Memorandum, and the subsequent pleadings of the parties.

IT IS HEREBY ORDERED that the above noted cause of action is DISMISSED pursuant to Federal Rule of Civil Procedure Rule 12(b)(1), Rule 12(b)(6) and Rule 56.

DONE at Houston, Texas, this 21st day of August, 1986.

*Ross N. Sterling*  
UNITED STATES DISTRICT JUDGE

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