

CASE NO. 19-7083

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

CHARLES STRANGE, *ET AL.*

Petitioners,

v.

THE ISLAMIC REPUBLIC OF IRAN, *ET AL.*

Defendants.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA,
WASHINGTON, D.C.
NO. 1:14-CV-00435 (CKK)

**PETITION FOR PERMISSION TO APPEAL UNDER 28 U.S.C. § 1292(b)
AND OPENING BRIEF ON THE MERITS PURSUANT TO THIS
HONORABLE COURT'S ORDER OF SEPTEMBER 30, 2019**

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**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE
DISCLOSURE STATEMENT**

A. Parties and Amici

Pursuant to Federal Rule of Appellate Procedure (“FRAP” or “Fed. R. App. P.”) 28(a)(1)(A), Petitioners certify that the following individuals and entities are parties to this case:

1. Charles Strange
2. Mary Ann Strange
3. Douglas Hamburger
4. Shaune Hamburger
5. Phouthasith Douangdara
6. The Islamic Republic of Iran
7. Hamid Karzai
8. The Taliban
9. Al Qaeda

B. Corporate Disclosure Statement

Pursuant to Fed. R. App. P. 26.1, Petitioners are natural persons and are not officers, directors, or majority shareholders of any publicly traded corporation. No Defendant has made an appearance in this case.

JURISDICTIONAL STATEMENT

This honorable Court has jurisdiction over an interlocutory appeal when a district court certifies or recertifies that an order not otherwise appealable “involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation.” 28 U.S.C. § 1292(b). Generally, the granting of leave to appeal should be brought to the appellate court’s attention within ten (10) days of the certification. *Id.* The U.S. District Court for the District of Columbia (“District Court”) made the requisite findings in its July 12, 2019 Order, Exhibit 1, certifying for appeal its Order (the “Twitter Order”) denying Petitioner’s request to rule that Defendant Hamid Karzai (“Defendant Karzai”) had been properly served via the social media platform “Twitter.” The Court recertified its July 12, 2019 Order on July 30, 2019, finding that the “original justifications for granting a certification of appeal remain valid.” Exhibit 2. As discussed below, **this Court has jurisdiction over the recertified Twitter Order because the ten-day limitation outlined in 28 U.S.C. § 1292(b) is mooted out by the District Court’s recertification.**

STATEMENT OF ISSUES PRESENTED FOR REVIEW

Whether the Court should grant the petition to appeal under 28 U.S.C. § 1292(b) because it has jurisdiction, allowing it to decide whether Petitioners

properly served Defendant Karzai pursuant to Fed. R. Civ. P. 4(f) and whether Petitioners properly served Defendant Karzai via Twitter?

STATEMENT OF THE CASE

Pursuant to 28 U.S.C. § 1292(b) and Fed. R. App. P. 5, Petitioners Charles and Mary Ann Strange, Douglas and Shaune Hamburger, and Phouthasith Douangdara (“Petitioners”) respectfully petition this Court for permission to appeal the Twitter Order from the District Court, incorrectly denying service of Defendant Hamid Karzai via “Twitter.” The District Court correctly certified its Twitter Order on July 12, 2019 and recertified the Order on July 30, 2019.

Petitioners submit – and the District Court confirmed – that the issue of whether Petitioners properly served Defendant Karzai decided a “controlling question of law as to which there is substantial ground for difference of opinion,” and “an immediate appeal from the order may materially advance the ultimate termination of litigation.” 28 U.S.C. § 1292(b). A question concerning the broad aspects of Fed. R. Civ. P. 4(f) and its limited contours are plainly “controlling” because its resolution would end the case for Defendant Karzai. Moreover, as case law demonstrates, there is “substantial grounds for difference of opinion” and the resolution of this controlling question by the Court would “materially advance the ultimate termination” because, if resolved in Petitioner’s favor, it would allow Petitioners to proceed in trying Defendant Karzai, along with the other Defendants,

in this Foreign Sovereign Immunities Act (“FSIA”) case for violating Petitioners’ and their sons’ rights, racketeering and acts of terrorism.

SUMMARY OF THE ARGUMENT

This honorable Court has jurisdiction over the petition for permission to appeal and the appeal itself because the District Court correctly certified and then recertified its Twitter Order, finding that the issue of whether Petitioners properly served Defendant Karzai pursuant to Fed. R. Civ. P. 4(f) involved controlling questions of law that would materially advance the litigation for which substantial grounds for differences of opinions exist. The recertification order thwarts the time limitation outlined in 28 U.S.C. § 1292(b) pursuant to U.S. Supreme Court precedent in *Baldwin County Welcome Center v. Brown*, 466 U.S. 147 (1984). In any event, Petitioner’s sought to recertify *one day* after the alleged lapse. No one suffered any prejudice particularly since Defendants – even those who the District Court found properly served – have thumbed their noses at the U.S. legal system and have failed to appear at all in this case. Indeed, in *Baldwin*, the highest Court of the land found that a lapse of *nine months* still provided the appellate court jurisdiction.

Finally, Petitioners, parents of murdered U.S. servicemen, served Defendant Hamid Karzai, former president of the Islamic Republic of Afghanistan, on four separate occasions. Pursuant to Fed. R. Civ. P. 4(f), Petitioners request that this

Honorable Court deem Defendant Karzai served and order the District Court to so rule.

FACTUAL BACKGROUND

Petitioners, Gold Star parents of murdered U.S. servicemen, originally filed this action on March 14, 2014 against the Islamic Republic of Iran (“Iran”), Mahmoud Ahmadinejad (“Ahmadinejad”), Ayatollah Sayyid Ali Hoseyni Khamenei (“Khamenei”), the Army of the Guardians of the Islamic Revolution, (“IRGC”), Hamid Karzai (“Karzai”), the Afghan Operational Coordination Group (“OCG”), Khasa Amalyati Qeta/Qeta-e-Khas-e-Amalyati or the Afghan Special Operations Unit (“ASOU”), the Afghan National Security Forces (“ANSF”), the Islamic Republic of Afghanistan (“Afghanistan”), the Taliban (“Taliban”), and Al Qaeda (“Al Qaeda”) (“Defendants”) for engaging in terrorism, racketeering and other illegal activities resulting in the deaths of their sons, thirty (30) U.S. servicemen and Navy SEAL members. Petitioners filed an Amended Complaint and the District Court deemed it operative from May 10, 2016. Exhibit 3.

At the time Petitioners filed the lawsuit, Defendant Karzai served as President of Afghanistan and was known internationally as being criminally corrupt who curried favor with terrorist groups and organizations in order to enrich himself. Petitioners alleged that Defendant Karzai sold the coordinates of Petitioners’ sons’ location and other classified information because the Afghan

groups, the OCG, ANSF, and the ASOU had visibility for – and intelligence on – every, single American mission in Afghanistan.

Based on various agreements between the United States and Afghanistan, at the time, American forces could not be sent into battle unless it was at the direction, authorization, and execution of Defendant Karzai. Despite the increased danger, Defendant Karzai sent Petitioners’ sons into a terrorist zone without special operations aviation or proper air support. Moreover, the Afghan authorities, at the direction of Defendant Karzai, had a history of turning on U.S. military forces and killing them in premeditated and calculated attacks. Attacks on U.S. coalition forces by Afghan forces (the “green on blue attacks¹”) – made up of the OCG, ANSF, and ASOU – were a major threat in Afghanistan, especially since security responsibility had shifted increasingly to Afghan forces.²

¹ Attacks in which a person purporting to be affiliated with Afghan security forces are considered “green.” Similarly, all persons purporting to be affiliated with the U.S., ISAF, or NATO security forces are considered “blue.”

² It was also widely reported that Defendant Karzai arranged secret contacts with the Taliban. *The New York Times* reported that Defendant Karzai “has been engaged in secret contacts with the Taliban about reaching a peace agreement without the involvement of his American and Western allies, further corroding already strained relations with the United States.” It continued, “[t]he secret contacts appear to help explain a string of actions by Mr. Karzai that seem intended to antagonize his American backers . . .” *See* <https://www.nytimes.com/2014/02/04/world/asia/karzai-has-held-secret-contacts-with-the-taliban.html>.

On the merits (1) the District Court allowed service by publication for Al Qaeda and the Taliban, (2) it originally ruled that Defendants Ahmadinejad and Khamenei *had* been properly served but reversed its order at a later date, and (3) even though they had been properly served, the District Court dismissed out Defendants Afghanistan, the OCG, the ANSF, and the ASOU for jurisdictional reasons. Iran was properly served via the U.S. Department of State and Petitioners filed a notice of voluntary dismissal for the IRGC, since it and Iran refused to sign for DHL packages after several attempts made by Petitioners. Defendant Karzai has been served on four (4) separate occasions.

First, Petitioner's served Defendants Afghanistan, the OCG, the ANSF and the ASOU with DHL Waybills, which featured Defendant Karzai on the documentation. *See* Exhibit 4. Second, Petitioners included Defendant Karzai in the articles for service by publication and his name was also prominently featured in the title of the lawsuit in both the International New York Times and Al-Arabi. *See* Exhibits 5, 6. Third, after extensive research and phone calls to the Afghan Embassy in Washington, D.C. and the U.S. Embassy in Kabul, Afghanistan, the Afghan Embassy provided the name of a person who may receive documents at the Presidential Palace in Kabul, Afghanistan, where Defendant Karzai resided. Mr. Kakar, the contact person provided by the Afghan Embassy, signed for the package containing the lawsuit, summons and all the necessary documentation. *See* Exhibit

7. And fourth, on December 21, 2018, Petitioner's served Defendant Karzai via Twitter. *See* Exhibit 8.

Petitioners respectfully request that this Court review the record and rule that Petitioners properly served Defendant Karzai pursuant to Federal Rule of Civil Procedure 4(f) so this case can finally move forward so that all Defendants can be civilly tried for their terrorist activities, sponsorship of terrorism and for the killing of Petitioners' sons.

ARGUMENT

I. THIS COURT HAS JURISDICTION OVER THE INTERLOCUTORY APPEAL BECAUSE THE DISTRICT COURT PROPERLY RECERTIFIED ITS TWITTER ORDER AND THE SUPREME COURT HAS ALREADY RULED THAT IF THE TEN-DAY PERIOD TO FILE A PETITION EXPIRES, THE APPEAL IS NOT TIME-BARRED.

A. Legal Standards for Certification Under 28 U.S.C. § 1292(b).

“The decision whether to grant an interlocutory appeal from an order of a district court under § 1292(b) is within the discretion of the court of appeals.” *Walsh v. Ford Motor Co.*, 807 F.2d 1000, 1002 n.2 (D.C. Cir. 1986). Before this Court may exercise that discretion, that district court must first certify that “the order involves ‘a controlling question of law as to which there is a substantial ground for difference of opinion’ and that an immediate appeal ‘may materially advance the ultimate termination of the litigation.’” *Id.* (quoting 28 U.S.C. § 1292(b)). The District Court found that each factor was met and certified its Order

for interlocutory appeal. For those same reasons, this honorable Court should grant an interlocutory appeal and rule that Petitioners properly served Defendant Karzai via Twitter.

1. The District Court's Opinion Involves Controlling Questions of Law.

“Under § 1292(b), a controlling question of law is one that would require reversal if decided incorrectly or that could materially affect the course of litigation with resulting savings of the court's or the parties' resources.” *APPC Servs., Inc. v. AT&T Corp.*, 297 F. Supp. 2d 101, 105 (D.D.C. 2003). This includes “issues that would terminate an action if the district court's order were reversed,” as well as “procedural determination[s] that may significantly impact the action.” *Id.*

The District Court correctly concluded that “[i]f the Court's Order is reversed, Plaintiffs will be permitted to serve Defendant Karzai via Twitter. As such, the single issue raised by Plaintiffs involves a controlling issue of law.” Exhibit 1. Moreover, courts considering interlocutory appeals under Section 1292(b) frequently observe that a case's potential impact “on other cases is also a factor supporting a conclusion that the question is controlling.” *APCC Servs.*, 297 F. Supp. 2d at 105; *see also Genentech, Inc. v. Novo Nordisk A/S*, 907 F. Supp. 97, 99 (S.D.N.Y. 1995).

Here, in light of the exponentially growing rate of the amount of Twitter users, and all of the legal implications that social media use in this age raises,

service by Twitter – particularly an attempt to serve a hostile, foreign defendant – will undoubtedly “substantially affect[] a large number of cases.” *Genentech*, 907 F. Supp. at 99.

2. There are Substantial Grounds for Difference of Opinion on the Issue of Whether Petitioners Properly Served Defendant Karzai.

The second prong of the Section 1292(b) analysis asks whether there are substantial grounds for difference of opinion regarding the issues addressed in a district court’s order. “A substantial ground for difference of opinion is often established by a dearth of precedent within the controlling jurisdiction and conflicting decisions in other circuits.” *APCC Servs.*, 297 F. Supp. 2d at 107. “A substantial ground for dispute also exists where a court’s challenged decision conflicts with decisions of several other courts.” *Id.* Moreover, “[t]he level of uncertainty required to find a substantial ground for difference of opinion should be adjusted to meet the importance of the question in the context of the specific case.” Wright & Miller, 16 Fed. Prac. & Proc. Juris. § 3930 (3d ed. 2017). Thus, when “proceedings that threaten to endure for several years depend on an initial question of jurisdiction, limitations, or the like, certification may be justified at a relatively low threshold of doubt.” *Id.* The District Court correctly recognized that there are substantial grounds for difference of opinion with respect to the service of Defendant Karzai, because prior D.C. Circuit precedent does not control the issue

and many are questions of first impression. As the District Court correctly pointed out: “[d]ue to the lack of precedent within this Circuit involving service via Twitter, the Court finds that this requirement is satisfied.” Exhibit 1.

This is a textbook case of “substantial grounds for difference of opinion”: no controlling D.C. Circuit precedent and a District Court decision that conflicts with other courts. *See infra*. This Court should permit an interlocutory appeal so it can resolve the open and important question of whether, after several and various service attempts, service via Twitter satisfies Fed. R. Civ. P. 4(f).

3. An Interlocutory Appeal Would Materially Advance the Disposition of this Litigation.

The final factor relevant to permitting an interlocutory appeal is whether such an appeal “may materially advance the ultimate termination of the litigation.” 28 U.S.C. § 1292(b). This factor focuses on whether an interlocutory appeal would promote the efficient resolution of the case. *APCC Servs.*, 297 F. Supp. 2d at 109. Permitting an interlocutory appeal of the Twitter Order would be substantially more efficient for several reasons.

First, allowing an interlocutory appeal in this case will not delay further proceedings. Dealing with this issue now promotes judicial efficiency and conserves the parties’ resources. For these reasons, courts of appeals frequently grant petitions for interlocutory appeals in FSIA cases, where a defendant, for example, has filed an appeal as a right regarding immunity, or where either party

sought certification of other dispositive legal questions. *Bennett v. Islamic Republic of Iran*, 825 F.3d 949, 957 (9th Cir. 2016) (noting that district court granted and court of appeals accepted certification of non-FSIA issues in FSIA case); *De Csepel v. Republic of Hungary*, 714 F.3d 591, 597 (D.C. Cir. 2013) (same). The District Court likewise appropriately recognized that certifying the full Twitter Order would be substantially more efficient.

Second, certification is particularly appropriate here because the FSIA case with the remaining Defendants, including Iran, and the non-FSIA issue of service concerning Defendant Karzai, are closely linked. This issue implicates several legal doctrines: whether Defendant Karzai was properly served and whether he was on notice of the suit from the service of the others.

Finally, appellate review of the Twitter Order is appropriate now because many of these issues could not effectively be reviewed until after final judgment. If the Twitter Order stands without appellate review, Defendant Karzai would be dismissed from this case and it would be much more difficult if not impossible to seek appellate review of a dismissed defendant *after* the final judgment. As the District Court correctly recognized, “[o]ther courts recognized that this factor [materially advancing litigation] encompasses the ‘salutary objective of avoid[ing] piecemeal’ review on appeal.” Exhibit 1 (quoting *Vila v. Inter-American Inv., Corp.*, 596 F. Supp. 2d 28, 30 (D.D.C. 2009)).

B. The Ten-Day Limitation Imposed by 28 U.S.C. § 1292(b) is Circumvented By the District Court Recertifying the Interlocutory Appeal Order and Therefore this Court Has Jurisdiction Over the Petition and the Appeal.

The jurisdictional nature of the time limitation outlined in 28 U.S.C. § 1292(b) is circumvented when a district court recertifies its prior certification order. The U.S. Supreme Court, in the dissenting opinion of *Baldwin County Welcome Center v. Brown*, 466 U.S. 147 (1984), addressed the merits of an appeal involving a ruling on a 28 U.S.C. § 1292(b) certification where the district court had recertified the issue *nine months* after the ten-day period expired. *Id.* at 159-160. “It is quite plain that the District Court in the instant cases recertified the interlocutory order nine months after the time for petitioning had expired for the purpose of permitting what would otherwise be a time-barred interlocutory appeal.” *Id.* at 162. “. . . **I concur in the majority’s holding that there is jurisdiction. I am presently persuaded by the view, supported by commentators, that interlocutory appeals in these circumstances should be permitted,** notwithstanding the fact that this view essentially renders the 10-day time limitation, if not a nullity, essentially within the discretion of a district court to extend at will.” *Id.* (emphasis added).

Importantly, in *Baldwin*, the majority opinion did not overrule the district court’s recertification order after it recertified *nine months after the original order*. Indeed, the longstanding jurisdictional power of the district court to reconsider any

order is consistent with its power to enlarge the time to appeal as to appeals as of right under Federal Rule of Appellate Procedure 4(a)(5); *see also Aparicio v. Swan Lake*, 643 F.2d 1109, 1111 (5th Cir. 1981) (“**Over a year after the district court’s order issued**, another judge serving on that court entered a second order adopting the earlier order and, in effect, recertifying the interlocutory appeal”) (emphasis added).

We conclude that the ten-day time limitation is designed to require an expeditious decision by this court as to whether the interlocutory appeal will be permitted and to prevent appeal at a time when an interlocutory appeal would no longer materially advance the termination of the litigation. **We decline to interpret the statutory time limit as an absolute bar to a subsequent determination by the district court that, under the circumstances then existing, an interlocutory appeal would satisfy the criteria of 28 U.S.C. § 1292(b) and further the goals that the statute was designed to achieve. Therefore, we hold that, if the district court, upon reconsideration of the Section 1292(b) criteria for certification of an interlocutory appeal, determines that the previous justification for a certification continues to exist, it may reenter the interlocutory order and thus trigger a new ten-day period.**

Id. at 1112 (emphasis added).

Several circuit courts employ the same logic, affirming recertification. The First Circuit has, more than once, implied that recertification is permissible. *Rodriguez v. Banco*, 917 F.2d 664, 669 (1st Cir. 1990); *In re La Providencia Dev. Corp.*, 515 F.2d 94, 95-96 (1st Cir. 1975) (same). The Fifth Circuit has also adopted a lenient view that such recertification is freely permissible, so long as the statutory criteria are still met at the time of recertification. *Aparicio*, 643 F.2d at

1112. Other circuits, most notably the Second, Seventh, and Ninth, allow recertification “if jurisdiction over the appeal would serve judicial efficiency” and thus “advance the purposes of section 1292(b).” *In re Benny*, 812 F.2d 1133, 1137 (9th Cir. 1987) (citing *Nuclear Engineering Co. v. Scott*, 660 F.2d 241, 247 (7th Cir. 1981)); *Weir v. Propst*, 915 F.2d 283, 286 (7th Cir. 1990); *Marisol v. Guiliani*, 104 F.3d 524, 528 (2d Cir. 1997) (adopting approach of the Seventh and Ninth Circuits). General standards concerning judicial efficiency and the advancement of the purposes of section 1292(b) include consideration of the time between the initial certification and the recertification, the reason for the delay, and any prejudice. *Marisol*, 104 F.3d at 528. According to the Second Circuit, the focus of this inquiry “should be on ensuring that the goal of Section 1292(b) – resolution of a controlling legal question that could advance the ultimate termination of the litigation – will still be satisfied by allowing an interlocutory appeal.” *Id.*

Here, considering the time between the initial certification and request for recertification, Petitioners contacted the Court and sought an extension *one day* after the time had allegedly lapsed. This time frame is clearly less than the *nine months* the U.S. Supreme Court in *Baldwin* allowed for in the recertification of the interlocutory appeal there.

Moreover, there is no prejudice suffered by any party since Defendants have failed to make any appearance, despite being duly served. In fact, Petitioners

would suffer the only prejudice that could result, as this Court would preclude them from having the Twitter issue –which is critical to the outcome of the case – resolved. In the interests of justice and pursuant to case precedent, Petitioners respectfully request that this Court take up the appeal and make a decision as to whether Defendant Karzai was properly served on the merits.

II. PETITIONERS PROPERLY SERVED DEFENDANT KARZAI VIA THE SOCIAL MEDIA PLATFORM TWITTER PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 4(f) AND THEREFORE KARZAI IS IN DEFAULT.

A. Legal Standards for Service Abroad and Supporting Case Law.

Federal Rule of Civil Procedure 4(f) establishes three (3) mechanisms for service abroad: 1) “by any internationally agreed means of service that is reasonably calculated to give notice, such as those provided by the Hague Convention,”; 2) if there is no internationally agreed means, then by following the law of the country where the defendant is located . . . or 3) by “other means not prohibited by international agreement, as the court orders,” *see* Fed. R. Civ. P. 4(f)(1), (2), (3); *see also* *Rio Props., Inc. v. Rio Interlink*, 284 F.3d 1007, 1014 (9th Cir. 2002) (quoting *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)).

There is no hierarchy among these three means of service: a plaintiff need not attempt service under Rule 4(f)(1) or Rule 4(f)(2) before the Court authorizes service on an international defendant under Rule 4(f)(3). *Elsevier, Inc. v. Siew Yee*

Chew, 287 F. Supp. 374, 377-78 (S.D.N.Y. 2018). However, some courts require parties to show: 1) “that the plaintiff has reasonably attempted to effectuate service on the defendant” by itself; and 2) that “the circumstances are such that the court’s intervention is necessary.” *Id.* at 378.

Courts may authorize any means of service that is “reasonably calculated, under all circumstances to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections” and comports with international law. *Mullane*, 339 U.S. at 314.

Many courts have authorized service by social media in cases similar to the case here. For example, in *WhosHere, Inc. v. Gokhan Orun*, the district court authorized service on a defendant residing in and having his principal place of business in Turkey by email and the social-media platforms, Facebook and LinkedIn. *WhosHere, Inc. v. Gokhan Orun*, 2014 WL 670817 (E.D. Va. Feb. 20, 2014). Defendant there did business under the trade names “WhoHear” and “whonearme” in violation of the plaintiff’s trademarked name. *Id.* at 1. Plaintiff attempted to serve process through Turkey’s Ministry of Justice and the Hague Convention; however, the summons and complaint were returned because the defendant could not be located with the address on record. *Id.* at 1-2. The court granted service by email, Facebook, and LinkedIn because notice through these accounts was reasonably calculated to notify the defendant of the pendency of the

action and was not prohibited by international agreement. *Id.* at 3-4. The three accounts were under defendant Orun's name. *Id.* at 4.

Similarly, in *Federal Trade Commission v. PCCare Inc.*, the court also authorized service by email and Facebook to defendants located in India. *Federal Trade Commission v. PCCare Inc.*, 2013 WL 841037 (S.D.N.Y. Mar. 7, 2013). According to the Federal Trade Commission ("FTC"), the five defendants employed a scheme tricking American consumers into spending money to fix alleged problems with their computers. *Id.* at 1. The FTC attempted to serve defendants through the Indian Central Authority and the Hague Convention. *Id.* The Indian Central Authority did not serve the defendants and did not respond to the FTC's status inquiries. *Id.* The court granted service by email and Facebook because these channels were reasonably calculated to notify the defendants and were not prohibited by international agreement. *Id.* at 3-4. The email addresses and Facebook accounts were registered under the defendants' names and used frequently for communication. *Id.* at 4.

This honorable Court should rule that the District Court could authorize service by Twitter. *See St. Francis Assisi v. Kuwait Fin. House*, 2016 WL 5725002, at *2 (N.D. Cal. Sept. 30, 2016) (allowing service via Twitter). Notably, Petitioners here have satisfied the two threshold conditions that some district courts impose on parties seeking a court order under Rule 4(f)(3). First, Petitioners "reasonably

attempted to effectuate service on the defendant[]”: Petitioners initially published the lawsuit naming Defendant Karzai as a defendant in the International New York Times and Al-Arabi. (The District Court concluded this was not acceptable service for Defendant Karzai even though he was named). Then, Petitioners served Afghanistan, the ASOU, the ANSF, and the OCG – all of which worked directly under Defendant Karzai – (four defendants the District Court dropped for jurisdictional reasons) via DHL, all naming Defendant Karzai as a defendant in the documentation. Finally, Petitioners coordinated with a person who was authorized to accept service for the Political Protocol Section of the Presidential Palace located in Kabul, Afghanistan (this too, the District Court found unacceptable).

Second, because Defendant Karzai does not have a strong physical presence in any country *per se*, it would be difficult if not impossible to serve him without the Court’s intervention. *Id.*; *see also Dama S.P.A. v. Does*, 15-cv-4528 (VM), 2015 WL 10846737, at *2 (S.D.N.Y. June 15, 2015) (authorizing email service under Rule 4(f)(3) where the defendant had a strong virtual presence and a “functioning email address,” but “otherwise remained anonymous”).

Many courts have consistently recognized that electronic means of service are reasonably calculated to inform defendants of litigation when those defendants have a presence online, such as Defendant Karzai. *See, e.g., Elsevier, Inc.*, 287 F. Supp. 3d at 379 (“It is well-settled that service by email on foreign defendants

meets [the Rule 4(f)] standard in an appropriate case.”); *Sulzer Mixpac AG v. Medenstar Indus. Co.*, 312 F.R.D. 329, 332 (S.D.N.Y. 2015) (holding that service via email was reasonably calculated to inform the defendant of the litigation because the defendant conducted some business over email); *Federal Trade Commission v. PCCare Inc*, 2013 WL 841037 (S.D.N.Y. Mar. 7, 2013) (holding that service via email and Facebook was reasonably calculated to inform the defendant of litigation because Facebook accounts were registered under the defendants’ names and frequently used); *see also Democratic National Committee v. The Russian Federation et. al*, 1:18-cv-03501 (S.D.N.Y. August 6, 2018) (order granting Plaintiff leave to serve Defendant WikiLeaks via Twitter).

Moreover, under the unique facts of this case, service by Twitter is “reasonably calculated, under all circumstances to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Rio Props., Inc.*, 284 F.3d at 1016. Similarly, the U.S. District Court for the Northern District of California held that service by Twitter was reasonably calculated to apprise a defendant of litigation. *St. Francis Assisi*, 2016 WL 5725002, at *2. In that case, the defendant was a Kuwaiti national who allegedly financed some of ISIS’s activities. *Id.* at *1. After a diligent search, the plaintiff was unable to locate the defendant, but it was clear that he “ha[d] an active Twitter account and continue[d] to use it to communicate with his audience.” *Id.* at *2.

Thus, the Court held, “service by the social-media platform, Twitter, [was] reasonably calculated to give notice to and [was] the ‘method of service most likely to reach’” the defendant. *Id.*

As in *all these cases*, service by Twitter is reasonably calculated to give notice to and is the “method of service most likely to reach” Defendant Karzai. *Rio Properties*, 284 F.3d at 1017. In this case, as in *St. Francis Assisi*, Petitioners searched diligently for a more conventional way of service, but were unable to identify one. At the same time, Defendant Karzai has a strong presence on Twitter and tweets almost daily to communicate with his audience. *See* <https://twitter.com/karzaih?lang=en>; *see also Philip Morris USA Inc. v. Veles Ltd.*, 2007 U.S. Dist. LEXIS 19780, *3 (S.D.N.Y. Mar. 12, 2007), (allowing electronic service because the defendant “correspond[ed] regularly” on electronic platforms); *PPCare, Inc.*, 2013 WL 841037, at *5 (“Particularly where defendants have zealously embraced a comparatively new means of communication, it comports with due process to serve them by those means”). Finally, service by Twitter is not prohibited by international agreement.

B. The Facts Underlying Petitioners’ Decision to Serve Defendant Karzai Via Twitter and the Service Via Twitter.

On August 13, 2018, Petitioners filed a motion for leave to serve Defendant Karzai by Twitter. *Strange v. Iran*, 14-cv-00435 (D.D.C.) [Dkt. # 116]. The District Court denied Petitioners’ request on August 24, 2018, stating that they had

not completed their efforts to serve him by mail under Rule 4(f)(2). [Dkt. # 117].

On September 4, 2018, the District Court entered a Minute Order stating:

. . . In the Court's Order [Dkt. #117], the Court denied leave to serve Defendant Karzai by Twitter because Plaintiffs had not completed their efforts to serve him by mail under Rule 4(f)(2). The Court noted that, without more information, the Court could not say that Defendant Karzai had been served by mail simply because the summons and complaint had been delivered to Mr. Kakar at the Presidential Palace. In their Response, Plaintiffs' explain that they are attempting to cure their deficiency in service by mail by reaching out to their prior representatives at the U.S. Embassy in Afghanistan and the Embassy of Afghanistan in Washington, D.C. to determine whether Mr. Kakar was authorized to accept service for Defendant Karzai. Once Plaintiffs have determined whether Mr. Kakar was authorized to accept service for Defendant Karzai, Plaintiffs shall notify the Court. If Mr. Kakar was authorized to accept service, then Defendant Karzai is in default. **But if Mr. Kakar was not authorized to accept service, and Plaintiffs have no indication of who would be authorized to accept service for Defendant Karzai, then Plaintiffs shall notify the Court, and the Court will reconsider Plaintiffs' Motion for Leave to Serve Defendant Hamid Karzai by Social Media Twitter . . .**

Minute Order, September 4, 2018 (emphasis added).

Since June of 2016, Petitioners have repeatedly attempted to serve Defendant Karzai pursuant to Federal Rule of Civil Procedure 4(f)(2). On June 10, 2016, days after having spoken to someone in the Embassy, Petitioners' counsel's staff again contacted the Embassy of Afghanistan located in Washington, D.C., hoping that someone would be able to locate a DHL package already in Kabul, Afghanistan and deliver it to either Defendant Karzai or someone authorized to accept service on his behalf. After speaking with the American Embassy in

Afghanistan and being told that the best place to receive legal documents from the United States is the Political Protocol Section in Kabul, Petitioners' counsel contacted the Embassy of Afghanistan and Mr. Majeedullah Qarar told counsel that he would coordinate it with Kabul.

After counsel's staff contacted the Embassy several more times trying to nail down a proper recipient for the package, on June 19, 2016, Mr. Majeedullah responded “. . . The DHL office can contact Farhad Ghanawi via phone number: 0744-074707 or Mr. Sherzad via 0792221917 or **Mr. Kakar on 0703869978**. They are all employees of the department of protocol.” [Dkt. #83] (emphasis added). On June 28, 2016, **Mr. Kakar** signed for the package clearly addressed to Defendant Hamid Karzai.

On April 20, 2017, after a status conference in front of the Court, Petitioners filed a Notice to the Court. [Dkt. #82]. Petitioners pointed out that:

the number associated with Mr. Kakar on the DHL Waybill is identical to the number in Mr. Majeedullah's email to Dina James, **expressly giving Mr. Kakar the authority to accept the Waybill**. Additionally, a simple “google-search” of Mr. Kakar indicates that he is the First Deputy National Security Advisor to Defendant Karzai in the Office of the National Security Council in the Presidential Palace, Kabul, Afghanistan. See http://www.afghanbios.info/index.php?option=com_afghanbios&id=2436&task=view&total=3215&start=1359&Itemid=2.

Id. at p. 2 (emphasis added). But, on August 7, 2018, the Court ruled that it had not been satisfied that Defendant Karzai was served. [Dkt. #115 at p. 2]. The Court

suggested that [Petitioners] “make further inquiries and submit additional evidence to the Court that demonstrates that the summons and complaint previously mailed have already been delivered to Mr. Karzai, or someone authorized to accept legal service on his behalf.” *Id.* Petitioners obliged.

Since August 30, 2018, Petitioners have reached out several times to the Embassy of Afghanistan in Washington, D.C. and even spoke on the phone with Mr. Majeedullah Qarar on September 20, 2018. Unfortunately, after the phone call, neither Mr. Majeedullah – nor anyone in the Embassy – contacted counsel’s staff concerning her requests. On October 3, 2018, giving Mr. Majeedullah two weeks to figure out whether Mr. Kakar was authorized to accept service for Defendant Karzai – **as he said on the phone he would do** – Petitioners’ counsel’s staff member wrote:

Mr. Majeedullah:

It was nice speaking with you on September 20, 2018. I am following up with you to see if you were able to determine if the former President, Mr. Karzai, received the initial package discussed in this email chain. Thank you for your cooperation in this matter and please feel free to call me at (310) 770-9712 . . .

See [Dkt. # 120, Exhibit. 1]. Then again, on October 23, 2018, after receiving no response, counsel’s representative contacted Mr. Majeedullah again, carbon copying the general consulate email address:

Mr. Majeedullah:

I'm just following up with you concerning our recent discussion. Do you have any news for me? I need to get back in touch with the Court in the District of Columbia shortly. Please let me know if you need any additional information from me.^[1] I appreciate your cooperation. If you have any questions, I can be reached at (310) 770-9712 . . .

Id. **Still no response.** Finally, on November 26, 2018, counsel's staff tried again:

Mr. Majeedullah:

I hope you had a nice holiday weekend. I am following up concerning our previous conversations. I need to contact the court this week and let the judge know about my progress with the Afghan Embassy. Do you have any news?

Thank you and I look forward to hearing from you as soon as possible . . .

Id. **And still no response. Petitioners' counsel and his staff researched the location of Mr. Kakar and decided to reach out to him directly.** Upon further research, Petitioners' counsel discovered that Mr. Kakar's webpage has not only his biography and qualifications, but also his personal and professional email addresses, listed as suleman.kakar@cpau.org.af and sulnad@yahoo.com. *See* [Dkt. # 120, Exhibit 2]. On December 18, 2018, Petitioners' counsel's staff contacted Mr. Kakar, using both his email addresses, and wrote:

My name is Dina James and I work with a law firm in Washington, D.C. as a paralegal. I have been in contact with the Afghan Embassy in Washington, D.C. since 2016 attempting to provide legal documentation to former President Hamid Karzai. As you can see from the below correspondence, I can no longer correspond with the Embassy as they will not return my emails. Mr. Majeedullah (who I spoke with on the phone) told me that you are an authorized signer for legal documents sent to the Presidential Palace in Kabul, Afghanistan. I have highlighted the important portions of the email below for your

convenience. The reason I contact you now is that a judge in the U.S. District Court for the District of Columbia has questions whether you are authorized to accept service on behalf of Mr. Hamid Karzai. You have signed for a package on June 28, 2016, which I am attaching for your reference. I need to know if you were able to sign on behalf of Mr. Hamid Karzai in 2016. If so, please respond affirmatively to this email. If not, please let me know who I can contact to help facilitate this.

Thank you for your cooperation in this matter. If you have any questions, please contact me at this email at any time. Time is of the essence as I need to respond to the Court as soon as possible . . .

See [Dkt. # 120, Exhibit 3]. **Mr. Kakar never responded** and neither email address “bounced back” meaning that Mr. Kakar received the email messages.

Petitioners filed their original motion to serve Defendant Karzai by Twitter on August 13, 2018 and proved to the Court that Defendant Karzai actively participates on Twitter and provided his Twitter page. [Dkt. #116]. Petitioners also cited relevant cases in favor of the Court’s authority to grant Petitioners’ request under Federal Rule of Civil Procedure 4(f)(3). Indeed, the Court, pursuant to U.S. Supreme Court law, may authorize any means of service that is “reasonably calculated, under all circumstances to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Mullane*, 339 at 314.

Knowing that the Court would entertain service by Twitter again, and in an attempt to move this case forward, Petitioners served Defendant Karzai via Twitter on December 21, 2018 at 12:21 p.m. through undersigned counsel’s Twitter

account. *See* [Dkt. # 120, Exhibit 4]. Undersigned counsel’s Twitter account is identified as @LarryEKlayman. Defendant Karzai’s Twitter account is identified as @KarzaiH. *Id.* In and around that time, Defendant Karzai either “tweeted” or “retweeted” content on his page. For example, Defendant Karzai tweeted or retweeted:

December 15, 2018 – 2 times
December 16, 2018 – 3 times
December 19, 2018 – 1 time
December 20, 2018 – 2 times
December 21, 2018 – 2 times
December 22, 2018 – 2 times
December 23, 2018 – 2 times
December 24, 2018 – 8 times
December 25, 2018 – 8 times

His consistent and almost daily activity continues through the present day. **The last time Defendant Karzai “tweeted” or “retweeted” was nineteen hours ago. It is currently 3:28 p.m. PST.**

It is inconceivable that Defendant Karzai did not see Petitioners’ notice of lawsuit with bright, yellow highlighter indicating, “A lawsuit has been filed against you,” with all the necessary documents attached. Having exhausted all other means over several years and pursuant to relevant case law, Defendant Karzai has been duly served via Twitter. The Court is respectfully requested to so rule, in order that this case may proceed to a default judgment hearing.

CONCLUSION

This honorable Court should grant Petitioners' request for interlocutory appeal and rule that Petitioners properly served Defendant Karzai pursuant to Federal Rule of Civil Procedure 4(f). This Court should order the District Court to recognize that Petitioners properly served Defendant Karzai. Once this Court confirms service on Defendant Karzai, he will, like all litigants in American courts, be afforded due process to defend himself under our system of justice.

Dated: December 13, 2019

Respectfully submitted,

/s/ Larry Klayman _____
Larry Klayman, Esq.
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Email: leklayman@gmail.com

CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of Fed. R. App. P. 32(a)(7)(B)(i) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 6,303 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 15.28 in 14-point Times New Roman.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically and served through the Court's ECF system to all counsel of record or parties listed below on December 13, 2019.

/s/ Larry Klayman _____
Larry Klayman

EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHARLES STRANGE, *et al*,

Plaintiffs,

v.

ISLAMIC REPUBLIC OF IRAN, *et al*,

Defendants.

Civil Action No. 14-435 (CKK)

ORDER

(July 12, 2019)

The Court is in receipt of Plaintiffs' [123] Motion to Certify Order of June 4, 2019 for Interlocutory Appeal. Plaintiffs are attempting to sue Defendant Hamid Karzai in his individual capacity pursuant to Federal Rule of Civil Procedure 4(f). On June 4, 2019, the Court entered an [122] Order denying without prejudice Plaintiffs' [121] Motion to serve Defendant Hamid Karzai via Twitter. That Order lays out Plaintiffs' multiple, unsatisfactory attempts to serve Defendant Karzai. Specifically, the Court found that Plaintiffs had not provided support for service via Twitter in this Circuit. Moreover, the Court concluded that, even if service via Twitter were permissible, the factual circumstances demonstrated that service of Defendant Karzai via Twitter was not "reasonably calculated, under all circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

A district judge may certify a non-final order for appeal if it "involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b); *see also Z St. v. Koskinen*, 791 F.3d 24, 28 (D.C. Cir. 2015). The decision whether to certify a case for interlocutory appeal is within the discretion of the district court. *In re Kellogg Brown & Root, Inc.*, 756 F.3d 754, 761 (D.C. Cir. 2014) *cert. denied sub nom. U.S. ex rel. Barko v. Kellogg Brown & Root, Inc.*, — U.S. —, 135 S.Ct. 1163 (2015). "Because certification runs counter to the general policy against piecemeal appeals, this process is to be used sparingly." *Sai v. Dep't of Homeland Sec.*, 99 F. Supp. 3d 50, 59 (D.D.C. 2015).

The Court must first determine whether the issue to be reviewed raises a controlling question of law. "Under § 1292(b), a 'controlling question of law is one that would require reversal if decided incorrectly or that could materially affect the course of litigation with resulting savings of the court's or the parties' resources.'" *APCC Servs. v. Sprint Communs. Co.*, 297 F. Supp. 2d 90, 95-96 (D.D.C. 2003) (quoting *Judicial Watch, Inc. v. Nat'l Energy Policy Dev. Group*, 233 F.Supp.2d 16, 19 (D.D.C. 2002)). "Controlling questions of law include issues

that would terminate an action if the district court's order were reversed.” *Id.* Here, Plaintiffs seek appellate review of one issue—the Court’s June 4, 2019 Order denying without prejudice Plaintiffs’ request to serve Defendant Karzai via Twitter. If the Court’s Order is reversed, Plaintiffs will be permitted to serve Defendant Karzai via Twitter. As such, the single issue raised by Plaintiffs involves a controlling issue of law.

The Court must next determine whether there are substantial grounds for difference of opinion with respect to these issues. “A substantial ground for difference of opinion is often established by a dearth of precedent within the controlling jurisdiction and conflicting decisions in other circuits.” *Id.* at 97. Due to the lack of precedent within this Circuit involving service via Twitter, the Court finds that this requirement is satisfied.

Finally, the Court must determine whether certifying these issues for an interlocutory appeal would materially advance the litigation. Other courts recognized that this factor encompasses the “salutary objective of ‘avoid[ing] piecemeal review’” on appeal. *Vila v. Inter-American Inv., Corp.*, 596 F. Supp. 2d 28, 30 (D.D.C. 2009) (quoting *Judicial Watch, Inc.*, 233 F. Supp. 2d at 20); see *Howard v. Office of Chief Admin. Officer of U.S. House of Representatives*, 840 F. Supp. 2d 52, 55 (D.D.C. 2012) (quoting *Tolson v. United States*, 732 F.2d 998, 1002 (D.C. Cir. 1984)) (“It ‘is meant to be applied in relatively few situations and should not be read as a significant incursion on the traditional federal policy against piecemeal appeals.’”). If the appellate court concludes that service on Defendant Karzai via Twitter is permissible, then Plaintiffs may serve Defendant Karzai, the only remaining un-served Defendant, and the case may advance. As such, this requirement is also met.

In sum, the Court finds that Plaintiffs have demonstrated that appellate review is appropriate. While it is the Court's view that its prior decision is correct, the Court finds that all three requirements to certify a case for interlocutory appeal are satisfied. As such, in its discretion, the Court will GRANT Plaintiffs’ motion for an interlocutory appeal of the Court’s June 4, 2019 Order. The Court notes that if Plaintiffs’ appeal fails for any reason, Plaintiffs retain the option of properly serving Defendant Karzai via publication.

SO ORDERED.

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHARLES STRANGE, *et al*,

Plaintiffs,

v.

ISLAMIC REPUBLIC OF IRAN, *et al*,

Defendants.

Civil Action No. 14-435 (CKK)

ORDER

(July 30, 2019)

The Court is in receipt of Plaintiffs' [125] Motion for Extension of Time to Petition the U.S. Court of Appeals for the District of Columbia Circuit for Interlocutory Appeal and Plaintiffs' [126] Supplement to their Motion for Extension of Time to Petition the U.S. Court of Appeals for the District of Columbia Circuit for Interlocutory Appeal. On July 12, 2019, the Court issued a certification for an interlocutory appeal pursuant to 28 U.S.C. § 1292(b). *See* July 12, 2019 Order, ECF No. 124. The Court certified for interlocutory appeal a service issue which arose in its June 4, 2019 Order. *See* June 4, 2019 Order, ECF No. 122. Specifically, the Court certified for interlocutory appeal the issue of whether or not service by Twitter is permitted in this Circuit, and if so, whether the "factual circumstances demonstrated that service of Defendant [Hamid] Karzai via Twitter was not 'reasonably calculated, under all circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.'" July 12, 2019 Order, ECF No. 124, 1 (quoting *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)).

Under 28 U.S.C. § 1292(b), Plaintiffs had ten days from the Court's July 12, 2019 Order granting certification to make an application for appeal to the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit"). However, Plaintiffs failed to make such an application to the D.C. Circuit within the ten-day deadline. Instead, on July 23, 2019, 11 days after the Court's Order, Plaintiffs moved for an extension of time to apply for interlocutory appeal with the D.C. Circuit. *See* Pls.' Mot., ECF No. 125. As cause for granting an extension, Plaintiffs' counsel explained that he had been involved in "an unusually heavy litigation period that ha[d] required counsel to travel extensively from coast to coast for client exigencies." *Id.*

However, this Court cannot grant an extension of time for Plaintiffs to submit an application for interlocutory appeal to the D.C. Circuit. As Plaintiffs acknowledge, the 10-day deadline in 28 U.S.C. § 1292(b) is jurisdictional. *See* Pls.' Supp., ECF No. 126, 2; *see also Carr Park, Inc. v. Tesfaye*, 229 F.3d 1192, 1194-95 (D.C. Cir. 2000) ("We agree that section 1292(b)'s filing period is jurisdictional."). In the alternative, Plaintiffs ask the Court to re-certify the July

12, 2019 Order granting certification for an interlocutory appeal on the issue of whether or not Defendant Karzai, sued in his individual capacity, was properly served through Twitter.

Plaintiffs did not cite and the Court did not find any cases from within this Circuit deciding whether or not a district court can recertify an order granting permission for an interlocutory appeal when a party has failed to meet 28 U.S.C. § 1292(b)'s 10-day deadline for filing an application of appeal with the circuit court. Moreover, there appears to be a circuit split on whether or not a new certification order can be used to essentially extend the 10-day deadline and provide the circuit court with jurisdiction over an interlocutory appeal. *See Kennedy v. Bowser*, 843 F.3d 529, 538 (D.C. Cir. 2016) (J. Griffith, concurring) (acknowledging, but not weighing in on, the circuit split); *Woods v. Baltimore and Ohio R.R. Co.*, 441 F.2d 407, 408 (6th Cir. 1971) (finding that a second certification order did not give the appeals court jurisdiction over the interlocutory appeal); *Marisol v. Giuliani*, 104 F.3d 524, 528-29 (2d Cir. 1996) (allowing recertification if it serves judicial efficiency); *Aparicio v. Swan Lake*, 643 F.2d 1109, 1112 (5th Cir. 1981) (allowing recertification if the previous justification for granting certification is still valid).

This Court need not decide whether or not recertifying its Order granting permission for an interlocutory appeal will give the D.C. Circuit jurisdiction to hear the interlocutory appeal. Instead, the Court concludes that the original justifications for granting a certification of appeal remain valid. *See* July 12, 2019 Order, ECF No. 124. As such, the Court GRANTS RECERTIFICATION of its Order granting certification for an interlocutory appeal on the issue of service by Twitter. The Court leaves to the D.C. Circuit the issue of whether or not this recertification Order provides the D.C. Circuit with jurisdiction to hear Plaintiffs' interlocutory appeal.

SO ORDERED.

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CHARLES AND MARY ANN STRANGE ON BEHALF OF
MICHAEL STRANGE, their son and stepson,*

and

DOUGLAS AND SHAUNE HAMBURGER ON BEHALF
OF PATRICK HAMBURGER, their son and stepson,*

and

PHOUTHASITH DOUANGDARA ON BEHALF OF
JOHN DOUANGDARA, his son,*

Plaintiffs,

v.

THE ISLAMIC REPUBLIC OF IRAN,
Interest Section
2209 Wisconsin Avenue, N.W.
Washington, D.C. 20007

and

MAHMOUD AHMADINEJAD,
Former President of Iran
Tehran, Iran 13168-43311

and

AYATOLLAH SAYYID ALI HOSEYNI KHAMENEI,
The Supreme Leader of Iran
Interest Section
2209 Wisconsin Avenue, N.W.
Washington, D.C. 20007

and

ARMY OF THE GUARDIANS OF THE
ISLAMIC REVOLUTION,
Interest Section

2209 Wisconsin Avenue, N.W.
Washington, D.C. 20007

and

HAMID KARZAI,
c/o The Embassy of the Islamic Republic of Afghanistan
2233 Wisconsin Avenue N.W.
Suite 216
Washington, D.C. 20007

and

AFGHAN OPERATIONAL COORDINATION GROUP,

and

KHASA AMALYATI QETA/QETA-E-KHAS-E-
AMALYATI, the AFGHAN SPECIAL OPERATIONS UNIT,

and

AFGHAN NATIONAL SECURITY FORCES,

and

THE ISLAMIC REPUBLIC OF AFGHANISTAN,
c/o The Embassy of the Islamic Republic of Afghanistan
2233 Wisconsin Avenue N.W.
Suite 216
Washington, D.C. 20007

and

THE TALIBAN,
Kandahar, Afghanistan,

and

AL QAEDA, a/k/a ISLAMIC ARMY,
Afghanistan,

Defendants.

* Addresses not listed for security reasons.

COMPLAINT

Plaintiffs, Charles and Mary Ann Strange, Douglas and Shaune Hamburger, and Phouthasith Douangara, by counsel and on behalf of themselves and their sons and stepsons, (“decedents”), hereby sue the Islamic Republic of Iran (“Iran”), Mahmoud Ahmadinejad (“Ahmadinejad”), Ayatollah Sayyid Ali Hoseyni Khamenei (“Khamenei”), the Army of the Guardians of the Islamic Revolution, (“IRGC”), Hamid Karzai (“Karzai”), the Afghan Operational Coordination Group (“OCG”), Khasa Amalyati Qeta/Qeta-e-Khas-e-Amalyati or the Afghan Special Operations Unit (“ASOU”), the Afghan National Security Forces (“ANSF”), the Islamic Republic of Afghanistan (“Afghanistan”), the Taliban (“Taliban”), and Al Qaeda (“Al Qaeda”), these individuals and foreign states in their official and unofficial capacities, for violating Plaintiffs’ and decedents’ rights, for engaging in racketeering and other prohibited activities, for engaging in international terrorism, for harboring and concealing terrorists, for providing material support to terrorists and terrorist groups, for directly and proximately causing the deaths of Plaintiffs’ decedents, and for directly and proximately causing mental anguish, severe emotional distress, emotional pain and suffering, and the loss of society, earnings, companionship, comfort, protection, care, attention, advice, counsel or guidance, Plaintiffs, on behalf of themselves and their sons, Plaintiffs’ decedents, have experienced and will experience in the future. As grounds therefore, Plaintiffs, on behalf of themselves and their sons, Plaintiffs’ decedents, allege as follows:

INTRODUCTION

1. This is an action for violations of 18 U.S.C. §§ 2333, 2339 and 2339A. (Terrorism related activities).

2. This is an action for violations of 18 U.S.C. § 1961 *et seq.* (Racketeer Influenced And Corrupt Organizations Act).
3. This is an action for assault and battery, intentional infliction of emotional distress, wrongful death, negligence and gross negligence.

JURISDICTION AND VENUE

4. For Defendant Iran, this Court has personal jurisdiction and subject matter jurisdiction pursuant to 18 U.S.C. § 2331 *et seq.*; 28 U.S.C. § 1330(a), 28 U.S.C. § 1331 and 28 U.S.C. § 1332; and 28 U.S.C. § 1605(a)(1) and 28 U.S.C. § 1605A. Venue is proper for Defendant Iran pursuant to 28 U.S.C. § 1391(f)(4).
5. For Defendant Ahmadinejad, this Court has personal jurisdiction and subject matter jurisdiction pursuant to 18 U.S.C. § 2331 *et seq.*; 28 U.S.C. § 1330(a), 28 U.S.C. § 1331 and 28 U.S.C. § 1332; and 28 U.S.C. § 1605(a)(1) and 28 U.S.C. § 1605A. Venue is proper for Defendant Ahmadinejad pursuant to 28 U.S.C. § 1391(d) and 28 U.S.C. § 1391(f)(4).
6. For Defendant Khamenei, this Court has personal jurisdiction and subject matter jurisdiction pursuant to 18 U.S.C. § 2331 *et seq.*; 28 U.S.C. § 1330(a), 28 U.S.C. § 1331 and 28 U.S.C. § 1332; and 28 U.S.C. § 1605(a)(1) and 28 U.S.C. § 1605A. Venue is proper for Defendant Khamenei pursuant to 28 U.S.C. § 1391(d) and 28 U.S.C. § 1391(f)(4).
7. For Defendant IRGC, this Court has personal jurisdiction and subject matter jurisdiction pursuant to 18 U.S.C. § 2331 *et seq.*; and 28 U.S.C. § 1330(a), 28 U.S.C. § 1331 and 28 U.S.C. § 1332; and 28 U.S.C. § 1605(a)(1) and 28 U.S.C. § 1605A. Venue is proper for Defendant IRGC pursuant to 28 U.S.C. § 1391(f)(4).

8. For Defendant Karzai, this Court has personal jurisdiction and subject matter jurisdiction pursuant to 18 U.S.C. § 1961 *et seq.*, 18 U.S.C. § 2331 *et seq.*; and 28 U.S.C. § 1331 and 28 U.S.C. § 1332; and 28 U.S.C. § 1605(a)(1). Venue is proper for Defendant Karzai pursuant to 28 U.S.C. § 1391(d) and 28 U.S.C. § 1391(f)(4).
9. For Defendant OCG, this Court has personal jurisdiction and subject matter jurisdiction pursuant to 18 U.S.C. § 1961 *et seq.*, 18 U.S.C. § 2331 *et seq.*; and 28 U.S.C. § 1330(a), 28 U.S.C. § 1331 and 28 U.S.C. § 1332. Venue is proper for Defendant OCG pursuant to 28 U.S.C. § 1391(f)(4).
10. For Defendant ASOU, this Court has personal jurisdiction and subject matter jurisdiction pursuant to 18 U.S.C. § 1961 *et seq.*, 18 U.S.C. § 2331 *et seq.*; and 28 U.S.C. § 1330(a), 28 U.S.C. § 1331 and 28 U.S.C. § 1332. Venue is proper for Defendant ASOU pursuant to 28 U.S.C. § 1391(f)(4).
11. For Defendant ANSF, this Court has personal jurisdiction and subject matter jurisdiction pursuant to 18 U.S.C. § 1961 *et seq.*, 18 U.S.C. § 2331 *et seq.*; and 28 U.S.C. § 1330(a), 28 U.S.C. § 1331 and 28 U.S.C. § 1332. Venue is proper for Defendant ANSF pursuant to 28 U.S.C. § 1391(f)(4).
12. For Defendant Afghanistan, this Court has personal jurisdiction and subject matter jurisdiction pursuant to 18 U.S.C. § 2331 *et seq.*; 28 U.S.C. § 1330(a), 28 U.S.C. § 1331, and 28 U.S.C. § 1332; and 28 U.S.C. § 1605(a)(1). Venue is proper for Defendant Afghanistan pursuant to 28 U.S.C. § 1391(f)(4).
13. For Defendant Taliban, this Court has personal jurisdiction and subject matter jurisdiction pursuant to 18 U.S.C. § 1961 *et seq.*, 18 U.S.C. § 2331 *et seq.*; and 28 U.S.C. § 1330(a),

28 U.S.C. § 1331 and 28 U.S.C. § 1332; and 28 U.S.C. § 1605(a)(1) and 28 U.S.C. § 1605A. Venue is proper for Defendant Taliban pursuant to 28 U.S.C. § 1391(f)(4).

14. For Defendant Al Qaeda, this Court has personal jurisdiction and subject matter jurisdiction pursuant to 18 U.S.C. § 1961 *et seq.*, 18 U.S.C. § 2331 *et seq.*; and 28 U.S.C. § 1330(a), 28 U.S.C. § 1331 and 28 U.S.C. § 1332; and 28 U.S.C. § 1605(a)(1) and 28 U.S.C. § 1605A. Venue is proper for Defendant Al Qaeda pursuant to 28 U.S.C. § 1391(f)(4).

STANDING

15. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, have standing to bring this action because they have been directly affected and victimized by the unlawful conduct complained herein. Their injuries are proximately related to the illegal conduct of Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, each and every one of them, jointly and severally.

THE PARTIES

16. Plaintiffs Charles and Mary Ann Strange are the father and stepmother of Michael Strange, a National Security Agency ("NSA") Cryptologist Technician and Petty Officer 1st Class (Expeditionary Warfare Specialist), support personnel for Navy SEAL Team VI who was killed when the helicopter he was in was intentionally and maliciously attacked and shot down by Defendant Taliban jihadists, acting in concert with the other Defendants, in [Defendant] Afghanistan on August 6, 2011.

17. Plaintiffs Doug and Shaune Hamburger are the father and stepmother of Patrick Hamburger, a Staff Sergeant assigned to the 2nd Battalion, 135th Aviation Regiment (General Support Aviation Battalion), member of the Army National Guard who was killed when the helicopter he was in was intentionally and maliciously attacked and shot down by Defendant Taliban jihadists, acting in concert with the other Defendants, in [Defendant] Afghanistan on August 6, 2011.
18. Plaintiff Phouthasith Douangdara is the father of John Douangdara, a Master-at-Arms Petty Officer 1st Class (Expeditionary Warfare Specialist), support personnel for Navy SEAL Team VI who was killed when the helicopter he was in was intentionally and maliciously attacked and shot down by Defendant Taliban jihadists, acting in concert with the other Defendants, in [Defendant] Afghanistan on August 6, 2011.
19. Defendant Iran was established on April 1, 1979, when the former leader, Shah Mohammad Reza Pahlavi, was overthrown in a coup d'état. Under the Supreme Leader Ayatollah Khomeini and then subsequently under the current Supreme Leader, Defendant Khamenei, Defendant Iran is an Islamic regime that has historically and continually used force, fear, torture, murder and other violations of human rights and crimes against humanity in order to prop up its autocratic regime and further an Islamic caliphate in the Middle East and worldwide. Iran seeks to ensure that the inhumane and barbaric Islamic laws of *Sharia* are imposed upon people as the will of Allah. Furthermore, Iran defies international law and jeopardizes peace by promoting, financing, participating in and furthering terrorism. The U.S. State Department declared Iran a State Sponsor of Terrorism in 1984. It is widely known and reported that Defendant Iran pays bounties based on the deaths of U.S. servicemen. Defendant Iran at all material times acted in its

unofficial or official capacity, particularly insofar as it engaged in concert with individuals such as Defendant Karzai and his agents in the Afghan government, the Afghan military, Afghan terrorists and Afghan terrorist groups in a criminal enterprise designed to enrich the country of [Defendant] Iran. Defendant Iran finances and provides other things of value to Defendant Karzai and his agents in the Afghan government, military, terrorists and terrorist groups in exchange for compromising the security and paying for the deaths of Plaintiffs' decedents and others similarly situated. Defendant Iran is therefore not precluded from suit by 18 U.S.C. § 2337(2) because it did not act in its official capacity or under color of legal authority for purposes of this count, since Iran and its government agents officially deny any terrorist support or activities. Defendant Iran is a foreign state whose activities, described herein, were outside the scope of immunity provided by the Foreign Sovereign Immunities Act ("FSIA"). Defendant Iran, by its activities herein, waived its immunity, either explicitly or by implication, pursuant to 28 U.S.C. § 1605(a)(1). Defendant Iran is also liable pursuant to 28 U.S.C. § 1605A.

20. Defendant Ahmadinejad was the President of Iran from 2005 to 2013. Prior to being "elected" as president, Defendant Ahmadinejad volunteered at the *Basiji* militia movement and has been actively engaged in rousing anti-American and anti-western sentiments and furthering terrorist acts in the Middle East and worldwide. It has been widely reported that Defendant Ahmadinejad participated in the infamous Iranian hostage crisis with regard to kidnapping U.S. Embassy personnel in Tehran, Iran. Defendant Ahmadinejad at all material times acted in his unofficial or official capacity insofar as he is personally engaged in concert with terrorists and terrorist groups in a criminal enterprise designed to enrich him personally. At all material times, Defendant

Ahmadinejad finances and provides other things of value to terrorists and terrorist groups in exchange for compromising the security and paying for the deaths of Plaintiffs' decedents and others similarly situated. Defendant Ahmadinejad is therefore not precluded from suit by 18 U.S.C. § 2337(2) because he did not act in his official capacity or under color of legal authority for purposes of this count, since Iran and its government agents officially deny any terrorist support or activities. Defendant Ahmadinejad is a foreign person whose activities, described herein, were outside the scope of immunity provided by FSIA. Defendant Ahmadinejad, by his activities herein, waived his immunity, either explicitly or by implication, pursuant to 28 U.S.C. § 1605(a)(1). Defendant Ahmadinejad is also liable pursuant to 28 U.S.C. § 1605A.

21. Defendant Khamenei is the highest-ranking leader in Iran and is commonly referred to as the "Supreme Leader". He has served in this capacity since 1989. Defendant Khamenei was the protégé of the mastermind of the 1970 revolutionary movement, Ayatollah Khomeini, who orchestrated and saw the overthrow of the Shah which led to the current terrorist Islamist state in present-day Iran. Khamenei controls the Iranian military, Defendant IRGC, and all of the other tools of insidious force and subjugation of people and others that enable him to keep his grip on power in Iran. Defendant Khamenei at all material acted in his unofficial or official capacity particularly insofar as he is personally engaged in concert with terrorists and terrorist groups in a criminal enterprise designed to enrich him personally. Defendant Khamenei finances and provides other things of value to terrorists and terrorist groups in exchange for compromising the security and paying for the deaths of Plaintiffs' decedents and others similarly situated. Defendant Khamenei is therefore not precluded from suit by 18 U.S.C. § 2337(2) because he did not act in his

official capacity or under color of legal authority for purposes of this count, since Iran and its government agents officially deny any terrorist support or activities. Defendant Khamenei is a foreign person whose activities, described herein, were outside the scope of immunity provided by FSIA. Defendant Khamenei, by his activities herein, waived his immunity, either explicitly or by implication, pursuant to 28 U.S.C. § 1605(a)(1).

Defendant Khamenei is also liable pursuant to 28 U.S.C. § 1605A.

22. Defendant IRGC is a military group supported and controlled by the Iranian government, including Defendant Iran, Defendant Khamenei and Defendant Ahmadinejad. The IRGC was established in 1979 after the Islamic Revolution, and since then has engaged in a multitude of terrorist activities against foreign military and civilian targets, at the direction of Defendant Khamenei and Defendant Ahmadinejad. Defendant IRGC was branded a terrorist group by the U.S. State Department in 2001 and continues to promote terrorist activities. The group is headquartered in Tehran, Iran and primarily launders money for terrorist operations through Dubai. Defendant IRGC at all material times acted in its unofficial or official capacity, particularly insofar as it engaged in concert with terrorists and terrorist groups in a criminal enterprise designed to enrich its own group and the country of [Defendant] Iran and also to carry out an Islamic caliphate against U.S. and western interests. Defendant IRGC finances and provides other things of value to terrorists and terrorist groups in exchange for compromising the security and paying for the deaths of Plaintiffs' decedents and others similarly situated. Defendant IRGC is therefore not precluded from suit by 18 U.S.C. § 2337(2) because it did not act in its official capacity or under color of legal authority for purposes of this count, since Iran and its government agents officially deny any terrorist support or activities. Defendant

IRGC is a foreign agency whose activities, described herein, were outside the scope of immunity provided by the FSIA. Defendant IRGC, by its activities herein, waived its immunity, either explicitly or by implication, pursuant to 28 U.S.C. § 1605(a)(1).

Defendant IRGC is also liable pursuant to 28 U.S.C. § 1605A.

23. Defendant Karzai is the current President of Afghanistan. Defendant Karzai is known internationally as criminally corrupt and upon information and belief, compromised Navy SEAL Team VI's and other special operations servicemen's mission, Extortion 17, to pursue the Taliban leader, Qari Tahir, by selling the coordinates of the SEAL's location and/or other classified information to terrorist organizations, Defendant Taliban and Defendant Al Qaeda, for large sums of money, and engaged in other criminal acts set forth below. It was reported that U.S. servicemen accidentally shot and killed Karzai's second cousin. As discussed in detail below, it was also recently reported that Defendant Karzai engages in secret meetings with Defendant Taliban without the involvement of his American and Western allies. Defendant Karzai seeks to release hardened Taliban militants from prison and has done so. Defendant Karzai at all material acted in his unofficial or official capacity particularly insofar as he personally engaged in concert with terrorists and terrorist groups in a criminal enterprise designed to enrich him personally. Defendant Karzai solicits and accepts money and other things of value from terrorists and terrorist groups in exchange for compromising the security and planning for the deaths of Plaintiffs' decedents and others similarly situated. Defendant Karzai is therefore not precluded from suit by 18 U.S.C. § 2337(2) because he did not act in his official capacity or under color of legal authority for purposes of this count. Defendant

Karzai, by his activities herein, waived its immunity, either explicitly or by implication, pursuant to 28 U.S.C. § 1605(a)(1).

24. Defendant OCG is an Afghan entity manned by Afghan personnel from security and law enforcement agencies. Among its responsibilities, Defendant OCG conceives of, initiates, plans, reviews and approves special operations missions, participates in intelligence fusion, monitors mission execution, makes notifications to provincial Governors, and makes reports to senior Afghan command authorities. Based upon information and belief contained in the official crash report given to the Extortion 17 families after the deaths of their sons, Defendant OCG, a criminal enterprise at times, regularly compromises the security of U.S. soldiers' lives in exchange for financial benefits and gratuities from Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda. Defendant OCG at all material times acted in its unofficial or official capacity, particularly insofar as it engaged in concert with terrorists and terrorist groups in a criminal enterprise designed to enrich its own group and the country of [Defendant] Afghanistan. Defendant OCG solicits and accepts money and other things of value from terrorists and terrorist groups in exchange for compromising the security and planning the deaths of Plaintiffs' decedents and others similarly situated. Defendant OCG is therefore not precluded from suit by 18 U.S.C. § 2337(2) because it did not act in its official capacity or under color of legal authority for purposes of this count. Defendant OCG, by its activities herein, waived its immunity, either explicitly or by implication, pursuant to 28 U.S.C. § 1605(a)(1).

25. Defendant ASOU is comprised of the Afghan National Army, Afghan National Police, and National Directorate of Security personnel. Based upon information and belief contained in the official crash report given to the Extortion 17 families after the deaths of their sons and based on other information, Defendant ASOU regularly compromises the security of U.S. soldiers' lives in exchange for financial benefits and gratuities from Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda. Defendant ASOU at all material times acted in its unofficial or official capacity, particularly insofar as it engaged in concert with terrorists and terrorist groups in a criminal enterprise designed to enrich the country of [Defendant] Afghanistan. Defendant ASOU solicits and accepts money and other things of value from terrorists and terrorist groups in exchange for compromising the security and planning the deaths of Plaintiffs' decedents and others similarly situated. Defendant ASOU is therefore not precluded from suit by 18 U.S.C. § 2337(2) because it did not act in its official capacity or under color of legal authority for purposes of this count. Defendant ASOU, by its activities herein, waived its immunity, either explicitly or by implication, pursuant to 28 U.S.C. § 1605(a)(1).

26. Defendant ANSF is comprised of the Afghan Armed Forces, the Afghan National Police, the Afghan Border Police, the Afghan Local Police, and includes members of the National Directorate of Security. Based upon information and belief contained in the official crash report given to the Extortion 17 families after the deaths of their sons and based on other information, Defendant ANSF regularly compromises the security of U.S. soldiers' lives in exchange for financial benefits and gratuities from Defendant Iran,

Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda. Defendant ANSF at all material times acted in its unofficial or official capacity, particularly insofar as it engaged in concert with terrorists and terrorist groups in a criminal enterprise designed to enrich the country of [Defendant] Afghanistan. Defendant ANSF solicits and accepts money and other things of value from terrorists and terrorist groups in exchange for compromising the security and planning the deaths of Plaintiffs' decedents and others similarly situated. Defendant ANSF is therefore not precluded from suit by 18 U.S.C. § 2337(2) because it did not act in its official capacity or under color of legal authority for purposes of this count. Defendant ANSF, by its activities herein, waived its immunity, either explicitly or by implication, pursuant to 28 U.S.C. § 1605(a)(1).

27. Defendant Afghanistan is a foreign sovereign state located in central Asia that shares borders with [Defendant] Iran, Turkmenistan, Uzbekistan, Tajikistan, and Pakistan. Afghanistan is internationally known to be run by terrorist groups actively involved in a Taliban-led insurgency. Defendant Afghanistan, acting through and on behalf of Defendant Karzai, Defendant Taliban, Defendant Al Qaeda and its agents, servants, and organizations, some of whom are identified herein, whose activities, as described below, were outside the scope of immunity provided by FSIA and have been deemed terrorist activities pursuant to President William J. Clinton's July 4, 1999 Executive Order No. 13129¹, its continuation Order of June 30, 2001 by President George W. Bush, and

¹ “. . . Actions and policies of [Defendant] Taliban in [Defendant] Afghanistan, in allowing territory under its control in Afghanistan to be used as a safe haven and base of operations for . . . the Al-Qaida [sic] organization who have committed and threaten to continue to commit acts of

President George W. Bush's September 24, 2001 Executive Order on Terrorist Financing. Defendant Afghanistan at all material times acted in its unofficial or official capacity, particularly insofar as it engaged in concert with terrorists and terrorist groups in a criminal enterprise designed to enrich itself. Defendant Afghanistan solicits and accepts money and other things of value from terrorists and terrorist groups in exchange for compromising the security and planning the deaths of Plaintiffs' decedents and others similarly situated. Defendant Afghanistan is therefore not precluded from suit by 18 U.S.C. § 2337(2) because it did not act in its official capacity or under color of legal authority for purposes of this count. Defendant Afghanistan, by its activities herein, waived its immunity, either explicitly or by implication, pursuant to 28 U.S.C. § 1605(a)(1).

28. Defendant Taliban is an unincorporated association that served and continues to serve as the *de facto*, if not the *de jure*, government of Afghanistan from approximately 1996. **It is a terrorist organization and not a military force.** Defendant Taliban is currently headquartered and physically present in Afghanistan and is an Islamic fundamentalist movement. Defendant Taliban has declared itself to be the legitimate government of [Defendant] Afghanistan. Defendant Taliban is described by the U.S. Department of Treasury, Office of Foreign Asst Control in its Overview of Sanctions Regulations as “. . . listed on the Office of Foreign Asst Control's list of ‘Specially Designated Nationals and Blocked Persons.’” Defendant Taliban is supported, controlled, funded, protected, aided, and abetted by Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei,

violence against the United States and its nationals, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and hereby declare a national emergency to deal with that threat.”

Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, and Defendant Al Qaeda. Defendant Taliban at all material times acted in its unofficial or official capacity, particularly insofar as it engaged in concert with terrorists and terrorist groups in a criminal enterprise designed to enrich its own group and the country of [Defendant] Afghanistan. Defendant Taliban solicits and accepts money and other things of value from terrorists and terrorist groups in exchange for compromising the security and planning the deaths of Plaintiffs' decedents and others similarly situated. Defendant Taliban is therefore not precluded from suit by 18 U.S.C. § 2337(2) because it did not act in its official capacity or under color of legal authority for purposes of this count. Defendant Taliban, by its activities herein, waived its immunity, either explicitly or by implication, pursuant to 28 U.S.C. § 1605(a)(1).

29. Defendant Al Qaeda, or the Islamic Army, is an unincorporated, militant terrorist association and a charter member of the parent terrorist group, the Muslim Brotherhood and [Defendant] Taliban, and was originally organized by Osama Bin Laden in order to perpetrate acts of international terrorism and wage an Islamic jihad against the United States and others. Defendant Al Qaeda is primarily headquartered in Afghanistan. **It is a terrorist organization and is not a military force.** Defendant Al Qaeda is supported, controlled, funded, protected, aided, and abetted by Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, and Defendant Taliban. Defendant Al Qaeda, at all material times acted in its unofficial or official capacity, particularly insofar as it engaged in concert with terrorists and terrorist groups in a criminal enterprise designed to enrich the country of [Defendant] Afghanistan.

Defendant Al Qaeda solicits and accepts money and other things of value from terrorists and terrorist groups in exchange for compromising the security and planning the deaths of Plaintiffs' decedents and others similarly situated. Defendant Al Qaeda is therefore not precluded from suit by 18 U.S.C. § 2337(2) because it did not act in its official capacity or under color of legal authority for purposes of this count. Defendant Al Qaeda, by its activities herein, waived its immunity, either explicitly or by implication, pursuant to 28 U.S.C. § 1605(a)(1).

STATEMENT OF FACTS

30. On or about February 23, 1998, Defendant Al Qaeda, led by master terrorist leader Osama Bin Laden, issued a Fatwah (Religious Decree), dictating to all Muslim people to kill Americans and their allies - civilians and military - declaring that the slaying of Americans is an individual duty for every Muslim. Bin Laden's Fatwah stated, in part, as follows:

[I]n compliance with God's order, we issue the following Fatwah to all Muslims: The ruling to kill the Americans and their allies – civilians and military – is an individual duty for every Muslim who can do it . . . We – with God's help – call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans and plunder their money wherever and whenever they find it.

31. Later, the 9/11 Commission Report summarizes what Bin Laden, acting by and through Defendant Taliban and Defendant Al Qaeda, said when interviewed in [Defendant] Afghanistan by ABC-TV: "It is far better for anyone to kill a single American soldier than to squander his efforts on other activities."

32. In carrying out its terrorist attacks, including its attack on members of Navy SEAL Team VI and special operations servicemen as described herein, Defendant Iran, Defendant

Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, conspiring and acting in concert, purposefully directed their unlawful, barbaric, and murderous actions and conduct towards the United States and the U.S. military.

33. Defendant Karzai, Defendant Afghanistan, Defendant OCG, Defendant ANSF, Defendant ASOU, Defendant Taliban and Defendant Al Qaeda have received material support and financial aid and assistance from Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, and Defendant IRGC, and by and through their officials, agents, and employees, aided and abetted Defendant Taliban and Defendant Al Qaeda to carry out terrorist acts against the United States and members of the U.S. military.
34. On or around May 2, 2011, members of Navy SEAL Team VI and other special forces servicemen carried out an operation that resulted in the capture and killing of Osama Bin Laden. Only two days after, Vice President Biden and former Director of the Central Intelligence Agency (“CIA”) and then Director of CIA, Leon Panetta, publicly disclosed that SEAL Team VI was responsible for conducting the successful raid on Osama Bin Laden’s compound, thereby making members of SEAL Team VI and other special operations servicemen and their families a target for retaliatory attacks from Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant Taliban, Defendant Al Qaeda and other Islamic jihadists. The name of SEAL Team VI was revealed at a Ritz Carlton event in Delaware.
35. Robert Gates, the prior Secretary of Defense, said the identity of SEAL Team VI would not be revealed. However, after Vice President Biden and shortly thereafter Secretary of

Defense-Designate Leon Panetta intentionally released the name of SEAL Team VI, and, in Panetta's case, the personal name of the commander in charge of the particular unit that successfully raided Osama Bin Laden, Gates expressed severe criticism if not horror that the classified, national security information had been disclosed in violation of the law.

36. Indeed, Robert Gates met with the Team who took down Bin Laden and said that the Team now feared for their and their families' safety. Gates said, "I had reminded everyone that the techniques, tactics, and procedures the SEALs had used in the Bin Laden operation were used every night in Afghanistan and elsewhere in hunting down terrorists and other enemies. It was therefore essential that we agree not to release any operational details of the raid. That we killed him . . . is all we needed to say. That commitment lasted about five hours. The initial leaks came from The White House and the CIA. They just couldn't wait to brag and to claim credit." Gates continued, "The SEALs shared with me their concerns about the leaks, particularly the fact that reporters were nosing around their communities trying to find them. They were worried about their families."

37. On August 6, 2011, just three (3) months after the Bin Laden raid, Afghan terrorist [Defendant] Taliban jihadists shot down a U.S. Boeing CH-47D Chinook military helicopter, call sign Extortion 17, in [Defendant] Afghanistan, killing thirty (30) Americans, including twenty-two (22) Navy SEALs and SEAL support personnel, five (5) Army National Guardsmen, three (3) Air Force members and eight (8) Afghans [seven commandoes and one interpreter]. Of the Navy SEALs that were killed, all but two were members of the elite SEAL Team VI, the unit that carried out the operation

resulting in the death of Bin Laden just ninety (90) days earlier. Eight (8) Afghans died [perhaps suicide bombers] on the Chinook that night after all seven (7) commandoes were inexplicably switched out at the last minute for the previous seven (7) commandoes originally scheduled to travel on the Chinook August 6, 2011.

38. The large Chinook helicopter shot down by [Defendant] Taliban jihadists was hastily dispatched into a severe combat zone without any escorts or air support under the direction of Defendant Karzai, Defendant OCG, Defendant ASOU, and Defendant ANSF to reinforce U.S. Army Rangers during a firefight with Taliban militants.
39. In addition, Defendant Karzai, Defendant OCG, Defendant ASOU, and Defendant ANSF chose a regular crew to operate the helicopter, rather than a special operations pilot and crew, which would have been better equipped to handle the aircraft when it was purportedly shot down by a rocket-propelled grenade or MANPADS that caused the aircraft to burst into flames and fall vertically to the ground. If a MH-47, the helicopter flown by Army Special Operations Aviation, had been used instead, it may have diverted the enemy fire, thereby saving the lives of our elite fallen heroes. In fact, seventeen (17) days prior to the shoot-down of the Chinook, a similar attack was made on an MH-47G resulting in no more than small caliber bullet damage to the helicopter.
40. Eastern [Defendant] Afghanistan is known for its hazardous terrain for military aircraft, given its steep mountain ranges that provide shelter for militants and terrorists armed with rocket-propelled grenade launchers and MANPADS. The CH-47D Chinook military helicopter used for Extortion 17 – a large, slow-moving transport carrier with its conventional airframe built in the early 1960s and last retrofitted in the mid 1980s – is particularly vulnerable as it is often forced to ease its way through valleys where

insurgents and terrorists can achieve more level lines of fire from mountainsides and houses.

41. Based on various agreements between the United States and President [Defendant] Karzai, American forces cannot be sent into battle unless it is at the direction, authorization, and execution of Defendant Karzai and other Afghan authorities such as Defendant OCG, Defendant ASOU, and Defendant ANSF. Despite the increased danger and vulnerability, Defendant Karzai as commander of the Afghan Armed Forces, Defendant OCG, Defendant ASOU, Defendant ANSF, and other high-level military officials in Afghanistan sent these Navy SEALs and other special operations servicemen into battle without special operations aviation and proper air support, maliciously, purposely, knowingly, and negligently subjecting them to reasonably foreseen and unnecessary dangers, further exposing them to insurgent terrorist attacks and therefore death.
42. Tellingly, it was Defendant Karzai who confirmed on Afghan national radio that it was SEAL Team VI that was shot down by Defendant Taliban. This occurred only minutes after Extortion 17 was shot down.
43. In addition, the Afghan forces, including Defendant OCG, Defendant ASOU, and Defendant ANSF accompanying the Navy SEAL Team VI servicemen, National Guardsmen, and other special operations specialists on the helicopter were not properly vetted and, upon information and belief, acted in concert with Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant Afghanistan, and Defendant Al Qaeda by disclosing classified information to Defendant Taliban about the mission, resulting in the shoot-down of the helicopter.

44. Defendant Afghanistan, Defendant Karzai, Defendant OCG, Defendant ASOU, and Defendant ANSF have a history of turning on U.S. military forces and killing them in a premeditated, calculated, and cold-blooded attack. Attacks on U.S. coalition forces by Afghan forces (the so-called green-on-blue attacks)² – made up of Defendant OCG, Defendant ASOU, and Defendant ANSF – are a major threat in the war in Afghanistan, especially since the U.S. military, at the demands of Defendant Karzai, Defendant Afghanistan, Defendant OCG, Defendant ASOU, and Defendant ANSF, is increasingly shifting security responsibilities to Afghan forces. Defendant Taliban and Defendant Al Qaeda have seized on the attacks against U.S. military forces in their propaganda, and routinely claim each attack to be a result of infiltration. Mullah Mohammad Omar, the leader of Defendant Taliban, addressed the issue of green-on-blue attacks and released a statement in August of 2012 - exactly one year after Extortion 17 was shot down. Omar claimed that Defendant Taliban “cleverly infiltrated in the ranks of the enemy according to the plan given to them last year,” and he urged government officials and security personnel, including Defendant Karzai, Defendant Afghanistan, Defendant OCG, Defendant ASOU, and Defendant ANSF, to defect and join Defendant Taliban as a matter of religious duty. Omar continued a few months later urging Defendant Afghanistan, Defendant Karzai, Defendant OCG, Defendant ASOU, and Defendant ANSF to “increase [their] efforts to expand the area of infiltration in the ranks of the enemy and to bring about better order and array in the work . . . we call on the Afghans

² All attacks in Afghanistan in which a person purporting to be affiliated with Afghan security forces – whether Afghan National Army, Afghan Local Police, Afghan Border Police, Afghan Uniformed Police, Afghan Air Force, other branches, or security personnel hired by Afghan authorities – are considered “green.” Similarly, all persons purporting to be affiliated with the U.S., ISAF, or NATO security forces are considered “blue.”

who still stand with the stooge regime to turn to full-fledged cooperation with their Mujahid people like courageous persons in order to protect national interests and to complete independence of the country. Jihadic activities inside the circle of the State militias are the most effective stratagem . . .” This infiltration by Defendant Taliban and Defendant Al Qaeda is a direct and proximate result of Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, and Defendant IRGC paying money and other financial benefits to Defendant Karzai, Defendant Afghanistan, Defendant OCG, Defendant ASOU, and Defendant ANSF, whereby these Defendants – in exchange for the payments – further, facilitate and acquiesce to the infiltration. In addition, upon information and belief, Defendant Karzai, Defendant Afghanistan, Defendant OCG, Defendant ASOU, and Defendant ANSF further, facilitate and acquiesce to the infiltration in order to appease Defendant Taliban and Defendant Al Qaeda, which in exchange, agree not to assassinate and eliminate Defendant Karzai and his [Defendant] governments, thereby allowing them to remain in existence as lackeys of these terrorist groups and Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, and Defendant IRGC, in pursuit of the Islamic caliphate.

45. It was reported on February 4, 2014, that Defendant Karzai arranged secret contacts with Defendant Taliban. The New York Times reports that Defendant Hamid Karzai of Afghanistan “has been engaged in secret contacts with the [Defendant] Taliban about reaching a peace agreement without the involvement of his American and Western allies, further corroding already strained relations with the United States.” It continues, “[t]he secret contacts appear to help explain a string of actions by [Defendant] Mr. Karzai that seem intended to antagonize his American backers . . . In recent weeks, [Defendant] Mr.

Karzai has continued to refuse to sign a long-term security agreement with Washington that he negotiated, insisted on releasing hardened Taliban militants from prison and distributed distorted evidence of what he called American war crimes.” American officials say “they are uncertain whether they can maintain even minimal security cooperation with [Defendant] Mr. Karzai’s government or its successor after coming election.”

46. Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda have been directly and proximately involved with and caused the death of U.S. servicemen in the Middle East. Specifically, it has been revealed that Defendant Iran pays other terrorist organizations a \$1,000 bounty for each American soldier who is murdered and \$6,000 for each American Army vehicle that is destroyed. At least five Iranian companies and Defendant IRGC are sending money to Islamist terrorist groups in Afghanistan in order to fund the fight against Western powers, led by the United States. The financing is so large that one Taliban money-handler claims that he personally has collected nearly \$80,000 in the past from Defendant Iran. Afghan intelligences and [Defendant] Taliban officials have revealed how the money is transferred from straw-men companies to Afghan rebels.

47. Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, through their intentional, willful, and malicious conduct, have perpetuated the killing of U.S. servicemen, and have

directly contributed to, and aided and abetted in the killing of the members of SEAL Team VI and other special operations servicemen described herein.

48. After the bodies of the Navy SEAL Team VI unit and other special operations servicemen were returned to Dover, the Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, asked for an explanation from President Obama, Vice President Biden, and other military officials including Admiral William H. McRaven, who at all material times was in charge of the Afghan theatre. A full, satisfactory, and credible explanation was not forthcoming and has since not been made to Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents. For example, there was an encounter between Plaintiff Strange and President Obama where Plaintiff Strange told Mr. Obama that he did not need to know about his son (after the President stated to Plaintiff Strange that his son was a hero for the country); rather, Plaintiff Strange wanted to know what happened to his son. President Obama mentioned he would look into this "very deeply," yet still, no answers have been forthcoming.

FIRST CLAIM FOR RELIEF

(18 U.S.C. § 2333 (Anti-Terrorism Act Claim) Each and Every Defendant))

49. Plaintiffs, acting on behalf of themselves and their sons, Plaintiffs' decedents, repeat and reallege all of the previous allegations in paragraphs 1 through 48 of this Complaint with the same force and affect, as if fully set forth herein again at length.

50. Plaintiffs, acting on behalf of themselves and their sons, Plaintiffs' decedents, who are and were at all times nationals of the United States, suffered substantial injuries to their persons, property, and business by reason of the acts of international terrorism, and not acts of war, perpetrated in their unofficial capacities by Defendant Iran, Defendant

Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda on August 6, 2011, that resulted in the death of Plaintiffs' decedents, a substantial portion of the planning, training, and preparation for which occurred primarily outside the territorial jurisdiction of the United States.

51. Defendant Iran's, Defendant Ahmadinejad's, Defendant Khamenei's, Defendant Karzai's, Defendant Afghanistan's and Defendant Taliban's material support and assistance to Defendant IRGC, Defendant OCG, Defendant ASOU, Defendant ANSF, and Defendant Al Qaeda in Afghanistan, as well as its provision of a safe haven and base of operations to Defendant Al Qaeda in [Defendant] Afghanistan from which they carried out terrorist attacks on U.S. servicemen aboard Extortion 17, including but not limited to Plaintiffs' decedents, Michael Strange, Patrick Hamburger and John Douangdara, twenty-two Navy SEALs and SEAL support, five National Guardsmen and three Air Force members – fifteen of the SEALs being the same Team that captured and killed their master terrorist Bin Laden – in retaliation for their master's demise, constitutes acts of international terrorism that caused substantial injury to the persons, property, and business of Plaintiffs and Plaintiffs' decedents.

52. Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, acting in concert with each other and in their unofficial capacities here, attacked Extortion 17, which also constitutes an act of international terrorism and caused substantial injuries to the persons, property,

and business of Plaintiffs, acting on behalf of themselves and their sons, Plaintiffs' decedents.

53. By reason of the wrongful conduct of Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, each and every one of them, jointly and severally, Plaintiffs, acting on behalf of themselves and their sons, Plaintiffs' decedents, suffered conscious pain, suffering, severe emotional distress and death, and have suffered pecuniary and economic damage, loss of support, loss of nurture, care and guidance, grief, anguish, loss of services, loss of society, and other mental and physical injuries.
54. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, demand that judgment be entered against Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda jointly and severally, including an award of treble damages as consistent with 18 U.S.C. § 2333(a), compensatory and actual damages, reasonable attorneys fees, pre-judgment interest, post-interest, costs, and an award in excess of \$200,000,000.00 for actual and compensatory, treble in excess of \$600,000,000.00, including attorney's fees and costs, and such other relief as the Court may deem just and proper.

SECOND CLAIM FOR RELIEF

(18 U.S.C. § 2339 (Harboring or Concealing Terrorists) Each and Every Defendant))

55. Plaintiffs, acting on behalf of themselves and their sons, Plaintiffs' decedents, repeat and reallege all of the previous allegations in paragraphs 1 through 54 of this Complaint with the same force and affect, as if fully set forth herein again at length.
56. Plaintiffs, acting on behalf of themselves and their sons, Plaintiffs' decedents, who are and were at all times nationals of the United States, suffered substantial injuries to their persons, property, and business by reason of the harboring and concealing of terrorists by Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda.
57. Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, acting in concert with each other and in their unofficial capacities here, harbored and concealed persons who each Defendant knew or had reasonable grounds to know is about to commit destruction of an aircraft.
58. By reason of the wrongful conduct of Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, each and every one of them, jointly and severally, Plaintiffs, acting on behalf of themselves and their sons, Plaintiffs' decedents, suffered conscious pain, suffering, severe emotional distress and death, and have suffered pecuniary and economic damage,

loss of support, loss of nurture, care and guidance, grief, anguish, loss of services, loss of society, and other mental and physical injuries.

59. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, demand that judgment be entered against Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda jointly and severally, including an award of treble damages as consistent with 18 U.S.C. § 2333(a), compensatory and actual damages, reasonable attorneys fees, pre-judgment interest, post-interest, costs, and an award in excess of \$200,000,000.00 for actual and compensatory, treble in excess of \$600,000,000.00, including attorney's fees and costs, and such other relief as the Court may deem just and proper.

THIRD CLAIM FOR RELIEF

(18 U.S.C. §§ 2339A (Providing Material Support or Resources to a Terrorist Organization) Each and Every Defendant))

60. Plaintiffs, acting on behalf of themselves and their sons, Plaintiffs' decedents, repeat and reallege all of the previous allegations in paragraphs 1 through 59 of this Complaint with the same force and affect, as if fully set forth herein again at length.

61. Plaintiffs, acting on behalf of themselves and their sons, Plaintiffs' decedents, who are and were at all times nationals of the United States, suffered substantial injuries to their persons, property, and business by reason of providing material support and resources and concealing and disguising the nature, location, source, or ownership of material support and resources for acts of terrorism perpetrated by Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant

OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda.

62. Defendant Iran's, Defendant Ahmadinejad's, Defendant Khamenei's, Defendant IRGC's, Defendant Karzai's, Defendant OCG's, Defendant ASOU's, Defendant ANSF's, and Defendant Afghanistan's material support and assistance to Defendant Al Qaeda and Defendant Taliban constitute acts of terrorism that caused substantial injuries and death to the persons, property, and business of Plaintiffs and Plaintiffs' decedents.

63. Defendant Taliban and Defendant Al Qaeda are both terrorist organizations and are assisted by Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, and Defendant Afghanistan in their terroristic conduct.

64. Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, acting individually and in concert, were engaged in terrorism and violations of human and civil rights against the law of nations, international law, and of countries and states in that, *inter alia*, they engaged in violent acts, and acts dangerous to human life that were intended to intimidate or coerce a population and its military, and influence the policy of a government and its people by intimidation and coercion; and to affect the conduct of a government by mass destruction, assassination, kidnapping or hostage taking, and other tortious acts as defined by 31 CFR 594.311 and Chapter 113B of Part I of Title 18 of the United States Code.

65. Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant

Afghanistan, Defendant Taliban, and Defendant Al Qaeda have also engaged in criminal acts intended and calculated to create a state of terror in the minds of particular persons or group of persons or the general public as defined in the League of Nations Convention (1937) and the General Assembly Resolution 51/210 (1999) wherein such acts are strongly condemned.

66. Defendant Iran's, Defendant Ahmadinejad's, Defendant Khamenei's, Defendant IRGC's, Defendant Karzai's, Defendant OCG's, Defendant ASOU's, Defendant ANSF's, Defendant Afghanistan's, Defendant Taliban's, and Defendant Al Qaeda's acts of terrorism violate the law of nations and international standards of decency.

67. Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda conspired with and aided, abetted, facilitated, solicited, and gave material support to other terrorist organizations, in violation of the law of nations.

68. At the time of the occurrences herein, Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, acting individually and in concert with the terrorist organizations Defendant Al Qaeda and Defendant Taliban, and other terrorist groups and nation states, were engaged in committing violent activities, including but not limited to the murders of the SEAL members and other special operations servicemen described herein.

69. As heretofore alleged, Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant

ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, directly and by and through their agents, have provided substantial support to terrorist organizations which have then carried out vicious acts against both civilians and military targets, to inflict the maximum amount of damage, with total disregard for human life. Again, this includes direct or indirect payments of \$1,000 bounty per head for the murder of U.S. servicemen and \$6,000 for the destruction of U.S. military vehicles. This support has been in the form of direct payments, training, equipping, and mobilizing terrorist groups and others who seek to harm U.S. nationals and military. The direct result of this support has been the murder described herein and other crimes against humanity.

70. At all times hereto, Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, and Defendant Afghanistan knew or should have known that providing such assistance to Defendant Al Qaeda and Defendant Taliban and other terrorist groups and nation states would facilitate and aid and abet the commission of murders, including the murders of the Plaintiffs' decedents, SEAL Team VI members and other special operations servicemen.
71. As a result of such support to terrorist groups, Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda violated the law of nations, established U.S. law, international laws, treaties and norms, including but not limited to those sections previously set forth: The Declaration on Measures to Eliminate International Terrorism and citations therein incorporated by reference adopted by the United Nations General Assembly on December 9, 1994 (GA

Res. 49/50); The Anti-Terror Act, 18 U.S.C. 113B; The Anti-Terrorism and Effective Death Penalty Act, Pub. L. No. 104-132, 110 Stat. 1214 (1996); The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (“USA Patriot Act”), Pub. L. No. 107-56, 115 Stat. 271 (2001); The Convention on the Prevention and Punishment of the Crime of Genocide; Art. 2, December 9, 1949, 78 UNTS; International Convention for the Suppression of the Financing of Terrorism, 39 I.L.M. 270 (Dec. 9, 1997); G.A. Res. 54/109, 1 UN Doc A/RES/54/109 (Dec. 1, 1999) and ratified by over 130 countries (The Financing Convention); United Nations Charter, 59 State. 1031, 3 Bevans 1153 (1945); Universal Declaration of Human Rights, G.A. Res. 217A (iii), U.N. Doc. A/810 (1948); International Covenant on Civil and Political Rights, G.A. Res. 2222A(XXI), 21 U.N. Doc., GAOR Supp. (No. 16) at 52 U.N. Doc. A 6316 (1966); Common Article 3 of the 1949 Geneva Convention; Article 4 and 13 of the 1977 Geneva Protocol II; Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 37 I.L.M. 1(Dec. 18, 1997); and other fundamental principles.

72. The murders of Plaintiffs’ decedents were a direct and proximate result of Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda conspiring with and providing aid to terrorist organizations, and through their individual and government acts, as hereinabove alleged, jointly and severally.

73. Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, and Defendant

Afghanistan are liable to Plaintiffs in that they aided and abetted, directed, ordered, requested, paid, were reckless in dealing with, participated in a joint criminal enterprise with, confirmed, ratified, and conspired with Defendant Al Qaeda, Defendant Taliban, and other terrorist groups and nation states in bringing about and perpetrating acts of terrorism against Plaintiffs and their decedents.

74. Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan and their agents knowingly and substantially assisted Defendant Al Qaeda, Defendant Taliban, and other terrorist groups and nation states and their collaborators to commit acts that violate established international law and norms and facilitated the commission of international law violations by providing these terrorist groups and their collaborations with the tools, money, instrumentalities, and services to commit these violations with actual or constructive knowledge that those tools, instrumentalities and services would be (or could be) used in connection with the purpose of taking down Extortion 17.

75. By reason of the wrongful conduct of Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, and every one of them, jointly and severally, Plaintiffs, acting on behalf of themselves and their sons, Plaintiffs' decedents, suffered conscious pain, suffering, severe emotional distress and death, and have suffered pecuniary and economic damage, loss of support, loss of nurture, care and guidance, grief, anguish, loss of services, loss of society, and other mental and physical injuries.

76. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, demand that judgment be entered against Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, each and every one of them, jointly and severally, including an award of treble damages as consistent with 18 U.S.C. § 2333(a), compensatory and actual damages, reasonable attorneys fees, pre-judgment interest, post-interest, costs, and an award in excess of \$200,000,000.00 for actual and compensatory, treble in excess of \$600,000,000.00, including attorney's fees and costs, and such other relief as the Court may deem just and proper.

FOURTH CLAIM FOR RELIEF

(18 U.S.C. § 1961 *et seq.* (Racketeer Influenced and Corrupt Organizations) – Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Taliban, Defendant Al Qaeda))

77. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, repeat and reallege all of the previous allegations in paragraphs 1 through 76 of this Complaint with the same force and affect, as if fully set forth herein again at length.
78. Non-sovereign Defendants are each “persons” within the meaning of the Racketeer Influenced and Corrupt Organizations Act (“RICO”).
79. The Defendant terrorists and terrorist groups are each an “enterprise” within the meaning of RICO, the activities of which effect interstate and foreign commerce.
80. By virtue of the predicate acts described in this Complaint, including without limitations: engaging in predicate acts of terrorism, engaging in terrorism, murder, laundering of monetary instruments, engaging in monetary transactions improperly derived from

unlawful activity, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Taliban, and Defendant Al Qaeda, transferred, received, and supplied financing and income that was derived, both directly and indirectly, from a pattern of racketeering activity in which each of them participated as a principal and used and invested, both directly and indirectly, such income and the proceeds of such income, in establishing and operating terrorist enterprises in violation of 18 U.S.C. § 1962(a).

81. As a direct and proximate result of Defendants' violation of 18 U.S.C. § 1962(a), Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, suffered the loss of valuable property, financial services and support, and suffered other pecuniary damages.

82. By reason of the wrongful conduct of Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Taliban, and Defendant Al Qaeda, each and every one of them, jointly and severally, Plaintiffs, acting on behalf of themselves and their sons, Plaintiffs' decedents, suffered conscious pain, suffering, severe emotional distress and death, and have suffered pecuniary and economic damage, loss of support, loss of nurture, care and guidance, grief, anguish, loss of services, loss of society, and other mental and physical injuries.

83. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, demand that judgment be entered against Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, each and every one of them, jointly and severally, including an award of treble damages as consistent with 18 U.S.C. § 1964(c), compensatory and actual damages, reasonable

attorneys fees, pre-judgment interest, post-interest, costs, and an award in excess of \$200,000,000.00 for actual and compensatory, treble in excess of \$600,000,000.00, including attorney's fees and costs, and such other relief as the Court may deem just and proper.

FIFTH CLAIM FOR RELIEF

(28 U.S.C. § 1605A (Terrorism Exception to FSIA) – Defendant Iran, Defendant Khamenei, Defendant Ahmadinejad, Defendant IRGC))

84. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, repeat and reallege all of the previous allegations in paragraphs 1 through 83 of this Complaint with the same force and affect, as if fully set forth herein again at length.
85. The deaths of Plaintiffs' decedents, who were at all material times nationals of the United States at the time of their deaths, resulted from the acts of extrajudicial killing and aircraft sabotage.
86. Defendant Taliban and Defendant Al Qaeda, who received material support and resources from Defendant Iran, Defendant Khamenei, Defendant Ahmadinejad and Defendant IRGC, perpetrated these acts of extrajudicial killing and aircraft sabotage.
87. Agents, officials or employees of Defendant Iran, Defendant Khamenei, Defendant Ahmadinejad, and Defendant IRGC provided material support and resources to Defendant Taliban and Defendant Al Qaeda while acting in the scope of their offices, agencies, or employment. Similar conduct, if committed by agents, officials or employees of the United States, would be actionable.
88. Defendant Iran and its agents and organizations, Defendant Khamenei, Defendant Ahmadinejad, and Defendant IRGC have been designated by the U.S. government as a state sponsor of terrorism at the time of the shoot-down of Extortion 17, August 6, 2011.

89. By reason of the wrongful conduct of Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, and Defendant IRGC, each and every one of them, jointly and severally, Plaintiffs, acting on behalf of themselves and their sons, Plaintiffs' decedents, suffered conscious pain, suffering, severe emotional distress and death, and have suffered pecuniary and economic damage, loss of support, loss of nurture, care and guidance, grief, anguish, loss of services, loss of society, and other mental and physical injuries.
90. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, demand that judgment be entered against Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda jointly and severally, including an award of compensatory and actual damages, punitive damages, reasonable attorneys fees, pre-judgment interest, post-interest, costs, and an award in excess of \$200,000,000.00, and such other relief as the Court may deem just and proper.

SIXTH CLAIM FOR RELIEF

(Assault and Battery – Each and Every Defendant)

91. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, repeat and reallege all of the previous allegations in paragraphs 1 through 90 of this Complaint with the same force and affect, as if fully set forth herein again at length.
92. As a result of the August 6, 2011 shoot-down of Extortion 17, Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, acting in concert with each other, placed Plaintiffs' decedents

in apprehension of an imminent harmful or offensive contact, and suffered harmful, offensive bodily contact, from which Plaintiffs' decedents ultimately died. Here, the intent to cause offensive touching resulted in the death of SEAL Team VI members and other special operations servicemen.

93. By reason of the wrongful conduct of Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, each and every one of them, jointly and severally, Plaintiffs and Plaintiffs' decedents suffered conscious pain, suffering, severe emotional distress and the fear of imminent serious bodily injury or death, and have suffered pecuniary and economic damage, loss of support, loss of nurture, care and guidance, grief, anguish, loss of services, loss of society, and other mental and physical injuries.
94. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, demand that judgment be entered against Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda jointly and severally, including an award of compensatory and actual damages, punitive damages, reasonable attorneys fees, pre-judgment interest, post-interest, costs, and an award in excess of \$200,000,000.00, and such other relief as the Court may deem just and proper.

SEVENTH CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress – Each and Every Defendant)

95. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, repeat and reallege all of the previous allegations in paragraphs 1 through 94 of this Complaint with the same force and affect, as if fully set forth herein again at length.
96. The August 6, 2011 intentional shoot-down of Extortion 17 was the result of intentional, extreme, and outrageous conduct that exceeded all reasonable bounds of decency.
97. Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda knew the intentional shoot-down of Extortion 17, carrying in it the U.S. military's most elite fighters, would inflict severe emotional distress and mental anguish on the thirty (30) Americans on board, including Plaintiffs' decedents and thus Plaintiffs, and Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, intended to inflict severe emotional distress and mental anguish on these innocent heroes.
98. Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, also knew or should have known that family members of innocent persons trapped inside a Chinook-47D and subsequently murdered at the hands of terrorists, terrorist organizations and even those who were supposed to work with Plaintiffs' decedents as partners, would suffer severe

emotional distress and mental anguish as a result of the murder of their children.

Defendant Karzai, Defendant OCG, Defendant ASOU, and Defendant ANSF did not supply proper protection for the U.S. servicemen and the lack of sufficient protection undoubtedly contributed to their deaths.

99. Additionally, Defendant Karzai, Defendant OCG, Defendant ASOU, and Defendant ANSF acted outrageously when they, acting in concert with each other, invited a Muslim cleric – purportedly an Afghan Commander – to the ramp ceremony of the fallen Navy SEALs and other special operations servicemen, while he disparaged the memory of Plaintiffs’ decedents by damning them as infidels to hell.

100. By reason of the wrongful conduct of Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, each and every one of them, jointly and severally, Plaintiffs and Plaintiffs’ decedents suffered conscious pain, suffering and death, and have suffered pecuniary and economic damage, loss of support, loss of nurture, care and guidance, grief, anguish, loss of services, loss of society, and other mental and physical injuries.

101. Plaintiffs, on behalf of themselves and their sons, Plaintiffs’ decedents, demand that judgment be entered against Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, each and every one of them, jointly and severally, including an award of compensatory and actual damages, punitive damages, reasonable attorneys fees, pre-judgment interest,

post-interest, costs, and an award in excess of \$200,000,000.00, and such other relief as the Court may deem just and proper.

EIGHTH CLAIM FOR RELIEF

(Wrongful Death – Each and Every Defendant)

102. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, repeat and reallege all of the previous allegations in paragraphs 1 through 101 of this Complaint with the same force and affect, as if fully set forth herein again at length.
103. Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, each and every one of them, jointly and severally, were responsible for the deaths of the United States Navy SEAL Team VI members and other special operations servicemen that were killed in the August 6, 2011 helicopter attack, including but not limited to Plaintiffs' decedents Michael Strange, Patrick Hamburger and John Douangdara.
104. The deaths of the Plaintiffs' decedents were a result of negligence or unlawful actions on the part of Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda.
105. By reason of the wrongful conduct of Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, each and every one of them, jointly and severally, Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, suffered conscious pain, suffering, severe

emotional distress and death, and have suffered pecuniary and economic damage, loss of support, loss of nurture, care and guidance, grief, anguish, loss of services, loss of society, and other mental and physical injuries.

106. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, demand judgment be entered against Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, each and every one of them, jointly and severally, including an award of compensatory and actual damages, punitive damages, reasonable attorneys fees, pre-judgment interest, post-interest, costs, an award in excess of \$200,000,000.00, and such other relief as the Court may deem just and proper.

NINTH CLAIM FOR RELIEF

(Negligence – Defendants Karzai, OCG, ASOU, ANSF, Afghanistan)

107. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, repeat and reallege all of the previous allegations in paragraphs 1 through 106 of this Complaint with the same force and affect, as if fully set forth herein again at length.

108. Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, and Defendant Afghanistan had a duty to act reasonably and use due care towards Plaintiffs' decedents Navy SEAL Team VI and other special operations servicemen since the United States and Defendant Afghanistan, including Defendant Afghanistan's leader, Defendant Karzai, and Afghanistan's military personnel, Defendants OCG, ASOU, and ANSF, are purportedly working together to respond to threats, encourage international peace and security, and to help the Afghan people chart a secure, democratic, and prosperous future. Various

partnership agreements and memoranda exist between the United States and Defendant Afghanistan and Defendant Karzai setting forth nature of their relationship and creating a fiduciary duty to each other to defend and protect each other's military servicemen against Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Taliban and Defendant Al Qaeda.

109. Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, and Defendant Afghanistan breached that duty of care when they negligently conceived of, authorized and ordered Plaintiffs' decedents into battle without adequate thought, pre-planning, equipment, air cover, pre-assault fire, uncompromised Afghan commandoes and other means for self-defense against the terrorist acts of Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Taliban and Defendant Al Qaeda.

110. The deaths of Navy SEAL Team VI and other special operations servicemen were directly and proximately caused by the negligent actions of Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, and Defendant Afghanistan.

111. By reason of the wrongful conduct of the Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, and Defendant Afghanistan, each and every one of them, jointly and severally, Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, suffered conscious pain, suffering and death, and have suffered pecuniary and economic damage, loss of support, loss of nurture, care and guidance, grief, anguish, loss of services, loss of society, and other mental and physical injuries.

112. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, demand that judgment be entered against Defendant Iran, Defendant Ahmadinejad, Defendant

Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, and Defendant Afghanistan, Defendant Taliban and Defendant Al Qaeda, jointly and severally, including an award of compensatory and actual damages, punitive damages, reasonable attorneys fees, pre-judgment interest, post-interest, costs, an award in excess of \$200,000,000.00, and such other relief as the Court may deem just and proper.

TENTH CLAIM FOR RELIEF

(Gross Negligence – Defendants Karzai, OCG, ASOU, ANSF, Afghanistan)

113. Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, repeat and reallege all of the previous allegations in paragraphs 1 through 112 of this Complaint with the same force and affect, as if fully set forth herein again at length.
114. Defendant Karzai's, Defendant OCG's, Defendant ASOU's, Defendant ANSF's, and Defendant Afghanistan's actions not only fall below the standard of care of a reasonable person in the same or similar circumstances, but also are reckless.
115. Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, and Defendant Afghanistan had a duty to the U.S. servicemen who they are supposedly working with as partners. Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, and Defendant Afghanistan breached that duty they recklessly conceived of, authorized and ordered Plaintiffs' decedents into battle without adequate thought, pre-planning, equipment, air cover, pre-assault fire, uncompromised Afghan commandoes and other means for self-defense against the terrorist acts of Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Taliban and Defendant Al Qaeda.

116. The deaths of Navy SEAL Team VI and other special operations servicemen were directly and proximately caused by the reckless actions of Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, and Defendant Afghanistan.
117. By reason of the wrongful conduct of Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, and Defendant Afghanistan, each and every one of them, jointly and severally, Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, suffered conscious pain, suffering, severe emotional distress and death, and have suffered pecuniary and economic damage, loss of support, loss of nurture, care and guidance, grief, anguish, loss of services, loss of society, and other mental and physical injuries.
118. Plaintiffs demand that judgment be entered against Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban and Defendant Al Qaeda, each and every one of them, jointly and severally, including an award of compensatory and actual damages, punitive damages, reasonable attorneys fees, pre-judgment interest, post-interest, costs, an award in excess of \$200,000,000.00 and such other relief as the Court may deem just and proper.

PRAYER FOR RELIEF

Plaintiffs, on behalf of themselves and their sons, Plaintiffs' decedents, demand judgment be entered against Defendant Iran, Defendant Ahmadinejad, Defendant Khamenei, Defendant IRGC, Defendant Karzai, Defendant OCG, Defendant ASOU, Defendant ANSF, Defendant Afghanistan, Defendant Taliban, and Defendant Al Qaeda, each and every one of them, jointly and severally, for compensatory and actual damages because of their demonstrable physical and

emotional injury to Plaintiffs and Plaintiffs' decedents, punitive damages because of Defendants callous and reckless indifference and malicious acts, and attorneys fees, costs, an award in excess of \$200,000,000.00 or \$600,000,000.00 in treble damages where appropriate, and such other relief the Court may deem just and proper.

JURY DEMAND

Plaintiffs, on behalf of themselves and their sons, Plaintiffs decedents, respectfully demand a jury trial on all issues so triable.

Dated: July 8, 2015

Respectfully submitted,

/s/ Larry Klayman
Larry Klayman, Esq.
Washington, D.C. Bar No. 334581
Freedom Watch, Inc.
2020 Pennsylvania Avenue N.W.
Suite 345
Washington, D.C. 20006
(310) 595-0800
leklayman@gmail.com

Attorney for Plaintiffs, on behalf of
themselves and Plaintiffs' decedents.

EXHIBIT 4



24 April 2015

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Additional Shipment Details

Service	EXPRESS ENVELOPE	Origin Service Area	WASHINGTON - RONALD REAGAN NATIONAL UNITED STATES OF AMERICA
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Additional Shipment Details

Service	EXPRESS ENVELOPE	Origin Service Area	WASHINGTON - RONALD REAGAN NATIONAL UNITED STATES OF AMERICA
Picked Up	18 December 2014 at 12:34		



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Additional Shipment Details

Service	EXPRESS ENVELOPE	Origin Service Area	WASHINGTON - RONALD REAGAN NATIONAL UNITED STATES OF AMERICA
Picked Up	18 December 2014 at 12:34		

EXHIBIT 5

International New York Times

AFFIDAVIT

I, Jack Byrnes, Advertising Representative for The International New York Times, do certify that the advertisement for the Freedom Watch

**Entitled: To the DEFENDANTS:
The Taliban/the Islamic Government in Afghanistan
Al-Qaeda/The Islamic Army , et al.**

Measuring 42 lines, appeared in
The International New York Times on January 7, 2015;
January 14, 2015; January 21, 2015; January 28, 2015;
February 4, 2015 and February 11, 2015

Jack Byrnes
Jack Byrnes

Sworn to and subscribed before me this 13 day of 2/ 2015

Kellie N Fox
Notary Public

My Commission expires 7/23/16



Puerto Rican officials — backed by hedge funds that own billions of dollars of the island's debt — are turning to Washington for help. Puerto Rico's resident commissioner to Congress, Pedro Pierluisi, said he planned to push for

Funds including Fir Tree Partners and Centerbridge Partners are leading a group of investment firms, known as the Ad Hoc Group, that months ago expressed its willingness to offer the commonwealth financing options.

Broadly, the hedge funds appear to expect that the new bond deal will buy Puerto Rico more time to overhaul its tax system. Once revenues start to pick up, the bonds should gain in value. Puerto Rico and its bond investors have

Colleges advised to hold oil stocks

BY JOHN SCHWARTZ

Universities that decide to shed their investments in fossil fuel stocks could hurt the value of their endowments, according to a new report.

"The economic evidence demonstrates that fossil fuel divestment is a bad idea," the report said.

The study created a series of stock indexes, compared their returns and found that funds without energy-sector stocks underperformed those with them by as much as 0.7 percent.

Adding in transaction costs and reduced diversification, "the costs to investors of fossil fuel divestiture are highly likely and substantial, while the potential benefits — to the extent there are any — are ill-defined and uncertain at best," wrote the lead author of the

study, Daniel R. Fischel, who is president and chairman of an economic consulting company, Compass Lexecon.

The estimated cost to the roughly \$456 billion in university endowments would be more than \$3 billion a year.

As the divestment movement gains momentum, the report is likely to be cited in debates over divestment's merits. An essay on the research by Mr. Fischel, who is also a professor emeritus and a former dean of the University of Chicago law school, was scheduled for publication in Tuesday's Wall Street Journal.

The new report was commissioned and funded by the Independent Petroleum Association of America. Professor Fischel said in an interview that the industry group and its financing did not influence the outcome.

The historical investment analysis

used in the report cannot predict future market results, of course, and many proponents of divestment argue that sell-off fossil-fuel stocks is also fiscally prudent, because those companies' performance will be at risk if the world shifts away from fossil fuel consumption.

Also, institutions that decide to divest generally acknowledge that their actions have more to do with moral considerations than economic ones. But Professor Fischel said that squeezed budgets could sway divestment discussions, as shrinking endowments could mean "decreased money for scholarships for disadvantaged students, which one might consider a worthy moral goal as well."

The new report counters the conclusions of prior research that predicted negligible impact, and even benefited from fossil-fuel divestment.

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Legal Notices

Public Notice

To the DEFENDANTS:

The Taliban/the Islamic Government in Afghanistan, Al-Qaeda/The Islamic Army, Mahmoud Ahmadinejad, Ayatollah Sayyid Ali Hoseyni Khamenei, and Hamid Karzai

In the U.S. District Court for the District of Columbia, Charles and Mary Ann Strange, Doug and Shaune Hamburger, and Phouthasith Douangdara, filed suit against The Taliban and Al-Qaeda, Case No. 1:14 CV 00435. This is a notice of the filing of a lawsuit.

The Defendants are notified, as well plaintiffs' counsel, Freedom Watch, located at 2020 Pennsylvania Ave. Ste. 345, Washington, D.C. 20006. Defendants are required to appear before the Clerk of the U.S. District Court for the District of Columbia, located at 333 Constitution Avenue, N.W. Washington D.C. 20001, to respond to the lawsuit, within no more than sixty days of receipt of this notice. If the Defendants do not appear, a judgment may be issued ordering payment of compensation.

The complaint was filed on the grounds of terrorism activities, Racketeer Influenced and Corrupt Organizations Act, assault and battery, intentional infliction of emotional distress, wrongful death, negligence and gross negligence. All summonses pertaining to the complaint are on the following website:
www.freedomwatchusa.org

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Tel: 1 733 385

Email:

cnhanouna@yahoo.com

■ EAST AFRICA (out of UK)

Tel: 207 328 7763

Email: tejgrewal@hotmail.com

EXHIBIT 6



Dina James <daj142182@gmail.com>

Final Arabic Publication

Pat Sundram <pat@alquds.co.uk>
To: Dina James <daj142182@gmail.com>

Mon, Jan 12, 2015 at 5:02 AM

Hi Dina

Just wanted to confirm that the legal notice was placed in today's lassie - Monday 12 January

I will advise you of payment details ASAP

Kind regards

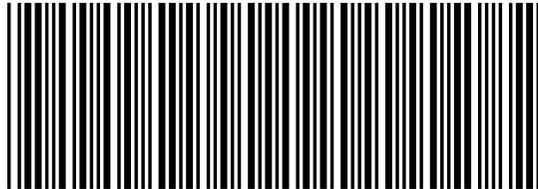
Pat

X

Sent from my iPhone

[Quoted text hidden]

EXHIBIT 7

EXPRESS WORLDWIDE DHL Online		XPD	
From: FREEDOM WATCH L. Klayman Phone: 310-770-9712 2020 PENNSYLVANIA AVE NW STE 345 WASHINGTON DC 20006 United States		Origin: DCA	
To: Presidential Palace Presidential Palace, Arg-e Shahi Kabul, Afghanistan Afghanistan		Contact: Hamid Karzai 92202102102	
AF-KBL-ACO			
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		Piece ID(s)	JD014600003185782961

Additional Shipment Details

Service	EXPRESS ENVELOPE	Origin Service Area	WASHINGTON - RONALD REAGAN NATIONAL UNITED STATES OF AMERICA
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Tuesday, June 28, 2016		Location	Time	Pieces
23	Delivered - Signed for by : KAKAR 0703869978	KABUL - KHWAJA RAWASH	9:40 AM	+ 1 Pieces
Wednesday, May 25, 2016		Location	Time	Pieces
22	Shipper contacted	KABUL - KHWAJA RAWASH - AFGHANISTAN	3:58 PM	+ 1 Pieces
21	Shipment on hold	KABUL - KHWAJA RAWASH - AFGHANISTAN	9:36 AM	

EXHIBIT 8

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Founder of @FreedomWatchUSA and Judicial Watch - I've dedicated my career to fighting injustice and restoring ethics to government and the legal profession.

freedomwatchusa.org

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Strange v. Islamic Republic of Iran, et al. @KarzaiH

TO: (Defendant's name and address)

HAMID KARZAI,
c/o The Embassy of the Islamic Republ
2233 Wisconsin Avenue N.W.
Suite 216
Washington, D.C. 20007

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not count the United States or a United States agency, or an officer or employ P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the at the Federal Rules of Civil Procedure. The answer or motion must be sc

Strange v. Islamic Republic of Iran, et al.

Larry Klayman, founder of Judicial Watch and Freedom Watch, is known for his strong public interest advocacy in furtherance of ethics in government...

larryklayman.com



Larry Klayman @LarryEKlayman · 4h

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HAMID KARZAI,
c/o The Embassy of the Islamic Republic of Iran,
2233 Wisconsin Avenue N.W.,
Suite 216
Washington, D.C. 20007

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not count on the United States or a United States agency, or an officer or employee of the United States or (3) — you must serve on the plaintiff an answer to the summons within the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff within the time specified in the summons.

Strange v. Islamic Republic of Iran, et al.

Larry Klayman, founder of Judicial Watch and Freedom Watch, is known for his strong public interest advocacy in furtherance of ethics in government and individual liberties.
larryklayman.com

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Larry Klayman
@LarryEKlayman

Founder of @FreedomWatch - I've dedicated my life to fighting injustice and holding government officials accountable.

freedomwatch.org
Joined September 2011