

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

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Case No.: 22-cv-830

JURY TRIAL DEMANDED

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Plaintiffs,

v.

MTN IRANCELL TELECOMMUNICATIONS SERVICES COMPANY, MTN GROUP LIMITED, PHUTHUMA NHLEKO, and IRENE CHARNLEY,

Defendant(s).

**AMENDED COMPLAINT FOR  
VIOLATIONS OF THE ANTI-TERRORISM ACT**

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## INTRODUCTION

1. This lawsuit seeks damages under the federal Anti-Terrorism Act (the “ATA”) on behalf of American service members and civilians, and their families, who were killed or wounded while serving their country in Iraq and Afghanistan between 2006 and 2010. Plaintiffs seek to hold defendant MTN Group Limited (“MTN Group”), a South African telecommunications company, and three defendants associated with MTN Group (MTN Irancell Telecommunications Services Company (“MTN Irancell”), Phuthuma Nhleko, and Irene Charley) (collectively, “Defendants”) accountable for the acts of international terrorism that killed or wounded Plaintiffs or their loved ones.

2. This lawsuit also seeks civil damages under the ATA as amended by the Justice Against Sponsors of Terrorism Act (“JASTA”), 18 U.S.C. § 2333, amended by Pub. L. No. 114-222, 130 Stat. 852 (2016), which entitles any U.S. national injured by reason of an act of international terrorism committed, planned, or authorized by a designated Foreign Terrorist Organization (“FTO”) to recover against any person “who aids and abets, by knowingly providing substantial assistance,” or “who conspires with” the person who committed the act. 18 U.S.C. § 2333(a), (d)(2). As Congress’s findings explain, JASTA seeks “to provide civil litigants with the broadest possible basis … to seek relief against” anybody that has “provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.” JASTA § 2(b). This includes those who act “knowingly or recklessly,” and support terrorism “directly or indirectly.” JASTA § 2(a)(6). As Congress has found, it is the “long-standing policy of the United States that civil lawsuits against those who support, aid and abet, and provide material support for international terrorism serve the national security interests of the United States by deterring the sponsorship of terrorism and by advancing interests of justice, transparency, and accountability.” Sudan Claims Resolution Act, Pub. L. No.

116-260, div. FF, tit. XVII, § 1706(a)(1), 134 Stat. 3294 (2020). This case advances these vital national interests.

3. MTN Group is a multinational telecommunications company that intentionally targeted high-risk markets that were rife with terrorist-financing risks. Iran was one such market.

4. To enter the Iranian market, Defendants deliberately became a telecommunications joint venture partner with known fronts for Iran's Islamic Revolutionary Guard Corps (IRGC). That joint venture was known as Irancell. To win a stake in Irancell, Defendants engaged in an intensive lobbying and pressure campaign that involved bribing openly anti-American Iranian hardliners who Defendants knew were prominent figures in Iranian-sponsored terrorism. After winning a stake in the Irancell venture, Defendants provided at least ***hundreds of millions*** of dollars in financial and technical support to Irancell—including by procuring sensitive, dual-use technology, in violation of U.S. sanctions—and played key managerial and oversight roles in Irancell operations that directly supported IRGC terrorism.

5. MTN Group, Phuthuma Nhleko, and Irene Charnley provided material support to the terrorists and contractually committed themselves, and every MTN entity worldwide, to serving as a global logistics, financial, operational, and technical super-cell for MTN's terrorist business partners, including the IRGC, Hizballah, and their terrorist proxies in Iraq and Afghanistan. Defendants' long-running, pervasive assistance to Irancell also aided and abetted terrorist attacks by these and other designated foreign terrorist organizations.

6. The technology that MTN Group provided to Irancell—which then flowed through to the IRGC, Hizballah, and their terrorist proxies—conferred immense value to the terrorists, enabling them to inflict maximum damage against Americans. It enabled terrorists to

spy on Americans, avoid detection, clandestinely communicate, travel freely, and build and detonate more effective bombs.

7. Defendants were one in spirit with Hizballah, the IRGC, Ayatollah Khamenei, Qasem Soleimani, and Hassan Nasrallah, and Defendants knew that prominent Iranian terrorists who powered Hizballah and IRGC attacks were the key to winning the Irancell deal, and their investment in Irancell was, from the beginning, rooted in the IRGC’s and Hizballah’s need for military-grade American technology to support attacks targeting U.S. personnel in Iraq and Afghanistan. Each pledged, orally or in writing, their commitment to fully aiding the Foundation for the Oppressed’s and IEI’s needs relating to “security” matters—which the IRGC and Hizballah notoriously achieved through anti-American terrorist attacks—and “defensive” matters—which the IRGC and Hizballah notoriously used to euphemistically describe the weapons needed for such attacks to succeed. Defendant Nhleko, MTN’s President at the time, even mocked those who raised concerns about the risks associated with partnering with two notorious Iranian terror fronts: When queried by investors about the “risk of doing business with Iran,” Mr. Nhleko “laughed off” such questions, joking that “[MTN] hadn’t budgeted for bomb shelters or anything like that.”

8. Defendants took great pains to conceal their long-running assistance to Irancell. MTN’s contractual commitment to financially and operationally support the IRGC’s “security” agenda and to violate U.S. sanctions to obtain embargoed dual-use goods was concealed fraudulently from MTN Group’s shareholders, and remained a closely guarded secret until revealed (in part) by a corporate whistleblower.

9. In Afghanistan, Defendants quietly paid millions of dollars to Sunni terrorists to “protect” their cellular towers from attack, knowing that cooperation with the terrorists would

provide a commercial advantage over competitors who followed U.S. and Afghan government instructions not to pay. Defendants even joined in terrorist efforts to disrupt U.S. counterinsurgency efforts, shutting down their cellular masts at night at the terrorists' request to prevent Coalition forces from tracking the terrorists' movements.

10. Defendants' actions followed not just MTN's commercial interests but also its ideological opposition to what internal MTN documents called "America's quest for world hegemony," against which Islamic insurgents were "the most vocal protagonist."<sup>1</sup> While MTN Group publicly lied to the world and professed that it was "neutral" in the struggle between the United States and Iran, in truth, MTN directly sided with Hizballah and IRGC terrorists against the United States, and Defendants directly profited from Hizballah and IRGC-sponsored attacks that killed and injured Americans from 2006 through 2025.

11. Defendants' misconduct had foreseeable consequences: American bloodshed in Iraq and Afghanistan, which resulted from the various types of support Defendants provided to avowed anti-American terrorists and their enablers.

### **DEFENDANTS**

12. Defendant **MTN Group** is a publicly traded South African telecommunications (or "telecoms") company. MTN Group also issues American Depository Receipts (ADRs) under the trading code MTNOY. Its principal place of business is in Roodepoort, South Africa. It is among the largest telecoms companies in the world, with more than 288 million subscribers as of November 2024. It is primarily responsible for managing every aspect of Defendants' operations in Iran and with Irancell, including, but not limited to, technology, procurement, financing, and

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<sup>1</sup> MTN Group, "Middle East and Iran," (December 2006) (MTN 000000949, at -951).

U.S.-facing sanctions, economic, stakeholder management, strategic communications, lobbying, legal, and negotiations.

13. Defendant **Irancell** is a joint venture between MTN Group, which has a 49% stake, and the Foundation for the Oppressed (a/k/a Bonyad Mostazafan) and Iran Electronics Industries, a/k/a Sairan (“IEI”), which collectively own a 51% stake,<sup>2</sup> and are known operations fronts for the IRGC Qods Force (sometimes abbreviated “IRGC-QF”), IRGC Intelligence Organization (sometimes abbreviated “IRGC-IO”), IRGC Aerospace Force (sometimes abbreviated “IRGC-ASF”) and Lebanese Hizballah (or “Hizballah”). Irancell is an Iranian firm and its principal place of business is in Tehran, Iran. Irancell operates as, and Irancell’s employees and agents work as operatives for, a front for the IRGC (including the IRGC-QF and IRGC-IO) and Hizballah. The Foundation of the Oppressed and IEI have been designated by the U.S. government for their connections to terrorism, and are known fronts for the IRGC, including its Qods Force (sometimes abbreviated “IRGC-QF”), and Hizballah. The IRGC, Hizballah, and Supreme Leader’s Office were Irancell’s ultimate beneficial owners through their control of Irancell owners, facilities, and management, including, but not limited to, the Foundation for the Oppressed, IEI, and IEDC. Irancell always operated as, and Irancell’s employees and agents always work as agents for, an IRGC and Hizballah terrorist operations front for funding and equipping the IRGC and Hizballah. Although Irancell is an Iranian firm

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<sup>2</sup> See, e.g., Sifiso Dabengwa, quoted in MTN Group Ltd., *Integrated Business Report For The Year Ended 31 December 2006*, at 74 (Mar. 2007) (“MTN Group holds 49% of MTN Irancell with the balance held by the Iran Electronic Development Company.”); Settlement Agreement, U.S. Dep’t of Treas. and Keysight Technologies Inc., at 2 (June 26, 2020) (“Irancell [is] a joint venture between the South African company MTN Group and a consortium controlled by the Government of Iran”); U.S. Dep’t of Treas., *Treasury Targets Vast Supreme Leader Patronage Network and Iran’s Minister of Intelligence* (Nov. 18, 2020) (“Iran Electronic Development Company (IEDC), a joint venture between Bonyad Mostazafan and MODAFL-controlled Iran Electronic Industries … is the majority owner of Irancell”).

and its principal place of business is in Tehran, Iran, dual-hatted MTN Group personnel commonly simultaneously served in senior Irancell management and procurement functions under MTN Group's close collaboration with Irancell.<sup>3</sup> And Irancell personnel, including Irancell CEO Alireza Dezfouli, served on MTN Group's Executive Committee.

14. Defendant **Phuthuma Nhleko** is a South African national who served as President of MTN Group Limited at all relevant times and directly aided every facet of the IRGC's terrorist enterprise. Mr. Nhleko currently resides in South Africa.

15. Defendant **Irene Charnley** is a South African national who served as Commercial Director of MTN Group Limited at all relevant times and directly aided every facet of the IRGC's terrorist enterprise. Ms. Charnley currently resides in South Africa.

#### **JURISDICTION AND VENUE**

16. This Court has subject-matter jurisdiction under 18 U.S.C. § 2338 and 28 U.S.C. § 2331.

17. This Court has personal jurisdiction over each Defendant under Federal Rules of Civil Procedure 4(k)(1)(A), 4(k)(1)(C) together with 18 U.S.C. § 2334(a), and 4(k)(2).

18. Defendants pervasively and deliberately reached into the U.S. to illicitly procure embargoed U.S. technology for their affiliate Irancell, including but not limited to, dual-use computing technologies, internet and networking equipment, and information technology and management consulting services, which were subject to both anti-terrorism and national security controls and were illegally exported to anti-American entities and individuals in Iran.

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<sup>3</sup> For example, current MTN Group Chief Risk Officer Ferdi Moolman has served as both Irancell's Chief Financial Officer and its Chief Operating Officer. Malik Melamu, formerly Executive for Sales and Distribution and Customer Experience at MTN Group, has been Irancell's COO since 2022, succeeding MTN Group's Hassan Jaber. Previous Irancell COOs from MTN Group include Jyoti Desai, and Mazen Mroue.

19. Defendants also targeted the United States by agreeing to the Letter Agreement (*see infra*), making direct payments by MTN to IRGC and Hizballah fronts, including al-Qaida and the Haqqani Network, entering into transactions with fronts, operatives, and agents for the IRGC that were intent on harming United States nationals in Iraq and Afghanistan, and participating directly in IRGC surveillance and targeting operations.

20. All these actions were taken in deliberate violation of U.S. law and national security policy and had intended and actual effects on the conduct of U.S. foreign policy, and therefore bore a meaningful relationship to the United States.

21. Venue is proper in this District under 18 U.S.C. § 2334(a), because Plaintiff Todd L. Schulte resides in the District of Columbia.

### **SOURCING**

22. Plaintiffs' allegations about Defendants' behavior are based on publicly available, mainstream reports from the U.S. government, United Nations, subject-matter scholars, mainstream media outlets, statements from Defendants' and their affiliates, statements from Iranian individuals and entities with whom Defendants worked, as well as Defendants' internal investigation into aspects of MTN Group's behavior.<sup>4</sup>

23. However, the core of Plaintiffs' allegations against Defendants are based upon facts that Defendants successfully concealed prior to February 1, 2013, when MTN Group caused the publication of a lengthy set of statements, admissions, and deceptions called the

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<sup>4</sup> Some of the sources cited herein were published after 2013. In all instances, however, such later-published materials either confirmed that its analysis applied to all or part of the U.S., Iran, Afghan, and Iraqi considerations at issue from 2003 through 2011, when every Plaintiff was attacked by the Sunni terrorist proxies in Iraq and Afghanistan, or otherwise described a general Iranian or Hizballah custom and practice that endured at all relevant times.

**Hoffmann Report**,<sup>5</sup> and MTN Group also published a set of Appendices<sup>6</sup> that were comprised of documents cherry-picked by Defendants' U.S. counsel at Freshfields that MTN Group elected to publish. The Hoffmann Report and associated Appendices were in response to a lawsuit by Turkcell İletişim Hizmetleri A.Ş. ("Turkcell") against MTN Group filed about 10 months prior, on March 28, 2012, in U.S. District Court for the District of Columbia. *See* Compl. [Dkt. 1], *Turkcell İletişim Hizmetleri A.Ş. and East Asian Consortium B.V v. MTN Group, Ltd. and MTN International (Mauritius) Ltd.*, No. 1:12-cv-00479-RBW, (D.D.C. Compl. Filed Mar. 28, 2012) (hereinafter, "*Turkcell v. MTN*").<sup>7</sup> In its complaint, Turkcell alleged that MTN "violat[ed] ... the law of nations through bribery of sitting Iranian ... officials and trading influence to steal the first private Iranian Global System for Mobile Communications ("GSM") license (the 'License') from Turkcell," which included MTN's "promis[e] [to] Iran [MTN would source] defense equipment otherwise prohibited by national and international laws" and MTN's "outright bribery

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<sup>5</sup> See MTN Group Ltd., *Report of the Independent Special Committee Appointed By the Board of MTN Group Ltd to Investigate Allegations in United States Proceedings by Turkcell Iletisim Hizmetleri AS* (Feb. 1, 2013), republished at <https://group.mtn.com/wp-content/uploads/2019/02/Final-Report-Hoffmann-Committee-FINAL.pdf> (hereinafter, "MTN Group, Hoffmann Report"). When Plaintiffs cite an MTN Group statement published in the Hoffmann Report herein, Plaintiffs use the same paragraph (¶) convention used in the Hoffmann Report as published by MTN Group on its website.

<sup>6</sup> See MTN Group Ltd., *Report of the Independent Special Committee Appointed By the Board of MTN Group Ltd to Investigate Allegations in United States Proceedings by Turkcell Iletisim Hizmetleri AS*, Appendices (Feb. 1, 2013), republished at [https://mtn-investor.com/html/pdf/circulars/2013/hoffman\\_appendices.pdf](https://mtn-investor.com/html/pdf/circulars/2013/hoffman_appendices.pdf) (hereinafter, "MTN Group, Hoffmann Report, Appendices"). When Plaintiffs cite an MTN Group statement published in the Hoffmann Report, Appendices with reference to an Appendices page number herein, Plaintiffs refer to the page number in the overall Hoffmann Report, Appendices PDF file as shown in the upper corner of the PDF file when the Appendices are viewed in the manner in which MTN Gorup has published them on MTN's official website and electronic circulars to MTN shareholders in the United States: as part of a single PDF file.

<sup>7</sup> Turkcell subsequently voluntarily dismissed the case to pursue the matter in South Africa. *See* Notice of Voluntary Dismissal (Dkt. 47) and Minute Order (Dkt. 48), *Turkcell v. MTN*, No. 1:12-cv-00479-RBW (D.D.C. May 1, 2013).

of high-level [] officials in both Iran and South Africa,” which “acts … deliberately resulted in Turkcell losing its rightfully-won valuable telecommunications opportunity and in MTN’s taking over the License.”<sup>8</sup>

24. On February 1, 2013, MTN Group published the Hoffmann Report and its Appendices on MTN Group’s official website. MTN Group also transmitted electronic and paper communications to an array of MTN stakeholders in the United States as an official “circular” of MTN Group, including to MTN’s investors in the United States. MTN Group’s publication of the Hoffmann Report and its Appendices was an act to further MTN’s scheme alleged herein through highly selective, misleading, and biased analysis that was advocacy disguised as an independent investigation. The Hoffmann Report and its Appendices operate as a one-way ratchet in Plaintiffs’ favor: the inculpatory materials that slipped through the cracks supplied, for the first time, powerful evidence of MTN’s culpability, but the Hoffmann Report’s exculpatory statements were made in bad faith and, as such, merely further evidence of MTN’s consciousness of guilt. Accordingly, Plaintiffs expressly disclaim any exculpatory statements set forth in the Hoffman Report and its Appendices.<sup>9</sup> Nevertheless, the publication of the Hoffmann Report and

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<sup>8</sup> Turkcell also alleged that, “[b]etween the end of 2004 and receiving the License in November 2005, MTN through ‘Project Snooker’ made at least five illegal bribes and trades in influence to government officials with the intention and belief that the bribes would cause the Iranian government to grant the License to MTN rather than Turkcell.” *Turkcell v. MTN* Complaint ¶9.

<sup>9</sup> For the avoidance of all doubt, Plaintiffs do not incorporate by reference the entirety of the Hoffmann Report because such report was a complex, and comprehensive, deception by MTN, for the purpose of deliberately misleading MTN stakeholders worldwide—including U.S. government regulators and MTN shareholders in the United States—that MTN Group and MTN Mauritius complied with U.S. sanctions targeting Iran and had not partnered with Iranian terrorists. Throughout the Hoffmann Report—which was not independent and was always controlled by MTN Group—MTN Group selectively revealed cherry-picked information that was meant to defang the devastating internal MTN documents that whistleblowers leaked when the Turkcell lawsuit was filed in 2012. Accordingly, any purportedly exculpatory statements in the Hoffmann Report were not true but, instead, were designed to fraudulently conceal the reality of MTN’s conduct in Iran.

a subset of internal MTN Group documents that MTN Group authenticated on February 1, 2013 revealed, for the first time, key aspects of Defendants' violation of the primary liability provision of the ATA by supplying vital proof of Defendants' specific intent to commit terrorism crimes that Defendants knew proximately caused attacks like the ones that injured Plaintiffs.

25. The Hoffmann Report revealed **several financial transactions** that underpinned the Irancell venture that Defendants had concealed from public scrutiny.

26. Defendants facilitated a \$3.6 million kickback to Ebrahim Mahmoudzadeh and MODAFL. On November 7, 2005, MTN Group caused MTN Mauritius to "transfer[] USD3 600 000 to MTN's Iran Branch account held at SAMAN Bank" for "the payment of share transfer duties of IRR 30 929 800 800 to the State Taxation Affairs Organisation in respect of" the "Irancell shares transferred from" IEI President and Irancell Chair Ebrahim "Mahmoudzadeh"<sup>10</sup>—to whom MTN paid 99.99999% of the total purchase price.<sup>11</sup> In so doing, MTN corruptly supplied a financial windfall to Mahmoudzadeh; MTN paid millions in taxes to the Iranian State Taxation Affairs Organisation that Mahmoudzadeh would have otherwise owed. MTN's \$3.6 million tax payment was contrary to MTN's typical practice. MTN Group ordinarily required that counterparties—not MTN—handle tax liabilities or payments resulting from MTN's transaction with them, and MTN even required counterparties to indemnify MTN against

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<sup>10</sup> See, e.g., MTN Group (KPMG), *Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee*, at 25 (Aug. 2, 2012) (citing "E-mail s from Kilowan dated 28 May 2006 and 11 July 2006 (including receipts from State Taxation Affairs Organisation")"), republished in MTN Group, Hoffmann Report, Appendices, 224.

<sup>11</sup> According to MTN, the value of its \$3.6M payment in IRR was IRR30 928 800 800, of which "30 928 798 800 IRR"—99.99999%—was paid for the benefit of "Mahmoudzadeh."

tax liability created by the counterparty.<sup>12</sup> MTN's \$3.6 million kickback payment was not disclosed until the Hoffmann Report was released publicly.

27. MTN Group also concealed from public scrutiny a series of substantial, corrupt payments to its Irancell co-venturers and their agents at the outset of the Irancell venture. On November 15, 2005, MTN Group instructed MTN Mauritius to sign three loan agreements with Irancell and IEDC. MTN did so “[d]espite” the “forebodings” supplied to MTN Group and CEO Nhleko by Kilowan in his October 4, 2005 memo.<sup>13</sup> “By Loan 1A,” according to MTN, “MTN lent Irancell about US\$88 million” for which “[i]nterest was payable at 4% over Libor, and IEDC guaranteed repayment of the loan and pledged its shares in Irancell as security for the guarantee.”<sup>14</sup> “By Loan 1B,” “Irancell lent the same amount at the same rate of interest to IEDC to enable it to pay for its shares in Irancell.”<sup>15</sup> “By Loan 3,” “MTN lent Irancell €300 million to pay the up front licence fee.”<sup>16</sup> According to MTN, “although” MTN’s loans were “made to Irancell, it was lent on to IEDC”—*i.e.*, the joint venture comprised of the Foundation and IEI.<sup>17</sup>

28. On November 15, 2005, MTN Group instructed MTN Mauritius to enter into Loan Agreement 1A with the Foundation and IEDC, and MTN Mauritius did so.<sup>18</sup> MTN agreed

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<sup>12</sup> See MTN Group, Agreement for the Provision of Consulting Services Between MTN International (Mauritius) Limited and Aristo Oil International Services Limited Liability Company, § 4.4 (Apr. 3, 2007), republished in MTN Group, Hoffmann Report, Appendices, 122-33.

<sup>13</sup> MTN Group, Hoffmann Report, ¶ 137.

<sup>14</sup> MTN Group, Hoffmann Report, ¶ 137.

<sup>15</sup> MTN Group, Hoffmann Report, ¶ 137.

<sup>16</sup> MTN Group, Hoffmann Report, ¶ 137.

<sup>17</sup> MTN Group, Hoffmann Report, ¶¶ 283-85.

<sup>18</sup> See MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 15-17 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, 214-5. Consistent with MTN Group’s role in the Irancell JV, partnership with the Foundation and IEI, and control of MTN Mauritius, MTN necessarily approved Loan 1A.

to lend Irancell \$88.7 million through an MTN-supplied, U.S. dollar-denominated, loan facility in which (on paper) MTN acted as the lender, Irancell acted as the borrower, and Foundation and IEI acted as the guarantor through IEDC.<sup>19</sup> Loan 1A was executed by: (1) Charnley, on behalf of MTN as lender; (2) Mahmoudzadeh and Dezfooli, on behalf of Irancell as borrower; and (3) Mokhber and Mozaffar Pour Ranjbar, on behalf of IEDC, representing the interests of its two joint venturers, the Foundation and IEI.<sup>20</sup>

29. MTN and its Iranian partners denominated Loan 1A, including its interest and penalty provisions, in U.S. Dollars. Per MTN, “[t]he salient terms of Loan 1A were: [1] The interest payable to MTN was Libor (rate for deposits in USD for a period of six months) plus 4% per annum, compounded bi-annually; [2] The repayment period is each successive period of six calendar months, commencing on the date on which the loan has been disbursed; [3] Repayments would first be allocated to cover interest and the remaining amounts would be allocated to the repayment of the principal; [4] Loan 3 (discussed in paragraph 4.6 below) was required to be repaid prior to Loan 1A; [5] Loan 1A was secured by a pledge of IEDC’s shares (80 477 996 Irancell shares) to MTN Mauritius; and [6] In the event that Loan 1A was not repaid by the final maturity date, default compensation of 2% per annum was payable on the outstanding amounts. The final maturity date of Loan 1A is implied as 10 July 2009, being the third anniversary date of commencement date of the license agreement. A six month grace period, subsequent to final

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<sup>19</sup> See MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 15-17 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, 214-5.

<sup>20</sup> See MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 15-16 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, 214-5.

maturity date was allowed in terms of the loan agreement and therefore it appears that Loan 1A was due and payable on 10 January 2010.”<sup>21</sup>

30. On November 15, 2005, in parallel with Loan 1A, MTN Group instructed MTN Mauritius to enter into Loan Agreement 1B with IEDC, and MTN Mauritius did so.<sup>22</sup> According to MTN, “clause 2 of the Loan 1B agreement” provided that “Loan 1B was only a book entry in Irancell’s records once the funds had been disbursed by MTN Mauritius, and there was no flow of funds for Loan 1B between Irancell and the IEDC.”<sup>23</sup>

31. According to Defendants, MTN intended that “Loans 1A and 1B” would “provide the IEDC with funds” comprised of “USD88.7 million” in order “to enable the IEDC to pay its share capital contribution of 51% to Irancell”—including “included a repayment of a loan by IEDC to Irancell that Irancell had previously advanced to the IEDC to purchase the 35% shareholding in Irancell.”<sup>24</sup>

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<sup>21</sup> See MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 16 (Aug. 2, 2012) (citing “Exhibit 3.04\_DOC ID 0.7.43.2116328\_Loan 1A dated 15 November 2005”) (emphasis added), republished in MTN Group, Hoffmann Report, Appendices, 215.

<sup>22</sup> See MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 15-17 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, 214-6. Consistent with MTN Group’s role in the Irancell JV, partnership with the Foundation and IEI, and control of MTN Mauritius, MTN necessarily approved Loan 1B.

<sup>23</sup> See MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 17 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, 216. Consistent with MTN Group’s role in the Irancell JV, partnership with the Foundation and IEI, and control of MTN Mauritius, MTN necessarily approved this transaction.

<sup>24</sup> See MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 17 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, 216.

32. On November 15, 2005, MTN Group instructed MTN Mauritius to enter into Loan Agreement 3 with Irancell.<sup>25</sup> Under the “terms of Loan 3, MTN Mauritius disbursed an amount of €300 million (approximately USD351.9 million) to Irancell to enable Irancell to pay the upfront license fee due to the MCIT.”<sup>26</sup> MTN’s promise to supply a €300 million loan facility to Irancell was created when Loan Agreement 3 was executed by: (1) Charnley, on behalf of MTN; and (2) Mahmoudzadeh and Dezfouli, on behalf of Irancell.<sup>27</sup>

33. According to Defendants, “[b]y Loan 3, MTN lent Irancell €300 million to pay the up front licence fee” and MTN and its Iranian partners “agreed that Loan 3 would be repaid before Loan 1A and that when Irancell declared a dividend, IEDC’s share would be applied in enabling Irancell to repay Loan 1A.”<sup>28</sup> According to Defendants, “[t]he salient terms of Loan 3” were: (1) “The interest payable to MTN Mauritius is Libor (rate for deposits in USD for a period of six months) plus 4% per annum, which is compounded bi-annually;” (2) “The repayment period is each successive period of six calendar months, commencing on the date on which the loan was disbursed;” (3) “Repayments will first be allocated to cover interest and the remaining amounts will be allocated to the repayment of the principal;” (4) “Irancell is required to repay Loan 3 to the extent that it has available resources, as determined by its Board;” (5) “Loan 3 is

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<sup>25</sup> See MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 17-18 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, 216-7. Consistent with MTN Group’s role in the Irancell JV, partnership with the Foundation and IEI, and control of MTN Mauritius, MTN necessarily approved Loan 3.

<sup>26</sup> See MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 17 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, 216.

<sup>27</sup> See MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 17 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, 216.

<sup>28</sup> MTN Group, Hoffmann Report, ¶ 137.

required to be repaid prior to the repayment of Loan 1A;” and (6) “In the event that Loan 3 is not repaid by the final maturity date, default compensation of 2% per annum is payable on the outstanding amounts. The final maturity date of Loan 3 is implied as 21 November 2009, being the fourth anniversary on which the loan was disbursed.”<sup>29</sup> With respect to MTN’s €300M loan to Irancell to pay for its license fee, according to Defendants, “as of October 2011,” about “US\$130 million of interest on the loan to Irancell to pay the licence fee was paid by February 2010 but its maturity date has since been extended to December 2014.”<sup>30</sup> These terms were highly unusual for the telecoms industry, and for MTN.

34. When MTN agreed to provide atypical and commercially unreasonable loan terms to its Iranian partners, it did so over the objections of MTN Group’s CFO, who believed that MTN needed to have charged MTN’s Iranian partners a materially higher rate of interest,<sup>31</sup> which, on information and belief, equated to tens of millions (at least) of profits to Irancell through below-market interest savings supplied by MTN. When Defendants approved MTN’s atypical loans to its Iranian partners, MTN also enacted such loans over the objection of MTN Group’s Iran Director, who believed that MTN’s Iranian partners likely intended to violate the loan terms and force MTN to eat the resulting losses, as he indicated in his October 4, 2005 warning to MTN.

35. MTN bribed the Foundation for the Oppressed and IEI when MTN waived the substantial penalties they otherwise owed under Loans 1A and Loan 3. Even MTN’s own

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<sup>29</sup> See MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 17-18 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, 216-7.

<sup>30</sup> MTN Group, Hoffmann Report, ¶ 286.

<sup>31</sup> Indeed, even Defendants’ rose-colored historical account in the Hoffmann Report, MTN admitted that CFO Rob “Nisbet” was “of the view that MTN should have held out for a higher rate of interest on its loans.” MTN Group, Hoffmann Report, ¶ 287.

auditors confirmed the gist of Plaintiffs' allegations. In a report for Defendants, KPMG stated the following with respect to MTN's collection of "Penalty interest" from the Foundation and IEI "on Loan 1 A and Loan 3":

[T]he implied final maturity dates for Loan 1A and Loan 3 were 10 January 2010 and 21 November 2009, respectively. These loan agreements indicated that in the event that the loans are not repaid by the final maturity date, MTN Mauritius/Dubai was entitled to penalty interest of an additional 2% per annum on the outstanding amounts. Based on our recalculations of the outstanding balance and the MTN Group AFS (2009 to 2011), it is apparent that MTN did not charge penalty interest on Loan 1A and Loan 3.<sup>32</sup>

Based on the amount outstanding under Loans 1A and 3, MTN's forbearance of such payments caused a financial windfall for the Foundation for the Oppressed and IEI.

36. In so doing, Defendants paid a major bribe to Irancell. When MTN's Iranian partners failed to repay Loan 1A and Loan 3 of their maturity dates of January 10, 2010 and November 21, 2009, respectively—as Kilowan had predicted they would—MTN routed another major bribe to its Iranian partners by waiving dramatic financial penalty clauses that, on information and belief, MTN ordinarily did not waive. In corrupt dictatorships in the Middle East, including Iran, such tactics were a common strategy that bribe-paying multinational firms deployed for decades to both conceal their bribes and, should they be discovered, supply plausible deniability to the bribe giver.

37. MTN Group controlled all decision-making concerning Loans 1A and 3 because MTN Group directly managed financial issues that flowed into MTN Group Annual Financial Statements, which specifically identified Loans 1A and 3.<sup>33</sup> MTN Group did so because it

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<sup>32</sup> MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 20-21 (Aug. 2, 2012), *republished in* MTN Group, Hoffmann Report, Appendices, 219-20.

<sup>33</sup> See, e.g., MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 21 (Aug. 2, 2012) ("MTN Group" handled

directly managed functions that had direct implications on MTN’s financial reporting or as potential business or deal precedents, both of which described MTN’s forbearance of Irancell-related penalty interest on Loans 1A and 3, above.

38. MTN Group concealed the corrupt, commercially unreasonable loans made to its Irancell co-venturers until the loans were made public when the Hoffmann Report was published.

39. In addition, MTN Group’s statements and representations to media regarding its compliance with U.S. embargoes of dual-use technology in connection with its Irancell-related procurement responsibilities were intentionally misleading and designed to obfuscate the truth and further conceal the facts from governmental and investor constituencies. Specifically, MTN Group executives and the expensive PR/media team it retained from Brunswick recognized that Mr. Stecklow’s reporting in *Reuters* in 2012 that MTN Group “conspired with lawyers and suppliers to circumvent US embargoes” could “become a broader issue for the investment community (which is *Reuters*’s target audience” and that it could “antagonize [sic] the US or SA government” if MTN Group’s CEO were to speak further to the media about those allegations beyond its prior “on-the-record denial to *Reuters*.<sup>34</sup>

40. MTN Group was highly motivated to use deception and avoid the ugly truth about its Irancell venture’s illegal procurement scheme coming to light during the 2006-09 timeframe, given the investment community’s acute focus on Irancell’s operations and results. MTN Group knew that Irancell-related business was a key focus of buy-side analyst reports on MTN Group’s

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financial reporting decisions relating to “MTN’s interest in Irancell as a joint venture,” including MTN’s treatment of MTN’s “Loans to the Irancell” comprised of “Loan 1A (recorded in the MTN Group AFS as Loan 1) which represents 49% of Loan 1A” and “Loan 3 (recorded in the MTN Group AFS as Loan 2) which represents 51% of Loan 3 for the license fees”), *republished in* MTN Group and MTN Mauritius, Hoffmann Report, Appendices, 220.

<sup>34</sup> Email from M. Bidoli to P. Norman (Aug. 23, 2012) (MTN-GROUP-000002040).

stock from the largest investment banks' equity research desks. For example, the first page of a Credit Suisse research report in March 2007 that rated MTN Group shares as "neutral" noted that "[b]y far the most concerning aspects of the results was the poor Iranian performance in our view."<sup>35</sup> The report further noted that "the threat of sanctions could derail the project if MTN's network equipment suppliers fail to deliver."<sup>36</sup> A report from JP Morgan's Emerging Markets Equity Research desk issued a few days later in April 2007, however, upgraded MTN Group's stock, noting as one of its "Key take-aways" that "IranCell, given numerous challenges, appears to be back on track."<sup>37</sup>

**41. Defendants' Knowledge of Sources Cited Herein.** Defendants knew about the official statements and media reports from U.S., U.K., E.U., U.N., Iranian, Lebanese, and Iraqi sources that Plaintiffs cite herein. As a sophisticated multinational firm with a substantial presence in the Greater Middle East, operating in a highly regulated industry, MTN Group always monitored geopolitical and economic policy developments worldwide. This included monitoring developments related to geopolitical tensions, international sanctions, and terrorism, which could disrupt MTN's business in multiple markets. Thus, MTN Group always actively monitored, among other things, every official U.S. and U.N. sanctions designation, including associated press releases, reports, and findings targeting Iran, the IRGC, and Hizballah; and other public sources—including articles published by mainstream media outlets, non-governmental organizations, investigative journalists, scholars, and others—that published information relevant

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<sup>35</sup> Credit Suisse Standard Securities, *MTN Group (MTN) Post-finals Note* (Mar. 30, 2007) (MTN-GROUP-000001181, metadata date of Apr. 13, 2007).

<sup>36</sup> *Id.*

<sup>37</sup> JPMorgan Emerging Markets Equity Research, *MTN Group Limited* (Apr. 3, 2007) (MTN-GROUP-000001187, metadata date of Apr. 13, 2007).

to telecommunications products and services, and geographies where MTN operated, including Iran. MTN monitored these sources through, *inter alia*, in-house compliance and intelligence personnel, as well as MTN’s employees and agents in Iran, the Greater Middle East, and elsewhere—each of whose knowledge is imputed to MTN.

42. Such practices by MTN extended specifically to Iranian media. MTN Group always closely monitored Iranian media reports, and MTN’s Iran personnel had a practice of regularly updating MTN’s C-Suite about any significant Iranian media stories that related to MTN, Turkcell, Irancell, or U.S. sanctions. On January 26, 2005, for example, MTN Group’s Iran personnel sent a memo to MTN’s C-Suite supplying analysis about recent reporting in Iranian media.<sup>38</sup> On February 1, 2005, similarly, MTN Group’s Iran-facing representative Shervin Pishevar emailed MTN Group CEO Phuthuma Nhleko, MTN Group CFO Rob Nisbet, and MTN Group Commercial Director Irene Charnley to update them about the “big news” that had been “reported” in “an article on the front page of Iran news paper [sic] today stating that Turkcell is leaving Iran.”<sup>39</sup> Likewise, on May 24, 2005, MTN Group’s C-Suite received another memo based, in part, on MTN’s analysis of news reported in “some local newspapers” in Iran.<sup>40</sup> Similarly, on August 26, 2005, MTN Group’s C-Suite received another memo that analyzed “the bait that” MTN Group’s Iran Director believed was “dangled in front of us [MTN] in the various [Iranian] news articles” published by Iranian media sources that MTN actively monitored as part

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<sup>38</sup> MTN Group Ltd., *Confidential and Urgent Quick Update*, 1 (Jan. 26, 2005), republished in MTN Group, Hoffmann Report, Appendices, 377.

<sup>39</sup> MTN Group Ltd., Email from Shervin Pishevar to Phuthuma Nhleko, Irene Charnley, and Rob Nisbet (Feb. 1, 2005), republished in MTN Group, Hoffmann Report, Appendices, 381-83.

<sup>40</sup> MTN Group Ltd., *Highly Confidential Memorandum*, 2 (May 24, 2005), republished in MTN Group, Hoffmann Report, Appendices, 392.

of its normal course diligence and media monitoring.<sup>41</sup> On September 11, 2005, likewise, MTN Group reviewed coverage by “newspapers in Iran” concerning IEI, Ebrahim Mahmoudzadeh, MTN, and Irancell.<sup>42</sup>

43. In addition to these public sources, MTN had additional private knowledge of the relevant facts alleged herein. Large, sophisticated businesses with longstanding operations universally strive to know as much as possible about their partners, customers, products, and markets. At all relevant times, MTN was an enormous multinational telecommunications conglomerate with access to tremendous volumes of information. Accordingly, MTN was aware of many pertinent facts even before they became public, as well as facts that never became public.

### **FACTUAL ALLEGATIONS**

#### **I. Iran-Backed Terrorists Conspired To Target Americans Across The Middle East**

44. For decades, elements of the Iranian regime, Hizballah, and groups of proxy terrorists have operated as an alliance—the self-styled “**Axis of Resistance**”—that has used terrorism to undermine American foreign policy and kill Americans across the Middle East. The shared objective of the jihadists was to force the United States to exit the Middle East and abandon its allies there.

45. To advance these core objectives, the Iranian regime and Hizballah developed a vast infrastructure of institutions organized to facilitate attacks by regional proxies. In addition to coordinating attacks, these institutions provided all the support that made the attacks possible—transferring weapons and related know-how, sharing financial resources, providing training in

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<sup>41</sup> MTN Group, Hoffmann Report, ¶123.

<sup>42</sup> See, e.g., MTN Group, Hoffmann Report, ¶126.

terrorist tradecraft, constructing underground fortifications, and many other things. In its scope, scale, and single-minded focus, this infrastructure amounted to a terrorism machine.

46. Iran's terrorism machine consisted of four primary components described in this section. First, certain Iranian institutions, which Plaintiffs refer to collectively as Iran's **"Terrorist Sponsors,"** provided key support for Iranian-sponsored attacks: (1) the Foundation for the Oppressed; (2) the IRGC, including its Qods Force; (3) Hizballah; and (4) Ayatollah Ali Khamenei (the second Supreme Leader of Iran) and the Supreme Leader's Office (SLO). A second key component of the terrorism machine were Axis of Resistance terrorist groups that acted as Iran's and Hizballah's **proxies** for facilitating and committing attacks, including the Sunni terrorist groups that attacked Plaintiffs. A third component were operational components that directed, armed, and coordinated the terrorist attacks, including the Supreme National Security Council, the Ministry of Defense and Armed Forces Logistics (or "MODAFL"), and **joint cells**, which the Terrorist Sponsors used to integrate the components of the terrorism machine, coordinating proxies' terrorist attacks through a joint leadership cell referred to as the Khamenei Cell, as well as joint logistics and operations cells.

47. The fourth component of Iran's terrorism machine were **commercial fronts** that supplied its essential fuel. In IRGC-dominated sectors of the Iranian economy, including telecommunications, IRGC-controlled companies regularly and systematically supplied money, materiel, and other essential support to the Terrorist Sponsors for their use in terrorist attacks. Two of the most prominent fronts were MTN's partners in the Irancell joint venture: the **Foundation for the Oppressed** and **Iran Electronics Industries** (IEI).

48. For decades, the United States has sought to impede attacks enabled by the Terrorist Sponsors through robust sanctions targeting Iran. On October 30, 1987, President

Reagan signed Executive Order (or “E.O.”) 12813 upon finding “that the Government of Iran is actively supporting terrorism as an instrument of state policy.” 52 Fed. Reg. 4194D. On March 17, 1995, President Clinton signed E.O. 12957 upon finding that “the actions and policies of the Government of Iran constitute an unusual and extraordinary threat to the national security” of “the United States.” 60 Fed. Reg. 14615. On April 24, 1996, Congress banned “assistance to countries that aid terrorist states,” 22 U.S.C. § 2377, upon finding that “international terrorism is among the most serious transnational threats faced by the United States” and “Congress deplores decisions to ease, evade, or end international sanctions on state sponsors of terrorism.”

49. For decades, the Executive and Legislative branches have publicly confirmed, on a bipartisan basis, that Iran is completely unique amongst nations with respect to terrorist finance because, under decades of Ayatollah Khamenei and IRGC custom and practice, Khamenei and the IRGC prioritize exporting the revolution through terrorist attacks against the United States and (including U.S. allies) above all other considerations and, accordingly, the U.S. government has recognized, on a bipartisan basis, that the custom and practice of Ayatollah Khamenei and the IRGC is to allocate ***most*** of any funds or resources Khamenei and the IRGC receive or otherwise control to sponsoring proxy attacks designed to export the revolution. In 2024, for example, U.S. Deputy Treasury Secretary Wally Adeyemo explained this consensus, bipartisan, U.S. view about Iran’s uniqueness with respect to terrorist finance:

Senator, you’re right that in democracy, money is fungible. But what we’ve seen time and time [again] from the Iranian regime is [that] they fail to feed their people and they ***put the IRGC first. Any dollar they have will go towards their violent activity before they deal with the people.*** That’s partially why almost none of the humanitarian money has been used for humanitarian purposes is because they don’t care about getting food and drugs for their people but the difference is the United States of American has made, as a values proposition, that we are always going to provide humanitarian relief for people. And that’s what we said is the only purpose for this money. ***So while in our country money is fungible, in***

*Iran, they've proven that any dollar they get that they have direct access to in the country will be used for the IRGC before it's ever used for their people.*<sup>43</sup>

50. In 2024, likewise, Senate staff observed that “Adeyemo admitted in testimony that any dollar Iran has access to funds terrorism,” and “efforts that increase Iran’s access to sanctioned funds” supplies “funds that directly support Iran’s terror proxies throughout the Middle East “Given the proven track-record Iran has on redirecting so-called humanitarian assistance to ‘violent activity,’ as characterized by Treasury, *we must operate under the assumption that every dollar made available to Iran is another dollar that will be used to put U.S. servicemembers in harm’s way.*”<sup>44</sup>

**A. The Terrorist Sponsors Have Dedicated Themselves to Facilitating Terrorist Attacks**

51. Throughout the relevant period, the Terrorist Sponsors had vast financial needs to sustain, and intensify, their sponsored attacks targeting the United States. The following key persons, mostly organizations, comprised the terrorist attack-facing architecture of the Terrorist Sponsors who funded and facilitated violence targeting the United States.

**1. Ayatollah Ali Khamenei**

52. Ayatollah Ali Khamenei has been a member of the IRGC since 1979. From the outset of the Islamic Revolution in 1979—and always since—Ali Khamenei has been a notorious IRGC terrorist. After the IRGC was created, Ayatollah Khomeini placed “Khamenei in charge” of “exercising supervision of” the “IRGC” to “make sure the spirited young recruits of the IRGC

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<sup>43</sup> United States Deputy Secretary of the Treasury Wally Adeyemo, Testimony Before U.S. Senate Banking Committee (Apr. 9, 2024) (emphasis added), <https://tinyurl.com/mpp9k73n>.

<sup>44</sup> U.S. Senate Committee on Banking, Housing, and Urban Affairs (Minority Staff), *Scott Calls on Treasury to Block Iran’s Access to Funds, Demands Accounting of High-Value Iranian Assets* (Apr. 12, 2024) (emphasis added), <https://tinyurl.com/ypc8cspr>.

stayed as clerical tools.”<sup>45</sup> Thereafter, he “was Khomeini’s personal representative on military matters inside the Revolutionary Council” where “[u]nsurprisingly, Khamenei was a champion of the Revolutionary Guards.”<sup>46</sup> “Khamenei” was “always infatuated with military affairs and raw power” and his “first main role as Khomeini’s representative involved the defense portfolio,” in which “capacity, he proved … determined … to cultivate the young men from the Revolutionary Guards.”<sup>47</sup> One way Khamenei did so was by seizing the spotlight in high-profile events that tightly connected him to the IRGC, like when he—not the Iran’s president—announced the start of the Iran-Iraq War. Khamenei eventually rose to the rank of IRGC Brigadier General, commanded IRGC forces during the Iran-Iraq war, served in a role analogous to that of Qasem Soleimani in the early 1980s, and has played a vital leadership, fundraising, and operations-facing role in IRGC-sponsored attacks ever since.

53. Since 1979, Khamenei has always played a direct role in the IRGC’s and Hizballah’s highest profile attacks targeting the United States and its allies. One example of his operations-facing role was supplied by the Mykonos trial in Germany in the 1990s, in which a German judge found that Khamenei was directly involved in Terrorist Sponsors’ successful Hizballah attack at a Berlin restaurant.<sup>48</sup> Khamenei was a sworn IRGC brother, Supreme Commander of Hizballah, and Supreme Commander of the IRGC. As such, the *Economist* noted in 2023, “Khamenei” notoriously “built up” the power of the “IRGC” to insulate his own power by supplying a “defence against his rivals among the clergy.” As a scholar noted in 2021:

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<sup>45</sup> Alex Vatanka, *The Battle of the Ayatollahs in Iran: The United States, Foreign Policy, And Political Rivalry Since 1979*, 19 (I.B. Tauris 2021) (hereinafter, “Vatanka, *Battle of the Ayatollahs*”).

<sup>46</sup> Vatanka, *Battle of the Ayatollahs*, 38-39.

<sup>47</sup> Vatanka, *Battle of the Ayatollahs*, 31.

<sup>48</sup> See, e.g., U.S. Dep’t of State, *Patterns of Global Terrorism: 1997* (Apr. 1998).

Khamenei subscribes to the idea of “forward defense” against the United States. Accordingly, to deter Washington from attempting a policy of “regime change” in Tehran, Iran should take the fight to the Americans and their allies in the Middle East and beyond. Khamenei often reminds the Revolutionary Guards and its proxy allies, such as Lebanese Hezbollah … that they should not limit their operations to specific regional boundaries. This is no doubt a warning aimed at the United States .... “Do not build walls around yourself and stay within those walls,” he once told the senior commanders of the [IRGC].<sup>49</sup>

54. In 1989, IRGC Brigadier General Khamenei added another title: Supreme Leader of the Islamic Revolution. That title, however, did not displace Khamenei’s membership in the IRGC, nor did it change the key operations-facing role he had historically played. As Supreme Leader of the Islamic Revolution from 1989 through 2025, Ayatollah Khamenei was always the recognized, and oath-sworn, leader of the IRGC and Hizballah, among others, with every IRGC and Hizballah terrorist personally swearing fealty to Ayatollah Khamenei (and, before him, Ayatollah Ruhollah Khomeini) as their Supreme Leader.

55. Given his status as an IRGC member and staunch and active IRGC and Hizballah supporter, Ayatollah Khamenei always emphasized the global nature of the anti-American terrorist violence that he personally sponsored, and Khamenei infamously led the “Axis of Resistance.”<sup>50</sup> For example, Khamenei was an infamous supporter of Hizballah, who personally met with—and supported—Hizballah’s operations leaders.<sup>51</sup> As such, Khamenei was also an

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<sup>49</sup> Vatanka, *Battle of the Ayatollahs*, 199-200.

<sup>50</sup> See, e.g., Hassan Nasrallah, quoted in Tasnim News Agency, *Nasrallah Highlights Growing Power of Hezbollah, Islamic Revolution* (Oct. 1, 2019) (“Today, no one doubts that the Islamic Republic of Iran, with its determination, will and power, is the vanguard and the main nucleus and main pivot that steers the Resistance movement.”), 2019 WLNR 29723198.

<sup>51</sup> See, e.g., Hassan Nasrallah, quoted in Tasnim News Agency, *Nasrallah Highlights Growing Power of Hezbollah, Islamic Revolution* (Oct. 1, 2019) (“[O]ur [Hizballah] brothers told Imam [Ayatollah Khomeini]: ‘We believe in your guidance, authority and leadership, but in any case, you are very busy, and you are at an old age, and we cannot allow ourselves to continuously disturb you about different issues and problems. For this reason, we are asking you to name a representative to whom we can refer on various issues.’ Then he introduced Imam Khamenei (May God continue his oversight), who was the president at the time, and said: ‘Mr. Khamenei is

infamous sponsor of, *inter alia*, IRGC- and Hizballah-sponsored attacks targeting the United States in Iraq and Afghanistan,<sup>52</sup> and hostage-taking attacks targeting the United States.<sup>53</sup>

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my representative.’ Consequently, the relationship between Hezbollah and Ayatollah Khamenei (May God protect him) began from the very early hours of the establishment and foundation of this group; we were always in contact with him in different times, we met with him frequently and gave him reports on the latest developments and he always praised the resistance. … From the very first moment of our relationship with Ayatollah Sayed Ali Khamenei, I call him, in my own words, Mr. Leader. So let me use the same word, the Leader, to refer to him. … Q: Was there a specific person to go between Hezbollah and Ayatollah Khamenei? Nasrallah: … The fact is that the Leader particularly valued Lebanese groups and provided them with sufficient time. I remember meetings that sometimes lasted for 2, 3 or even 4 hours. … Indeed, the Leader [Ali Khamenei] at that critical stage managed to play an important role guiding the group in cultivating Hezbollah leaders and commanders intellectually, scientifically, and mentally, so that our brothers could make decisions confidently and by relying on their own capabilities even during the most difficult situations. … Therefore, the role of the Leader in the training, growth and swift development of Hezbollah was very significant. … We pledged allegiance to him [Ayatollah Khamenei] in person and directly. Our brothers told him: ‘During the lifetime of Imam Khomeini (r.a) you were his representative in the affairs of Lebanon, Palestine and the region as well as the President of Iran, so you had time (for us). But now you are the leader of the Islamic Republic and all Muslims, and therefore, perhaps you do not have enough time as before. So, we would like to ask you to appoint a representative, so that we do not disturb you continuously.’ At this moment, the Leader smiled and said: ‘I am still young and I have time, God willing. I pay special attention to the issues of the region and the resistance and therefore we will remain in direct contact with each other.’ … in the first years, the early years of the establishment of the movement [Hezbollah], he [Ali Khamenei] was involved in everything. The principles, goals, foundations, criteria, and guidelines that we had, [Ali Khamenei] provided a solution to every issue. … So, we continued to do the same as the Leader had told. … things went on in a better way; because these stances were strengthened … as a result of direct attention by the Leader [Ayatollah Khamenei] to Hezbollah of Lebanon and the resistance in the region. … In 2000, … we traveled to Tehran to meet with Ayatollah Khamenei and the Iranian officials. We—that is the Hezbollah council—traveled to Iran. On that trip, we also were accompanied by the military commanders of the Resistance .... Nearly 50 commanders of the Resistance traveled with us.”), 2019 WLNR 29723198.

<sup>52</sup> See, e.g., *id.* (“We are not talking about U.S. troops deployed to, (let’s say) Brazil. We are talking about forces deployed to Afghanistan, Iraq, and countries surrounding Iran … Who stood up to the United States? The Leader [Khamenei]. … He stood against the only arrogant imperialist superpower in the world; a fuming superpower that does not abide by any rule. He stood up to them, not in a subdued state, but taking an attacking posture. In conclusion, the person who has led the fight against the American project in the region over the past years has been the Leader.”), 2019 WLNR 29723198.

<sup>53</sup> See, e.g., Vatanka, *Battle of the Ayatollahs*, 36-37 (“the Khomeinists were becoming comfortable with the role of hostage-takers. On April 14, 1980, Ali Khamenei became the most senior official to visit the US hostages.7 In his televised conversation with one of the seized US

56. Khamenei was a famous micro-manager, especially with respect to attacks targeting the United States.<sup>54</sup> Among other reasons, he was obsessed with America and viewed the U.S. government as the source of all the Iranian regime's problems.<sup>55</sup> And when he micro-managed, Khamenei's default setting against the United States was violence. As Hizballah Secretary General Hassan Nasrallah—and Khamenei inner circle member since the 1980s—gushed in 2019, “the Leader [Khamenei] … focused on the issue of resistance and its progress” and “insisted that resistance should progress” and, accordingly, Khamenei “always diligently encouraged the Resistance to persist on the path”—“[e]ven inside Hezbollah, there were some of our brothers who were inclined to get involved with [] politics … [b]ut the Leader always emphasized the need to give priority to the mission of resistance and Jihadi tasks.”<sup>56</sup>

57. Khamenei always famously targeted the United States. In 2005, Ayatollah Khamenei explained on IRGC-controlled Iranian TV that his constant invocation of “Death to America” was designed to communicate that pious Muslims must target the United States for destruction before all other considerations: “Our people say ‘Death to America,’ and this is like the saying ‘I seek God’s refuge from the accursed Satan,’ which is recited before any chapter of the Koran, even before ‘In the name of Allah the Compassionate, the Merciful.’ … ‘Death to

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diplomats, the 36-year-old John Limbert, Khamenei had a pleasant manner but an unequivocal demand: the Shah has to return to Iran to face a trial.”).

<sup>54</sup> See, e.g., Vatanka, *Battle of the Ayatollahs*, 146 (“Khamenei is a micro-manager and no other issue has mattered to him as much as relations with the United States.”).

<sup>55</sup> See, e.g., Vatanka, *Battle of the Ayatollahs*, 97 (“the United States was again at the heart of Khamenei’s case for Iran’s problems whether at home or abroad. ['Fifteen years ago the Imam said “America cannot do a damn thing.” Some disagreed and feared America. But if we look at where we are today, we see that indeed America could not do a damn thing! Fifteen years later, we have proof. What have they been able to do? So far they were unable to do a damn thing!']”).

<sup>56</sup> Hassan Nasrallah, quoted in Tasnim News Agency, *Nasrallah Highlights Growing Power of Hezbollah, Islamic Revolution* (Oct. 1, 2019), 2019 WLNR 29723198.

America ... [is designed so that Iranians] will never forget, even for a moment, that Satan is ready to attack him. . . . The saying ‘Death to America’ is for this purpose.”<sup>57</sup> In 2017, Khamenei explained his targeting of the United States: “[M]any of our issues with America are not solvable. The reason is that America’s problem with us is us, the Islamic Republic! The problem is this. . . . The problem of the US is the essence of the Islamic Republic. . . . How do you want to ‘resolve’ this opposition? Therefore, our problems with the US are insolvable.”<sup>58</sup> In 2018, Khamenei stated that “America is the number one enemy of our nation.”<sup>59</sup>

58. United States sanctions findings confirmed that Khamenei ordinarily played a direct role in high-profile attacks targeting the United States. From 2018 through 2020, for example, the United States published a wave of sanctions findings targeting Khamenei’s inner circle, which confirmed in sum and substance how Khamenei used his resources to sponsor Hizballah attacks targeting Americans. On June 24, 2019, for example, the President issued Executive Order 13876 blocking assets of the “the Supreme Leader of the Islamic Republic of Iran” and SLO pursuant to U.S. counterterrorism authorities to protect the United States from Khamenei’s (the “Supreme Leader”) and SLO’s role (including through Khamenei’s agents) in exporting “violence, sabotage, and terrorism” sponsored by “the actions of the Government of Iran and Iranian-backed proxies, particularly those taken to destabilize the Middle East” and “promote international terrorism” through means that “include[d] the targeting of United States

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<sup>57</sup> Ali Khamenei, IRIB Channel 1 (Mar. 14, 2005).

<sup>58</sup> Ali Khamenei, *quoted in* Jordan Steckler (Research Analyst), United Against a Nuclear, *How Iran Exports Its Ideology*, 4 (Dec. 8, 2020).

<sup>59</sup> Ali Khamenei, *quoted in* U.S. Dep’t of Def., *Nuclear Posture Review Report*, 13 (Feb. 2018).

military assets and civilian vessels.” 84 Fed. Reg. 30,573. That same day, Treasury enacted parallel designations.<sup>60</sup>

59. On November 4, 2019, the United States designated additional members of Khamenei’s inner circle under E.O. 13876 counterterrorism authorities, 84 Fed. Reg. 30,573, which protected the United States from “the actions of the Government of Iran and Iranian-backed proxies, particularly those taken to destabilize the Middle East” and “promote international terrorism” through means that “include[d] the targeting of United States military assets and civilian vessels.” 84 Fed. Reg. 30,573. Treasury explained that Khamenei himself, and “individuals who are appointees of, or have acted for or on behalf of, Ali Khamenei,” were “responsible for advancing Iran’s radical agenda” through “a shadow network” of “military and foreign affairs advisors who have for decades . . . exported terrorism . . . around the world” and collaborated with Khamenei, one another, the SLO, IRGC, and Hizballah to help direct high-profile Hizballah-sponsored attacks targeting the United States by helping enable “the Supreme Leader’s ability to execute his agenda of terror.”<sup>61</sup> According to the Secretary of the Treasury, Khamenei’s network of inner-circle “unelected officials who surround Iran’s Supreme Leader, Ayatollah Khamenei, and implement his destabilizing policies, . . . are linked to a wide range of malign behaviors by the regime, including” Hizballah’s “bombings of the U.S. Marine Barracks

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<sup>60</sup> U.S. Dep’t of Treas., *Treasury Targets Senior IRGC Commanders Behind Iran’s Destructive and Destabilizing Activities* (June 24, 2019).

<sup>61</sup> U.S. Dep’t of Treas., *Treasury Designates Supreme Leader of Iran’s Inner Circle Responsible for Advancing Regime’s Domestic and Foreign Oppression* (Nov. 4, 2019). “Today’s actions complement Treasury’s previous addition[] of Supreme Leader Khamenei . . . to OFAC’s List of Specially Designated Nationals and Blocked Persons (SDN List).” *Id.*

in Beirut in 1983 and the Argentine Israelite Mutual Association in 1994, as well as torture, extrajudicial killings, and repression of civilians.”<sup>62</sup>

60. From at least 2021 through 2024, likewise, the United States publicly sanctioned “Ali Husseini Khamenei, Supreme Leader, for support of the IRGC, a Foreign Terrorist Organization,” which identified him as a person whom the U.S. had sanctioned pursuant to “Section 221 of the Iran Threat Reduction and Syria Human Rights Act of 2012, Public Law 112-158 (TRA), enacted on August 10, 2012, codified at 22 U.S.C. 8727, requires the President to publish a list of individuals that the President has determined are senior officials of the Government of Iran, as defined in the statute, that are involved in Iran’s illicit nuclear activities or proliferation of weapons of mass destruction (WMD) or delivery systems for WMD; support for international terrorism; or the commission of serious human rights abuses against Iranian citizens or their family members.”<sup>63</sup>

61. From 2000 through 2025, U.S. federal district judges routinely published factual findings confirming that Khamenei played a key operational, financial, logistical, and recruiting role that enabled high-profile, Hizballah-led attacks targeting the United States; all such findings corroborate the plausibility of Plaintiffs’ allegations, and the findings from 2000-2013 alerted

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<sup>62</sup> U.S. Dep’t of Treas., *Treasury Designates Supreme Leader of Iran’s Inner Circle Responsible for Advancing Regime’s Domestic and Foreign Oppression* (Nov. 4, 2019).

<sup>63</sup> See, e.g., U.S. Dep’t of State, *Report to Congress on Identification of, and Immigration Restrictions on, Senior Officials of the Government of Iran and their Family Members* (Jan. 2021); U.S. Dep’t of State, *Report to Congress on Identification of, and Immigration Restrictions on, Senior Officials of the Government of Iran and Their Family Members* (Feb. 2022); U.S. Dep’t of State, *Report to Congress on Identification of, and Immigration Restrictions on, Senior Officials of the Government of Iran and their Family Members* (Feb. 2023); U.S. Dep’t of State, *Report to Congress on Identification of, and Immigration Restrictions on, Senior Officials of the Government of Iran and their Family Members* (Jan. 2024).

Defendants that Khamenei participated in Hizballah attacks targeting the United States. Such United States District Judges' findings of fact included, but were not limited to:

- a. **Peterson.** In 2003, Judge Lamberth found that under Iranian custom and practice, the “approval” of “the ayatollah (‘supreme leader’)” was “absolutely necessary to carry out the continuing economic commitment of Iran to Hezbollah, and to execute” a Hizballah bomb attack that targeted the United States, and noted that, “[b]ased on the evidence presented by the expert witnesses at trial, the Court finds that it is beyond question that Hezbollah and its agents received massive material and technical support from the Iranian government” after Supreme Leader approval. *Peterson v. Islamic Republic of Iran, et al.*, 264 F. Supp. 2d 46, 53-54, 58 (D.D.C. 2003).
- b. **Stern.** In 2003, Judge Lamberth found that under Iranian custom and practice, “Iranian government support for terrorism is an official state policy and the approval” of “defendant[] Ayatollah Ali Hoseini Khamenei” was “necessary for Iranian [security] agencies” to “support” an IRGC and Hezbollah proxy “with training and economic assistance” and “Iran’s support” of such IRGC/Hizballah proxy “could not occur without this approval,” and high-ranking political figures such as Ayatollah Ali Hoseini Khamenei “also ‘provide ‘operational policy advice to terrorists.’” *Stern v. Islamic Republic of Iran, et al.*, 271 F. Supp. 2d 286, 294-95 (D.D.C. 2003).
- c. **Salazar.** In 2005, the Honorable John D. Bates found that “Iran trained, outfitted, and financed Hezbollah under the auspices of the IRGC, a uniformed military and terrorist operations force that answered to the Ayatollah,” as “‘supreme leader’ ....” *Salazar v. Islamic Republic of Iran, et al.*, 370 F. Supp. 2d 105, 110 (D.D.C. 2005) (cleaned up).
- d. **Blais.** In 2006, Judge Lamberth found that “Ayatollah Khamenei” had “approved” Hezbollah’s “terrorist attack” targeting the United States at Khobar Towers in Saudi Arabia in 1996, under the plan “approved by Ayatollah Khamenei” Hezbollah’s “bomb was assembled at a terrorist base in the Bekaa Valley which was jointly operated by the IRGC” and “Hezbollah” and resulted in a lethal “terrorist attack” against the United States that killed Americans through a bombing comprising “the largest non-nuclear explosion ever up to that time.” *Blais v. Islamic Republic of Iran, et al.*, 459 F. Supp. 2d 40, 47-49 (D.D.C. 2006).
- e. **Owens.** In 2011, Judge Bates found that “Hezbollah engages in international terrorist operations in close tactical and strategic cooperation with the Iranian government” for which “Ayatollah Khamenei, controls oversight of the media, the military, the Ministry of Intelligence, the IRGC, the Basij militia, and the IRGC’s Qods force; all the entities that oversee the training and support of and cooperation with terrorist groups and that grant approval of terrorist attacks conducted with other groups answer to Khamenei” and, as a result, “Hezbollah’s assistance to al Qaeda[’s]” 1998 bomb attack against the United States embassies in Kenya and Tanzania “would not have been possible without the authorization of the Iranian government” through Ayatollah Khamenei. *Owens v. Republic of Sudan, et al.*, 826 F. Supp. 2d 128, 138-39 (D.D.C. 2011) (cleaned up).

f. ***In re Terrorist Attacks on Sept. 11, 2001.*** In 2011, the Honorable George B. Daniels made a litany of findings of fact confirming (and alerting MTN) that Khamenei played a key operational role in anti-American terrorism. *In re Terrorist Attacks on Sept. 11, 2001*, 2011 WL 13244047 (S.D.N.Y. Dec. 22, 2011). Among other things, Judge Daniels found that “Khamenei” had a “long record[] of direct involvement in Iran’s material support for terrorism, and” had “been cited as” a “key figure[] in numerous U.S. court cases finding Iranian state support for terrorism.” *Id.* at \*4. Judge Daniels also found that, “in the late 1990s,” Supreme Leader Ali “Khamenei” once “again formed a special intelligence apparatus that reported directly to him and worked under his direct control” for which the “Supreme Leaders’ special intelligence apparatus was engaged in the planning, support, and direction of terrorism.” *Id.* at \*6. Judge Daniels also found that the “Iranian government, including … Khamenei in particular, used Iranian ministries … to funnel money to terrorist proxy groups through the procurement process, phony banking, and the use of shell companies” that “were fronts for terrorist organizations.” *Id.* at \*7. Judge Daniels also found that “Argentine investigators determined that the decision to bomb the AMIA center was taken at the highest levels of Iran’s government,” for which “Supreme Leader Khamenei” was part of a leadership cell who “directed” Hizballah global terrorist mastermind Imad “Mughniyah and Hizballah to perform the operation.” *Id.* at \*13.

62. For at least five reasons, Defendants knew of the above United States District Judge’s published findings of fact, and other similar findings before and after, on a real-time basis. *First*, Defendants obsessively scrutinized every American legal development that in any way related to Iran under MTN Group’s political, stakeholder, and legal risk management processes. In so doing so, multiple different lanes of cross-functional MTN Group teams necessarily learned of the above, or similar, factual findings in their normal course of Defendants’ Iran-related political, stakeholder, and legal risk management. *Second*, Defendants knew because Khamenei was often a named terrorism defendant,<sup>64</sup> and Defendants’ Irancell-related risk assessment would have necessarily required a review of Khamenei’s risk profile given that MTN Group viewed him as an ultimate beneficial owner, in effect, of the Foundation for the Oppressed’s share of Irancell. *Third*, Defendants could not have avoided learning of such factual findings absent MTN’s willful blindness (same as actual knowledge), because the factual

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<sup>64</sup> Ali Khamenei was a Defendant in several of the above cases, and others. *See, e.g., Stern v. Islamic Republic of Iran, et al.*, 271 F. Supp. 2d 286 (D.D.C. 2003).

findings in question were published in databases that Defendants used, *e.g.*, Thomson Reuters, and many such opinions would have also been a natural result for any even modest “Googling” of the topic by any of Defendants’ tens of thousands of employees and agents. *Fourth*, Defendants also employed a substantial number of lawyers and law firms in the United States, including but not limited to Freshfields and Covington, and, on information and belief, one or more partners, associates, or employees at Freshfields and/or Covington supplied Defendants regular updates about Iran-facing legal news in U.S. courts, necessarily including summaries of many of the above, or similar, factual findings published by United States District Judges. *Fifth*, Defendants ineluctably reviewed such factual findings by no later than April or May of 2012 because Turkcell sued MTN in March 2012 in United States District Court for the District of Columbia and outlined national security-related factual allegations the gist of which was that MTN and Khamenei had partnered in arms schemes that threatened the United States.

## **2. Foundation for the Oppressed (*Bonyad Mostazafan*)**

63. On March 5, 1979, the Supreme Leader’s Office and terrorist militias (that would eventually become the IRGC) seized the Pahlavi Foundation—the Shah’s global charitable foundation with assets and facilities all over the world—as well as the assets of Jews, Bahais, and other religious minorities, which they pooled together and renamed the Foundation for the Oppressed on Earth, a/k/a *Bonyad Mostazafan* (“Foundation for the Oppressed” or “Foundation”). That name boldly announced the new purpose to which they were devoting the Shah’s vast wealth: exporting their Islamic Revolution to benefit the “Oppressed on Earth”—*i.e.*, terrorist attacks targeting the United States and its allies. For Khomeini, the “Oppressed on Earth” comprised Muslims in countries who needed to be “liberated” through Khomeini-sponsored terrorist violence, and his newly seized Foundation was intended for that purpose. To that end, Khomeini installed his most trusted terrorist supporters on the board of the Foundation

from inception, including Ali Khamenei (who later became Iran’s second Supreme Leader). From inception, and ever since, the Foundation has been inextricably connected to, and a vehicle for, the terrorist leaders who provided the muscle for Khamenei’s terrorist agenda.

64. The Foundation for the Oppressed was custom-built to provide funding, weapons, intelligence support, logistical aid, and a vast transnational footprint of corporate fronts, shell companies, and real estate to the IRGC and Hizballah.

65. The growth of the Foundation for the Oppressed was part of Khamenei’s early efforts to build the financial and logistical networks needed to export the Islamic Revolution through Iranian proxy terrorist attacks targeting the United States and its allies, including Israel. Such Khamenei-allied terrorists used the Foundation to help the IRGC, Hizballah, and their proxies acquire funds, weapons (including components), intelligence, cover, concealment, and logistical aid, to commit terrorist attacks.

66. Hizballah exercised control of the Foundation for the Oppressed, alongside the Qods Force and SLO, and it leveraged this control to sponsor terrorist attacks. In 2001, for example, *BBC* reported that “the Foundation for the Oppressed … is an organization that gives financial support to Iran’s … acts of terrorism abroad” that “is supervised by … Ayatollah Khamene’i” and “is a subsidiary of the IRGC” whose investments are “under the control of Hezbollah like other large commercial enterprises in Iran … operating under the supervision of the IRGC” while “under the guise of cultural centres and humanitarian structures.” That characterization has remained accurate through present.

67. The Foundation for the Oppressed comprised a terrorist operations slush fund for Hizballah, the Qods Force, and their proxies. Although the Foundation’s inner workings were notoriously opaque, its opacity only confirmed its terrorist operations purposes; it was dominated

by Khamenei and his inner circle. The Foundation's terrorist operations slush fund role was complemented by the Terrorist Sponsors' custom and practice, and tactics, techniques, and procedures. Among other ways, the Foundation was used as a terrorist finance and logistics aggregator and aggregation site for an array of streams of financial and logistical support from IRGC- and SLO-controlled organizations and firms.<sup>65</sup> As such, Khamenei, the Qods Force, and Hezbollah used the Foundation to optimize their conversion of the Terrorist Sponsors' commercial profits into proxy attacks targeting Americans.

68. U.S. sanctions against the Foundation for the Oppressed confirmed that the IRGC and SLO used the Foundation's profits, personnel, facilities, and resources to sponsor attacks targeting the United States, including attacks targeting regime enemies. In 2020, for example, the United States imposed counterterrorism sanctions on the Foundation pursuant to Executive Order 13876,<sup>66</sup> which was intended to prevent "violence, sabotage, and terrorism" sponsored by "Iran and Iranian-backed proxies, particularly those taken to destabilize the Middle East" and "promote international terrorism" through means that "include[d] the targeting of United States military assets and civilian vessels." 84 Fed. Reg. 30,573.

69. In the same designation of the Foundation for the Oppressed, Treasury confirmed that the Foundation served primarily as a front for terror and performed little legitimate charitable work, devoting just seven percent of its substantial budget to charitable purposes.<sup>67</sup>

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<sup>65</sup> Compare U.S. Dep't of Treas., *Treasury Targets Vast Supreme Leader Patronage Network and Iran's Minister of Intelligence* (Nov. 18, 2020) (Khamenei and inner circle used Foundation to aggregate funds for terrorism), with Fin. Action Task Force, *FATF Report: Emerging Terrorist Financing Risks*, at 11-12, 44 (Oct. 2015) (terrorist aggregation enables attacks).

<sup>66</sup> U.S. Dep't of Treas., *Treasury Targets Vast Supreme Leader Patronage Network and Iran's Minister of Intelligence* (Nov. 18, 2020).

<sup>67</sup> *Id.*

70. The Foundation for the Oppressed “maintain[ed] close ties to the IRGC” and was always a “bridge to the IRGC” through its “vast economic wealth” that was “partly the result” of “business with … those involved with Iran’s support of international terrorism” including trade with “IRGC” fronts that were “designated under … counterterrorism authorities.”<sup>68</sup>

71. In such role, the Foundation for the Oppressed always served from 2006 through 2013 to “line the pockets of [Ayatollah Khamenei’s] allies,” including, but not limited to: (1) IRGC Commander and Foundation President Mohammed Forouzandeh; (2) IRGC Commander and Foundation Vice President Mohammed Mokhber; (3) IRGC Qods Force Commander Qasem Soleimani, who was an ultimate beneficiary of the Foundation’s profits; (4) Hizballah Secretary General Hassan Nasrallah, who was an ultimate beneficiary of the Foundation’s profits; (5) IRGC Founder, Hizballah Co-Founder, IRGC Commander Mohsen Rafiqdoost, who has boasted (since the late 1980s) about his personal involvement in killing 241 American Marines in Lebanon in 1983,<sup>69</sup> served the head of the Foundation for the Oppressed on paper or in practice (alongside the others listed herein) from 1989 through at least 2013, and admitted (in November 2016) to having been the IRGC’s “assassination commander.”

72. The vital, direct, role that the Foundation for the Oppressed played in funding, arming, and supporting IRGC and Hizballah attacks has been well known for decades. A wide array of media reports (often quoting U.S. officials) tied the Foundation to IRGC and Hizballah attacks through illicit arms, procurement, and sanctions evasion efforts since the 1990s. For

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<sup>68</sup> *Id.*

<sup>69</sup> On October 23, 1983, Hizballah detonated a massive bomb provided by the IRGC, which killed 241 U.S. military personnel in a terrorist attack against the Marine Corps barracks in Beirut, Lebanon. On July 21, 1987, in Iranian media, Rafiqdoost famously boasted that he and the IRGC directly enabled this attack: “The U.S. felt our power and knows the explosives mixed with that ideology that sent 400 officers and soldiers to Hell. Both the TNT and the ideology came from Iran. This is very much obvious for the U.S.”

example, Dr. Mark D. Silinsky, Adjunct Professor at the U.S. Army War College, has observed that the specific purpose for which the Iranian regime ordinarily used “bonyads” under the Terrorist Sponsors’ custom and practice was to “acquir[e] and distribut[e] wealth to the Guards” and, therefore, “[s]enior [bonyads] personnel are adept at transferring funds from one element to another to subvert U.S. sanctions and channel funds toward terrorist operations [attacks]”— including “[t]he largest bonyad” (*i.e.*, the Foundation for the Oppressed), which “funds Hezbollah and operates in Europe and Asia.”<sup>70</sup> Similarly, Kerry Patton, Combat-Disabled Veteran and Senior Analyst at *Wikistrat*, has observed that “Bonyads assist in fueling world terror” through Bonyads’ receipt of “fund[s] actively and passively” that financed terrorist attacks sponsored by Hezbollah and the Qods Force to advance Khamenei’s agenda of “comfort for the oppressed.” According to Patton: “Tactically, Bonyads are often interrelated to the [IRGC]. Operatives from the IRGC along with members founded in Al Quds [IRGC-QF] and Hezbollah go undercover portraying themselves” as “representatives of the Foundation of the Oppressed and Dispossessed (Bonyad-e- Mostazafan),” among other key Hezbollah and IRGC-QF operations fronts.

73. Indeed, decades of official reports and statements published by the United States, United Kingdom, Iran, European Union, and United Nations confirmed that Iranian bonyads—for which the Foundation for the Oppressed was always the largest and most notorious—played a key role in propagating Hezbollah- and IRGC-sponsored terrorism, including their sponsored attacks by Sunni Terrorist Proxies (as defined *infra*) in Iraq and Afghanistan, among others.<sup>71</sup>

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<sup>70</sup> When the U.S. government, former U.S. officials, scholars, and terrorists, and former DOD officials like Dr. Silinsky, talk about a terrorist group’s “operations,” they are referring to violent attacks carried out by the group as part of such group’s act of international terrorism.

<sup>71</sup> See, e.g., U.S. Dep’t of State, *International Narcotics Control Strategy Report: Country Reports* (Mar. 1, 2007); see also U.S. Dep’t of Treas., *Testimony of Pat O’Brien, Assistant*

For example, on December 18, 2006, State published an internal Cable—which was widely published by the media thereafter—which confirmed how the Foundation for the Oppressed enabled Iran-sponsored terrorist attacks. In the Cable, State documented how the Under Secretary for Terrorism and Financial Intelligence at Treasury had discussed with Turkish officials “Iran’s use of the international financial system to transfer funds to terrorists,” and in particular, through “IRGC” transactions aimed at “increasing” the IRGC’s “role in the Iranian economy,” while a Turkish official “described the important role of Bonyads” and said that the IRGC’s “share of Bonyad-controlled business was increasing.”<sup>72</sup> The Under Secretary “cautioned that the IRGC’s growing role in the Iranian economy was not limited to the public sector, but included the private sector as well,” and he stated that “Irancell, Iran’s leading telecom company, is fully owned by the IRGC.”<sup>73</sup> (The IRGC-led Foundation was effectively in charge of Irancell, so it ineluctably follows that the Foundation was also “fully owned” by the IRGC.)

74. By 2005, the Foundation’s role in Hizballah attacks sponsored by the IRGC through sanctions evasion, intelligence gathering, and operations cover was well known throughout the world. As early as 1995, *Newsday* reported that “the [F]oundation [for the Oppressed] served as a front” for “the placement of agents from the [IRGC], dedicated zealots who … spy and obtain military technology from the United States and abroad,” and “provides safe haven for groups and individuals supporting the Islamic terrorist group” “Hezbollah.” In

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*Secretary Office of Terrorist Financing and Financial Crimes U.S. Department of the Treasury Before the Senate Committee on Banking, Housing, and Urban Affairs* (June 22, 2006). The Foundation was always the largest bonyad with the worst reputation of them all.

<sup>72</sup> U.S. Dep’t of State, Cable, *U/S Levey Seeks Turkish Cooperation Against Iranian Terrorism Finance & Nuclear Proliferation* (Dec. 18, 2006) (as published online).

<sup>73</sup> *Id.*

1996, the *Financial Times Mandate* described the Foundation as the “richest and most notorious” of Iran’s bonyads that “is controlled by the Islamic Revolutionary Guard Corps.” In 2001, the BBC reported that “the Foundation for the Oppressed” is “an organization that gives financial support to Iran’s … acts of terrorism abroad” through its role as “a subsidiary of the IRGC” whose investments are “under the control of Hezbollah.” In 2002, the BBC reported that the Foundation was funding “increase[s] in Hezbollah’s budget” and “establishments like … [the] ‘Mostaza’fin’ (Foundation for the Oppressed) give every month vast amounts of financial aid to the families of Hezbollah’s martyrs, injured and handicapped members.”

### **3. Islamic Revolutionary Guard Corps (IRGC)**

75. Since April 1979, the IRGC—also known as the “Sepah” and “Pasdaran,” “Guards,” and “Corps,” and “Guardians”—has operated as a global terrorist organization.

76. The IRGC’s primary mission was—and is—to target the United States for terrorist violence. Since 1979, the IRGC regularly engaged in and supported terrorist attacks directed at the United States, seeking to coerce the U.S. government into changing U.S. policy, including by prompting America’s exit from the Middle East and abandonment of its allies there, including Israel, and by deterring, degrading, and destroying U.S.-origin sanctions against Iran.

77. The IRGC’s doctrinal and institutional targeting of the United States was a product of Iran’s history with America, and the IRGC founders’ understanding that the United States threatened their nascent terrorist enterprise. As Qasem Soleimani publicly enthused in his posthumous autobiography, “All of you loved Imam,” *i.e.*, Ayatollah Khomeini, “and believed in his path. [Ayatollah Khomeini’s] path was the path of fighting against the U.S. and supporting the Islamic Republic and the Muslims, who are [O]ppressed by the Arrogant Powers,” *i.e.*, the United States government and its allies, including Israel, “under the flag of *Wilayat-e-Faqih*”, *i.e.*, Ayatollah Khomeini’s system of rule of the jurisprudent.

78. Ayatollah Khomeini established the IRGC to target the United States, in line with his view that the U.S. government threatened the IRGC's transnational terrorist agenda.

Representative examples of his pronouncements included, but were not limited to:

- a. "America is the number one enemy."
- b. "America is the archenemy of the Oppressed people of the world."
- c. "Let brotherly Arab nations and the ... Lebanese brothers know that all their miseries are caused by America."
- d. "Cold and warm weapons, that is, pens, words and machineguns should all be aimed at the enemies of mankind, headed by America."
- e. "Confronting America is presently above all our problems. If today our forces become divided, it benefits America. Right now, America is the enemy and all our equipment should be aimed at this enemy."

79. The IRGC has always been notoriously responsible for executing the "security" agenda of the Islamic Revolution, for which "security" was always a well-known Iranian term of art widely known to reference attacks targeting the United States to export the revolution.<sup>74</sup> In *Salazar v. Islamic Republic of Iran, et al.*, for example, the Honorable John D. Bates made factual findings that "the IRGC and the MOIS" comprised "the Iranian government's official state security apparatus" and "liaise with each other" and, in such context, "Iran trained,

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<sup>74</sup> See, e.g., Def. Intel. Agency, *Iran Military Power: Ensuring Regime Survival and Securing Regional Dominance*, 22 (Nov. 19, 2019) (Iran's "security"-related "doctrine and strategy" held that Iran's "network of militant partners and proxies enable[d] Tehran to advance its interests in the region and attain strategic depth" from "the United States—its primary adversary"); Def. Intel. Agency, *Iran Military Power: Ensuring Regime Survival and Securing Regional Dominance*, 18 (Nov. 19, 2019) (the "major components of Iran's security apparatus" always "include[d] the IRGC."); Kenneth Katzman, *Iran's State-Linked Conglomerates*, Congressional Res. Serv.: CRS Insight (Oct. 17, 2016) (identifying the "IRGC" as Iran's "hardline ... security institution."); R. Nicholas Burns, quoted in Ashish Kumar Sen (Atlantic Council), *Dealing with Iran: A Policy of Engagement and Deterrence*, Harvard Belfer Center for Sci. & Int'l Affairs, States News Service (Jan. 19, 2016) (observing that "the people who actually run Iran's security policies, their intelligence networks, their support to the terrorist groups like Hezbollah ..., are in the Iranian Revolutionary Guard Corps").

outfitted, and financed Hezbollah under the auspices of the IRGC, a ... terrorist operations force that answered to the Ayatollah, the ‘supreme leader’ of Iran’s theocracy” such that, “[w]ith the support of the MOIS and the IRGC, Hezbollah undertook a series of terrorist acts directed at Westerners in the early 1980s,” which included “the bombing[] of a United States Marine Corps barracks” in “October 1983” that killed 241 American servicemembers.<sup>75</sup>

80. Indeed, the Terrorist Sponsors have openly touted how Iran’s “security” agenda entailed supporting terrorist attacks. In 1989, “the IRGC rebranded itself as a publicly and privately funded ... security force with a diverse array of both domestic and foreign missions.”<sup>76</sup> In 2007, IRGC Commander Major General Rahim Safavi observed that “security” was a “major mission[] of the IRGC.”<sup>77</sup> In 2014, likewise, then-President Hassan Rouhani stated that “security is ensured through the IRGC” and the “IRGC is ... meant for maintenance” of “security.”<sup>78</sup>

81. The Executive and Legislative branches have spoken with one voice in finding that the IRGC was responsible for “security” in the Islamic Republic, and that such “security” relied upon IRGC- and Hezbollah-sponsored terrorist attacks targeting the United States. In 2007, for example, Treasury designated the IRGC’s Qods Force under Executive Order 13224 for its support of terrorism, including its sponsorship of terrorist attacks by Hezbollah, among others. In so doing, Treasury confirmed that the Qods Force was “seeking to inflict casualties on U.S. ... forces” and, *inter alia*, “had a long history of supporting Hezbollah’s military, paramilitary, and

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<sup>75</sup> 370 F. Supp. 2d 105, 110 (D.D.C. Mar. 29, 2005) (Bates, J.) (cleaned up).

<sup>76</sup> Brandon A. Pinkley (Joint History Office, Office of the Chairman of the Joint Chiefs of Staff), *Guarding History: The Islamic Revolutionary Guard Corps and the Memory of the Iran-Iraq War*, 56 (Office of the Joint Chiefs of Staff 2019).

<sup>77</sup> Rahim Safavi, quoted in Frederic Wehrey, Alireza Nader, et al., *The Rise of the Pasdaran: Assessing the Domestic Roles of Iran’s Islamic Revolutionary Guards Corps*, 19 (RAND 2009) (hereinafter, “Wehrey and Nader, *Rise of the Pasdaran*”).

<sup>78</sup> Hassan Rouhani, quoted in Iran Briefing, *Rouhani’s Speech to the IRGC Convention: Handing Over More Power to IRGC Than Ahmadinejad (Part II)* (Sept. 22, 2014).

terrorist activities, providing it with guidance, funding, weapons, intelligence, and logistical support” and continued to do so, and “provide[d] lethal support” to “Iraqi Shi’a militants who target and kill Coalition and Iraqi forces”—all of which efforts relied upon joint Qods Force-Hizballah training cells at which the “Qods Force operate[d] training camps for Hizballah in Lebanon’s Bekaa Valley and has reportedly trained more than 3,000 Hizballah fighters at IRGC training facilities in Iran.”<sup>79</sup> In 2017, likewise, Congress enacted the Countering America’s Adversaries Through Sanctions Act (“CAATSA”), Pub. L. No. 115-44, 131 Stat. 906 (Aug. 2, 2017), which codified the “finding[]” by “Congress” that the “IRGC–QF” is “the primary arm of the Government of Iran for executing its policy of supporting terrorist and insurgent groups” and “provides material, logistical assistance, training, and financial support to militants and terrorist operatives throughout the Middle East and South Asia” that “support[ed] … terrorism.” 22 U.S.C. § 9404(a)(2).

82. Under Article 150 of Iran’s constitution, as interpreted by the Ayatollah and the IRGC, it is the IRGC’s responsibility to protect and export the Islamic Revolution by sponsoring terrorist attacks targeting the United States, and thus for the IRGC, exporting the revolution meant Hizballah-direct proxy attacks, usually committed by Hizballah and local Axis proxies, targeting the United States in the Middle East. For example, a DoD-published analysis noted:

The Pasdaran [IRGC] derives its legal authority from Article 150 of the Islamic Republic of Iran’s constitution. In accordance with Ayatollah Khomeini’s intent, Iran’s Revolutionary Council tasked the IRGC in [] broad categories [that included, *inter alia*]: [“][1] Apprehending or liquidating counter-revolutionary elements[;][2] Battling armed counterrevolutionaries[;][3] Defending against attacks and the activities of foreign forces inside Iran[;] … [4] Training subordinate IRGC personnel in moral, ideological, and politico-military matters[;][5] Assisting the Islamic Republic in the implementation of the Islamic Revolution[;][6] Supporting liberation movements and their call for justice of the

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<sup>79</sup> U.S. Dep’t of Treas., *Fact Sheet: Designation of Iranian Entities and Individuals for Proliferation Activities and Support for Terrorism* (Oct. 25, 2007).

oppressed people of the world under the tutelage of the leader of the Revolution [*i.e.*, Ayatollah Khamenei from 1989 through 2024] ... [;] [and] [7] Utilizing the human resources and expertise of the IRGC to deal with national calamities and unexpected catastrophes and supporting the developmental plans of the Islamic Republic to completely maximize the IRGC's resources.[""]<sup>80</sup>

83. The preamble of Iran's constitution, as translated and interpreted by the Defense Intelligence Agency further confirmed that the IRGCs constitutional mission was to target the United States for terrorist attacks,<sup>81</sup> and provided that the IRGC was "An Ideological Army":

In establishing and equipping the defense forces of the country, it shall be taken into consideration that faith and ideology are the basis and criterion. Therefore, the Army of the Islamic Republic of Iran and the Revolutionary Guards Corps will be formed in conformity with the above objective, and will be responsible not only for protecting and safeguarding the frontiers [of the Islamic Revolution] but ***also for the ideological mission, that is, Jihad***, for God's sake and struggle for promoting the rule of God's law in the world. (Emphasis added.)<sup>82</sup>

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<sup>80</sup> Colonel Sean J. Corrigan (U.S. Army), *Exploitable Vulnerabilities of Iran's Islamic Revolutionary Guard Corps*, 2 (Dep't of Def., Def. Tech. Info. Ctr. Oct. 12, 2011) (translating and quoting Iranian Constitution Article 150) (hereinafter, "COL Corrigan, *Exploitable Vulnerabilities*").

<sup>81</sup> See, e.g., *Peterson v. Islamic Republic of Iran, et al.*, 264 F. Supp. 2d 46, 50-51 (D.D.C. 2003) (Lamberth, J.) ("[The 1979] constitution, [] is still in effect today. The preamble to the 1979 constitution sets forth the mission of the post-revolutionary Iranian state: [']The mission of the Constitution is to realize the ideological objectives of the movement and to create conditions conducive to the development of man in \*51 accordance with the noble and universal values of Islam. With due attention to the Islamic content of the Iranian Revolution, the Constitution provides the necessary basis for ensuring the continuation of the Revolution at home and abroad. In particular, in the development of international relations, the Constitution will strive with other Islamic and popular movements to prepare the way for the formation of a single world community ... to assure the continuation of the struggle for the liberation of all deprived and oppressed peoples in the world.[''] The post-revolutionary government in Iran thus declared its commitment to spread the goals of the 1979 revolution to other nations. Towards that end, between 1983 and 1988, the government of Iran spent approximately \$50 to \$150 million financing terrorist organizations in the Near East. One of the nations to which the Iranian government directed its attention was the war-torn republic of Lebanon.") (findings of fact).

<sup>82</sup> Iran Constitution, Preamble, *quoted in* Def. Intel. Agency, *Iran Military Power: Ensuring Regime Survival and Securing Regional Dominance* at 4 (Nov. 2019).

84. MTN knew the IRGC's above constitutional mandates. In 2004, for example, MTN analyzed a “new interpretation of Article 44” of Iran’s constitution for impacts on MTN.<sup>83</sup>

85. When the IRGC targeted the United States, it used channels that were intended to obscure its role and thus supply plausible deniability for Iran. This was to prevent the IRGC’s terrorist violence from escalating into armed conflict between America and Iran. Accordingly, IRGC doctrine focused on conducting attacks via proxy. Iranian “security objectives” and “defense strategy” always emphasized “reliance on unconventional operations” by IRGC proxies “to carry out” terrorist “attacks on” Iranian “adversaries” through Iran’s “relationships with a wide range of primarily Middle Eastern militias, militant groups, and terrorist organizations.”<sup>84</sup>

86. At all relevant times, the entirety of the IRGC operated as terrorists that sponsored attacks targeting the United States (including through attacks against U.S. allies).

87. The IRGC comprises multiple branches, including but not limited to:

- a. The **IRGC Qods Force** (or “IRGC-QF”) is “Iran’s primary practitioner of irregular warfare outside its borders,” and “employs all instruments of national power in support of this strategy”—including “functions normally executed by officers of the diplomatic corps, the foreign ministry, the national intelligence service, the ministry of defense, and the ministry of finance in most other nations.”<sup>85</sup> Its operatives directly plan, finance, and sponsor—and often participate in—terrorist attacks by proxy forces.
- b. The **IRGC Intelligence Organization** (or “IRGC-IO”) is the Iranian regime’s largest, most powerful, and most lethal intelligence arm and played a key role alongside the Qods Force (for whom it embedded in operations outside of Iran) in IRGC attacks outside Iran.
- c. The **IRGC Aerospace Force** (or “IRGC-ASF”) is the IRGC’s arm jointly responsible (alongside the IRGC-QF and IRGC-IO) for executing IRGC-supported missile and uncrewed aerial vehicle attacks, as well as other air attack functions. The IRGC-AF

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<sup>83</sup> See, e.g., MTN Group Ltd., *Highly Confidential Iran Political and Economic Update*, at 4-5 (Oct. 8, 2004), republished in MTN Group, Hoffmann Report, Appendices, 360-61; MTN Group Ltd., *Highly Confidential Iran Update*, at 3-4 (Nov. 12, 2004), republished in MTN Group, Hoffmann Report, Appendices, 360-61.

<sup>84</sup> Def. Intel. Agency, *Iran Military Power: Ensuring Regime Survival and Securing Regional Dominance*, 33 (Nov. 2019).

<sup>85</sup> COL Corrigan, *Exploitable Vulnerabilities*, 39.

includes the IRGC-Aerospace Force Al-Ghadir Missile Command (or “IRGC-Missile Command”), which shares responsibility for missile attacks alongside the IRGC-QF and IRGC-IO.

- d. The **IRGC-Basij** is an internal security militia and paramilitary force that includes armed brigades, anti-riot police, and a vast network of informers whose job includes, *inter alia*, recruiting fighters to commit attacks.
- e. The **IRGC Navy** is the IRGC’s naval organization that smuggled terrorists, weapons, and funds, and harassed of U.S. military vessels, in the Persian Gulf.

88. The Executive and Legislative branches have spoken with one voice in finding that the entirety of the IRGC is a terrorist organization that enables anti-American attacks. CAATSA, for example, codified the “finding[]” by “Congress” in 2017 that “[t]he IRGC, not just the IRGC-QF, is responsible for implementing Iran’s international program of destabilizing activities, support for acts of international terrorism, and ballistic missile program.” 22 U.S.C. § 9404(a)(3). In 2017, the Executive branch made a substantially similar finding when Treasury designated every other component of the IRGC as a Specially Designated Global Terrorist (like the IRGC-QF, an SDGT since 2007) “for providing support to a number of terrorist groups,” including Hizballah, and for “provid[ing] material support to the IRGC-QF, including by providing training, personnel, and military equipment.”<sup>86</sup>

89. IRGC members swear an Islam-based lifetime oath of loyalty to the Supreme Leader that makes them part of a terrorist fraternity whose members serve for life. Accordingly, as Defendants knew, whether an IRGC member was “active” or “retired” IRGC was irrelevant to whether they played an important role in sponsoring anti-American terrorist attacks because both (a) no one truly retires from the IRGC; and (b) the network of IRGC alumni were the foundation of the IRGC’s ability to finance and arm attacks committed by Hizballah and other IRGC

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<sup>86</sup> U.S. Dep’t of Treas., *Treasury Designates the IRGC Under Terrorism Authority And Targets IRGC And Military Supporters Under Counter-Proliferation Authority* (Oct. 13, 2017).

proxies.<sup>87</sup> As MTN always knew from its on-the-ground experience, in-house intelligence, and leaders with direct IRGC-facing experience, IRGC commanders “retired” by virtue of hanging up their IRGC uniform and continuing to serve the IRGC in an ostensibly “civilian” capacity, e.g., by managing IRGC arms procurement. Such role, however, continued enabling IRGC attacks regardless of the label, as the United States has repeatedly confirmed in its sanctions

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<sup>87</sup> See, e.g., COL Corrigan, *Exploitable Vulnerabilities*, 1-3, 13-14, 34-35, 44-45 (IRGC members serve for life and IRGC alumni network powers proxy violence); U.N. Security Council, *Final Report Of The Panel Of Experts Established Pursuant To Resolution 1929 (2010)*, S/2015/401 ¶72 n.92 (June 1, 2015) (“It is noted that it is not unusual for IRGC high-ranking officials to move from a position in its military wing to IRGC civilian structures and vice versa.”); U.S. Attorney’s Office for the Dist. of Columbia, United States’ Verified Complaint For Forfeiture In Rem, ¶¶15-19, Dkt. 1, *United States v. All Petroleum-Product Cargo Aboard The Bella With Int’l Maritime Org. No. 9208124, et al.*, Case No. 1:20-cv-01791 (Verified Compl. filed July 1, 2020) (Verified Compl. by then-AUSA, now Magistrate Judge, Zia M. Faruqui) (“A confidential reliable source stated that Mahmoud Madanipour was the Iran-based individual who arranged the shipments of the Defendant Properties on behalf of Mobin International Ltd. (‘Mobin International’). According to a confidential reliable source, Mahmoud Madanipour is affiliated with the IRGC. … A confidential reliable source has also stated that, during planning discussions regarding sanctions evasion, [IRGC member Mahmoud] Madanipour said that any business conducted by foreign entities would require IRGC consent. Madanipour also said that in order to conceal IRGC involvement, the government of Iran had officially retired numerous IRGC leaders and then placed them at the heads of companies in key Iranian industrial sectors.”); Dr. Monika Gill, *Capitalism, Communications, and the Corps: Iran’s Revolutionary Guard and the Communications Economy*, Defence Strategic Communications: The Official Journal of the NATO Strategic Communications Centre of Excellence, at 111-12 (Autumn 2020) (“The IRGC acts as a business fraternity within which members of the Guard can progress along a prescribed career path. Following active service, IRGC members are offered senior positions in state-affiliated media organisations and telecommunications networks such as IRIB, TCI, and MTN Irancell. Accordingly, ‘no one ever leaves the IRGC’; its senior officers are viewed as an Iranian ‘freemasonry’ and ‘Ivy League network’, signalling that the IRGC exceeds ideological devotion. … When ‘privatising’ the national media and telecommunications infrastructure, the Ahmadinejad regime sold its majority stake to the IRGC, blending its mission of national security with ‘investor profits’. In holding senior economic positions in communications infrastructure companies and accruing profits, the IRGC became a ‘moneymaking machine … The IRGC’s opportunistic and exploitative involvement in the communications economy facilitated a system of military crony capitalism within Ahmadinejad’s Iran. … The IRGC grew to depend on the communications economy to support the personal and financial endeavours of the Guard, who valued safeguarding their own self-interest to the same extent as they valued safeguarding the revolution.”).

designations, including its 2020 designation of the Foundation for the Oppressed. Indeed, MTN Group’s repeated unqualified references to Shamkhani as “Admiral” during MTN discussions and correspondence in 2004-2005 confirmed that MTN was aware of the IRGC’s custom and practice of IRGC members never actually retiring because Shamkhani was, in theory, a civilian during the 2004-2005 period yet MTN still knew to call him by one of his IRGC ranks.

90. The IRGC always relied on the use of children. It did so based upon an edict by Ayatollah Khomeini—which remains in effect today—that those who fight for the Supreme Leader (*e.g.*, the IRGC and Hizballah) must use children to commit unspeakable violence. As Khomeini famously instructed: “Our leader is that 12-year-old boy: who, with his small heart,” and “with grenade in hand, threw himself under enemy tank and destroyed it and himself, and thus drank the nectar of martyrdom.” During the Iran-Iraq war, the IRGC used children as human mine sweepers, deliberately killing tens of thousands of young Iranian boys in the process.<sup>88</sup>

91. In 2007 Treasury designated the IRGC’s Qods Force under Executive Order 13224 for its support of terrorism, including its sponsorship of terrorist attacks by Hizballah, among others. In so doing, Treasury confirmed that the Qods Force was “seeking to inflict casualties on U.S. … forces” and, *inter alia*, “had a long history of supporting Hizballah’s military, paramilitary, and terrorist activities, providing it with guidance, funding, weapons, intelligence, and logistical support” and continued to do so, and “provide[d] lethal support” to “Iraqi Shi’a militants who target and kill Coalition and Iraqi forces”—all of which efforts relied upon joint Hizballah-Qods Force training cells at which the “Qods Force operate[d] training

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<sup>88</sup> See, *e.g.*, Amb. Nikki Haley, *Remarks at a UN Security Council Open Debate on the Middle East*, U.S. Mission to the U.N. (Oct. 18, 2018).

camps for Hizballah in Lebanon’s Bekaa Valley and has reportedly trained more than 3,000 Hizballah fighters at IRGC training facilities in Iran.”<sup>89</sup>

92. In 2019, the United States designated the entire IRGC—including the IRGC-QF, IRGC-IO, IRGC-AF, and IRGC Basij—as an FTO. State explained that the IRGC’s designation as an FTO directly responded to, *inter alia*, Iran’s historic and “continue[d]” use of the IRGC to “provide financial and other material support, training, technology transfer, advanced conventional weapons, guidance, or direction to a broad range of terrorist organizations, including Hizballah,” “Kata’ib Hizballah in Iraq,” and “other terrorist groups in Syria and around the Gulf”; and because Iran “is responsible for the deaths of at least 603 American service members in Iraq since 2003”—which “accounts for 17% of all deaths of U.S. personnel in Iraq from 2003 to 2011.”<sup>90</sup> In announcing the designation, the Secretary of State confirmed that the IRGC’s “support for terrorism is foundational and institutional,” that it “plans, organizes, and executes terror campaigns all around the world,” and that the “IRGC institutionalized terrorism shortly after its inception, directing horrific attacks . . . alongside . . . Lebanese Hizballah.”<sup>91</sup>

93. Both before and after its 2019 FTO designation, the IRGC promoted, fomented, funded, supported, and engaged in terrorist attacks through the full range of terrorist modalities. It provided training, weapons, funding and operational support to proxy terrorists throughout the world via IRGC-QF and IRGC-IO.

94. Ayatollah Khamenei and the IRGC controlled a litany of major Iranian media outlets, including its state-owned media monopoly, Islamic Republic of Iran Broadcasting

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<sup>89</sup> U.S. Dep’t of Treas., *Fact Sheet: Designation of Iranian Entities and Individuals for Proliferation Activities and Support for Terrorism* (Oct. 25, 2007).

<sup>90</sup> U.S. Dep’t of State, *Fact Sheet: Designation of the Islamic Revolutionary Guard Corps* (Apr. 8, 2019).

<sup>91</sup> Michael R. Pompeo, *quoted in* U.S. Dep’t of State, *Remarks to the Press* (Apr. 8, 2019).

(IRIB), whose flagship “news” program, Voice and Vision of the Islamic Republic, operated similarly to governmental press releases. In addition to the IRGC’s control of IRIB and IRIB’s TV, radio, and satellite monopolies, the IRGC also controlled, *inter alia*, a wide array of “media” outlets, web sites, and social media channels, including, but not limited to, Tasnim, Mehr, Islamic Republic News Agency (“IRNA”), Islamic Students News Agency (“ISNA”), among others. As two Iran scholars publicly warned in the *Washington Times* on July 14, 2005, “active or former commanders of the IRGC maintain control over many of the principal dailies,” as part of Khamenei’s delegation to “the IRGC [of] full control over Tehran’s terror network” based upon his “admiration of” the IRGC “for ‘running effective … operations’ in Iraq.”

95. The IRGC was never a part of the nation of Iran’s regular armed forces. Properly understood given the totality of its conduct, doctrine, statements, and history, the IRGC was a transnational terrorist group that captured, and organized, certain implements of the Iranian state to pursue the IRGC’s primary mission to export the Islamic Revolution through attacks targeting the United States, including by attacking U.S. allies like Israel. For example, in *Higgins v. Islamic Republic of Iran, et al.*, the Honorable Colleen Kollar-Kotelly found that, with respect to “Iran’s aim to export terrorism operations,” the Terrorist Sponsors’ “chosen instrument was the Islamic Guard [*i.e.*, IRGC],” which was “a distinct entity from the Iranian Armed Forces [*i.e.*, Artesh]” because the IRGC’s “mission was to export the Islamic Revolution to other countries” and, for such IRGC mission, the “Islamic Guard [IRGC] provided support to Hizballah” in “the form of armaments, training in military operations, and cash payments.”<sup>92</sup> Indeed, the IRGC expressly disclaimed the notion that it was a part of the armed forces for the nation of Iran. Moreover, the Terrorist Sponsors have also expressly disclaimed that they were ever in an

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<sup>92</sup> 2000 WL 33674311, at \*5-6 (D.D.C. Sept. 21, 2000).

“armed conflict” with the United States. According to the DIA, for example, while “Tehran believe[d]” that “the United States” was “engaged in a hybrid war to subvert the regime and its objectives,” DIA concluded that “Iran view[ed] this situation as short of armed conflict.”<sup>93</sup> The IRGC also regularly violated the laws of war when it committed its barbaric terrorist attacks.

#### 4. Hizballah

96. In 1982, the IRGC founded Hizballah by deploying the resources of the IRGC and Foundation for the Oppressed to Lebanon. Ever since, Hizballah has served as the IRGC’s most important terrorist partner. Hizballah’s original name was selected by the same people who created the Foundation for the Oppressed on Earth; its Iranian creators called their newly created, and inextricably intertwined, Lebanese proxy the “Organization for the Oppressed on Earth.”

97. In 1985, the Organization for the Oppressed announced a rebrand as “Hizballah” when it published what it entitled an “Open Letter Addressed by Hizballah to the Oppressed in Lebanon and the World,” which is commonly referred to as Hizballah’s Manifesto. In it, Hizballah announced, among other things:

- a. “We, the sons of Hizballah’s nation, whose vanguard God has given victory in Iran and which has established the nucleus of the world’s central Islamic state, abide by the orders of a single, wise, and just command represented by the guardianship of the jurisprudent (*vali-e faqih*), currently embodied in the supreme Ayatollah … Khomeini. …”
- b. “[O]ur military apparatus is not separate from our overall social fabric.”
- c. “[The] first root of vice is America. … Imam Khomeini, our leader, has repeatedly stressed that America is the cause of all our catastrophes and the source of all malice.”

98. Hizballah members swore their loyalty to Ayatollah Khomeini until his death, after which they swore their loyalty to Ayatollah Khamenei. During the period when Hizballah

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<sup>93</sup> Def. Intel. Agency, *Iran Military Power: Ensuring Regime Survival and Securing Regional Dominance* at 23 (Nov. 19, 2019).

attacked or enabled the attack against each Plaintiff, every Hezbollah operative worldwide was commanded by, and swore their oath to, Ayatollah Khamenei.

99. Hezbollah's geographic power base was in Lebanon, where it operated a parallel shadow government. However, Hezbollah's activities stretched far beyond Lebanon's borders to wherever the Terrorist Sponsors wanted to extend their influence.

100. Like the IRGC, Hezbollah recruited children, whom they used to commit attacks.

101. The IRGC has long coordinated its operations so closely with the Lebanese terrorist group Hezbollah that Hezbollah is functionally a division of the IRGC. As IRGC General Amir Hajizadeh admitted to IRGC-controlled *Fars News Agency*, “The IRGC and Hezbollah are a single apparatus jointed together.”<sup>94</sup>

102. For decades, Hezbollah has served as the IRGC's primary operational interface with other terrorist groups (except in Afghanistan, where the IRGC-QF took primary responsibility). Created by the IRGC in 1982, Hezbollah has been designated as a Foreign Terrorist Organization since 1997. During the relevant period, Hezbollah coordinated closely with the IRGC and Supreme Leader's Office to train, equip, and direct the operations of other terrorist groups that attacked Plaintiffs. Hezbollah's “Security Committee, which was later renamed the Liaison and Coordination Unit,” helped Hezbollah coordinate with Iran and Hezbollah proxies alike.<sup>95</sup>

103. “Hezbollah's” attack arm was “known as the External Security Organization” and was “primarily responsible for overseas terrorism operations, including against Western targets”

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<sup>94</sup> U.S. Dep't of State, *Country Reports on Terrorism 2014* at 1774 (June 2015).

<sup>95</sup> U.S. Dep't of Treas., *Treasury Targets Iranian-Backed Hezbollah Officials for Exploiting Lebanon's Political and Financial System* (July 9, 2019).

associated with “the United States as [one of Hizballah’s two] principal adversaries.”<sup>96</sup> “Hizballah’s External Security Organization (ESO) … maintains organized cells worldwide” and “is the Hizballah element responsible for the planning, coordination, and execution of terrorist attacks outside of Lebanon.”<sup>97</sup>

104. At all relevant times, Hizballah was led by Secretary General Hassan Nasrallah, who played a direct role in Hizballah’s attacks (*i.e.*, “operations”), including, but not limited to, attack planning, attack recruitment, and attack coordination with Ayatollah Khamenei, Qasem Soleimani, and their allies in the Khamenei Cell.<sup>98</sup> Nasrallah, who was killed on September 27, 2024, has admitted, “Hezbollah’s budget, its income, its expenses, everything it eats and drinks, its weapons and rockets, come from the Islamic Republic of Iran.”<sup>99</sup>

105. Hizballah and the IRGC, recognized those interrelationships and so the IRGC could comfortably ramp up the spending for Hizballah’s campaign in Iraq knowing that the professional Hizballah terrorists would retain command-and-control of the Joint Cells in Sadr City, Basra, and elsewhere.

106. The United States has identified the IRGC as responsible for “train[ing] Hezbollah operatives in Lebanon and Iran.”<sup>100</sup> Hizballah, in turn, frequently took responsibility for training

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<sup>96</sup> U.S. Office of the Director of National Intelligence, National Counterterrorism Center, Counterterrorism Guide: Lebanese Hizballah (Sept. 2022).

<sup>97</sup> U.S. Dep’t of Treas., *Treasury Designates Hizballah Leadership* (Sept. 13, 2012).

<sup>98</sup> See, e.g., U.N. Sec. Council, *Final Report Of The Panel Of Experts Established Pursuant To Resolution 1929 (2010)* ¶67 & n.81 (June 1, 2015).

<sup>99</sup> See, e.g., U.N. Sec. Council, *Second Report of the Secretary-General on the Implementation of Security Council Resolution 2231 (2015)* ¶8 (Dec. 30, 2016).

<sup>100</sup> U.S. Dep’t of Treas., *Treasury Targets Hizballah Network in Africa* (May 27, 2009).

other IRGC proxy terrorists in Iraq, among other places--including not just Shi'a groups but also Sunni groups, and particularly those affiliated with al-Qaida.

107. With IRGC training and assistance, Hizballah pioneered several signature attacks, including hostage-taking, 107mm and 122mm rocket attacks, UAV attacks, missile attacks, and roadside bomb attacks using sophisticated devices known as explosively formed penetrators (“EFPs”). The IRGC provided Hizballah with such arms.

108. Unlike other IRGC proxies, Hizballah had a formal role within Iran’s broader terroristic enterprise. For example, Hizballah operatives swore a religious oath to Ayatollah Khamenei. Similarly, Hizballah maintained “liaison” officers at many IRGC-controlled commercial fronts.

109. The Terrorist Sponsors have confirmed that Hizballah was part of Iran’s “security” agenda. In 2015, for example, Hizballah co-founder Ali Akbar Mohtashemi explained, “[Hizballah] is part of the Iranian rulership; [Hizballah] is a central component of the Iranian ... security establishment.”<sup>101</sup> In 2016, likewise, IRGC founder and Hizballah co-founder Mohsen Rafiqdoost stated that Khomeini “created Hizbullah” as one of the “Iranian security forces” responsible for “Islamizing other countries” in the Middle East.<sup>102</sup>

110. Hizballah’s support of attacks by the Sunni Terrorist Proxies in Iraq—made possible by IRGC, including Qods Force and IRGC-IO, funds, arms, technologies, and logistical

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<sup>101</sup> Ali Akbar Mohtashemi, *quoted in* Col (ret.) Richard Kemp and Maj (ret.) Charles Driver-Williams, *Killing Americans and Their Allies: Iran’s Continuing War against the United States and the West*, Jerusalem Ctr. For Public Affairs (2015).

<sup>102</sup> Mohsen Rafiqdoost, *quoted in* Middle East Media Research Institute (MEMRI), *Iranian Official: ‘If America Wants To Try Its Luck Against Us, [It Should Know That] We Are Completely Capable Of Mobilizing 9 Million Fighters... In Under 10 Days’; ‘We Have Warehouses Full [Of Missiles]... That Can Hit Tel Aviv’*, MEMRI Iran Special Dispatch No. 6634 (Oct. 2, 2016), <https://tinyurl.com/yc8ef3tc>.

support—likely accounted for more Americans killed or injured in terrorist attacks after 9/11 than any other single geography of attacks by any other FTO anywhere during a similar period.

### 5. Supreme Leader's Office (SLO)

111. Since 1989, Ayatollah Khamenei's official title has been "Supreme Leader of the Islamic Revolution," which reflected his—and the SLO's—transnational scope. Consistent with this approach, the SLO served as a multi-faceted operations, finance, and logistics front for Hizballah, the IRGC, and Khamenei's allies.

112. Ayatollah Khamenei overhauled the SLO to optimize the Iranian regime's financial and logistical support for IRGC- and Hizballah-sponsored terrorist attacks, including in Israel. Consistent with this overhaul, Khamenei also dramatically tightened his personal grip on the Foundation for the Oppressed, Hizballah, the IRGC, and the SLO—*i.e.*, the Terrorist Sponsors.

113. To ensure control, Khamenei deployed SLO operatives (who were simultaneously members of the IRGC) to serve as his representatives to Hizballah, the Foundation for the Oppressed, and the IRGC, among others. Under Khamanei's control—exercised through his IRGC terrorist son, Mojtaba Khamenei, the Ayatollah ordinarily operated the SLO to maximize the amount of money spent on terrorism. Ayatollah Khamenei, Mojtaba Khamenei, and their SLO agents embedded Khamenei's loyalists into every Iranian-regime-related organization of consequence (government and business alike) to serve as eyes and ears for the Khameneis and SLO they jointly operated—including all components of the Foundation for the Oppressed, IRGC, and Hizballah—through the Supreme Leader's "representatives."

114. The SLO provided a financial slush fund for terrorist activities. Ayatollah Khamenei, Hizballah, the IRGC, and the Foundation for the Oppressed programmatically

redeployed SLO resources, personnel, and profits to assist terrorist attacks by Iranian proxies.

The SLO played a direct operational role in Hezbollah- and IRGC-sponsored proxy attacks.

115. U.S. sanctions designations confirmed the SLO enabled attacks. On June 24, 2019, for example, the President issued Executive Order 13876 blocking the SLO under its counterterrorism authorities, in recognition of the Supreme Leader's and SLO's role in exporting "violence, sabotage, and terrorism" sponsored by "the actions of the Government of Iran and Iranian-backed proxies, particularly those taken to destabilize the Middle East" and "promote international terrorism" through means that "include[d] the targeting of United States military assets and civilian vessels." 84 Fed. Reg. 30,573. Also on June 24, 2019, Treasury designated additional members of the SLO under Executive Order 13876 to protect the United States from "the actions of the Government of Iran" to "promote international terrorism" through means that "include[d] the targeting of United States military assets and civilian vessels." 84 Fed. Reg. 30,573. In doing so, Treasury explained that Khamenei and his "appointees in the Office of the Supreme Leader" were "responsible for advancing Iran's radical agenda" through "a shadow network" of "military and foreign affairs advisors who have for decades . . . exported terrorism . . . around the world."<sup>103</sup> These "unelected officials who surround Iran's Supreme Leader . . . are linked to a wide range of malign behaviors by the regime, including bombings of the U.S. Marine Barracks in Beirut in 1983" and "extrajudicial killings," according to the U.S. Treasury Secretary.<sup>104</sup>

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<sup>103</sup> U.S. Dep't of Treas., *Treasury Designates Supreme Leader of Iran's Inner Circle Responsible for Advancing Regime's Domestic and Foreign Oppression* (Nov. 4, 2019).

<sup>104</sup> *Id.*

**B. The Terrorist Sponsors Used the Supreme National Security Council to Direct, Joint Cells to Coordinate, and MODAFL to Arm, Terrorist Attacks**

116. The Iranian terrorist sponsors established a sophisticated institutional framework to direct, coordinate, and arm their anti-American operations through three primary mechanisms. *First*, Iran’s **Supreme National Security Council (SNSC)**, controlled by Ayatollah Khamenei and the IRGC, served as the central decision-making body that assessed security policy and provided high-level authorization for terrorist attacks targeting the United States. *Second*, the **Ministry of Defense and Armed Forces Logistics (MODAFL)**, created in 1989 and consistently run by senior IRGC officers, functioned as the primary armorer supplying weapons and logistics to the Qods Force, Hizballah, and other Axis proxies. *Third*, a network of **Joint Cells**—most notably the **Khamenei Cell** established in 2000—coordinated the deployment of operatives, weapons, and intelligence while seeking to obscure Iran’s direct involvement in specific attacks. Together, these three institutional pillars enabled the Terrorist Sponsors to maintain operational control over their proxy networks while executing complex, high-profile terrorist attacks targeting the United States throughout the Middle East.

**1. Supreme National Security Council**

117. At all relevant times, the Terrorist Sponsors leveraged the resources, powers, and networks of Iran’s Supreme National Security Council (or “SNSC”) to enable Iran-backed terrorist attacks targeting the United States. Ayatollah Khamenei and the IRGC controlled the SNSC and deployed the SNSC to obtain resources for, and supply coordination and high-level support for, Hizballah-led attacks sponsored by Iran that targeted the United States. As the *Hindu* reported in 1998, Khamenei used a “representative” to operate “the Supreme National Security Council” as “the body responsible for assessing security policy” assigned “the ultimate authority” over “relations with the U.S. and support for the pro- Iranian terrorist groups like

Hizbollah.” On July 14, 2005, likewise, two Iran scholars publicly warned that “active or former commanders of the IRGC maintain control over” the “Supreme National Security Council” as part of Ayatollah Khamenei’s delegation to “the IRGC [of] full control over Tehran’s terror network” based upon Khamenei’s “admiration of” the IRGC “for ‘running effective ... operations’ in Iraq.” On July 17, 2005, likewise, Iran analyst Gary Samore at the International Institute for Strategic Studies told *Voice of America* that “crucial foreign policy issues” relating to the United States were always “in the hands of the Supreme National Security Council, which is dominated by the Supreme Leader.” On October 5, 2005, similarly, the *Washington Times* reported that “[l]eaders of the Islamic Revolutionary Guard Corps (IRGC) ... dominate[d] Iran’s Supreme National Security Council,” and “Revolutionary Guard commanders” also had “taken charge of the council’s internal security, strategy and political posts,” with a “Revolutionary Guard veteran even serv[ing] as the council’s press spokesman.”

118. The Supreme National Security Council’s primary role was to target the United States with terrorist violence, and the threat of terrorist violence, to advance the “security” interests of the Islamic Revolution as defined by Ayatollah Khamenei and the IRGC, and as implemented by the IRGC, the Iranian Ministry of Intelligence and Security (“MOIS”), the SLO, Foundation for the Oppressed, the Iranian Ministry of Defense and Armed Forces Logistics (“MODAFL”), and Hizballah, with Hizballah usually being the lead in-country operations face in places like Iraq. Under the custom and practice of the Terrorist Sponsors, Khamenei assigned the SNSC the role of coordinating the direction, resources, and personnel for such anti-American attacks, while Khamenei delegated the details and in-country supervision, and execution, of such attacks to his operations leadership cell, the Khamenei Cell, which was comprised of a network

of a few dozen of Iranian, Lebanese, and Iraqi terrorists who were operations-focused, had a track record of successful attacks, and members of Khamanei's inner-circle.

119. At all relevant times, the Supreme National Security Council was directly involved in every high-profile Iran-sponsored individual attack or campaign of attacks that targeted the United States or risked the wrath of the U.S. government in accord with the Terrorist Sponsors' custom and practice, and terrorist tactics, techniques, and procedures. This was so because such attacks posed unique risks to the Terrorist Sponsors—balanced by the unique, and unparalleled, upside benefits they offered to the terrorists in their twisted approach—and therefore always required vetting and approval by the Supreme Leader of the Islamic Revolution (Ayatollah Khamenei), the Supreme Leader's hand-selected decision-making and resourcing inner circle (the SNSC), and the Supreme Leader's Hizballah-led operations leadership network (the Khamenei Cell).

120. Given its organizational mission targeting the United States, the SNSC was famously anti-American and openly threatened terrorist violence targeting the United States to counter American sanctions pressure. In May 2003, for example, the BBC reported that “Supreme National Security Council” member, and “Commander of the [] IRGC, Yahya Rahim-Safavi warned against the suspicious acts and behaviours of some siding with the US policies and interests in” Iran.<sup>105</sup> In October 2005, likewise, the *Arab Press Service* reported that, with respect to Iraq: “Ali Larijani, head of Iran’s Supreme National Security Council … was quoted by the [IRGC media arm] *Sisayat-e Rouz* daily as saying: [‘]If pressured by America, Iran will use its full might to endanger America’s interests.’”

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<sup>105</sup> Islamic Republic News Agency (May 23, 2003), *quoted in BBC Int'l Reports (Mid. E.), Iran: Guards Commander Warns Against Actions Of People Siding With USA* (May 23, 2003).

121. As MTN knew, and the *Economist* reported in 2005, the Supreme National Security Council has always played a direct operational role in managing Irancell since the Iranian parliament enacted the Single Article Act in September 2005, which required that “Irancell”-related “security issues be referred to the intelligence ministry and the Supreme National Security Council.”

## **2. Ministry of Defense and Armed Forces Logistics (MODAFL)**

122. In 1989, Ayatollah Khamenei consolidated the IRGC’s and the Artesh’s<sup>106</sup> respective arms and logistics functions into a newly created Ministry of Defense and Armed Forces Logistics (“MODAFL”).<sup>107</sup> He did so as part of his alignment with the IRGC: through MODAFL, which senior IRGC officers always ran or controlled, the IRGC completed its seizure of the entire procurement and logistics function in Iran relevant to the IRGC’s weapons—and Hizballah’s, which always depended on the IRGC for arms—including the vital logistics and communications systems required for successful attacks targeting the United States.

123. At all relevant times, the IRGC controlled MODAFL officially and the IRGC always used MODAFL as its primary armorer to the Qods Force, Hizballah, and Axis proxies. During the relevant period, senior IRGC leaders who ran MODAFL to benefit IRGC-sponsored

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<sup>106</sup> The Artesh are Iran’s conventional armed forces, which are distinct from the IRGC.

<sup>107</sup> See, e.g., Brandon A. Pinkley (Joint History Office, Office of the Chairman of the Joint Chiefs of Staff), *Guarding History: The Islamic Revolutionary Guard Corps and the Memory of the Iran-Iraq War*, at 56 (Office of the Joint Chiefs of Staff 2019) (“Following the [Iran-Iraq] war, rather than demobilize either the IRGC or the Artesh, or integrating one into the other, Iran’s postwar strategy opted to maintain both. The IRGC Ministry and the conventional Ministry of Defense merged to create the Ministry of Defense and Armed Forces Logistics (MODAFL) .... Operational chains of command for both the IRGC and Artesh remained separate, though both were placed under the AFGS for coordination. Under this parallel arrangement, the Artesh would remain Iran’s conventional defensive military force, while the IRGC rebranded itself as a publicly and privately funded military and security force with a diverse array of both domestic and foreign missions.”).

attacks included former IRGC Commander-in-Chief Mohammad Forouzandeh, IRGC Vice Admiral Ali Shamkhani, IRGC Brigadier General Mostafa Mohammad-Najjar, IRGC Qods Force Commander Ahmad Vahidi, and IRGC Aerospace Commander Hossein Dehghan. As an analysis of the IRGC published by DoD in 2011 explained, “[a]lumni of the IRGC and its subordinate domestic militia, the Basij, are ministers and/or deputy ministers of … Defense and Armed Forces Logistics [MODAFL].”<sup>108</sup>

124. MODAFL’s close association with IRGC and Hizballah terrorist operations was not a secret. Its leader during the period of Defendants’ entry into the Irancell venture, Ali Shamkhani, was a longtime IRGC officer who openly cooperated with Hizballah. For example, on August 2, 2005, IRGC media outlet IRNA reported that “Hezbollah Secretary-General Shaykh Hasan Nasrallah conferred” in Iran “with Iran’s Defence Minister [IRGC] Rear-Admiral Ali Shamkhani on issues of mutual interests,” where “Shamkhani called Hezbollah as a successful model of resistance managing to drive the armed-to-the-teeth Zionist troops from Lebanon.”<sup>109</sup> Moreover, “Nasrallah briefed the Iranian defence minister on the latest status of Hezbollah,” while “[l]auding the supports shown by the Iranian government” for Hizballah-sponsored “resistance”—*i.e.*, terror—operations.<sup>110</sup>

125. As the primary logistics supplier for the IRGC, MODAFL was ultimately responsible for the flow of weapons to the IRGC-QF and Hizballah through to their Axis of Resistance proxies in Iraq and elsewhere.

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<sup>108</sup> COL Corrigan, *Exploitable Vulnerabilities*, 16.

<sup>109</sup> Islamic Republic News Agency (Aug. 2, 2005), republished in BBC Int’l Reports (Mid. E.), *Hezbollah Leader Meets Iranian Defence Minister* (Aug. 2, 2005).

<sup>110</sup> *Id.*

126. U.S. sanctions designed to reduce Iranian sponsorship of violence have targeted MODAFL for decades and confirmed the gist of Plaintiffs' allegations about the key role that MODAFL played in the Terrorist Sponsors' attacks. Beginning in 1996, the U.S. has repeatedly sanctioned MODAFL for missile technology proliferation activities and involvement in Iran's WMD program. In 2007, for example, the United States designated MODAFL under Executive Order 13382 as a key Iranian entity of proliferation concern.<sup>111</sup> In 2008, likewise, U.S. sanctions designations warned that the Iranian regime relied upon "multiple MODAFL-subordinate entities" to "advance Iran's WMD programs."<sup>112</sup> In April 2009, similarly, U.S. sanctions further confirmed that, *inter alia*, a "former MODAFL director described the mass production of military batteries" for MODAFL "as having a great impact on enhancing the Iranian armed forces' military capability."<sup>113</sup>

127. The United States has confirmed through sanctions findings that MODAFL was the primary armorer to attacks sponsored by the IRGC, including attacks led by Hizballah, committed by IRGC proxies, and supported by the Qods Force. In 2010, for example, Treasury imposed sanctions targeting MODAFL upon finding, *inter alia*, that: (1) then-head of MODAFL Ahmad Vahidi was linked to "the IRGC-Qods Force"; (2) "MODAFL has ... used IRISL [Islamic Republic of Iran Shipping Lines] to conceal the true destination of shipments of military-related goods destined for MODAFL"; (3) the "IRGC has been outspoken in its willingness to facilitate the proliferation of ballistic missiles capable of carrying WMD"; and (4)

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<sup>111</sup> U.S. Dep't of Treas., *Fact Sheet: Designation of Iranian Entities and Individuals for Proliferation Activities and Support for Terrorism* (Oct. 25, 2007).

<sup>112</sup> U.S. Dep't of Treas., *Fact Sheet: Treasury Strengthens Preventive Measures Against Iran* (Nov. 6, 2008) (cleaned up).

<sup>113</sup> U.S. Dep't of Treas., *Treasury Designates Iranian Proliferation Network and Identifies New Aliases* (Apr. 7, 2009).

the “IRGC has broad links to Iran’s ballistic missile programs and is one of the primary regime organizations tied to developing and testing the Shahab-3 missile.”<sup>114</sup>

128. In 2019, likewise, the United States recognized that MODAFL served as a weapons procurement agent for the IRGC Qods Force, Hizballah, and their Axis proxies when Treasury “designated Iran’s MODAFL pursuant to Executive Order (E.O.) 13224 for its role in assisting the IRGC-Qods Force (IRGC-QF)” for “providing logistic support to the IRGC-QF and its regional proxy groups” by “assisting, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, the IRGC-QF.”<sup>115</sup> Treasury designated MODAFL for providing “support to the IRGC-QF and its regional proxy groups” upon finding, *inter alia*, that the “IRGC, MODAFL, and other malign actors in Iran” had “exploit[ed] the international financial system to evade sanctions, while the regime fund[ed] terrorism and other destabilizing activities across the region” for which this “vast network [was] just the latest example of the Iranian regime’s use of deceptive practices to exploit the global financial system and divert resources to sanctioned entities” and that “MODAFL used funds from the Central Bank of Iran (CBI) that were earmarked for the IRGC-QF.”<sup>116</sup>

129. In 2024, similarly, the United States imposed additional sanctions targeting MODAFL under the counterterrorism authority in E.O. 13224 and confirmed that the Terrorist

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<sup>114</sup> U.S. Dep’t of State, *U.S. Treasury Department Targets Iran’s Nuclear and Missile Programs* (June 17, 2010).

<sup>115</sup> U.S. Dep’t of Treas., *United States Disrupts Large Scale Front Company Network Transferring Hundreds of Millions of Dollars and Euros to the IRGC and Iran’s Ministry of Defense* (Mar. 26, 2019).

<sup>116</sup> *Id.*

Sponsors had used “MODAFL” to “finance Iran’s destabilizing terrorist activities” and enable “the movement of funds supporting terrorism.”<sup>117</sup> Treasury did so upon finding, *inter alia*, that:

- a. “MODAFL and the IRGC engage in several commercial revenue-generating activities.”
- b. “Networks of Iranian exchange houses and dozens of foreign cover companies under their control enable MODAFL and the IRGC to disguise the revenue they generate abroad that is then available to use for a range of MODAFL and IRGC activities, including the procurement and development of advanced weapons systems.”
- c. “Networks of … foreign cover companies under their control enable MODAFL and the IRGC to disguise the revenue they generate abroad that is then available to use for a range of MODAFL and IRGC activities, including … [by] support[ing] the provision of weapons and funding to Iran’s regional proxy groups, … who continue a campaign of reckless attacks ….”
- d. “Shadow banking networks are multi-jurisdictional illicit finance systems which grant sanctioned Iranian entities access to the international financial system and obfuscate their trade with foreign customers” and “[t]he same cover companies, when directed by MODAFL …, use the laundered foreign currency to procure weapons components and other materiel on the international market.”
- e. “MODAFL” worked “to establish cover companies and accounts for MODAFL, hold MODAFL’s money in accounts outside of Iran, transport hard currency across borders,” and “transfer funds to suppliers of MODAFL” and “the IRGC.”<sup>118</sup>

130. These U.S. government findings about MODAFL from 2019-2024 described a common custom and practice that MODAFL (led by the IRGC) pursued with respect to the United States in Iraq and Afghanistan throughout the period from 2003 through 2013 when every Plaintiff was killed or injured by an IRGC-backed attack there that leveraged MODAFL resources, including arms provided to the IRGC-QF and Hizballah by MODAFL (including through the IRGC).

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<sup>117</sup> U.S. Dep’t of Treas., *Treasury Targets Shadow Banking Network Moving Billions for Iran’s Military* (June 25, 2024).

<sup>118</sup> *Id.*

### 3. Joint Cells, including the Khamenei Cell

131. Since the 1980s, the Terrorist Sponsors and their proxies have relied heavily on a “joint cell” model of violence, under which two or more terrorist groups combine one or more of their cells in a certain area, or for a certain competency, to optimize the lethality of their shared attacks. This joint-cell approach has enabled Iran’s Terrorist Sponsors and Iran to maintain close control over their agents as they coordinated and executed terrorist attacks.

132. The most significant joint cell was the **Khamenei Cell**, which has existed since 2000 and was created and led by Ayatollah Khamenei to coordinate the deployment of operatives, weapons, logistics, pre-attack intelligence, and associated finances and fronts while seeking to obscure Iran’s involvement in particular attacks. The Khamenei Cell was the operational outgrowth of Khamenei’s decades-long operations-focused inner circle and included dozens of terrorist leaders who served Khamenei through their roles in the Foundation for the Oppressed, Hizballah, the IRGC, and SLO.

133. The Khamenei Cell included Hizballah and IRGC operatives based in Iran, Iraq, and Lebanon, and was remarkably stable, with every member being a terrorist leader who had sworn allegiance to the Supreme Leader, was a long-standing ally of Khamenei and part of his “inner circle” or a key lieutenant of such person, and who had directly sponsored attacks targeting the United States in the past. Some Khamenei Cell members were dual-hatted terrorists, meaning they were members of two allied groups.

134. Hizballah played a lead role in committing, planning, and authorizing specific attacks sponsored by the Khamenei Cell. The Khamenei Cell thus functioned, in effect, as the Hizballah-led terrorist attack network that operationalized Ayatollah Khamenei’s and the Supreme Leader’s Office’s directives to execute on the most complex attacks, which almost always meant high-profile rocket, missile, UAV, bomb (including EFP), and hostage-taking

attacks targeting the United States. Khamenei and the SLO directed Hizballah-led attacks for decades through the personal involvement of Khamenei, the SLO, and senior members of Khamenei's inner circle.

135. Hizballah operatives who served in the Khamenei Cell included, but were not limited to, Hassan Nasrallah, Muhammad Kawtharani, Khalil Harb, Yusuf Hashim, Mohammad 'Abd-al-Hadi Farhat, and Muhammad Yusuf Ahmad Mansur. Khamenei Cell members who led the Foundation for the Oppressed included, but were not limited to, Mohsen Rafiqdoost and Parviz Fattah. IRGC members of the Khamenei Cell included, but were not limited to, Ali Shamkhani, Qasem Soleimani, Esmail Qaani, Rostam Qasemi, Mohammad Ali Jafari, and Hosein Taeb. SLO members of the Khamenei Cell included, but were not limited to, Mojtaba Khamenei, Mohsen Rezai, and Gholam-Ali Hadad-Adel.

136. IRGC, Hizballah, and Axis of Resistance attacks are commonly committed through the work of joint cells in which two or more FTOs are co-located with one another for a common anti-American purpose, supported by joint training, procurement, financial support, logistics, basing, and intelligence.

**C. The Terrorist Sponsors Used Axis of Resistance Proxies to Commit Anti-American Terrorist Attacks in Iraq and Afghanistan**

137. In addition to the IRGC's own terrorist attacks, "Iran has also sponsored a network of terrorist partners and proxies in neighboring countries, sometimes referred to as the 'Axis of Resistance,' which the regime uses to advance its geopolitical interests ... through violence and terrorism," with such Axis proxies including, among others, "Lebanese Hizballah (Hizballah)" and "Iran-aligned militia groups in Iraq,"<sup>119</sup> including al-Qaida in Iraq ("AQI") and

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<sup>119</sup> U.S. Dep't of the Treasury, *FinCEN Advisory on the Iranian Regime's Illicit Oil Smuggling Activities, Shadow Banking Networks, and Weapons Procurement Efforts*, FIN-2025-A002, at 2

Ansar al-Islam. The effort extended to Afghanistan, where the IRGC-QF actively supported al-Qaida, Taliban, Haqqani Network, and other Sunni terrorists following the U.S. invasion of that country in 2001. The Sponsors used those proxies to target the United States—directly, by targeting Americans, or indirectly, by targeting United States allies—to coerce U.S. government decisionmakers to withdraw from the Middle East.

### 1. The IRGC’s Sunni Terrorist Proxies

138. **Al-Qaida** is a Sunni Islamic terrorist organization founded by Osama bin Laden in the late 1980s in Afghanistan and for decades has been intent on destroying the United States. The IRGC has supported, supplied, and trained al-Qaida terrorists since the 1990s and since September 11, 2001, al-Qaida has worked closely with the Terrorist Sponsors to launch attacks against the United States in Afghanistan, Pakistan, Iraq, and Kenya, among other places. In 2007, bin Laden referred to Iran as al-Qaida’s “main artery for funds, personnel, and communication, as well as the matter of hostages.” Senior al-Qaida terrorists continue to live in Iran under IRGC protection, which former Secretary of State Pompeo has said gives the IRGC “enormous control” over al-Qaida and allows it to “provide support and enable … al-Qaida leaders to conduct their global operations campaign.”<sup>120</sup> Al-Qaida has been an FTO since 1999.

139. **Al-Qaida-in-Iraq** was a Sunni terrorist group and al-Qaida affiliate that was established in or about 2002 by a Jordanian national who was a senior member of al-Qaida: Ahmad Fadil Nazzal Al-Khalayleh, better known by his *nom de guerre*, Abu Musab al-Zarqawi..

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(June 6, 2025), <https://www.fincen.gov/sites/default/files/advisory/2025-06-06/FinCEN-Advisory-Illicit-Oil-Smuggling-508.pdf>.

<sup>120</sup> [https://www.voanews.com/a/middle-east\\_pompeo-rekindles-debate-about-us-response-irans-hosting-al-qaida/6206222.html](https://www.voanews.com/a/middle-east_pompeo-rekindles-debate-about-us-response-irans-hosting-al-qaida/6206222.html)

Though it had many names,<sup>121</sup> al-Qaida-in-Iraq had one consistent mission: killing Americans and others who opposed al-Qaida's agenda. By the onset of the U.S. presence in Iraq in 2003, Zarqawi turned al-Qaida-in-Iraq into the primary Sunni terrorist threat against Americans there by working with al-Qaida to mobilize the coalition of anti-American Sunni terrorists in Iraq under al-Qaida's banner—carried in Iraq by AQI—and conducting a series of mass-casualty strikes against prominent U.S. and international targets in Iraq. Headquartered in Fallujah in the in the Sunni Triangle, the group also maintained large cells throughout Iraq, including Baghdad, northern Iraq, Anbar, and Mosul. On December 17, 2004, the U.S. government designated al-Qaida-in-Iraq as a Foreign Terrorist Organization, which designation it has maintained ever since.

140. **Ansar al-Islam**, translated as “supporters, partisans or followers of Islam,” was a primarily Kurdish Salafist terrorist group based in northern Iraq in Iraqi Kurdistan, initially organized on September 1, 2001, under its previous name Jund al-Islam (soldiers of Islam). It was formally founded three months later through the merger of several other Kurdish terrorist groups, including Kurdish Hamas, Tawhid, and the Al-Tawid Islamic Front, the Second Sorand Unit, the Reformist Group, and Jund al-Islam. Ansar al-Islam followed the teachings of al-Qaida terrorists, including bin Laden, Zawahiri, and Zarqawi. Ansar al-Islam focused its terrorist activities in northern Iraq. At all times, Ansar al-Islam sought to impose an Islamic caliphate in

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<sup>121</sup> Zarqawi's al-Qaida affiliate has had various names since its creation, including Tawhid wal Jihad, aka al-Tawhid & al-Jihad (from inception to October 2004), al-Qaida in the Land of Two Rivers, aka al-Qaida-in-Iraq (from October 2004 through January 2006), the Mujahideen Shura Council (from January 2006 through October 2006), the Islamic State of Iraq (from October 2006 through April 2013), Islamic State in Iraq and Syria, aka ISIS (from April 2013 through June 2014) and finally the Islamic State (from June 2014 through present). While the names changed, at all relevant times, the organization built by Zarqawi with Iran's backing pursued attacks against Americans in Iraq. In this Complaint, Plaintiffs collectively refer to all such groups, prior to al-Qaida's split from Islamic State in 2014, as “al-Qaida-in-Iraq.”

Kurdistan and has conducted a campaign of terror against Americans in Iraq to drive the U.S. out of Iraq.

141. The **Taliban** is a Sunni Islamist movement in Afghanistan that is “responsible for most insurgent attacks in Afghanistan, which follow an established pattern of regular low-level ambush and hit-and-run attacks, coupled with periodic high-profile attacks,” including vehicle-borne and conventional IED attacks and “complex attacks” featuring multiple terrorist modalities.<sup>122</sup> The Taliban has long allied itself with al-Qaida, sheltering the group before and following the 9-11 attacks in the United States and jointly planning, supporting, and committing terrorist attacks on Americans with al-Qaida operatives. The IRGC-QF’s 4th Corps has supported the Taliban’s anti-American terrorist operations since the early 2000s: the IRGC-QF was originally designated an SDGT for providing material support to the Taliban, including both “financial support” and weapons such as “small arms and associated ammunition, rocket propelled grenades, mortar rounds, 107mm rockets, plastic explosives, and probably man-portable defense systems.”<sup>123</sup> The United States designated the Taliban an SDGT on July 3, 2002.

142. The **Haqqani Network** is the most radical part of the Taliban.<sup>124</sup> Founded by Jalaluddin Haqqani, a close associate of Osama Bin Laden, it is now led by his son Sirajuddin, a senior Taliban official—and also a notorious al-Qaida terrorist who has admitted to planning a January 2008 attack on a Kabul hotel that killed six people. “The Haqqanis are considered the most lethal and sophisticated insurgent group targeting US, Coalition, and Afghan forces in

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<sup>122</sup> [https://www.dni.gov/nctc/groups/afghan\\_taliban.html](https://www.dni.gov/nctc/groups/afghan_taliban.html)

<sup>123</sup> <https://2001-2009.state.gov/r/pa/prs/ps/2007/oct/94193.htm>

<sup>124</sup> In 2018, the United Nations reported that “The Haqqani Network is officially part of the Taliban.” <https://docs.un.org/en/S/2018/466> (¶19 n.9).

Afghanistan; they typically conduct coordinated small-arms assaults coupled with rocket attacks, IEDs, suicide attacks, and attacks using bomb-laden vehicles.”<sup>125</sup> The Haqqani Network was designated an FTO in 2012.

143. Plaintiffs refer to these groups collectively as “IRGC Sunni Terrorist Proxies.”

**2. The IRGC and Hizballah supported the Sunni Terrorist Proxies to facilitate anti-American terrorist attacks in Iraq and Afghanistan.**

144. The IRGC materially aided every aspect of the IRGC Sunni Terrorist Proxies’ terrorist campaigns against Americans in Iraq and Afghanistan. To facilitate terrorist attacks against Americans by IRGC Sunni Terrorist Proxies, the IRGC depended upon the large flow of money, equipment, weapons, and logistical support, as well as the “cover” provided by complicit corporate partners, including MTN Group, MTN Dubai, Irancell, Defendant Nhleko and Charnley, and any corporate allies that conspired with the IRGC to create and operate these terrorist fronts.

145. The IRGC’s “security” agenda is to kill Americans to drive the United States out of the greater Middle East. As a Coalition joint task force in Afghanistan recognized in a 2009 report that “Iran’s intentions are the same in both Iraq and Afghanistan: to develop, fund and arm proxy networks to leverage against the perceived U.S. aim of pursuing an active regime change doctrine in Iran,”<sup>126</sup> and ultimately to drive the U.S. out of Iran’s sphere of interest in the Middle East.

**a. Iraq**

146. IRGC-QF and Hizballah assistance to al-Qaida began as early as 1993, when “representatives of Iran, Hizballah, and al Qaeda” met in Khartoum and “worked out an alliance

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<sup>125</sup> [https://www.dni.gov/nctc/groups/haqqani\\_network.html](https://www.dni.gov/nctc/groups/haqqani_network.html)

<sup>126</sup> *JIEDDO Report* at 5.

of joint cooperation and support on terrorism.”<sup>127</sup> After 9/11, the IRGC sheltered al-Qaida fugitives in Iran and—with American troops in Afghanistan and growing expectations of an American invasion of Iraq—the IRGC pledged to provide funds and logistical support to al-Qaida facilitate the development of terrorist activities targeting Americans in countries bordering Iran.

147. IRGC and Hezbollah support for al-Qaida and other terrorist proxies in Iraq began even before the U.S. invasion in 2003. “According to pre-2003 Iraqi government reporting on Iranian proxy operations, the IRGC Qods Force had already anticipated the need to split its support between groups that would ‘work openly’ and others that would ‘work secretly’ in a post-invasion Iraq.”<sup>128</sup> The ultimate purpose of the IRGC’s support for proxies was to attack and kill Americans to force the United States to withdraw from the greater Middle East, including Iraq and Afghanistan.

148. Shortly before the U.S. invasion, IRGC-QF chief Soleimani “unleashed [ ] al-Qaida fighters into Iraq,” doing so “[w]ith the understanding” that they should “[g]o after the United States” by deploying terrorist attacks like “car bombings, [and] suicide bombings.”<sup>129</sup> Just a few months later, al-Qaida-in-Iraq “set[] off these three major bombs which essentially destroy[ed] the American experiment in Iraq in its infancy.”<sup>130</sup>

149. Multiple national intelligence agencies, including those of the United States, Germany, Jordan, and Iraq, all concluded that the IRGC had “stood up” al-Qaida-in-Iraq as a terrorist force, provided it with “seed capital” in the form of arms and essential logistical support,

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<sup>127</sup> *In re Terrorist Attacks on Sept. 11, 2001*, 2011 WL 13244047, at \*11 (findings of fact).

<sup>128</sup> <https://ctc.westpoint.edu/the-evolution-of-irans-special-groups-in-iraq/>

<sup>129</sup> Karim Sadjadpour, *quoted in* National Public Radio, ‘*Throughline*’: *The Origins Of Iran’s Gen. Qassem Soleimani* (Jan. 30, 2020).

<sup>130</sup> *Id.*

and sustained Zarqawi's network thereafter by permitting them AQI terrorists to travel freely between Iran and Iraq as long as they continued attacking Americans in Iraq.

150. Consistent with that conclusion, the IRGC provided a regular flow of weapons and military equipment to Sunni terrorists targeting Americans in Iraq, including al-Qaida, al-Qaida-in-Iraq, and Ansar al-Islam. According to a senior al-Qaida terrorist, "the Quds Force ... supplied Zarqawi with weapons" and as a result, the al-Qaida member concluded that, if "Osama was responsible for financing the butchers of Baghdad [i.e., Zarqawi and al-Qaida-in-Iraq], so was Tehran."

151. Kurdish officials confirmed in 2004 that Iran was actively aiding "groups like Ansar al-Islam and Abu Musab al-Zarqawi's group .... Even though Iran is a Shi'ite theocracy, these officials said, it helps Sunni insurgent groups because it wants to prevent a strong unified government from taking shape in Iraq."<sup>131</sup> So strong was the IRGC's interest in preventing a U.S.-supported regime in Iraq that even after al-Qaida-in-Iraq began massacring Iraqi Shiites at scale in 2006, the IRGC continued to permit Zarqawi and more than a dozen of his senior terrorist followers to enter Iran whenever they pleased, explaining that Zarqawi's attacks in Iraq "serve the supreme interests of Iran" by pushing Iraqi Shiites into Iran's orbit and stopping the formation of pro-American government in Iraq.

152. As the Congressional Research Service reported in 2007, "DOD officials reportedly captured four Iranian terrorists in July 2007 who [were] accused of smuggling explosives and personnel from Iran into Iraq," and "Iran [was] suspected of supplying Iraq insurgents with IEDs, training, and new designs and technology for explosive devices, such as

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<sup>131</sup> Thanassis Cambanis, *Along Border, Kurds Say, Iran Gives Boost To Uprising*, Boston Globe (Nov. 7, 2004), 2004 WLNR 6887856.

‘passive infrared’ electronic sensors that [were] used for triggering roadside bombs” and were “more resistant to electromagnetic countermeasures [] employed by U.S. forces.”<sup>132</sup> These findings by DOD officials accord with the reality that “[a] constant feature of Iran’s policy for more than 20 years has been the importance of uninterrupted cross-border resupply for Iran’s proxies in Iraq.”<sup>133</sup>

153. The IRGC-QF’s support for its Sunni proxies in Iraq took the form not just of weapons but also of “currency . . . lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, . . . , lethal substances, explosives, personnel, . . . and transportation.

154. IRGC-QF support was crucial to the lethality of al-Qaida-in-Iraq’s attacks. By 2005, Coalition troops had determined that Iran was supplying its Sunni proxies in Iraq with sophisticated IED technology that caused huge numbers of casualties among U.S. and British forces. The IRGC-QF also supplied rocket launchers, mortar rounds, sniper rifles, and other individual and squad-level weapons.

155. IRGC and Hizballah assistance for al Qaida and al-Qaida-in-Iraq (often working with Ansar al-Islam, which was effectively part of AQI in this period) supported a comprehensive campaign of terrorism against Americans serving in Sunni strongholds in Iraq, including, but not limited to, Ramadi, Falluja, Mosul, and other geographies where al-Qaida and al-Qaida-in-Iraq had a monopoly on anti-American terror. In so doing al-Qaida and al-Qaida-in-

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<sup>132</sup> Clay Wilson (Specialist in Technology and National Security), *Improvised Explosive Devices (IEDs) in Iraq and Afghanistan: Effects and Countermeasures*, CRS Report for Congress, at 3 (Aug. 28, 2007).

<sup>133</sup> Knights, *The Evolution of Iran’s Special Groups in Iraq*.

Iraq aggressively pursued every signature al-Qaida attack type: suicide bombings, IED attacks, attacks against helicopters, kidnappings, sniper attacks, and complex attacks

156. In addition, the IRGC-QF provided its Iraqi Sunni allies with safe haven in Iran, free passage through Iranian territory to al-Qaida's other major front in Afghanistan, and other kinds of travel assistance that a U.S. court has determined was “‘invaluable,’ not only to avoid detection and arrest, but established lines of transit make recruitment and training easier” and “enable[ ] better communication and coordination” among the terrorists.<sup>134</sup> IRGC-QF officers provided the terrorists with travel documents including fake passports and travel visas.

157. In addition, IRGC-QF operated a facility in Tehran for al-Qaida and al-Qaida-in-Iraq leaders and operatives that was known as “Block 300,” where it provided them with shelter, communications, training, and other assistance to al-Qaida and al-Qaida-in-Iraq terrorists. Al-Qaida's military council, as well as members of Osama Bin Laden's family, were known to spend significant time at the facility. From that or a similar facility, “[s]enior al Qaida members ... conduct[ed] terrorist operations from inside Iran.”<sup>135</sup> Al-Qaida and other Iraqi Sunni Terrorist Proxies also trained in Hezbollah training camps in Lebanon

158. At these bases, IRGC-QF operatives trained Sunni proxies in small unit tactics, small arms, explosives, indirect fire, suicide bombing, IED placement, intelligence gathering, and other terrorist methods and tactics, all of which materially enhanced the terrorists' ability to attack Americans in Iraq and Afghanistan.

159. The IRGC's support for the Sunni Proxies also included large-scale financial support. IRGC-QF operatives and the proxies themselves shuttled cash payments across the

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<sup>134</sup> *In re Terrorist Attacks on Sept. 11, 2001*, 2011 WL 13244047, at \*28 (findings of fact).

<sup>135</sup> *Id.* at \*25 (findings of fact).

border into Iraq for AQI and Ansar al-Aslam operatives to pay their men and fund their operations.

160. According to the U.S. government, the IRGC was responsible for the deaths of more than 600 U.S. soldiers and marines in Iraq from 2003 to 2019. Sunni proxies including al-Qaida, al-Qaida-in-Iraq, and AAI were directly involved in a large number of those deaths—especially in the period from 2003 through 2012.

161. To facilitate terrorist attacks against Americans by Sunni proxies in Iraq and Afghanistan, the IRGC depended upon the large flow of money, equipment, weapons, and logistical support, as well as the “cover” provided by the corporate entity, from the complicit corporate partners, including MTN Group, Irancell, Defendant Nhleko, Defendant Charnley, and any corporate allies that conspired with the IRGC to create and operate these terrorist fronts.

**b. Afghanistan**

162. The U.S. government has consistently recognized that the Afghanistan insurgency operated through a mafia-style terrorist “syndicate” comprising operatives from al-Qaida and the Taliban (including the Haqqani Network), along with others, who worked closely together with IRGC-QF support to jointly attack Americans and Coalition forces (the “al-Qaida-Taliban Syndicate” or “Syndicate”). Senior U.S. officials have explained that “the Taliban . . . [is] part of a kind of terrorist syndicate with al-Qaeda at the center”,<sup>136</sup> that “[a]l Qaeda had formed a ‘syndicate’ of terrorist groups with Taliban factions in Afghanistan and Pakistan . . . under the

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<sup>136</sup> Sec. of State Hillary Clinton, NBC News: Meet the Press (July 26, 2009).

umbrella of Al Qaeda”;<sup>137</sup> and that “al Qaeda, Haqqani, the Taliban, ... are all part of a syndicate of groups that help each other.”<sup>138</sup>

163. As the insurgency’s origins in the 9/11 attacks and subsequent sheltering of al-Qaida by the Taliban suggest, al-Qaida and the Taliban have “a decades-old relationship forged through ideological sympathies and a history of shared battlefield struggles” against U.S. and allied troops.<sup>139</sup>

164. The Syndicate was joined together by dual-hatted “polyterrorists,” *i.e.*, al-Qaida terrorist operatives who *also* simultaneously served as a terrorist operative for one or more al-Qaida affiliates—most commonly, the Taliban’s Haqqani Network and Lashkar-e-Taiba.

165. Since the mid-2000s, Sirajuddin Haqqani was—and remains today—the signal example of a Syndicate “polyterrorist” operative who killed Americans. Sirajuddin Haqqani was the son of bin-Laden’s long-standing ally, mentor, and protector, Jalaluddin Haqqani. By 2008, Sirajuddin Haqqani was simultaneously: (1) a senior al-Qaida operative, leader, and attack planner, who served as the most important member of al-Qaida’s military council (essentially, its terrorist planning committee); (2) the Haqqani Network’s top operative, attack planner, and leader; and (3) a senior leader of the Quetta Shura Taliban, which would eventually make him its number two leader (Deputy Emir). Other than Osama bin Laden, Sirajuddin Haqqani was the single most important al-Qaida leader since 9/11. By joining al-Qaida management, Sirajuddin achieved a level of interoperability and cohesion between al-Qaida and the Taliban, including its Haqqani Network, that greatly magnified the lethality of the terrorists’ campaign.

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<sup>137</sup> Gates Casts Qaeda As Terror Syndicate, Wash. Post (Jan. 21, 2010), 2010 WLNR 1263055 (quoting Secretary of State Hillary Clinton).

<sup>138</sup> Hindustan Times, Pakistan Must Meet Certain Expectations on Counter-Terrorism (Apr. 22, 2011) (quoting Under Secretary of Defense for Policy Michele Flournoy)

<sup>139</sup> <https://www.rferl.org/a/afghan-peace-deal-taliban-ties-with-al-qaeda/31160060.html>

166. When Plaintiffs were injured between 2006 and 2010, Sirajuddin Haqqani served as the top al-Qaida/Taliban “polyterrorist” responsible for coordinating key transnational-facing aspects of al-Qaida’s terrorist campaign against Americans in the Middle East including, but not limited to:

- a. **Kabul Attack Network Attacks.** Sirajjudin Haqqani planned and authorized the Syndicate attacks that targeted Kabul that were committed by joint al-Qaida/Taliban (including Haqqani Network)/Lashkar-e-Taiba cells known as the Kabul Attack Network, including such joint cell’s IED and suicide bomb attacks in Kabul and the surrounding provinces.
- b. **Fertilizer Bomb Attacks.** Alongside al-Qaida, Sirajjudin Haqqani planned and authorized al-Qaida’s fertilizer bombing campaign, including, but not limited to, al-Qaida’s and the Haqqani Network’s strategy for sourcing fertilizer; purchasing and transporting fertilizer; operating al-Qaida bombmaking factories hosted at Sirajuddin’s personal network of joint al-Qaida-Haqqani Network terrorist camps in Pakistan; and deploying fertilizer bombs as IEDs and suicide bombs to attack Americans in Afghanistan.
- c. **Suicide Bomber Attacks.** Sirajjudin Haqqani planned and authorized al-Qaida’s suicide bombing campaign, including, but not limited to, al-Qaida’s and the Haqqani Network’s shared strategy for: planning the targets for suicide bomber attacks in Afghanistan; sourcing suicide bombers through al-Qaida’s and the Haqqani Network’s long-standing allies, Lashkar-e-Taiba and Jaish-e-Mohammed; and coordinating the “suicide bomber infrastructure” of camps, madrassas, ratlines, and safehouses, which

relied heavily upon al-Qaida and Haqqani Network resources and polyterrorists like Sirajuddin.

d. **Kidnapping Attacks.** Sirajuddin Haqqani planned and authorized kidnappings in Kabul.

e. **Transnational Terrorist Finance and Logistics.** Sirajuddin Haqqani planned and authorized al-Qaida's and the Taliban's, including its Haqqani Network's, transnational terrorist logistics, including, but not limited to, (i) al-Qaida and the Taliban's, including its Haqqani Network's, transnational rackets necessary to the success of their (1) criminal funding efforts, e.g., money laundering, protection rackets, and tax fraud; (2) fundraising and money movement, e.g., diaspora donations, banking relationships; (3) "tax" collection from the criminal underworld of their diaspora globally, e.g., logistics, communications in the U.A.E., Pakistan, Afghanistan, and Europe; and (ii) al-Qaida's and the Haqqani Network's transnational-operations and activities in Afghanistan, Pakistan, and the U.A.E. as they relate to smuggling or logistics, both of which have always ranked as top Haqqani Network specialties.

f. **Coordination Between FTOs.** Sirajuddin Haqqani led two FTOs (al-Qaida and the Haqqani Network) and was responsible for, or supervised those who were responsible for (like his brother Anas) managing al-Qaida's and the Taliban's (including its Haqqani Network's) relationships with a broad international alliance of allied terrorists, including, but not limited to: the IRGC; Hizballah; the Pakistani Taliban, a member of the Syndicate; Lashkar-e-Taiba, a member of the Syndicate; and Jaish-e-Mohammed, a member of the Syndicate.

167. IRGC-QF support for Syndicate forces in Afghanistan began almost immediately after 9/11. Shortly after those terrorist attacks, the IRGC met with senior Taliban officials to offer military aid to support the Taliban's fight against U.S.-led Coalition forces. The IRGC planned that meeting and hosted it on the Iranian side of the Afghanistan border. As part of this initial offer of support, the IRGC pledged to sell advanced military equipment to the Taliban for use against U.S. and allied forces, boasted of the IRGC's ability to track U.S. troop movements, and promised to allow terrorists entering Afghanistan to travel through Iranian territory. The IRGC also provided safe harbor to Taliban and al-Qaida leaders who escaped U.S. forces.

168. By early 2002, the Central Intelligence Agency told Congress that "initial signs of Tehran's cooperation and common cause with us in Afghanistan are being eclipsed by Iranian efforts to undermine US influence there. While Iran's officials express a shared interest in a stable government in Afghanistan, its security forces appear bent on countering the US presence."<sup>140</sup> As one scholar explained, Iran "feared the US might use Afghanistan as a base from which to launch a kinetic attack on Iran. The Taliban insurgency thus became viewed by Tehran as a tool with which to keep American forces preoccupied."<sup>141</sup> IRGC support for the insurgency in Afghanistan is conducted by the groups' Fourth Corps.

169. U.S. Country Reports on Terrorism documented that the IRGC "has arranged arms shipments including small arms and associated ammunition, rocket propelled grenades, mortar rounds, 107mm rockets, and plastic explosives to select Taliban members" since "at least

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<sup>140</sup> DCI Testimony: Converging Dangers in a Post 9/11 World, Central Intelligence Agency (Feb. 6, 2002).

<sup>141</sup> Farhad Rezaei, *Iran and the Taliban: A Tactical Alliance?*, The Begin-Sadat Center for Strategic Studies (Jan. 15, 2019).

2006,”<sup>142</sup> and independent evidence demonstrates IRGC-QF assistance to al-Qaida cells in Afghanistan that same year, when al-Qaida was discovered to be plotting to “equip suicide bombers and car bombs to attack Afghan government and international targets - using cars and equipment obtained in Iran.”<sup>143</sup>

170. When the U.S. Treasury Department designated the Qods Force as a SDGT in 2007, it confirmed that the “Qods Force provides weapons and financial support to the Taliban to support anti-U.S. and anti-Coalition activity in Afghanistan” and had done so since at least 2006.<sup>144</sup> Coalition forces interdicted multiple IRGC arms shipments into Afghanistan in 2007, and that same year Afghan border police in Herat Province announced they had seized a 10-ton cache of weapon, some of which bore markings from Iran. Subsequent reports document extensive shipments of explosives, small arms, rockets, rocket-propelled grenades, mortar rounds, vehicles, and even anti-aircraft missiles from the IRGC to the Taliban and al-Qaida elements in Afghanistan

171. As it did with Sunni proxies in Iraq, the IRGC supplied also provided members of the Taliban and its affiliated terrorist groups with lodging, training, expert advice or assistance, safe harbor, and transportation. The IRGC taught the Taliban attack techniques that were particularly effective against U.S. and Coalition forces. Without the training from the IRGC and its agents, the Taliban would not have been able to launch as successful a terrorist campaign against American forces.

172. The IRGC provided Taliban terrorists with specialized training on how best to

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<sup>142</sup> U.S. Dep’t of State, *Country Reports on Terrorism 2008 Report* (Apr. 30, 2009).

<sup>143</sup> United Against Nuclear Iran, “al-Qaeda and Iran: Alliance Against the US,” <https://www.unitedagainstnucleariran.com/al-qaeda-iran>.

<sup>144</sup> U.S. Treasury Dep’t, *Fact Sheet: Designation of Iranian Entities and Individuals for Proliferation Activities and Support for Terrorism* (Oct. 25, 2007).

deploy Iran-supplied weapons against U.S. and Coalition forces. Beginning in 2007, leaked U.S. military intelligence reports documented the presence of Taliban trainees at an IRGC-QF base in at an Iranian base in Birjand, Iran, near the Afghanistan border, and of Taliban commanders returning from Iran with trained fighters. A leaked 2008 military-intelligence summary reported on a group of 40 insurgents “who allegedly were trained in an Iranian Military base” who had plans to attack the capital of Farah Province using weapons that “Iran Intelligence could have provided.” Another leaked military-intelligence summary—this one from early 2009—stated that the IRGC was recruiting Taliban terrorists for training in Iran on shooting down Coalition helicopters. Another leaked 2009 military-intelligence summary reported on the return of Taliban commander after receiving IED-manufacturing training in Iran. In its 2009 Country Reports on Terrorism, the U.S. State Department reported: “Iran’s Qods Force provided training to the Taliban in Afghanistan on small unit tactics, small arms, explosives, and indirect fire weapons....” And a March 2010 article in London’s *Sunday Times* reported extensively on Iranian security officials training Taliban recruits to “ambush” Coalition forces, attack checkpoints, and use guns and IEDs. The Times interviewed two Taliban commanders—from Wardak and Ghazni province—who had traveled to Iran with groups of Taliban terrorists for training, which improved their ability to launch lethal attacks on Coalition forces. According to the commanders, the IRGC paid for this travel and training. One commander who received training in Iran observed that the Taliban’s and Iran’s “religions and . . . histories are different, but our target is the same — we both want to kill Americans.”<sup>145</sup>

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<sup>145</sup> Miles Amoore, *Iranian military teaches Taliban fighters the art of ambush*, The Times (Mar. 21, 2010).

173. The IRGC’s training of Taliban terrorists in small unit tactics, small arms, explosives, indirect fire, and other techniques enabled the Taliban to more effectively attack U.S. and Coalition forces. The Taliban and its affiliated terrorist groups in Afghanistan used Iran’s training to kill or injure Plaintiffs or their family members.

174. The IRGC also supplied the Syndicate with financial support. Money supplied the lifeblood of the al-Qaida/Taliban Syndicate. Financing allowed Sirajuddin Haqqani and the terrorists he led to recruit and pay terrorist fighters; to acquire weapons and explosives with which to attack Coalition forces; and to maintain the vast operational infrastructure needed to sustain the insurgency. In 2011, it cost the Taliban—when Sirajuddin Haqqani had become its most lethal terrorist and leader—an estimated \$100-155 million overall to launch attacks and up to \$300 million to “maintain[] the insurgency” generally.<sup>146</sup> Those costs ballooned as the insurgency intensified. As a U.N. Security Council report documented, from 2006-2012, the Taliban “managed to finance an ever-increasing number of attacks, reflecting a year-on-year increase in income.”<sup>147</sup> The Taliban’s access to financing was vital for its growing campaign of terrorism against the United States. As one military historian observed in 2011, “the Taliban’s most significant weapon is not its arms or its ability to mobilize jihadists but the vast sums of money that it seems to have at its disposal.”<sup>148</sup>

175. The IRGC supported the Taliban financially by providing large cash payments to the Taliban annually. For example, a purported February 2005 military intelligence summary (as

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<sup>146</sup> U.N. *Financing Report* ¶ 34.

<sup>147</sup> *Id.*

<sup>148</sup> *Follow The Money*.

published online) reported that the IRGC delivered 10 million Afghanis (worth roughly \$212,000) to a Taliban-associated terrorist group on Iran's border.<sup>149</sup>

176. The IRGC also directly paid Taliban insurgents to kill U.S. forces. Another purported February 2005 military-intelligence summary (as published online) reported on a Taliban group that was being paid by the Iranian government \$1,740 for each Afghanistan soldier killed and \$3,481 for each Government of Afghanistan official killed. The report explained that the group would begin attacking U.S. forces if the attacks on Afghans were successful.<sup>150</sup> The IRGC paid Taliban terrorists an estimated \$1,000 for each U.S. soldier murdered in Afghanistan and \$6,000 for each destroyed American military vehicle. In one specific example, Taliban fighters received \$18,000 from the IRGC as a reward for an attack in 2010 that killed several Afghan forces and destroyed an American armored vehicle.<sup>151</sup>

177. The IRGC also provided funding to individual Taliban commanders, often as they were returning to Afghanistan from training in Iran. A purported May 2008 military-intelligence summary (as published online) reported on a Taliban leader returning from training in Iran "along with a considerable amount of money." A purported May 2009 U.S. State Department Cable (as published online) stated that the IRGC may provide Taliban Commander Mullah Sangin with financial support to engage Coalition forces, including U.S. contractors.

178. The IRGC has also supported the Taliban's finances by supporting its ability to traffic narcotics, which Taliban terrorists use "to finance their acts of terror and violence."<sup>152</sup> As

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<sup>149</sup> *Afghanistan War Logs: Iran Smuggles Money into Afghanistan to Fund Insurgents, says US Report*, The Guardian (July 25, 2010).

<sup>150</sup> *Afghanistan War Logs: Iran Offers Reward for Each Afghan Official and Solider Killed, According to Coalition Report*, The Guardian (July 25, 2010).

<sup>151</sup> Miles Amoore, *Iran pays the Taliban to Kill US Soldiers*, The Times (Sept. 5, 2010).

<sup>152</sup> Press Release, U.S. Treasury Dep't, *Treasury Targets Taliban Shadow Governor of Helmand Afghanistan as Narcotics Trafficker* (Nov. 15, 2012).

the U.S. Treasury Department explained when it designated Iranian Qods Force General Gholamreza Baghbani as a Specially Designated Narcotics Trafficker in March 2012, General Baghbani allowed Afghan narcotics traffickers to smuggle opiates through Iran, facilitated the smuggling of chemicals necessary to produce heroin from Iran into Afghanistan, and helped “facilitate shipments of opium into Iran.”<sup>153</sup> General Baghbani also had narcotics traffickers deliver weapons on his behalf to the Taliban.<sup>154</sup>

179. Even relatively small payments had an outsized effect on al-Qaida’s and the Taliban’s, including its Haqqani Network’s, terrorist capabilities. Although estimates vary, the Taliban paid many of its rank-and-file fighters about \$100 per month, while mid-level commanders made upwards of \$350 per month. As for many of the IEDs that the Taliban used against Coalition troops, a Pakistani security official estimated that they cost a mere \$100. At those rates, even a single payment of \$2,000 could finance substantial violence by the al-Qaida/Taliban Syndicate: ten fighters and a commander in the field for a month supplied with five IEDs. And Defendants facilitated far greater value flow throughs many orders of magnitude higher. Those payments materially strengthened al-Qaida’s, and the Taliban’s, including its Haqqani Network’s, attacks that killed and injured Plaintiffs in Afghanistan.

180. The IRGC-QF’s support for Sunni Terrorist Proxies in both Iraq and Afghanistan was mutually reinforcing. Due to the two-way ties between the IRGC Sunni Terrorist Proxies, support for any one group benefited the others. For example, payments made by MTN Group to a senior al-Qaida terrorist in Afghanistan (Sirajuddin Haqqani) benefited al-Qaida’s terrorist enterprise in Iraq as well as Afghanistan and therefore aided attacks in both countries.

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<sup>153</sup> Press Release, U.S. Treasury Dep’t, *Treasury Designates Iranian Qods Force General Overseeing Afghan Heroin Trafficking Through Iran* (Mar. 7, 2012).

<sup>154</sup> *Id.*

181. By funneling material support to al-Qaida and, in effect, all of Qaida's allies in Iraq and Afghanistan, the IRGC ensured that its policy of sponsoring anti-American terror in Iraq and Afghanistan achieved maximum effect. Al-Qaida and proxy personnel moved freely from one terrorist theater to the other, and money, weaponry, and—perhaps more important—terrorist know-how and best practices flowed in both directions, maximizing the lethality of the IRGC's proxy attacks in both countries.

**D. The Terrorist Sponsors Used “Commercial” Front Companies to Fund and Equip the IRGC, Hizballah, and Their Terrorist Proxies**

182. Iran's terrorism machine required enormous resources, including both financing and American technologies barred from export to Iran by U.S. sanctions. Substantial additional revenues and technology flowed to the IRGC and Hizballah through off-books channels, including a wide-ranging group of commercial fronts controlled by the Foundation for the Oppressed. As Stuart Levey, Treasury Under Secretary for Terrorism and Financial Intelligence explained in 2007:

Iran's role in supporting international terrorism is of serious concern. Iran has long been a state sponsor of terrorism. *Tehran arms, funds, and advises Hizballah, an organization that has killed more Americans than any terrorist network except for al Qaeda. ... And we are all familiar with Iran's funding and equipping of elements of the insurgency in Iraq, further destabilizing that country and resulting in deaths of Americans, Iraqis and others.* Iran needs money to provide all of this support. Indeed, *the regime operates as the central banker of terror, spending hundreds of millions of dollars each year to fund terrorism.*

Iran also uses its Islamic Revolutionary Guard Corps, or IRGC, to provide a '*train and equip program*' for terrorist organizations like Hizballah ... The IRGC's control and influence in the Iranian economy is *growing substantially. More and more IRGC-associated companies are being awarded important government contracts.* ....

The regime *disguises its hand in terrorism* and weapons proliferation *through an array of deceptive techniques specifically designed to avoid suspicion and evade detection* from the law-abiding international community. ... *We have also seen Iranian banks request that other financial institutions take their names off of*

***U.S. dollar transactions when processing them in the international financial system. ...***

Because of the ***longstanding U.S. concerns about Iran's well-documented illicit behavior***, the Treasury Department maintains broad sanctions against Iran. ...

A designation under E.O. 13382 effectively cuts the target entity or individual off from access to the U.S. financial and commercial systems and ***puts the international community on notice about the threat they pose to global security as a result of their activities.***<sup>155</sup>

183. For the Terrorist Sponsors, the use of front companies in the telecommunications sector served particularly urgent needs. As the U.S. government has long recognized, computing, telecommunications, encryption, and associated technologies were vital to terrorists' ability to kill. In 2001, for example, the State Department warned that terrorists empowered through "state-sponsored terrorism" had "embrace[d] IT" because "terrorist use of information technology": (1) "improve[d] communication and aids organization"; (2) "allow[ed] members to coordinate quickly with large numbers of followers"; (3) "provide[d] a platform for propaganda"; (4) "allow[ed] terrorists to reach a wide audience of potential donors and recruits who may be located over a large geographic area"; and (5) allow[ed] "hacking and the use of the computer as a weapon."<sup>156</sup> Advanced communications technologies were particularly important in light of the U.S. military's ability to intercept terrorist communications. The IRGC and Hizballah required embargoed U.S.-origin technology to encrypt communications and secure their networks from U.S. eavesdropping and tracking.

184. Terrorists of every stripe, including the IRGC, Hizballah, and their proxies, relied upon communications and information technology to power their attacks through, *inter alia*,

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<sup>155</sup> Stuart Levey, *quoted in* Congressional Testimony via FDCH, Threats From Iran (Mar. 21, 2007), 2007 WLNR 5373313.

<sup>156</sup> U.S. Dep't of State, *Patterns of Global Terrorism: 2000* (Apr. 2001).

fundraising, recruitment, and intelligence gathering. In 2006, Gabriel Weimann, a scholar of terrorists' use of communications technologies, observed that Hizballah depended upon communications and information technology to power its "terrorism directed mainly against Israeli and U.S. targets," which "relie[d] on an international network of supporters recruited mainly from Shiite Muslim communities worldwide, including the United States," which "network serves several purposes: gathering information; fund-raising; maintaining 'latent cells'; and activating 'high-quality' attacks in various places in the world," including "many anti-U.S. ... terrorist attacks."<sup>157</sup> He also warned that terrorist groups, including Hizballah, were leveraging "Data Mining" to power their attack targeting because "terrorists ... learn[ed] from the Internet about the schedules and locations of targets such as transportation facilities, nuclear power plants, public buildings, airports and ports, and even counterterrorism measures."<sup>158</sup>

185. Consistent with those observations, in the early- to mid-2000s the IRGC and Hizballah pushed their way into Iran's telecom sector. When Iran announced plans to issue a new GSM license for a second wireless company, the IRGC "muscled its way into" the process, ensuring that it would have control over the new entity—and access to its profits and its technology.<sup>159</sup> The IRGC-dominated Foundation for the Oppressed joined forces with an Iranian weapons manufacturer, Iran Electronics Industries, to form a special entity for that purpose: the Iran Electronics Development Company.

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<sup>157</sup> Gabriel Weimann, *Terror on the Internet: The New Arena, the New Challenges*, 88-91 (U.S. Institute of Peace Press 2006) (hereinafter, "Weimann, *Terror on the Internet*").

<sup>158</sup> Weimann, *Terror on the Internet*, 111-12.

<sup>159</sup> Ali Alfoneh, *How Intertwined Are the Revolutionary Guards in Iran's Economy?*, Am. Enter. Inst. For Pub. Pol'y Rsch. (Oct. 22, 2007) (emphasis added).

## 1. Iran Electronics Industries, a/k/a Sairan (“IEI”)

186. Iran Electronics Industries (IEI) was established “to organize the assembly and repairs of foreign-delivered weapons.”<sup>160</sup> After the 1979 Islamic Revolution, the “Islamic Revolutionary Guards were put in charge of creating what is today known as the Iranian military industry”—including IEI—in response to “economic sanctions and a weapons embargo put on Iran by the United States,” which “forced” Iran “to rely on its domestic arms industry”—including IEI—“for weapons and spare parts since there were very few countries willing to do business with Iran.”<sup>161</sup>

187. Iran Electronics Industries is an Iranian weapons manufacturer that “offers a diversified range of military products including electro-optics and lasers, communication equipment, telecommunication security equipment, electronic warfare equipment, new and refurbished radar tubes, and missile launchers,” as well as “military tactical communication systems[,] … electronic field telephones and switchboards,” and “night vision systems and laser range finders in addition to binoculars and periscopes.”<sup>162</sup> Simply put, the “role” of “Iran Electronics Industries” in the Iranian regime always including the responsibility “to manufacture electronic components for Iranian weapons systems.”<sup>163</sup>

188. A subsidiary of Iran’s Ministry of Defense Armed Forces Logistics (MODAFL)—the agency charged with weapons procurement for the IRGC—IEI was

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<sup>160</sup> Islamic Republic News Agency, *quoted in* Iranian Government News, *IRI Missile Capability Deters Enemy Threats: IRGC Commander* (Dec. 23, 2011) (cleaned up).

<sup>161</sup> Islamic Republic News Agency, *quoted in* Iranian Government News, *IRI Missile Capability Deters Enemy Threats: IRGC Commander* (Dec. 23, 2011) (cleaned up).

<sup>162</sup> U.S. Dep’t of Treas., *Treasury Designates Iranian Military Firms* (Sept. 17, 2008).

<sup>163</sup> European Union, *Council Decision Of 23 June 2008 Implementing Article 7(2) Of Regulation (EC) No 423/2007 Concerning Restrictive Measures Against Iran (2008/475/EC)*, Official J. of the European Union (June 24, 2008).

functionally controlled by the IRGC, which always appointed senior IRGC operations commanders to leadership roles of MODAFL thereby ensuring MODAFL's complete integration into the IRGC's and Hizballah's terrorist operations enterprise. Indeed, E.U. sanctions publicly confirmed the practice in 2008.<sup>164</sup>

189. The IRGC's capture, and use, of IEI to design, procure, build, and supply arms to power attacks by the IRGC, Hizballah, and their allies have been well known for decades. In 1993, for example, the *LA Times* reported that the FBI seized American "computers and satellite communications equipment" that had been sold to "Iran Electronic Industries." In 2000, likewise, the *Associated Press* reported that Japan arrested two persons for shipping "3,100 dials for antitank rocket launchers" to "Iran Electronics Industries" that were likely "intended" for "RPG-7s"—and, according to a *BBC* report in 2000, would have been "used in rocket launchers' sighting devices." In 2007, similarly, terrorism scholar Ali Alfoneh publicly identified IEI as "IRGC-operated."<sup>165</sup>

190. Indeed, the IRGC bragged about IEI's weapons prowess on media outlets the IRGC controlled. In November 2002, for example, IRGC media arm *Kayhan* reported that "Sairan" (IEI) had received "letters of commendation" relating to IEI's "display" of "flying craft, spare parts, turbo engines for unmanned flight and maintenance service systems." In May 2002,

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<sup>164</sup> See European Union, *Council Decision Of 23 June 2008 Implementing Article 7(2) Of Regulation (EC) No 423/2007 Concerning Restrictive Measures Against Iran (2008/475/EC)*, Official J. of the European Union (June 24, 2008) (sanctioning (1) "IRGC Brigadier-General Javad Darvish-Vand" because he was "MODAFL Deputy for Inspection" and "[r]esponsible for all MODAFL facilities and installations"; (2) IRGC Brigadier-General Mostafa Mohammad Najjar" because he was "responsible" for the IRGC's "ballistic missile programs"; (3) "IRGC Brigadier-General Ahmad Vahidi" because he was "Deputy Head of MODAFL"; and (4) "IRGC Brigadier-General Ali Shamshiri" because he was "MODAFL Deputy for Counter-Intelligence, responsible for security of MODAFL personnel and Installations").

<sup>165</sup> Ali Alfoneh, *How Intertwined Are the Revolutionary Guards in Iran's Economy?*, Am. Enter. Inst. For Pub. Pol'y Rsch. (Oct. 22, 2007).

*Voice of America* reported that IRGC media arm IRIB had touted that “Iran Electronic Industries” would “inaugurate the TOW-H missile launcher system, multi functional displays, MFD, and comprehensive circuits” for weapons, and the “domestically-produced weapon *Kheybar*” that had “the ability to fire three shells simultaneously.”

191. MTN Group appreciated in real-time that “Iran Electronics Industries” was “a Ministry of Defence [MODAFL] Company.”<sup>166</sup> As MTN Group’s Iran representative Chris Kilowan explained in 2004: “I was aware that … Sairan [IEI] was wholly owned by the Iranian Ministry of Defence [MODAFL], and, as President of Sairan, Dr [Ebrahim] Mahmoudzadeh reported directly to the Iranian Minister of Defence [Ali Shamkhani].”<sup>167</sup>

## 2. Iran Electronics Development Company (IEDC)

192. In 2004, IEI and the Foundation—two pillars of the IRGC’s and Hizballah’s logistical and financial support system within Iran—formed a joint venture for the purpose of entering into a critical new field: telecommunications. That venture was IEDC.

193. Faced with technologically dominant U.S. and Coalition forces in Iraq and Afghanistan, the IRGC, Hizballah, and their Axis proxies found themselves in desperate need of communications technology upgrades. As the RAND corporation has explained, telecommunications and information technologies are vital for modern transnational terrorism

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<sup>166</sup> MTN Group, *Highly Confidential Report on Visit Over 3 to 4 July 2004*, at 3 (July 4, 2004), republished in MTN Group, Hoffmann Report, Appendices, at 346; see MTN Group Ltd. and MTN Int’l (Mauritius) Ltd., *Hoffmann Report*, ¶3 (MTN knew that one of their JV partners was, on paper, “a subsidiary of the [Iranian] Ministry of Defence [MODAFL] officially called Iran Electronics Industries but commonly known as Sairan.”).

<sup>167</sup> Witness Statement of Christopher Kilowan, BIT Proceedings, ¶¶10-11 (Mar.13, 2012), quoted in MTN Group, *Hoffmann Report*, ¶167.

operations.<sup>168</sup> For example, even seemingly benign “network technologies, most notably cell phones … and other communication devices, have enabled terrorists to improve their use of [IEDs],” leading to “well-publicized cases of terrorist use of cellular phones in operations.”<sup>169</sup>

194. More broadly, commercial-grade networking technologies, tracking and encryption systems, supercomputers, and enterprise resource planning software can radically enhance terrorists’ command-and-control operations, secure their communications, streamline their logistics, and enhance their operational planning and targeting. As U.S. Army General George Casey explained in 2011, “Hezbollah employ[s] modern civil technology (secure cell phones, computers and video telecommunications systems) combined with military means (antitank, surface-to-air and antiship missiles, rockets, mortars and unmanned aerial vehicles) and improvised explosive devices in an innovative array of unanticipated patterns,” making it—and other IRGC proxies—extremely formidable terrorist adversaries.<sup>170</sup>

195. In 2004, however, the IRGC and its proxies had access to no modern Western telecommunications or information systems, because such technologies were blocked by U.S. sanctions. To get around that obstacle, the Foundation and IEI—the entities most directly responsible for funding and equipping the IRGC, Hezbollah, and their proxies—formed IEDC as a purportedly civilian telecommunications company, with the express purpose of identifying and partnering with a sophisticated foreign telecommunications company that would help them illicitly obtain embargoed U.S. and foreign technologies. They found MTN Group.

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<sup>168</sup> Bruce W. Don, *et al.*, *Network Technologies for Networked Terrorists: Assessing the Value of Information and Communication Technologies to Modern Terrorist Organizations*, 38-39 (RAND Corp. 2007).

<sup>169</sup> *Id.*

<sup>170</sup> General George W. Casey, Jr., *The Army of the 21st Century*, Army (Oct. 1, 2009), 2009 WLNR 30869494.

## II. Defendants Partnered With Notorious Sponsors of IRGC and Hizballah Attacks to Form and Operate Irancell

196. Since 2005, MTN Group and its subsidiaries, via the joint venture with IEDC known as Irancell, have conspired with the IRGC’s weapons manufacturer (IEI) and the Ayatollah’s prolific terror-financing vehicle (the Foundation for the Oppressed) to obtain embargoed dual-use U.S. equipment and services, and to provide this lethal aid, along with billions of U.S. dollars in direct and indirect funding, to the Terrorist Sponsors in violation of U.S. sanctions. Much of this aid predictably flowed to Iran’s Axis of Resistance proxies to enable their terrorist attacks.

197. Initially operating mostly in Africa, in the early 2000s MTN Group pursued an aggressive expansion in the Middle East, deliberately seeking out business in markets “dealing with war, sanctions and strife,” reported the *Wall Street Journal* in 2019, including state sponsors of terrorism like Iran, Syria, and the Sudan, and conflict zones like Afghanistan, Yemen, and Lebanon. Because MTN’s potential competitors tended to avoid those risky areas, these markets offered potentially outsized profits.

198. In October 2003, the Iranian Ministry of Communications and Information Technology (“MCIT” or “Ministry”) held a public tender for a lucrative Global System for Mobile Communications (“GSM”) license—the prerequisite for launching a mobile communications network in Iran.<sup>171</sup> Eager to break into a lucrative immature market, MTN Group bid on Iran’s GSM license tender. On December 13, 2003, MTN Group signed a Consortium Agreement with Iranian American ICT entrepreneur Shervin Pishevar, Hamid Aref, and MK Sarraf, which “bound MTN not to deal with anyone else” relating to the Irancell bid.<sup>172</sup>

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<sup>171</sup> See MTN Group Ltd. and MTN Int’l (Mauritius) Ltd., *Hoffmann Report*, ¶35.

<sup>172</sup> MTN Group, *Hoffmann Report*, ¶206.

Later that month in December 2003, MTN Group submitted its bid to the Iranian Ministry that managed the bid technical process, MCIT, but MTN eventually (initially) lost to Turkcell. After Turkcell refused to help IEDC and its IRGC masters obtain embargoed defense technologies, however, the IRGC “erected a cascade of legal and practical obstacles” to Turkcell’s involvement in 2004-2005.<sup>173</sup> Faced with “pressure by the [Revolutionary] Guards and their patrons,” Iran “was forced to change the terms of the deal and revoke Turkcell’s majority share in the consortium.”<sup>174</sup>

199. MTN stepped into the vacancy. From the beginning, its effort to supplant Turkcell—referred to within MTN by a code name, “Project Snooker”—focused on offering IEDC assistance with procuring military and embargoed dual-use telecommunications equipment: The original MTN memo describing the effort noted that a “macro issue” was “the procurement of weapon systems and technology.”<sup>175</sup> A later memo by MTN’s regional director for Iran reminded MTN’s CEO that “MTN was allowed to replace Turkcell in exchange for defence co-operation.”<sup>176</sup> Defendant Charnley faxed the President of IRGC weapons provider IEI, Ebrahim Mahmoudzadeh, offering to “facilitate a meeting” with South African arms manufacturer Denel, which produces military aviation systems including helicopters and

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<sup>173</sup> Ali Alfoneh, *How Intertwined Are the Revolutionary Guards in Iran’s Economy?*, Am. Enter. Inst. (Oct. 22, 2007).

<sup>174</sup> Elliot Hen-Tov and Nathan Gonzalez, *The Militarization of Post-Khomeini Iran: Praetorianism 2.0*, Wash. Quarterly (Winter 2011).

<sup>175</sup> MTN Group Ltd. and MTN Int’l (Mauritius) Ltd., *Hoffmann Report*, ¶105.

<sup>176</sup> Memorandum from Chris Kilowan to Phuthuma Nhleko, March 25, 2007, included as an exhibit (ECF 1-3) to the Turkcell complain MTN Group Ltd. and MTN Int’l (Mauritius) Ltd., *Hoffmann Report*, ¶ t. The Hoffman Report appears to validate the authenticity of this memorandum. See Hoffman Report ¶250 n.257.

UAVs.<sup>177</sup> And in or about January 2004, MTN Group circulated a strategy memorandum about the Irancell opportunity, in which MTN determined that it should communicate to Iranian leaders that MTN had “No issue with sanctions.”<sup>178</sup>

200. Defendants believed that their best chance to supplant Turkcell as IEDC’s joint venture partner lay with political conservatives in Iran, and that MTN should pursue these “hardliners” in support of its bid “as vigorously as possible.”<sup>179</sup> To that end, Defendants cultivated relationships with a veritable “who’s who” of hardline Iranian conservatives, most of whom were openly associated with the IRGC, Hizballah, their terrorist operations against America, and/or Iranian efforts to illicitly procure American arms and technologies. In November 2005, Defendants’ efforts paid off when MCIT awarded the license to MTN and its IRGC and Hizballah sponsor partners in Irancell, the Foundation for the Oppressed and Iran Electronics Industries.

201. Throughout this 23-month period from failed initial bid in December 2003 to successful bid in November 2005, MTN waged an intense campaign that the C-Suite oversaw and that leveraged cross-functional MTN Group teams. That campaign both informed MTN Group’s and MTN Mauritius’s knowledge but also revealed a pattern of culpable conduct that endured throughout MTN’s two-decades’ long intertwinement with attacks sponsored by Ayatollah Khamenei, the IRGC, and Hizballah. Reflecting on this period, MTN Group observed

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<sup>177</sup> Fax from Irene Charnley to Dr Mahmoudzadeh, 16 November 2004, attached as an exhibit to the Turkcell complaint (ECF 1-3). The Hoffman Report appears to confirm the authenticity of this document. See Hoffman Report ¶¶245-47 & n. 248.

<sup>178</sup> MTN Group Ltd. and MTN Int’l (Mauritius) Ltd., *Hoffmann Report*, ¶ 40.

<sup>179</sup> MTN Group Limited, *Highly Confidential: Not For Distribution Beyond IC/PFN/RN/CW, 2nd GSM Licence in Iran and MTN’s Long Term Presence There: A Report and Recommendation*, at 5-6 (May 21, 2004), republished in MTN Group, Hoffman Report, Appendices, at 329-30.

that “[t]he defining characteristic of this [Irancell] transaction [between MTN Group, the Foundation, and IEI] was the political forces that were marshalled in support of MTN and it can therefore be concluded on an unequivocal basis that MTN’s entry into the Islamic Republic of Iran was at its core due to ***political decisions taken at the highest levels in Iran***”<sup>180</sup>—i.e., Ayatollah Khamenei and his inner circle of IRGC and Hizballah operatives and supporters.

202. A brief biography of the Iranians that Defendants met and negotiated with in their pursuit of the venture are set forth below in Part II.A, with their scheme to win the Irancell bid detailed in Part II.B, and their successful Irancell partnership set forth in Part II.C. As to each category of allegations, discovery is likely to yield many more examples, and the below items are merely representative of what Plaintiffs could piece together without the benefits of merits discovery.

**A. Senior IRGC and Hizballah Leaders and/or Sponsors Led Irancell or Otherwise Leveraged Irancell to Enable Terrorist Attacks**

203. To set the stage for Plaintiffs’ allegations about the scope and impact of Defendants assistance to attacks sponsored by Hizballah and the IRGC, Plaintiffs first set forth representative examples of the key Hizballah and IRGC terrorist leaders and sponsors with whom Defendants directly partnered for Irancell.

**1. Ayatollah Ali Khamenei: Supreme IRGC and Hizballah Commander, and Leader of Foundation for the Oppressed, and SLO**

204. From 1989 through 2025, Ayatollah Ali Khamenei was always the Supreme Commander of the IRGC, Hizballah (aka the Organization for the Oppressed), Foundation for the Oppressed, and Supreme Leader’s Office because of his status as Supreme Leader of Islamic Revolution. As overall leader of the IRGC, Hizballah, Foundation, and SLO, Khamenei played a

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<sup>180</sup> MTN Group, *Middle East and Iran*, at 3 (Dec. 2006), republished in MTN Group, Hoffmann Report, Appendices, at 149-51 (emphasis added).

direct role in sponsoring Sunni Terrorist Proxies’ attacks targeting Americans in Iraq and Afghanistan that leveraged Hizballah- and IRGC-QF-routed, IRGC-, Foundation-, and SLO-financed, aid to the Sunni Terrorist Proxies.

205. Defendants understood they were dealing with Khamenei himself throughout the course of their pursuit of, and operation of, Irancell. Among other reasons, Defendants knew, through employee knowledge imputed to MTN, that Khamenei was inextricably connected to notorious IRGC and Hizballah operations arm, the Foundation for the Oppressed. In 2004, for example, MTN Group noted that MTN always knew that “the ‘executive bureaucrats’” who had “close relationship[s] with the Supreme Leader” were the people “that actually” ran “government” in Iran “and who” would “be key allies in any initiatives that companies would want to embark upon in Iran” and, therefore, “MTN” decided that the “rest of [2004] should be spent on identifying the key ministries and the critical ‘executive bureaucrats’ with whom relationships must be built” and, “[a]fter careful research we must then understand what their key drivers are and develop strategies to ensure that they remain aware and strongly sympathetic to MTN’s cause” through “the assistance and guidance of MTN’s local partners to ensure that we remain sensitive to local customs and dynamics.”<sup>181</sup> Likewise, in 2005, an MTN Group memo shared with its C-Suite observed that it was important for MTN to “[r]emember” that “both [the Ministry of] Defence and the Bonyads (shareholders in Irancell) are reporting directly to the Supreme Leader.”<sup>182</sup> Accordingly, Defendants knew, or were willfully blind, that Khamenei’s

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<sup>181</sup> MTN Group, *Highly Confidential Iran Political and Economic Update*, at 8-9 (Oct. 8, 2004), republished in MTN Group, Hoffmann Report, Appendices, 363-65.

<sup>182</sup> MTN Group, *Highly Confidential Memorandum*, at 1 (May 24, 2005), republished in MTN Group, Hoffmann Report, Appendices, 391.

personal involvement was a red flag that he was involved to ensure Irancell resources flowed to his primary mission: exporting the revolution via terror.

206. Defendants' direct collaboration with Khamenei, via his personal agents (including Forouzandeh and Mokhber among others) and controlled entities (including the Foundation for the Oppressed) through manners involving atypical commercial terms designed to route money to Khamenei-held fronts, including the Foundation, was not known, or knowable, to Plaintiffs until at least when MTN Group published the Hoffmann Report and its Appendices on February 1, 2013.

## **2. Hassan Rouhani: IRGC Commander and SNSC Secretary**

207. Hassan Rouhani has been an IRGC Commander since 1979. An IRGC leader since the beginning, Rouhani was notoriously close to Khamenei, the IRGC, and Hizballah. In such context, from 1989 through 2005, Rouhani served as Secretary of the Supreme National Security Council (or "SNSC") and, as such, was one of Khamenei's single most important advisors for sponsoring terrorist attacks targeting the United States, with a role about as important to such attacks as that played by the Commanders of the IRGC Qods Force and IRGC Intelligence Organization, Secretary General of Hizballah, and President and Board Chairman for the Foundation for the Oppressed.

208. Rouhani's role on the SNSC was inextricably connected to anti-American terrorism by Iranian proxies like Hizballah and al-Qaida. In January 2004, for example, *Reuters* and *al-Hayat* reported that "Hassan Rohani, head of Iran's Supreme National Security Council, said that ... Hizbollah, which is backed" by "Iran," should "carry out resistance operations" until Israel yielded to the Terrorist Sponsors' demands. In January 2005, likewise, *Defense & Foreign Affairs Strategic Policy* reported that Rouhani was widely identified to be the architect of and signatory to "a 40-page document ... outlining working relations - common policies and

cooperation - between the al-Qaida terrorist network and the Iranian Government,” “a full text” of which “was captured during the US Marine Corps assault on Fallujah, Iraq, in November 2004”; the same report observed that “Dr Rouhani” was “considered close” to “the Supreme Leader” and “Khamene’i” had “threatened the use of strategic weapons” against “US[] targets.” “Known as a hard-line[ ] conservative,” *Reuters* reported in January 2004, “Rouhani” openly spoke out in support of Hizballah and publicly discussed the need for “confrontation” with the United States, while MTN conspired with him.

209. Defendants met, communicated, and/or transacted with, or about, Rouhani on multiple occasions from 2004 onward.<sup>183</sup> Defendants met with Supreme National Security Council Secretary Rouhani in (at least) September 27, 2004, when Defendants paid for Rouhani to take terrorist rest & recreation (R&R) in South Africa, while conducting some business with MTN and South Africa’s President on the same day, and Defendant threw an intimate dinner to celebrate Rouhani and “gift” him a 0.35-carat diamond.<sup>184</sup> Ten days later, on October 7, 2004, Rouhani, on behalf of Khamenei and the SNSC, defiantly rejected the U.S. government-led effort at the U.N. Security Council (including the IAEA) to use U.S.-origin, U.N. sanctions to

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<sup>183</sup> See, e.g., MTN Group, Letter from Irene Charnley to Dr. Mohammad Ali Ghanzadeh (Sept. 17, 2004) (“[W]e understand that [Supreme National Security Council Secretary] Dr. Rouhani will be leading a high level delegation of 10 senior Iranian government officials and will arrive in South Africa on 27 September 2004. MTN [Group] has requested the South African government allow MTN to sponsor all the costs of hosting Dr. Rouhani and his delegation on his planned trip to Cape Town, including flights, accommodation, lunches, dinners and a guided tour.”), quoted in MTN Group, Hoffmann Report, ¶86; MTN Group (KPMG), *Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee*, at 37-39, 42 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, at 236-38, 241; MTN Group, Hoffmann Report, ¶¶90, 268; MTN Group (KPMG), *Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee*, at 38-39, 42 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, at 237-38, 241.

<sup>184</sup> MTN Group (KPMG), *Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee*, at 38-39, 42 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, at 237-38, 241.

compel Iran to abandon its WMD and related missile programs and stated that Ayatollah Khamenei and the SNSC would “not accept any constraints” on Iran: “To sort out this case, there are two possibilities: Either we find a political solution and close the [U.S.-sponsored] case (at the IAEA) or we move towards confrontation [with the United States]. We are ready for both.” MTN Group knew about Rouhani’s threat to choose violence against the United States in real time, when a senior MTN Group employee sent them a memorandum quoting it verbatim the following day.<sup>185</sup> From 2003 through 2005, Defendants always knew that Rouhani was Secretary of the Supreme National Security Council, as MTN Group confirmed in 2004.<sup>186</sup>

210. Defendants agreed to the atypical terms Rouhani demanded. Among other things, Defendants agreed to the unprecedented-for-MTN security terms demanded by the Supreme National Security Council while Rouhani led it, as reflected in the difference in security-related terms between Irancell and MTN South Africa.

211. Defendants’ direct collaboration with Rouhani through manners involving atypical commercial terms designed to route money to Rouhani (e.g., diamonds) was not known, or knowable, to Plaintiffs until at least when MTN Group published the Hoffmann Report and its Appendices on February 1, 2013.

212. Sanctions findings have confirmed Rouhani’s personal support for Hizballah-led attacks targeting the United States (including through its allies) in the Greater Middle East. In 2019, for example, the United States designated Iran’s National Development Fund for participating in a scheme under which, “despite an increase in the IRGC’s overall budget for

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<sup>185</sup> MTN Group, *Highly Confidential Iran Political and Economic Update*, at 2 (Oct. 8, 2004), republished in MTN Group, Hoffmann Report, Appendices, 358.

<sup>186</sup> See, e.g., MTN Group, *Highly Confidential Iran Political and Economic Update*, at 8 (Oct. 8, 2004) (“Secretary of the National Security Council Rowhani”), republished in MTN Group, Hoffmann Report, Appendices, 363-65.

2019, the Rouhani administration withdrew some \$4.8 billion from the [National Development Fund] ... to amend the budget allocated to the IRGC,”<sup>187</sup> which redirected funds that were supposedly intended to promoted development in Iran to the IRGC so the Terrorist Sponsors could finance and arm Hizballah’s attacks.<sup>188</sup>

### **3. Mohammad Forouzandeh: IRGC Commander and Foundation for the Oppressed President**

213. Mohammad Forouzandeh was a terrorist who served as an IRGC Commander from 1979 through the present, through which he directly enabled Hizballah-led terrorist attacks targeting the United States, including from 1999 through 2014 when he enabled IRGC and Hizballah attacks through his position leading led IRGC front and majority Irancell owner the Foundation for the Oppressed. As *Iran News Update* observed in 2020, “Mohammad Foruzandeh” was a “senior commander[] of the Islamic Revolutionary Guard Corps (IRGC),” who was among the IRGC’s most important operations-facing leaders. Indeed, “semi-official [IRGC-controlled] ISNA” reported in 2013 that “Mohammad Forouzandeh” was “an IRGC member.”<sup>189</sup> As *Agence France Presse* reported in 1999, “Forouzandeh” was known for being “a staunch conservative” who “was part of the official ‘welcoming committee’” for Ayatollah Khomeini. As an IRGC Founding Father, *Reuters* reported in 1999, Forouzandeh was infamous for his “impeccable revolutionary credentials.” According to a report by *Agence France Presse* in 1999, Forouzandeh notoriously “played a key role” in “the organization of the fight against

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<sup>187</sup> U.S. Dep’t of Treas., *Treasury Sanctions Iran’s Central Bank And National Development Fund; Action Targets Major Sources Of Funding For The Regime’s Proxies And Terrorist Arms, Including The IRGC, The Qods Force, Hizballah And The Houthis* (Sept. 20, 2019).

<sup>188</sup> While the sanctions designation post-dated Rouhani’s direct interactions with Defendants, it corroborates Rouhani’s earlier conduct in which he heavily prioritized the operations needs of the IRGC (and, by extension, Hizballah) over other priorities.

<sup>189</sup> Islamic Students News Agency, *quoted in Xinhua News Agency, Interview: Iran’s New Nuclear Negotiator Should Be Moderate, Trusted By Supreme Leader: Expert* (Aug. 2, 2013).

counter-revolutionary groups" (*i.e.*, IRGC terrorist attacks against Iranian regime enemies) and "in the reorganization of the Revolutionary Guards by giving them, from 1986, a military structure independent of the regular army."

214. As one of the IRGC's public faces for decades, Forouzandeh had a long history of threatening the United States. In 1996, for example, Forouzandeh publicly threatened, *inter alia*, that: (1) "Iran will make the appropriate response to any American aggression"; (2) "American aggression against Iran is loud and clear -- and the announcement of those lies is part of the propaganda campaign"; (3) American claims of Iranian sponsorship of terrorism were "American propaganda against Iran" that "Iran has officially denied and rebutted"; and (4) while "Iran" was "seeking stability" in the Middle East and had no intention of developing long-range missiles, "the propaganda war" was "coming from the side of America, which aims to sell weapons to the Gulf and justify its presence there."<sup>190</sup>

215. Forouzandeh was always one of the IRGC's most important terrorists ensuring a nexus between logistics and finance, on the one hand, and IRGC-sponsored acts of terrorism, on the other through his direct involvement in the IRGC's key operations-facing nodes, including the Foundation for the Oppressed, MODAFL, IEI, Irancell, and SNSC. An analysis published by DOD in 2011 confirmed that "Forouzandeh['s]" terrorist resume included "Director of the Mostazafan and Janbazan Foundation; Head of the IRGC General Headquarters; [and] Assistant Commander-in-Chief of the IRGC in Reorganizing the IRGC's three Naval, Air, and Ground Units."<sup>191</sup> As *Reuters* reported in 2013, the fact that "Forouzandeh" had served "as head of the

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<sup>190</sup> Mohammad Forouzandeh, *quoted in* Reuters, *Iran Ready To Meet Any U.S. Aggression - Minister* (May 7, 1996).

<sup>191</sup> COL Corrigan, *Exploitable Vulnerabilities*, 55 ("Mohammad Forouzandeh—Director of the Mostazafan ... Foundation; Head of the IRGC General Headquarters; Assistant Commander-in-Chief of the IRGC in Reorganizing the IRGC's three Naval, Air, and Ground Units").

Supreme National Security Council,” a senior “Revolutionary Guard” officer, “former defence minister,” a “member of Iran’s [Supreme National] Security Council,” and a leader of “the Foundation for the Oppressed … implie[d] that Forouzandeh” had “the backing of Supreme Leader Ayatollah Khamenei.”

216. Forouzandeh always played a key link between funding, logistics, and IRGC- and Hizballah-sponsored attacks. According a Congressional Research Service scholar’s 2006 testimony, “Forouzandeh[]” was “the chief of staff of the Revolutionary Guard in the late 1980s and later Defense Minister” and was infamous as one of the key Iranian “hardliners and former officials of the Revolutionary Guard” who helped the IRGC use the Foundation for the Oppressed as a front to illicitly source weapons through U.A.E.-related transactions in which “Foundation employees were present in significant numbers in Dubai, holding large quantities of cash which they were using to procure [weapons-related] technology” from “arms and technology brokers in the emirate.”<sup>192</sup> As a DOD-funded study published in 2009 observed, it was “important to note that the IRGC’s expansion into the business sector harnessed the informal social networks that had developed among veterans and former officials” and, “[t]hus, when we describe the IRGC’s economic influence, we use a very broad definition that captures the informality of its reach” through the IRGC’s “model of a shadow economy and the creation of networks of patronage and clientage,” which was demonstrated by the fact that “Mostazafan” (*i.e.*, the Foundation for the Oppressed) was connected to “Mohammad Forouzandeh, the former head of [MODAFL] and a former IRGC officer.”<sup>193</sup> The same study observed that the

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<sup>192</sup> Kenneth Katzman (Congressional Research Serv.), *Energy And The Iranian Economy, Testimony Before The U.S. House Of Representatives*, Congressional Testimony via FDCH (July 26, 2006), 2006 WLNR 12884200.

<sup>193</sup> Wehrey and Nader, *Rise of the Pasdaran*, 56-57.

Foundation for the Oppressed “was created in 1979 under the leadership of Mohammad Forouzandeh” and, as such, comprised an Iranian “business organization[]” that was “[a]ffiliated with the IRGC or influenced by IRGC personnel.”<sup>194</sup>

217. As Iran scholar Dr. Emanuele Ottolenghi observed in 2011, “Forouzandeh” was a “former IRGC officer” who enabled the “IRGC[’s] indirect[] control[]” of “the Foundation of the Oppressed” to power IRGC-sponsored attacks through the role of “the Foundation” as “an independent financial body traditionally run by a retired IRGC commander and used by the state as a proxy to fund off-the-books IRGC operations.”<sup>195</sup> Similarly, as Iran scholar Dr. Hesam Forozan noted in 2015, “Forouzandeh” came “from the ranks of former Sepah [IRGC] officers” and was a key part of the “Sepah’s [IRGC’s] Intelligence Security apparatus and networks” who helped ensure that the Foundation for the Oppressed was “a generous supporter and active political patron of the Lebanese terrorist organisation Hezbollah.”<sup>196</sup> In 2016, likewise, Iran-facing NGO IFMAT identified him as one of the “important Revolutionary Guards” who helped ensure that the “Bonyad e-Mostazafan Foundation [Foundation for the Oppressed] is controlled by the Islamic Revolutionary Guards Corps (IRGC)[] and Supreme Leader of Iran” and helped the “Mostazafan Foundation made deals with the terrorist organization IRGC” that helped the IRGC sponsor terrorist attacks through its provision of “planning and support for terrorist acts” to the proxies that committed such attacks.<sup>197</sup>

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<sup>194</sup> Wehrey and Nader, *Rise of the Pasdaran*, 99-100.

<sup>195</sup> Dr. Emanuele Ottolenghi, *The Pasdaran: Inside Iran’s Islamic Revolutionary Guard Corps*, 43 (FDD Press 2011).

<sup>196</sup> Dr. Hesam Forozan, *The Military in Post-Revolutionary Iran: The Evolution and Roles of the Revolutionary Guards*, 63-64 (Routledge 2015) (same);

<sup>197</sup> IFMAT, *Black Lists: Bonyad e-Mostazafan Foundation* (Sept. 28, 2016), <https://web.archive.org/web/20201025145508/https://www.ifmat.org/09/28/bonyad-e-mostazafan-foundation/>.

218. Defendants met, communicated, and/or transacted with Forouzandeh on multiple occasions from 2004 onward.<sup>198</sup> Defendants agreed to the atypical terms he demanded.

219. Defendants' direct collaboration with Forouzandeh through manners involving atypical commercial terms designed to route money to organizations controlled by Forouzandeh (*e.g.*, the Foundation for the Oppressed) was not known, or knowable, to Plaintiffs until at least when MTN Group published the Hoffmann Report and its Appendices on February 1, 2013.

#### **4. Mohammed Mokhber: IRGC Commander and Foundation for the Oppressed Vice President**

220. Mohammad Mokhber has been a notorious terrorist since the 1970s, and was a key supporter of the IRGC and Hizballah, including while he served as Vice President of the Foundation for the Oppressed. "Prior to the 1979 Islamic Revolution," observed Iran scholar Saeed Ghassemnejad, "Mokhber" came "from a clerical family" and "was a member of Mansouroun, an Islamist terror group that also incubated a number of figures who rose to the top ranks of the Islamic Republic including ... Mohsen Rezaei, Ministers of Defense Ali Shamkhani and Mohammad Forouzandeh," among others.<sup>199</sup> In May 2024, *Voice of America* and the

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<sup>198</sup> MTN Group, Email from Foundation for the Oppressed (Saeid Hasani) to Irene Charnley and Chris Kilowan (June 21, 2005, 4:17 PM), *republished in* MTN Group, Hoffmann Report, Appendices, 408; MTN Group, Letter from Phuthuma Nhleko to Mohammed Forouzandeh, Foundation for the Oppressed, Ebrahim Mahmoudzadeh, and Iran Electronics Industries, 1-2 (July 5, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 117-18; MTN Group, Hoffmann Report, ¶111 (*citing* Minute of the Meeting Between the South African Embassy and Mostazafan Bonyad/Ministry of Defence (June 24, 2005)); MTN Group, *For Your Eyes Only*, 1 (July 4, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 532; MTN Group (MTN Group Iran Director Chris Kilowan), *MTN Iran: Project Snooker: Review, Analysis, Options and Recommendations*, 17-18 (July 19, 2005), *quoted in* MTN Group, Hoffmann Report, ¶117; MTN Group, Letter From Hoffmann Committee to Chris Kilowan, 9 (Dec. 3, 2012), *republished in* MTN Group, Hoffmann Report, Appendices, 308.

<sup>199</sup> Saeed Ghassemnejad (Senior Iran and Financial Economics Advisor, Foundation for Defense of Democracies), *Mohammad Mokhber: Khamenei's Confidant*, Foundation for Defense of Democracies Policy Brief (May 24, 2024), <https://tinyurl.com/2u5hdkbx>.

*Associated Press* reported that Mokhber has been an IRGC Commander since the 1980s, when he “served as an officer in the Revolutionary Guard[.]”

221. Since the 1990s, Mokhber has always been a key member of Ayatollah Khamenei’s inner circle and sponsor of IRGC and Hizballah attacks. From the 1990s through 2025, Mokhber always provided direct financial, logistical, and operational support to the IRGC, Qods Force, and Hizballah by helping secure funds, arms, and recruits through an array of organizations that Mokhber controlled or influenced, including, but not limited to, the Foundation for the Oppressed, SLO, Irancell, and Imam Khomeini Relief Committee. Throughout, Mokhber worked closely with IRGC members who leveraged commercial entities to finance Qods Force and Hizballah operations. In May 2024, *Voice of America* and the *Associated Press* reported that Mokhber has been described in Iranian media as “crucial in Iranian efforts to bypass Western sanctions.” A longtime confidant of Ayatollah Khamenei, he was among MTN’s closest collaborators in the Irancell negotiations.

222. Defendants knew about Mokhber’s inextricable connections to IRGC and Hizballah attacks. Among other reasons, Defendants knew that Khamenei depended upon his inner circle to sponsor attacks by Hizballah and, in that context, Defendants knew that Mokhber was a key inner circle member. For example, as MTN Group Iran representative Chris Kilowan described his awareness in 2004, MTN “was aware” that Mohammad “Mokhber reported to the President of Bonyad [Foundation for the Oppressed], Foruzandeh, who in turn reported to the Supreme Leader, Ayatollah Ali Khamenei.”<sup>200</sup>

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<sup>200</sup> Witness Statement of Christopher Kilowan, BIT Proceedings, ¶¶10-11 (Mar.13, 2012), quoted in MTN Group, *Hoffmann Report*, ¶167.

223. Defendants met, communicated, and/or transacted with Mokhber on multiple occasions from 2004 onward.<sup>201</sup> Defendants agreed to the atypical terms he demanded.

224. Defendants' direct collaboration with Mokhber through manners involving atypical commercial terms designed to route money to personally benefit Mokhber and route money to organizations he helped lead (e.g., the Foundation for the Oppressed and SLO) was not known, or knowable, to Plaintiffs until at least when MTN Group published the Hoffmann Report and its Appendices on February 1, 2013.

225. Sanctions findings have confirmed Mokhber's key role in sponsoring Hizballah-led attacks targeting the United States (including through its allies) in the Greater Middle East. In 2010, for example, the E.U. sanctioned "Mohammad Mokhber" upon finding that he managed "an investment fund linked to Ali Khamenei" that enabled Iranian "ballistic missiles

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<sup>201</sup> See, e.g., MTN Group, *MTN Iran: Project Snooker: Review, Analysis, Options and Recommendations*, 17-18 (July 19, 2005) (observing that the "Bonyad [Foundation for the Oppressed] preferred to work with MTN" as shown by how the "[m]ost senior person" at the Foundation, i.e., Forouzandeh, "remained personally involved"), quoted in MTN Group, Hoffmann Report, ¶117; see also MTN Group, *Highly Confidential Report on Visit Over 3 to 4 July 2004*, at 3-6 (July 4, 2004), republished in MTN Group, Hoffmann Report, Appendices, 346; MTN Group, Email from Foundation for the Oppressed (Saeid Hasani) to Irene Charnley and Chris Kilowan (June 21, 2005, 4:17 PM), republished in MTN Group, Hoffman Report, Appendices, 408; MTN Group, Letter From Hoffmann Committee to Chris Kilowan, at 9 (Dec. 3, 2012), republished in MTN Group, Hoffman Report, Appendices, 308; MTN Group, *Confidential Memorandum Fax to Irancell*, 1-3 (June 23, 2005), republished in MTN Group, Hoffmann Report, Appendices, 410-12; MTN Group, Hoffman Report, ¶111 (citing Minute of the Meeting Between the South African Embassy and Mostazafan Bonyad/Ministry of Defence (June 24, 2005)); Alireza Dezfooli and Mohammed Mokhber, Letter to MTN Group (Sept. 13, 2005), quoted in MTN Group, Hoffmann Report, ¶127; MTN Group, Memorandum from Chris Kilowan to Phuthuma Nhleko, (Oct. 4, 2005), quoted in MTN Group, Hoffmann Report, ¶136; MTN Group, Letter from Phuthuma Nhleko to Ebrahim Mahmoudzadeh and Mohammed Mokhber (Oct. 17, 2005), quoted in MTN Group, Hoffmann Report, ¶138; MTN Group, Hoffmann Report, ¶131; MTN Group (KPMG), *Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee*, 15-16 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, 214-15.

activities.”<sup>202</sup> Also in 2010, while Mokhber was helping lead the Imam Khomeini Relief Committee (“IKRC”), the United States designated the IKRC’s branch in Lebanon as an SDGT pursuant to E.O. 13224 upon finding that the “IKRC in Lebanon is a Hizballah social service organization that was created by the Government of Iran” and was “directed and run by Hizballah members or cadre” while “Iran … provided millions of dollars to the Hizballah-run branch” that “helped fund and operate Hizballah youth training camps, which have been used to recruit future Hizballah members and operatives” for which “Nasrallah … acknowledged” that “the IKRC” was “one of Hizballah’s openly-functioning institutions linked to and funded by Iran.”<sup>203</sup> In 2021, likewise, Treasury sanctioned Mokhber under its counterterrorism authorities “pursuant to E.O. 13876,”<sup>204</sup> which was adopted in 2019 to protect the United States from “violence, sabotage, and terrorism” sponsored by “the actions” of “Iran and Iranian-backed proxies, particularly those taken to destabilize the Middle East” and “promote international terrorism” through means that “include[d] the targeting of United States military assets and civilian vessels.” 84 Fed. Reg. 30,573. Pursuant to E.O. 13876, Treasury sanctioned Mokhber upon finding that he was responsible for ensuring that Iranian commercial “assets” were “used by the Supreme Leader Ali Khamenei to enrich his office, reward his political allies, and persecute the regime’s perceived enemies” by managing a “business juggernaut under the direct supervision of … Khamenei that has a stake in nearly every sector of the Iranian economy,”

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<sup>202</sup> European Union, *Council Implementing Regulation (EU) No 668/2010 of 26 July 2010 Implementing Article 7(2) of Regulation (EC) No 423/2007 Concerning Restrictive Measures Against Iran*, Official J. of the European Union (July 27, 2010), <https://tinyurl.com/4cemhmms>.

<sup>203</sup> U.S. Dep’t of Treas., *Fact Sheet: U.S. Treasury Department Targets Iran’s Support for Terrorism Treasury Announces New Sanctions Against Iran’s Islamic Revolutionary Guard Corps-Qods Force Leadership* (Aug. 3, 2010).

<sup>204</sup> U.S. Dep’t of Treas., *Treasury Targets Billion Dollar Foundations Controlled by Iran’s Supreme Leader* (Jan. 13, 2001); U.S. Dep’t of Treas., *Iran-Related Designations and Designations Updates; Counter Terrorism Designation* (Jan. 13, 2001).

including “telecommunications, and financial services” while he was “tasked by the Supreme Leader to implement a ‘resistance economy.’”<sup>205</sup>

##### **5. Ali Shamkhani: IRGC Commander and MODAFL Head**

226. Ali Shamkhani has been a member of the IRGC since 1979. According to IRGC media arms Resalat (in 2001) and Nasim (in 2013), Shamkhani has served as a “high-ranking IRGC commander[]”<sup>206</sup> who was always a senior operations and logistics leader in Khamenei’s inner circle since the 1980s. Among his IRGC roles, “Shamkhani served as the commander of the IRGC navy with the rank of rear admiral.”<sup>207</sup> For that reason, as Defendants knew, IRGC Commander Shamkhani was commonly referred to by Iranians and outsiders alike as “IRGC Vice Admiral” or “Admiral” even though very little of what Shamkhani did since the 1980s concerned the IRGC Navy, and his primary role was always coordinating the procurement of the primary weapons used by the IRGC and Hizballah to target Americans, including rockets, bombs, small arms, and associated communications technologies that enabled Hizballah, the IRGC, and the Sunni terrorist proxies to combine such arms to murder and maim Americans in Iraq and Afghanistan.

227. In 1989, Khamenei appointed Shamkhani to replace IRGC founder and Hizballah co-founder Mohsen Rafiqdoost as the second Minister of the IRGC. From 1989 through 2025, Shamkhani was one of the primary IRGC members of Khamenei’s inner circle responsible for supplying arms to power attacks by the IRGC-QF, IRGC-IO, IRGC-ASF, Hizballah, and their proxies targeting the United States (including through U.S. allies) in the Greater Middle East. In

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<sup>205</sup> *Id.*

<sup>206</sup> Resalat (Aug. 26, 2001), quoted in BBC Int’l Reports, *Iran: Paper Denounces Reformist Efforts To Gain Favour With Revolution Guards* (Sept. 10, 2001).

<sup>207</sup> Nasim, *Rouhani Appointed Former Defense Minister as the Secretary of NSC* (Sept. 10, 2013), <https://web.archive.org/web/20131014183913/http://en.nasimonline.ir/archives/9507>.

the 2004-2005 period of negotiations with MTN Group—during which Defendants met with him several times—Shamkhani publicly praised Hizballah as “a successful model of resistance” and openly met with Hizballah commander Nasrallah, who briefed him on Hizballah operations and “laud[ed] the supports shown by the Iranian government” to Hizballah;<sup>208</sup> announced that “American soldiers [in Iraq] “were now ‘hostages’ to Iran”<sup>209</sup>; hinted publicly that “a preventive military operation” might be warranted against American troop in Iraq;<sup>210</sup> hosted a “Death to America” rally in Tehran to cultivate opposition to U.S. operations in Iraq;<sup>211</sup> admitted in a public interview that around “50 per cent” of all “revenue” generated by any MODAFL company, including IEI, was “being used in” the “military sector”—*i.e.*, by IRGC—and emphasized that such revenue enabled Iran-backed “deterrence” operations targeting “America” in Iraq.<sup>212</sup> Shamkhani’s ministry, MODAFL, announced in September 2004 that “Iran Electronic Industries … has now become able to meet the electronic and communication needs of all … the Islamic Revolution Guards Corps [IRGC].”<sup>213</sup> In March 2005, IRGC-controlled TV emphasized,

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<sup>208</sup> Islamic Republic News Agency (Aug. 2, 2005), *republished in BBC Int’l Reports (Mid. E.), Hezbollah Leader Meets Iranian Defence Minister* (Aug. 2, 2005).

<sup>209</sup> Anton La Guardia, *Iran Threatens to Launch Pre-emptive Attack on U.S., Israel*, Ottawa Citizen (Canada) (Aug. 19, 2004), 2004 WLNR 11760186 (quoting Ali Shamkhani) (emphasis added).

<sup>210</sup> Anton La Guardia, *Iran Threatens to Launch Pre-emptive Attack on U.S., Israel*, Ottawa Citizen (Canada) (Aug. 19, 2004), 2004 WLNR 11760186; Barry Schweid, *Official Says Iran Could Make Nukes*, AP Online (Aug. 20, 2004); APS Diplomat Recorder, *Iran - Aug 18 - Tehran Hints At Pre-emption Over Threat From US* (Aug. 21, 2004), 2004 WLNR 22321179.

<sup>211</sup> Vision of the Islamic Republic of Iran (May 16, 2004), *quoted in BBC Newsfile, Iran: Defence Minister Says US Wants To Escalate Iraq Crisis To Whole Region* (May 16, 2004); *see also* Afshin Valinejad, *Tens Of Thousands Demonstrate In Tehran Against The U.S., Israel*, AP Online (Aug. 10, 2001).

<sup>212</sup> Ali Shamkhani, *quoted in Hemayat* (May 27, 2004), *republished in BBC Int’l Reports (Mid. E.), Iran’s Defence Minister Says America Bogged Down In Iraq* (May 29, 2004).

<sup>213</sup> BBC Int’l Reports (Mid. E.), *TV Says Iran Commissioned Advanced Military Communication Systems* (Sept. 25, 2004) (“Source: Vision of the Islamic Republic of Iran Network 1, Tehran, in Persian 1030 gmt 25 Sep 04”).

and the *Associated Press* re-reported, that Shamkhani and MODAFL were focused on weapons that could help the Terrorist Sponsors target the United States, noting that on Shamkhani’s watch at MODAFL, “Iran has a developing arms industry” through which Iranian-made arms were “capable of reaching … U.S. forces stationed in” the Middle East. To drive the point home, Iranian TV broadcast video of Shamkhani himself firing one of the guns.

228. Defendants had actual knowledge of Shamkhani’s key leadership role in the IRGC. Among other reasons, MTN always knew Ayatollah Khamenei depended upon his inner circle to enable Hizballah attacks and, in such context, MTN’s knowledge that Shamkhani was an inner circle member—as MTN confirmed in 2004<sup>214</sup>—alerted MTN that Shamkhani played a key role in Hizballah attacks. Defendants even referred to Shamkhani by one of his IRGC ranks (*i.e.*, “Admiral”). Moreover, Defendants knew of Shamkhani’s IRGC pedigree, role, and relationships through Defendant’s on-the-ground agents in Iran, Iran-experienced officers, employees, and agents in Iran, South Africa, the United States, and United Kingdom, and in-house and external legal, stakeholder management, communications, and operations arms, all of which knew of Shamkhani’s nature and connection to Defendants.

229. For MTN, Shamkhani’s status as a notorious IRGC arms-supplier and Khamenei inner circle member was a feature, not a bug: Defendants viewed Shamkhani’s MODAFL as the “key player” in the negotiations.<sup>215</sup> Accordingly, in 2013, MTN Group revealed that Defendants conducted a host of meetings with Shamkhani (directly or via his lieutenants at MODAFL or IEI) in 2004 and 2005 prior to Shamkhani helping MTN steal Irancell from Turkcell, and that

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<sup>214</sup> See, e.g., MTN Group, *Highly Confidential Iran Political and Economic Update*, at 8 (Oct. 8, 2004) (“Ali Shamkhani” had a “close relationship with the Supreme Leader”), republished in MTN Group, Hoffmann Report, Appendices, 363-65.

<sup>215</sup> MTN Group, *Consolidated Report on Iran Visits*, at 3 (July 21, 2004), quoted in MTN Group, Hoffmann Report, ¶79.

Defendants met with Shamkhani several times (inclusive of meetings with persons Defendants understood to be acting as Shamkhani's agent) from 2004 onward.<sup>216</sup> In or about July 19 through July 23, 2004, for example, MTN Group sent a delegation, including CEO Nhleko and Commercial Director Charnley, to Tehran to meet with senior Iranians. During this trip, the South African Minister of Defence "gave a dinner at his hotel which was attended by his Iranian opposite number, [IRGC] Admiral [Ali] Shamkhani and a number of others including Mr Nhleko and Mrs Charnley,"<sup>217</sup> at which IEI President "Dr Ebrahim Mahmoudzadeh" and South African Ambassador to Iran Yusuf Saloojee were "[a]lso present."<sup>218</sup> MTN Group has admitted that, "[t]here" was "some controversy over what the [IRGC] Admiral [Shamkhani] said during the dinner" that IRGC "Rear Admiral Shamkhani ... gave" to "honour" MTN Group and others from South Africa meeting with MODAFL in Tehran: according to MTN, "[t]he MTN [Group] delegation [including CEO Nhleko and Commercial Director Charnley] optimistically took [IRGC Admiral Shamkhani] to have said, or claimed that he had said, that MTN should become a member of the Irancell consortium."<sup>219</sup> In other words, MTN Group understood that its efforts

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<sup>216</sup> See, e.g., MTN Group, *Iran - Status - 2004-09-09.ppt*, at 2 (Sept. 9, 2004) (MTN Group presentation observing that, with respect to Iran's "Second Licence" (i.e., Irancell), "SAIRAN (IEI) is yet to approach Turkcell with the proposals that were made to MTN by their MOD"—i.e., the Shamkhani-led MODAFL), republished in MTN Group, Hoffmann Report, Appendices, at 353; MTN Group, Hoffmann Report, ¶85 (MTN Group representatives, including MTN Group CFO Rob Nisbet and MTN Group Commercial Director Irene Charnley, met with representatives of IRGC-controlled MODAFL, including IRGC Vice Admiral Shamkhani's deputy, Jarrahi, on September 15, 2004); MTN Group (MTN Group Iran Director Chris Kilowan), *MTN Iran: Project Snooker: Review, Analysis, Options and Recommendations*, 17-18 (July 19, 2005) (observing that Iranian "Minister of Defence" Shamkhani was "keen to have MTN on board" as shown by how he "[i] Contacted SA Ambassador[;][ii] Informed Iran Ambassador to brief MTN accordingly[;][iii] Appointed a dedicated team to negotiate with MTN"), quoted in MTN Group, Hoffmann Report, ¶117;

<sup>217</sup> MTN Group, Hoffmann Report, ¶228.

<sup>218</sup> MTN Group, Hoffmann Report, ¶84.

<sup>219</sup> *Id.*

with the Iranian regime and South African government had collectively persuaded Shamkhani—the IRGC’s most important leader responsible for designing, building, procuring, and supplying arms to power attacks targeting the United States by the IRGC, Hizballah had their proxies—to back MTN. MTN Group has admitted that the events surrounding Shamkhani’s dinner to honor MTN and others was an example of MTN’s “influence in defence matters” that benefited “Iran” while MTN was trying to win Irancell. For MTN, however, a festive event thrown by an avowed anti-American terrorist to honor MTN was just another “customary dinner” of no import.<sup>220</sup>

230. During the same trip, Nhleko and Charnley also personally met with “with officials from [] the Ministry of Defence”<sup>221</sup> while MODAFL and Shamkhani were publicly touting, in thinly coded language, how they were helping Iran harm the United States in Iraq and Afghanistan to prevent an American threat to Iran. For example, on July 20, 2004 (Day 2 of MTN’s visit), Shamkhani was quoted at length in IRGC media, and publicly admitted, *inter alia*:

- a. “America paid a heavy price for its unilateral policy [in Iraq] and as such America would seek a coalition for its future operations [against Iran] though it is unlikely that such a coalition can be formed.”
- b. “Prior to the attack against Saddam, Americans thought that the fall of Saddam would have a tremendous effect on Syria, Iran and other countries in the region but, domestic developments in Iraq after the fall of Saddam changed the Iraqi issue as a means for the attainment of America’s aims and policies in the region into a vulnerability, and now America is concerned about its defeat in Iraq.”
- c. “This strategy is a countervailing one. Some friends believe that revolutionary slogans of those advocating power and idealism can lead to war but, in the absence of these [slogans], defeatist words would not solve problems. Rather, they can encourage or even give the wrong signal to enemies.”

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<sup>220</sup> *Id.*

<sup>221</sup> MTN Group (KPMG), *Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee*, at 32 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, at 231.

d. “We must continually use defence technology and update it and simultaneously maintain our mobility in the strategic, operational and tactical fields.”<sup>222</sup>

231. During the same MTN Group visit in Iran from July 19-23, 2004, MTN Group’s Iran Director (who was not present in Iran for the visit) sent a briefing note to aid the MTN executives while they were in Iran, which alerted MTN that: “There are strong indications from more than one source that the Iranian Ministry of Defence [MODAFL] is a key player and is looking for some sort of trade with South Africa. This could be of assistance to MTN in relation to the 2nd GSM licence [Irancell].”<sup>223</sup>

232. Days later, MTN Group had learned that the South African Ministry of Defence had planned a series of bilateral meetings with MODAFL in Tehran featuring meetings between South African Minister of Defence Lekota and MODAFL leader IRGC Vice Admiral Ali Shamkhani, so on August 3, 2004, Charnley wrote to Lekota that it had “been brought to my attention that you will be travelling to Iran around the 15th and 17th August” (to meet with MODAFL and Shamkhani), so MTN Group was “requesting an opportunity for myself and the Chief Executive Mr Phuthuma Nhleko to accompany you on this visit as MTN is exploring new business opportunities in Iran.”<sup>224</sup>

233. On August 18, 2004, MTN Group sent a letter signed by its President and CEO Nhleko that was addressed to IRGC Admiral Shamkhani’s top deputy at MODAFL—whom MTN knew only as “Mr. Jarrahi, the Deputy Minister of Defence”—in which MTN “invit[ed] discussion” with the Shamkhani-led-MODAFL “about MTN’s participation” in “the Irancell

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<sup>222</sup> Iranian Labour News Agency (July 19, 2004), *quoted in BBC Int’l Reports (Mid. E.), Iran’s Strategy Based On Effective Deterrence, Says Defence Minister* (July 20, 2004).

<sup>223</sup> MTN Group, *Consolidated Report on Iran Visits*, at 3 (July 21, 2004), *quoted in MTN Group, Hoffmann Report, ¶79.*

<sup>224</sup> MTN Group, *Letter from Irene Charnley to Minister Lekota* (Aug. 3, 2004), *quoted in MTN Group, Hoffmann Report, ¶83.*

consortium.”<sup>225</sup> The next day, August 19, 2004, the *Associated Press* reported that “Defence Minister Ali Shamkhani said the presence of American forces in Iraq and Afghanistan was not a threat to Tehran” because, according to Shamkhani, “American soldiers were now ‘hostages’ to Iran.” Pointedly, the *Associated Press* reported that Shamkhani’s “comments came as the U.S.” sought “to increase diplomatic pressure on Iran to curb its nuclear program” but “agreed to delay any move to impose sanctions until after November [2004]’s presidential elections in the U.S.,” and the *Arab Press Service* reported that “Tehran made a show of testing its … missiles” and “threatened to attack Israel.” The day prior, Shamkhani warned *al-Jazeera*’s global audience:

We will not sit to wait for what others will do to us. There are differences of opinion among military commanders. Some commanders believe a preventive military operation is not a strategy created by Americans, or is not limited to Americans. Any nation, if it feels threatened, may resort to that … America is not the only one present in the region. We are also present, from Khost to Kandahar in Afghanistan; we are present in the Gulf and we can be present in Iraq.

234. On August 24, 2004, MTN Group Commercial Director Irene “Charnley sent an e-mail to” one of MTN Group’s representatives in Iran, Chris “Kilowan, who had just arrived in Iran to set up the permanent MTN office, asking him to arrange a meeting with” IRGC Admiral Shamkhani’s deputy at MODAFL, “Mr Jarrahi” with whom “Mrs Charnley and” MTN Group CFO Rob “Nisbet could pursue negotiations” between MTN Group and the Shamkhani-led MODAFL “to ‘finalise consensus reached around the 2nd GSM license’.”<sup>226</sup> MTN also told its top Iran person: “You should also get hold of a Mr Mahmoudazeh but Mr. Jarahhi is the key.”<sup>227</sup>

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<sup>225</sup> MTN Group, *Letter from Phuthuma Nhleko to Mr Jarrahi* (August 18, 2004), quoted in MTN Group, Hoffmann Report, ¶85.

<sup>226</sup> MTN Group, Hoffmann Report, ¶85 (quoting MTN Group, *E-mail from Irene Charnley to Chris Kilowan* (Aug. 24, 2004)).

<sup>227</sup> *Id.*

235. Defendants agreed to the atypical terms Shamkhani demanded. Defendants' direct collaboration with Shamkhani, and via his agents (including Mahmoudzadeh among others) through manners involving atypical commercial terms designed to route money to Shamkhani-held fronts, was not known, or knowable, to Plaintiffs until at least when MTN Group published the Hoffmann Report and its Appendices on February 1, 2013.

236. Sanctions findings have confirmed Shamkhani's key role in sponsoring Hizballah-led attacks targeting the United States (including through its allies) in the Greater Middle East. In 2020, for example, the United States "designated" IRGC Admiral "Ali Shamkhani" alongside other Khamenei Cell members (e.g., Mohsen Rezai) "pursuant" to "U.S. counterterrorism authorities under "E.O. 13876,"<sup>228</sup> which was adopted in 2019 to protect the United States from "violence, sabotage, and terrorism" sponsored by "the actions of the Government of Iran and Iranian-backed proxies, particularly those taken to destabilize the Middle East" and "promote international terrorism" through means that "include[d] the targeting of United States military assets and civilian vessels." 84 Fed. Reg. 30,573. According to Treasury, "Ali Shamkhani" was "designated pursuant to E.O. 13876 for being" a "person[] appointed to a position as a state official of Iran by the Supreme Leader" upon finding that "Shamkhani" was a "senior Iranian official[]" who worked closely with Ayatollah Khamenei, the SLO, and IRGC to "advance[] the [Iranian] regime's destabilizing objectives" through "the funding of global terrorism" by being responsible for developing "sources of revenue used by the Iranian regime to fund and support its ... terrorism and terrorist proxy networks."<sup>229</sup>

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<sup>228</sup> U.S. Dep't of Treas., *Treasury Targets Iran's Billion Dollar Metals Industry and Senior Regime Officials* (Jan. 10, 2020).

<sup>229</sup> *Id.*

**6. Ebrahim Mahmoudzadeh: Key Armorer to the IRGC, President of Iran Electronics Industries, and Chairman of Irancell**

237. Subordinate to Ali Shamkhani and head of the IRGC’s primary provider of electronic arms, Ebrahim Mahmoudzadeh openly touted IEI’s role in supplying the IRGC’s electronic capabilities, warning on Iranian television, according to a report by *Agence France Presse* in March 2006, that “[i]f our main enemy [the United States] wants to carry out electronic warfare and jamming operations, our standards are at the NATO level.” He further boasted that the “share of military products” that IEI produced for the IRGC-controlled MODAFL “had increased to 50 per cent” and that IEI was producing “120 military products that are delivered” to the IRGC, among others.<sup>230</sup> During the negotiations, in July 2004, IRGC media touted how Mahmoudzadeh helped IEI supply electronic arms to Iran.<sup>231</sup>

238. In 2004, MTN assessed in a written memorandum that “Mr Mahmoudzadeh” wanted to ensure “that **Defense [MODAFL] has a stake in the MTN consortium.**”<sup>232</sup> And, according to Defendants, “Dr Mahmoudzadeh, as President of Sairan [Iran Electronics Industries], regarded the terms offered by MTN as favourable.”<sup>233</sup> As Chairman of Irancell and President of IEI, Mahmoudzadeh was among MTN Group’s closest Iranian contacts, from 2004 on onward—including in the years after 2008. Defendants met, communicated, and/or transacted with Mahmoudzadeh on multiple occasions from 2004 onward.<sup>234</sup>

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<sup>230</sup> Siyasat-e Ruz (Apr. 11, 2006), republished in BBC Int’l Reports (Mid. E.), *Iran Press: Iranian Electronic Industries Producing More Items For Military* (Apr. 15, 2006) (cleaned up).

<sup>231</sup> Islamic Republic News Agency (July 12, 2004), quoted in BBC Int’l Reports (Mid. E.), *Iran Enjoys Defence Capability Against Electronic Warfare* (July 12, 2004).

<sup>232</sup> MTN Group, *Highly Confidential Iran Update*, 4-5 (Nov. 12, 2004), republished in MTN Group, Hoffmann Report, Appendices, 369-70.

<sup>233</sup> MTN Group, Hoffmann Report, ¶289.

<sup>234</sup> See, e.g., MTN Group, Hoffmann Report, ¶¶84, 228; MTN Group (Irene Charnley), Fax to Ebrahim Mahmoudzadeh (Nov. 16, 2004), republished in MTN Group, Hoffmann Report, Appendices, 101-5; MTN Group, *Urgent Update*, 1 (June 20, 2005), republished in MTN Group,

239. Defendants agreed to the atypical terms Mahmoudzadeh demanded. Among other things, Defendants gave Mahmoudzadeh diamonds, routed a \$3.6 million payment to an IRGC-controlled bank to benefit him as a bribe, and agreed to the atypical terms he demanded.

240. Defendants' direct collaboration with Mahmoudzadeh through manners involving atypical commercial terms designed to route money to personally benefit Mahmoudzadeh and route money to organizations he led and controlled (*e.g.*, IEI) and served (*e.g.*, MODAFL) was not known, or knowable, until MTN Group published the Hoffmann Report and its Appendices on February 1, 2013.

241. Sanctions have confirmed that Mahmoudzadeh's Irancell-related role was always to help source arms for use by the IRGC and its proxies. In 2008, the E.U. sanctioned Irancell Board of Directors Chairman Ebrahim Mahmoudzadeh for direct facilitation of illicit IRGC weapons acquisition and proliferation efforts, which focused on IRGC acquisition, development, and export of weapons like missiles, rockets, and UAVs (drones), and in recognition of his role as a vital supporter of the IRGC's ballistic missile operations.<sup>235</sup> In 2010, the E.U. further

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Hoffman Report, Appendices, 400; MTN Group, Letter from Phuthuma Nhleko to Ebrahim Mahmoudzadeh, *et al.*, 1-2 (July 5, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 117-18; MTN Group, Letter from Chris Kilowan to Ebrahim Mahmoudzadeh (Sept. 13, 2005), *quoted in* MTN Group, Hoffmann Report, ¶126; MTN Group, Foundation for the Oppressed, IEI, and IEDC, Letter Agreement with Iranian Shareholders (Sept. 18, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 110-12; MTN Group, Memo. from Chris Kilowan to Phuthuma Nhleko, (Oct. 4, 2005), *quoted in* MTN Group, Hoffmann Report, ¶136; MTN Group, Letter from Phuthuma Nhleko to Ebrahim Mahmoudzadeh and Mohammed Mokhber (Oct. 17, 2005), *quoted in* MTN Group, Hoffmann Report, ¶138; MTN Group, *Project Snooker Presentation*, 2-4 (Nov. 22, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 424; MTN Group (KPMG), *Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee*, 15-17, 25, 34-35 (Aug. 2, 2012), *republished in* MTN Group, Hoffmann Report, Appendices, 214-16, 224, 233-34.

<sup>235</sup> European Union, *Council Decision Of 23 June 2008 Implementing Article 7(2) Of Regulation (EC) No 423/2007 Concerning Restrictive Measures Against Iran (2008/475/EC)*, Official J. of the European Union (June 24, 2008).

sanctioned Mahmoudzadeh and found that, as “Managing Director of Iran Electronic Industries,” he was one of the IRGC’s key “[p]ersons … involved in nuclear or ballistic missiles activities.”<sup>236</sup> In 2017, Switzerland sanctioned Mahmoudzadeh for direct facilitation of illicit IRGC weapons acquisition and proliferation efforts, which focused on IRGC acquisition, development, and export of weapons like missiles, rockets, and UAVs (drones).<sup>237</sup> In 2020, and again in 2022, the U.K. (which had sanctioned Mahmoudzadeh since 2008) and E.U. imposed additional arms-related sanctions targeting Mahmoudzadeh.<sup>238</sup>

**7. Alireza Dezfouli: Irancell Managing Director and Key Sponsor of IRGC and Hizballah Attacks Funded by the “Resistance Economy”**

242. Subordinate to Ali Shamkhani, Ebrahim Mahmoudzadeh, Mohammad Forouzandeh, and Mohammed Mokhber, among others, Alireza Dezfouli served as Managing Director of Irancell from 2005 through 2019. Throughout, he sponsored attacks by the IRGC and Hizballah through his role helping lead Irancell.

243. In 2014, Dezfouli publicly admitted for the first time that Irancell supported IRGC-sponsored “resistance” (*i.e.*, terrorist attacks targeting the United States) as part of Irancell’s “social responsibility” efforts because, according to Dezfouli, Irancell’s “development … will make some of the objectives pursued by the resistive economy come true” including by promoting, *inter alia*, “[r]esistance against the threatening elements,” *i.e.*, terrorism targeting the United States, “Safety

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<sup>236</sup> European Union, *Council Implementing Regulation (EU) No 668/2010 of 26 July 2010 Implementing Article 7(2) of Regulation (EC) No 423/2007 Concerning Restrictive Measures Against Iran*, Official J. of the European Union (July 27, 2010).

<sup>237</sup> Swiss Confed., Fed. Dep’t of Econ. Aff., Educ. and Research EAER, State Secretariat for Econ. Aff. SECO, *Sanctions: Version of 27.01.2017*, at 12 (Jan. 27, 2017) (memorializing implementation of U.N. sanctions against Ebrahim Mahmudzadeh (“Name: Mahmudzadeh Ebrahim”), “Justification: Managing Director of Iran Electronic Industries. Relation: Managing director of Iran Electronics Industries (including all branches and subsidiaries”).

<sup>238</sup> See, e.g., U.K. Office of Fin. Sanctions Implementation HM Treasury, *Financial Sanctions Notice: Iran (Nuclear)*, at 10 (Apr. 3, 2022).

of the strategic ... goods" (*i.e.*, the IRGC's and Hizballah's weapons stockpiles), "and cooperation with Imam Khomeini Relief Foundation were among other measures taken by Irancell for fulfilling its social responsibilities."<sup>239</sup> Notably, the Lebanese branch of the same Imam Khomeini Relief charity was a notorious sponsor of Hizballah attacks through its programmatic policy to finance, advertise, and disburse Iran-funded martyr, prisoner, and orphan payments to Hizballah terrorists and their families.<sup>240</sup>

244. Dezfouli also played a direct role in IRGC attacks when Dezfouli personally assisted IRGC-IO operatives embedded at Irancell's headquarters in Tehran.

245. Dezfouli was Defendants' bonded partner in Irancell. Among other things, Dezfouli was a member of the MTN Group Executive Committee, Dezfouli attended Irancell board meetings in South Africa, Dezfouli worked closely with MTN for well over a decade, and MTN publicly showered Dezfouli with praise when he retired.

**B. Defendants Engaged in a Protracted Scheme to Gain a Foothold in the Iranian Telecoms Market by Winning Over the Terrorist Sponsors**

246. From 2004 through at least 2013, Defendants repeatedly met with, spoke with, partied with, hosted events with, negotiated with, emailed with, transmitted fax messages with key, and/or transacted with (or for the benefit of) high-profile sponsors of IRGC and Hizballah attacks, including, but not limited to: (1) IRGC and Hizballah Supreme Commander Ayatollah Ali Khamenei (through his agents, including through Khamenei's agents Mohammed Forouzandeh and Mohammed Mokhber); (2) senior IRGC commander Ali Shamkhani, who also

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<sup>239</sup> Alireza Dezfouli, *quoted in* ICTNA, *Irancell Brings 4G to Iran* (Nov. 22, 2014), <https://www.ictna.ir/id/065513/>.

<sup>240</sup> See U.S. Dep't of Treas., *Fact Sheet: U.S. Treasury Department Targets Iran's Support for Terrorism Treasury Announces New Sanctions Against Iran's Islamic Revolutionary Guard Corps-Qods Force Leadership* (Aug. 3, 2010).

led MODAFL (including through Shamkhani's agent Ebrahim Mahmoudzadeh); (3) senior IRGC leader Hassan Rouhani, who was also Secretary of the Supreme National Security Council; (4) senior IRGC leader Mohammad Forouzandeh, who was also President of the Foundation for the Oppressed President (including through Forouzandeh's agent Mohammed Mokhber); (5) publicly self-identified IRGC armorer Ebrahim Mahmoudzadeh, who was IEI President and Irancell Chairman; (6) IRGC member Mohammed Mokhber, who was also Vice President of the Foundation for the Oppressed. Defendants did so to secure the Irancell license in 2004-2006 and then maximize cash flow from Irancell from 2007 through 2013. On information and belief, Defendants continued communicating with at least some of the above IRGC and Hizballah sponsors from 2013 through 2025, as well as other such sponsors (including, but not limited to Parviz Fattah), which further corroborated Defendants' pattern and practice of working closely with notorious sponsors of IRGC and Hizballah attacks.

247. As sophisticated business exercising ordinary pre-transaction, and post-transaction (ongoing monitoring) due diligence about its counterparties, MTN knew who they were and what they did and said before and during the Irancell negotiations, including each of the above individuals. Given the context, Defendants could only have understood that their counterparties were—almost to a man—high-ranking members of Iran's elite terrorism and sanctions evasion apparatus that was directly involved in Hizballah's and the IRGC's operations (attack)-facing role, and that Defendants' involvement in the Irancell venture was intended to advance the goals of that apparatus, for which the primary goal, as MTN knew, was always to target the United States with terrorist violence.

248. Indeed, merely attending a meeting at the headquarters of the Foundation for the Oppressed—which Defendants did on at least one occasion—alerted Defendants that their

counterparties were Terrorist Sponsors. The Foundation's building was one of the most secure in Tehran, festooned with IRGC propaganda depicting IRGC terrorist icons, and secured by IRGC personnel—all of which were consistent with the Foundation for the Oppressed's status a hiding-in-plain-sight front for the IRGC and Hizballah.<sup>241</sup>

249. On September 26, 2004, under pressure from the IRGC, MODAFL, and other hard-liners, Iran's "parliament passed what has been called the **Single Article Act**" to mandate "that the GSM2 licence [Irancell] ... should be subject to parliamentary consent."<sup>242</sup> In June 2005, the *Economist* reported that the legislation also stipulated that Irancell-related "security issues be referred to the intelligence ministry and the Supreme National Security Council."

250. Sensing victory, Defendants doubled down on their cultivation of the Iranian hardliners. On September 27, 2004, a delegation comprised of at least 10 Iranian nationals including Supreme National Security Council Secretary Hassan Rouhani, and on information and

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<sup>241</sup> See Robert D. Kaplan, *A Bazaar's World: To Understand Iran—And Perhaps Even The Future Of Other Parts Of The Islamic World—One Must Understand A Man Like Mohsen Rafiqdoost*, Atlantic (Mar. 1996) ("[To visit] the Foundation of the Oppressed ... headquarters, where I met with [Mohsen] Rafiqdoost, ... I had to pass through two heavily guarded checkpoints in order to enter the complex. It was more impressive than any government ministry I saw in Tehran. Were the amputees who were employed inside, along with the charity work and the whole aura of do-goodism exemplified by the foundation's very name, merely façades—like the milk factory that was thought to be a cover for a chemical-weapons facility in Iraq? Was the foundation's emphasis on helping the 'oppressed' the tactical equivalent of putting a terrorists' training facility near a school or hospital, as was done in Lebanon? I asked myself such cynical questions because the Foundation of the Oppressed and other revolutionary foundations established with the Shah's money are answerable only to the "Supreme Leader" of Iran, the Ayatollah Ali Khameneh'i, to whose home Rafiqdoost says he goes to pray. ... In the view of a Washington-based analyst, 'Rafiqdoost is a New Age bazaar, with few of the redeeming virtues of his forefathers. He is a mobster-trader: a dark, rootless master monopolist.' Who can say to what groups in the Middle East and elsewhere Rafiqdoost may be sending checks? ... The possibility [exists] that Rafiqdoost is operating a financial and logistical clearinghouse for international terrorism. ... [T]he possibility [exists] that the Foundation of the Oppressed represents a new kind of economic organization in a new kind of emerging state. Such a state will be well suited to the porous borders and the political chaos of the region.").

<sup>242</sup> MTN Group, Hoffmann Report, ¶90.

belief one or more other Iranians involved in Irancell identified herein, went to a festive dinner in South Africa organized and paid for by MTN Group.<sup>243</sup> MTN Group “sponsor[ed] the delegation’s stay” in South Africa, with Iran’s “consent[],” because MTN Group “treated” Rouhani’s visit “as an opportunity to do some lobbying” of Iranian “officials” who could help MTN win Irancell.<sup>244</sup>

251. MTN’s intimate celebratory dinner—attended by Nhleko and Charnley, among others—came on the heels of Rouhani’s meeting with South African President Thabo Mbeki, where he secured South African support for Iranian efforts to counteract the pressure the United States was seeking to impose on Iran through the U.N. Security Council.<sup>245</sup> During the dinner, MTN celebrated Ayatollah Khamenei and the Supreme National Security Council by giving “gifts” to each of the ten “Iranian delegation” members—including Rouhani. The gifts included a “0.35 carat diamond.”<sup>246</sup>

252. In or around November 2004, MTN also promised to help its IRGC partners obtain embargoed U.S. equipment, in violation of U.S. antiterrorism sanctions. For example, during initial negotiations, MTN Group offered to source “major components” for American-made “Bell” and “Sikorsky” helicopters that were intended for IRGC “military use.”<sup>247</sup>

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<sup>243</sup> See, e.g., MTN Group (KPMG), *Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee*, at 37 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, at 236.

<sup>244</sup> MTN Group, Hoffmann Report, ¶268.

<sup>245</sup> See, e.g., Republic of S. Africa, Dep’t of Foreign Affairs, S. African Council for the Non-Proliferation of Weapons of Mass Destruction, Press Release (Sept. 30, 2004), cited in Nuclear Threat Initiative, *South Africa Nuclear Chronology* (May 2007).

<sup>246</sup> MTN Group (KPMG), *Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee*, at 38-39, 42 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, at 237-38, 241.

<sup>247</sup> MTN Group, Fax from Irene Charnley to Dr. Mahmoudzadeh (Nov. 16, 2004).

253. On or around December 6-10, 2004, MTN Group hosted Iranian officials who visited South Africa to discuss Irancell with MTN. MTN Group’s Non-Executive Chairman (and later President of South Africa), Cyril Ramaphosa, attended various meetings with Iranian officials during this trip, as did Defendants Nhleko and Charnley.

254. In connection with these meetings, on December 7, 2004, MTN Group again gave “gifts” to each Iranian official, including “gold” and a “0.25 carat diamond[].”<sup>248</sup> MTN also supplied high-end hotel suites, dinner in a private room at an upscale restaurant, and luxury rental cars.<sup>249</sup> MTN falsely accounted for these bribes by reporting them “in the ‘professional fees’ general ledger account.”<sup>250</sup>

255. Cyril Ramaphosa’s presence at these meetings—and his high-ranking role in MTN Group, more generally—is notable: He was an avowed supporter of Ayatollah Khamenei, the IRGC, Hizballah, and their anti-American stances. For instance, in 2015, Ramaphosa publicly praised the Iranian regime resisting U.S. pressure over its nuclear program, adding that he has “supported Iran and its stances,” including on “the removal of sanctions.”<sup>251</sup> In 2020, likewise, Ramaphosa publicly mourned the death of notorious terrorist Qasem Soleimani, stating: “I was very shocked by the news of Lt. Gen. Soleimani’s martyrdom who was very popular among people. We strongly condemn this action.”<sup>252</sup> Indeed, he even published a press

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<sup>248</sup> MTN Group (KPMG), *Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee*, at 33-34 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, 232.

<sup>249</sup> *Id.*

<sup>250</sup> *Id.*

<sup>251</sup> Cyril Ramaphosa, *quoted in* Tehran Times, *Rouhani Say Iran Can Link South Africa to Central Asia, Eastern Europe* (Nov. 10, 2015), 2015 WLNR 33400261.

<sup>252</sup> Mehr News Agency, *South Africa Calls For Peaceful Resolution Of Tensions In Middle East* (Jan. 11, 2020); *see Cyril Ramaphosa, quoted in* Office of the Presidency of the Islamic Republic

release that condemned the U.S. strike against Soleimani while conspicuously not condemning any IRGC attacks against the United States.<sup>253</sup> In 2024, for example, the South African government led by Ramaphosa expressed its “profound concern” about the “tragic” death of violent Hizballah terrorist Nasrallah.<sup>254</sup>

256. Surveying the landscape of Ramaphosa’s actions and statements, U.S. Congresswoman Elise Stefanik has observed: “Cyril Ramaphosa, has amassed significant personal wealth through his association with [MTN]. Ramaphosa’s government has aggressively opposed Israel following the Hamas terrorist attack on October 7, 2023. . . . South Africa’s increasing alignment with Iran, an avowed sponsor of terrorism and antisemitism, poses profound ethical and geopolitical questions.”<sup>255</sup>

### **C. Defendants Win Over The Terrorist Sponsors And Enter The Iranian Market Through The Irancell Joint Venture**

257. Defendants’ efforts worked. On September 18, 2005, MTN Group’s CEO and IEDC’s managing director (IEI’s Mahmoudzadeh) executed a “**Letter Agreement**” cementing the partnership between MTN Group, MTN Mauritius, the Foundation for the Oppressed, and IEI,<sup>256</sup> attached as Exhibit A. The Agreement established that the “Iranian Shareholders”—the Foundation and IEI, acting as IEDC—own 51% of Irancell, while “MTN” owns 49%.

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of Iran, *Iran: President In A Phone Call With His South African Counterpart*, States News Service (Jan. 9, 2020).

<sup>253</sup> See Cyril Ramaphosa, quoted in Office of the Presidency, Republic of S. Africa, *President Calls For Peaceful Resolution Of US-Iran Tension*, States News Serv. (Jan. 10, 2020).

<sup>254</sup> Republic of S. Africa, Dep’t of Int’l Relations and Cooperation, *DIRCO Statement on the Escalation of Violence and Extrajudicial Killings in the Middle East* (Sept. 28, 2024), <https://dirco.gov.za/dirco-statement-on-the-escalation-of-violence-and-extrajudicial-killings-in-the-middle-east/>.

<sup>255</sup> Rep. Elise Stefanik, Letter to Bank of New York Mellon, at 1-2 (June 11, 2025).

<sup>256</sup> MTN Group, Foundation for the Oppressed, IEI, and IEDC, Letter Agreement with Iranian Shareholders (Sept. 18, 2005), republished in MTN Group, Hoffmann Report, Appendices, 110-12, and attached hereto as Exhibit A.

258. The Letter Agreement between “MTN,” which necessarily included MTN Group, and IEDC’s two Iranian shareholders (IEI and the Foundation) is an extraordinary document. It was drafted by the Foundation and IEI. It makes ***no mention of telecommunications services***. Instead, it lays out broad financial and organizational parameters for the parties’ joint venture, and then adds the following highly unusual provision:

8. The cooperation between MTN and Iranian shareholders should be in the line of ***defensive, security and political cooperation***. MTN shall fully support cooperation regarding the aforementioned issues in South Africa.<sup>257</sup>

259. In this context, “security” cooperation is a known euphemism for terrorism targeting enemies of Iran—*i.e.*, the United States. The Iranian constitution and laws consistently distinguish between “military” functions, on the one hand, and “security,” on the other, using the latter to refer to the IRGC’s role as the defender and exporter of the Islamic revolution through terrorism.<sup>258</sup> A broad consensus of Iran scholars agree that “security” ordinarily is understood in the Iranian context, by all sides, to refer to IRGC-related terror operations against Americans carried out by the Hizballah, the Qods Force, and their Axis proxies.<sup>259</sup> Regular media reports similarly alerted Defendants to that connection.<sup>260</sup>

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<sup>257</sup> *Id.* at § 8, 111-12 (emphasis added) (and attached hereto as Exhibit A).

<sup>258</sup> See [https://www.constituteproject.org/constitution/Iran\\_1989.pdf?lang=en](https://www.constituteproject.org/constitution/Iran_1989.pdf?lang=en).

<sup>259</sup> See, e.g., R. Nicholas Burns, *quoted in* Interview, Ashish Kumar Sen (Atlantic Council), *Dealing with Iran: A Policy of Engagement and Deterrence*, Harvard Belfer Center for Sci. & Int’l Affairs, States News Serv. (Jan. 19, 2016) (“[T]he people who actually run Iran’s security policies, their intelligence networks, their support to the terrorist groups like Hezbollah and Hamas, are in the Iranian Revolutionary Guard Corps. That group of people has a fundamentally more anti-American, cynical, brutal view of the future of Middle East politics.”); Nakhleh Emile, *Aligning With Iran Necessary to Combat Sunni Extremism*, Iran Times International (June 9, 2017) (emphasis added), 2017 WLNR 23277897 (“Iran has supported Sunni and Shia terrorist organizations over the years … in the service of its national interest. Supporting proxy terrorist groups has been a principle of Iran’s security doctrine for years, especially during the period when Iran was threatened with the possibility of regime change.”).

<sup>260</sup> Decades of reports alerted MTN to the connection. See, e.g., Holger Jensen, *Sanctions Target Libya, Ignore Other Terrorist Regimes*, Denver Rocky Mountain News (Apr. 16, 1992), 1992

260. By agreeing to “fully support” the “security” agenda espoused by Foundation and IEI as a condition of MTN’s participation in Irancell, as set forth in section 8 of the Letter Agreement,<sup>261</sup> MTN knowingly agreed to support anti-American terrorism, conducted by the IRGC, Hezbollah, and their proxies.

261. Similarly, by agreeing to “fully support” the “defensive” agenda espoused by Foundation and IEI, MTN knowingly agreed to enable the Iranian regime’s “defensive” organizations responsible for supplying the weapons and key logistics to the IRGC, Hezbollah, and their proxies—*i.e.*, IRGC-controlled MODAFL. Iranian leadership consistently connected “defense” with the IRGC. For example, after his Revolution, Ayatollah Khomeini decreed: The

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WLNR 425546 (“Imad Mughnayeh, **chief of security** for Hezbollah, the Iranian-sponsored Party of God, and **head of its terrorist arm**, Islamic Jihad (Holy War.”); Lance Williams and Erin McCormick, *Bin Laden’s Man in Silicon Valley*, San Francisco Chron. (Sept. 21, 2001) (“... Arranges security for meeting between bin Laden and Imad **Mughnayeh, security chief for the Iran-sponsored terrorist group Hezbollah**”); Wash. Post (Op-Ed), *The Irony of Iran* (Nov. 11, 2001) (“Iran’s foreign and **security policies** ... back terrorist groups such as Hezbollah and Hamas ... Ayatollah Mahmoud Hashemi Shahroudi, the head of Iran’s judiciary, recently summed up the view of this wing of the government: ‘**Our national interests lie with antagonizing the Great Satan**,’ he stated. ... It would be a mistake for the Bush administration to warm relations without serious progress in reining in Iran’s ... terrorist links.”); Boston Herald (Op-Ed), *Taking First Steps in Iran* (Mar. 21, 2004) (“All this would be news for Iranians and specialists were it not for [the] fact[] [that] **Iran’s security agencies ... are the biggest backers of terrorism in the Middle East**, notably through ... Hezbollah....”); Tim Shipman, *How Real is Terror Threat to Britain?*, Express on Sunday (Mar. 6, 2005) (“[T]he terrorist group Hezbollah and [] **Iranian security chiefs ... are key sponsors of international terrorism.**”); Barry Schweid, *U.S. Foresees Further Defiance By Iran To U.N. Demands On Uranium Enrichment*, AP Worldstream (Aug. 8, 2006) (“State Department spokesman Sean McCormack ... denounced Iran as a **supporter of terror groups** in defiance of U.N. resolution. That support, he said, was ‘**an integral part**’ of Iran’s foreign and national **security policy.**”)(all emphases added). These reports are representative examples of a far broader body of media reporting on the same topic.

<sup>261</sup> MTN Group, Foundation for the Oppressed, IEI, and IEDC, Letter Agreement with Iranian Shareholders, § 8 (Sept. 18, 2005), republished in MTN Group, Hoffmann Report, Appendices, 111-12, and attached hereto as Exhibit A.

“[IRGC] . . . will be[] one of the greatest defense strongholds of . . . our system.”<sup>262</sup> In 2007,

IRGC Commander Safavi confirmed that “defense” was a “major mission[] of the IRGC.”<sup>263</sup>

262. Moreover, as MTN knew, references to “defensive” or “defense” issues in Iran necessarily involved MODAFL—which was IRGC-controlled and the armorer for the IRGC, Hizballah, and their terrorist proxies, as MTN knew. In 1997, for example, IRGC Vice Admiral Ali Shamkhani, who led MODAFL at the time, stated that MODAFL would “seriously” sponsor the “promotion of sophisticated technology in defense related industries” and “export of defensive products.”<sup>264</sup> In 2004, likewise, IRGC media arm *IRIB* reported that “Shamkhani stressed that Iran has an effective defensive power and can stand up to all threats including . . . ultra-regional threats” (*i.e.*, the United States).<sup>265</sup> In 2004, similarly, *IRNA* reported that IEI President Mahmoudzadeh bragged that the “preparedness to defend” Iran “against electronic warfare” by the United States was “the outcome of hard works of the Iranian experts in the field of electronic industry for defensive purpose.”<sup>266</sup>

263. In 2008, similarly, Ayatollah Khamenei, as rebroadcast by Hizballah media arm *al-Manar*, stated: “The defensive military capabilities constitute one of Iran’s major goals. . . . Supplying the armed forces with the most sophisticated war technologies is necessary to defend

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<sup>262</sup> Ruhollah Khomeini, *quoted in* Institute for Compilation and Publication of Imam Khomeini’s Works, *Pithy Aphorisms: Wise Sayings and Counsels* (4th Ed.), at 141 (2014).

<sup>263</sup> Rahim Safavi, *quoted in* Wehrey and Nader, *Rise of the Pasdaran*, 19.

<sup>264</sup> Xinhua, *Profile: Ali Shamkhani, Iran’s Defense Minister*, Sinocast (Aug. 20, 1997).

<sup>265</sup> BBC Int’l Reports (Mid. E.), *TV Says Iran Commissioned Advanced Military Communication Systems* (Sept. 25, 2004) (“Source: Vision of the Islamic Republic of Iran Network 1, Tehran, in Persian 1030 gmt 25 Sep 04”).

<sup>266</sup> BBC Int’l Reports (Mid. E.), *Iran Enjoys Defence Capability Against Electronic Warfare* (July 12, 2004) (“Source: IRNA news agency, Tehran, in English 1233 gmt 12 Jul 04”).

the values of the revolution and the country and confront the foreign military threats.”<sup>267</sup> In 2008, likewise, IRGC founder and Hizballah co-founder Mohsen Rafiqdoost stated: “Our military and arms industries are purely defensive.”<sup>268</sup>

264. By agreeing to “fully support” the “political” agenda espoused by Foundation and IEI, MTN knowingly enabled the Iranian regime’s “political” efforts—which, as MTN always knew, referred to Iranian efforts to deter, degrade, and destroy U.S. origin-sanctions targeting Iranian support for terrorism and violence that were enacted and enforced by the U.S. government and United Nations.

265. The Letter Agreement’s reference to “in South Africa”—as informed by the context of its negotiations with the Foundation for the Oppressed and IEI—meant at least three separate types of aid by MTN to its Iranian partners. *First*, “in South Africa” meant that MTN Group itself pledged to coordinate all such “defensive, security and political” aid to its Iranian partners, and MTN was pledging that it would direct this effort. *Second*, “in South Africa” meant that MTN Group would promote the “defensive, security and political” needs of the Foundation and IEI in South Africa, *i.e.*, MTN would do what it could the Foundation and IEI expand their operations, networks, and activities in South Africa. That mattered because, as MTN always knew, South Africa was a vital operations hub for the IRGC and Hizballah—which has viewed South Africa as a veritable “home away from home” since at least the late 1990s. From South Africa, the IRGC and Hizballah sourced funds, arms, and recruits to power their attacks

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<sup>267</sup> Ali Khamenei, quoted in Al-Manar, *Al-Manar Television, Beirut, In Arabic 1735 GMT 14 May 08* (May 14, 2008), quoted in BBC Int’l Reports (Mid. E.), *Lebanese Al-Manar TV Airs Two-Part Documentary On Iran’s Military Capabilities* (May 19, 2008).

<sup>268</sup> Mohsen Rafiqdoost, quoted in Al-Manar, *Al-Manar Television, Beirut, In Arabic 1735 GMT 14 May 08* (May 14, 2008), quoted in BBC Int’l Reports (Mid. E.), *Lebanese Al-Manar TV Airs Two-Part Documentary On Iran’s Military Capabilities* (May 19, 2008).

throughout the Greater Middle East.<sup>269</sup> *Third*, “in South Africa” meant that MTN would lobby the South African government to advance the Foundation and IEI’s “defensive, security and political” needs. This mattered because South Africa played a key role at the United Nations and could help counter the rising tide of sanctions targeting Iran.

266. The Letter Agreement also obligated MTN Group to work with Bank Melli.<sup>270</sup> Bank Melli and its affiliates have been sanctioned repeatedly by the U.S. government for “provid[ing] banking services to the IRGC and the Qods Force,” and “employ[ing] deceptive banking practices” when doing so.<sup>271</sup> Indeed, “[f]rom 2002 to 2006, Bank Melli was used to send at least \$100 million to the Qods Force.”<sup>272</sup>

267. The Letter Agreement confirmed that MTN would play a leadership role in the Irancell joint venture. For example, Section 5.1 provided that IEDC always “require[d] the affirmative votes of MTN” for: (1) “Annual business plans and budgets of the Company, including, but not limited to, medium and long term financing;” (2) “Major acquisitions, partnerships, formation of joint ventures or consortiums;” (3) “Discontinuation of business activities;” (4) “Entering into any agreement with persons, individuals or entities that are directly

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<sup>269</sup> See, e.g., Armin Rosen, *Desperate For Allies and Secret Assets, Iran Penetrates Africa*, The Tower (Aug. 2013), <http://www.thetower.org/article/desperate-for-allies-and-secret-assets-iran-penetrates-africa/>; Nahal Toosi and Natasha Bertrand, *Officials: Iran Weighing Plot To Kill U.S. Ambassador To South Africa*, Politico (Sept. 13, 2020).

<sup>270</sup> E.g., Letter Agreement §2 (MTN Group “agreed to put in trust twenty-one (21) percent of Irancell Consortium before Bank Melli as trustee.”); *id.* §3 (“MTN and Bank Melli shall be responsible for arranging project financing.”).

<sup>271</sup> U.S. Dep’t of State, *Designation of Iranian Entities and Individuals for Proliferation Activities and Support for Terrorism* (Oct. 25, 2007), <https://2001-2009.state.gov/r/pa/prs/ps/2007/oct/94193.htm>.

<sup>272</sup> *Id.*

or indirectly related to Non-Iranian or Iranian shareholders;” (5) “Profit appropriations and dividend policy;” and “Approval of the annual accounts.”<sup>273</sup>

268. The Letter Agreement also confirmed that MTN would directly finance its co-venturers’ participation in the Irancell joint venture. For instance, Section 7 of the Letter Agreement provided that the “cost and expenses incurred by Iranian shareholders [the Foundation for the Oppressed and IEI], if any, due to transfer of Irancell’s share to MTN shall be compensated by MTN.”<sup>274</sup> Section 9 of the Letter Agreement provided that such agreement would become “effective” when “MTN” had paid the Iranian shareholders’ portion of the Irancell “license fee and equity.”<sup>275</sup>

269. On September 19, 2005, MTN Group requested, and received, authorization for the acceptance of MTN Mauritius as the 49% foreign shareholder of Irancell,<sup>276</sup> “MTN signed a provisional shareholders’ agreement,” and Foundation VP “Mokhber, as chairman of the Board of Irancell, and” Alireza “Dezfouli as managing director” of Irancell “sent it the same day to Dr [Masoum] Fardis (the Irancell tender project manager at MCIT), and “ask[ed] for ‘the acceptance of MTN International as the 49% shareholder and foreign shareholder in Irancell.’”<sup>277</sup> MCIT, through Dr. Fardis, promptly accepted the letter.<sup>278</sup>

270. Under the deal agreements, MTN holds a 49% share in Irancell. Via MTN Mauritius, MTN contributed both the license fee (€300 million) and both its own and IEDC’s

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<sup>273</sup> MTN Group, Foundation for the Oppressed, IEI, and IEDC, Letter Agreement with Iranian Shareholders, § 5.1 (Sept. 18, 2005), *republished in* MTN Group, Hoffmann Report, Appendices, 111 (and attached hereto as Exhibit A).

<sup>274</sup> *Id.* at § 7, 111 (and attached hereto as Exhibit A).

<sup>275</sup> *Id.* at § 9, 111-12 (and attached hereto as Exhibit A).

<sup>276</sup> MTN Group, Hoffmann Report, ¶131.

<sup>277</sup> *Id.*

<sup>278</sup> *Id.*

outstanding share capital (\$173.9 million, consisting of IEDC's capital share of \$88.7 million and MTN's share of \$85.2 million). The share capital was denominated in U.S. dollars (USD) and was effected by MTN Mauritius instructing Standard Bank Mauritius to transfer \$173.9 million in USD to a USD account at Iran's Bank Melli for the benefit of Irancell.<sup>279</sup> Although formally made by MTN Mauritius, those payments were authorized in writing by MTN Group CFO Nisbet.<sup>280</sup>

271. Underscoring the extraordinary and illicit nature of the Letter Agreement are the circumstances of its execution. An MTN executive who attended the signing later testified that Mahmoudzadeh—who was head of IEDC and IEI, which would shortly be designated by both the U.S. and the European Union for proliferation of weapons of mass destruction—insisted on this provision as condition to MTN's participation in the deal, reminding MTN's CEO that “we got you as MTN into this license on the basis of a promise you made, that you would support us on defense matters.... you, MTN, came to us and you said you can do this. So’t now tell us you can’t do these things.” Warned that the Iranians would not proceed with the agreement unless “MTN has committed themselves [sic] [on] defense, security and political issues.” Defendant Nhleko on behalf MTN Group signed the agreement, which remains in effect today.<sup>281</sup> Mahmoudzadeh then took the signed document and locked it in safe, refusing to provide MTN with a copy.

272. MTN Group, Nhleko, and Charnley, and MTN's “Iranian shareholder[]” joint venture partners went to great lengths to keep the Security Cooperation Agreement a secret. The

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<sup>279</sup> *Id.*, Section 4.7.1.

<sup>280</sup> *Id.*, Section 4.7.1.

<sup>281</sup> MTN Group's own internal report on the circumstances of the Irancell transaction attribute the September 18, 2005 agreement committing to “defense” and “security” cooperation to “MTN,” which the report defines to mean “MTN Group Ltd.” Hoffman Report ¶1

Security Cooperation Agreement was a “close hold” document at MTN Group and was only known to a select group of senior MTN Group executives because MTN understood that it memorialized an obviously illegal scheme between MTN Group and two fronts for the IRGC.

273. These events confirm MTN’s contemporaneous understanding, set forth in a memo from Nhleko to Charnley and a small group of MTN officers, that Iran (referred to as “Snooker” even in confidential internal documents) was “not a normal country,” and that “a conventional mindset, orthodox financial and operational approach to this project is unlikely to provide us with an outcome” that would justify “an investment of over €400 million [license fee and working capital] into Snooker,” making it “imperative to think laterally on how we can secure the investment, [and] attain financial and operational control.”<sup>282</sup>

274. During October 2005 and November 2005, MTN Group finalized the joint venture partnership in Irancell. A sticking point, according to Defendants, was “the funding of the company [Irancell] and . . . loans which MTN was willing to make to [its] Iranian partners to enable them to subscribe for their shares.”<sup>283</sup>

275. On October 4, 2005, Kilowan sent Nhleko a memo that presciently warned about a multitude of severe risks that MTN deliberately ignored while pursuing its Irancell joint venture.<sup>284</sup> Among other things, Kilowan warned MTN Group and Nhleko that MTN’s negotiators had an “incomplete, and sometimes a somewhat romanticized, understanding of the social, political and personal factors that drive our negotiating partners [the Foundation for the

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<sup>282</sup> MTN Group, *Overview and Way Forward - Project Snooker*, Strictly Confidential Memorandum from Phuthuma Nhleko to Sifiso Dabengwa, Rob Nisbet, Irene Charnley, Paul Norman, and Chris Kilowan, at 1-4 (Sept. 21, 2005), republished in MTN Group, Hoffmann Report, Appendices, 87-90.

<sup>283</sup> MTN Group, Hoffmann Report, ¶134.

<sup>284</sup> MTN Group, Memorandum from Chris Kilowan to Phuthuma Nhleko, (Oct. 4, 2005), quoted in MTN Group, Hoffmann Report, ¶136.

Oppressed and IEI]”; that the Foundation and IEI were unlikely” to commit to any agreements that tie them down to behave in a commercially acceptable manner” and would “have very little hesitation in breaching” such agreements; and that “the primary reason why they have shifted to MTN [from Turkcell] is because they have concluded that *we are desperate enough for this licence that we will give anything*” to get it.”<sup>285</sup>

276. MTN later mocked Kilowan as a “Cassandra” for offering these warnings—but like Cassandra, Kilowan was correct. As subsequent events proved, Defendants were willing to “give anything” to enter the Irancell venture—including funding IRGC and Hizballah terrorism, violating U.S. sanctions laws to procure embargoed equipment, and directly assisting in IRGC “security” operations.

### **III. Through Irancell, Defendants Financed, Supplied, And Directly Supported Terrorist Attacks Targeting The United States, Including the Attacks Against Plaintiffs**

277. To win and then keep their lucrative position in Irancell, Defendants willingly discharged their obligation to support IRGC and Hizballah “security” operations by funding the IRGC-QF-backed attacks targeting the United States that were planned, authorized, and regularly jointly committed by the Sunni terrorist proxies in Iraq and Afghanistan; funding their joint venture partner IEI’s production and acquisition of the weapons used in those IRGC-sponsored attacks; procuring embargoed U.S. and other technologies that enhanced the operational capabilities of the IRGC and its proxies; and directly assisting the IRGC with electronic surveillance and tracking of U.S. forces.

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<sup>285</sup> MTN Group, Memorandum from Chris Kilowan to Phuthuma Nhleko, (Oct. 4, 2005), *quoted in* MTN Group, Hoffmann Report, ¶136 (emphasis added).

278. The United States has determined that one of the core tenets of American counterterrorism policy is the empirical recognition that “[b]usinesses” like MTN that “provide material support to foreign terrorist organizations place the lives and safety of U.S. citizens at risk” because FTOs that “target U.S. nationals living at home and abroad for terror attacks … often cannot carry out their operations [*i.e.*, attacks] without assistance from foreign companies and financial networks.”<sup>286</sup>

279. MTN’s assistance to the attacks committed by Hezbollah and the Sunni terrorist proxies was especially lethal because of the outsized impact that state sponsors like Iran played on the effectiveness of their proxies. On September 1, 2006, for example, America’s *National Strategy for Combating Terrorism* as published by the White House confirmed that “State sponsors are a critical resource for our terrorist enemies, often providing funds, weapons, training, safe passage, and sanctuary” and the Iranian regime used “its Islamic Revolutionary Guard Corps” to help “the regime in Tehran plans terrorist operations and support[] groups such as Lebanese Hizballah, Hamas, and Palestine Islamic Jihad (PIJ).” On February 29, 2008, likewise, FATF reported that “state sponsors continue to represent crucial sources of support for terrorist organisations today” because such state “support of terrorist organisations” was “important in how terrorists move and use finance, in addition to their role in raising terrorist funds.”

280. Iranian assistance made the difference between proxies’ ability to successfully conduct terrorist attacks. As State reported on September 17, 2020, “terrorist groups such as

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<sup>286</sup> U.S. Dep’t of Justice, *Focus, Fairness, and Efficiency in the Fight Against White-Collar Crime*, at 3 (May 12, 2025), <https://www.justice.gov/criminal/media/1400046/dl?inline>.

Hizballah” have “frequently received from the IRGC-QF the training, weapons, and financing needed to conduct acts of terrorism.”

281. From 2004 through 2013, MTN Group accomplished its terrorist partnerships in Iran through at least five distinct channels of collaboration with terrorists that flowed meaningful aid to attacks by the IRGC, Hizballah, and their proxies. At all relevant times, and for each lane of support, MTN transferred significant aid to attacks sponsored by the IRGC through channels that were highly culpable and means that were departed from both normal customs and practice of multinational firms in the telecoms and communications sectors (which MTN generally defiled as a matter of corporate strategy), and even from MTN Group’s own practices in other core MTN geographies, *e.g.*, South Africa. Each factor comprised a significant, and independent, way that MTN Group and MTN Mauritius empowered the Terrorist Sponsors’ attacks.

282. ***First***, MTN Group agreed to **serve as agent for the Foundation for the Oppressed and IEI** and, through the Foundation and IEI, the IRGC and Hizballah. MTN Group agreed to such an agency role on September 18, 2005, when it executed a Letter Agreement between MTN Group—on behalf of itself, as well as MTN Mauritius, and all other MTN entities—and the Foundation and IEI (and, through them, the IRGC and Hizballah) by sending Nhleko to Tehran, Iran, where he personally executed the Letter Agreement on behalf of MTN Group, MTN Mauritius, and all other MTN entities. MTN Group promised the Foundation and IEI, *inter alia*: “The cooperation between MTN and Iranian shareholders should be in the line of defensive, security and political cooperation.”<sup>287</sup> Since 2005, as discussed below, MTN Group and MTN Mauritius have always faithfully served as the Foundation’s and IEI’s agents while

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<sup>287</sup> MTN Group, *Letter Agreement Between the Iranian Shareholders and MTN*, § 8 (Sept. 18, 2005) (emphasis added), quoted in MTN Group, Hoffmann Report, ¶39.

knowing that the ultimate intended beneficiary of such role were not people, but events—terrorist attacks sponsored by Ayatollah Khamenei, the IRGC and Hizballah for which such terrorists relied upon the Foundation and IEI.

283. *Second*, MTN Group powered MTN’s **Irancell joint venture partnership with notorious IRGC and Hizballah fronts**. Through its Irancell joint venture, MTN Group aligned its (and MTN Mauritius’s) interests with those of Ayatollah Khamenei, who was the ultimate decider of MTN’s ability to realize profits from Iran from 2003 through 2025, and Khamenei’s personal terrorist striking arms at the IRGC and Hizballah, who controlled the Foundation and IEI, and used the Foundation and IEI to source funds, arms, and logistics to enable attacks sponsored by Hizballah, the IRGC, and their Axis of Resistance proxies. Throughout, MTN sought, and eventually secured, a close partnership with such terrorist leaders and fronts by emphasizing that MTN Group, MTN Mauritius, and their identical C-Suites, recognized had a common interest with the Foundation for the Oppressed, IEI, IEDC, and Irancell in all aspects relating to MTN’s telecommunications, digital, and financial services with such Iranian shareholders. Since 2005, MTN Group and its subsidiaries, via Irancell, have conspired with the IRGC’s weapons manufacturer (IEI) and the Ayatollah’s prolific terror-financing vehicle (the Foundation for the Oppressed) to obtain embargoed dual-use U.S. equipment and services, and to provide this lethal aid, along with billions of U.S. dollars in direct and indirect funding, to the Terrorist Sponsors in violation of U.S. sanctions. Much of this aid predictably flowed to Iran’s Axis of Resistance proxies to enable their terrorist attacks.

284. *Third*, MTN Group supplied **valuable “off books” services to the IRGC and Hizballah** through MTN’s relationships with the terrorist fronts and leaders alleged herein, meaning, aid to the terrorists that was opportunistic by MTN Group and not tethered to any

specific contractual obligation, but just the sort of thing good partners, like MTN and its Iranian shareholder allies, do for one another. MTN Group and MTN Mauritius accomplished such off-books aid through an array of means. For example, MTN Group supplied vital business network, strategic communications, and technical assistance to Irancell that was the but-for cause of potent new deals by Irancell that helped the IRGC and Hizballah (through their intimate connections to it) extract greater funds, arms, recruits, and intelligence from Irancell and its Iranian shareholders. MTN Group connected IRGC logisticians to South African military firms, including one that made military-grade UAVs. Equally important, MTN directly supplied the imprimatur of MTN's valuable branding and social media to bolster notorious IRGC fronts (including the Foundation, IEI, Irancell, IEDC, and Iran Internet Group), IRGC and Hizballah front charities (including Imam Khomeini Relief), IRGC-directed fundraising campaigns (including Holy Defense week) that financed IRGC and Hizballah attack-related martyr payments to terrorist operatives and their families, and IRGC recruitment targeting children and adults alike.

285. *Fourth*, MTN Group paid **bribes of U.S. dollars, U.S.-origin sanctioned free goods, diamonds, and gold**, among other means to MTN's Iranian partners and enablers. MTN Group (and sometimes MTN Mauritius) routed such bribes through sham consulting agreements, illicit sponsorship agreements that contained sanctions-busting clauses requiring the supply of U.S.-origin goods violative of U.S. antiterrorism control sanctions to IRGC fronts, purposefully unreasonable tax and dispute settlements that were designed to flow direct financial benefits to senior IRGC operations leaders or fronts, and deliberately below-market commercial terms on U.S.-dollar denominated facilities for MTN's Iranian partners that MTN intentionally departed

from ordinary practices to supply another avenue for surreptitious value transfer from MTN to the Terrorist Sponsors.

286. *Fifth*, MTN Group enabled **direct operational and intelligence support to terrorist attacks** by the IRGC Intelligence Organization, IRGC Qods Force, and Hizballah that targeted regime enemies for kidnapping, torture, and murder. MTN did so by coordinating internet and cell tower shutdowns with the IRGC to facilitate such IRGC acts, by supplying intelligence through Irancell and other channels to the IRGC-IO (which, in turn, supplied such information to the Qods Force and Hizballah), and by concealing evidence of the IRGC's attacks and MTN's role(s) therein.

287. Despite the substantial nature of Defendants' assistance to attacks committed or sponsored by Ayatollah Khamenei, the Foundation for the Oppressed, IRGC, Hizballah, and Supreme Leader's Office, Plaintiffs do not allege that Defendants' resources aided such attacks enabled by any IRGC or SLO component anywhere in the world. For example, the IRGC sometimes used the IRGC Navy to commit terrorist attacks targeting the United States, including hostage-taking attacks targeting U.S. Navy sailors. The IRGC generally funded the IRGC Navy, however, out of its public budgetary authorities, rather than its commercial front profits, which was due in part to the IRGC Navy's different, more public-facing posture. Accordingly, resources delivered to the Khamenei Cell did not have a major effect on IRGC Navy attacks targeting the United States.<sup>288</sup> Similarly, for operational reasons unique to South America, the IRGC and Hizballah financed attacks on that continent through local channels. The causal links

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<sup>288</sup> Plaintiffs' allegation has no impact on IRGC Commander Shamkhani's key role in sponsoring attacks. As Defendants knew, Shamkhani played a much broader role in the IRGC and MODAFL than his "Admiral" rank suggested, indeed, every quote from Shamkhani alleged herein concerns a weapons system that was primarily (if not exclusively) designed to be fired by IRGC and Hizballah operatives on land, rather than at sea.

alleged in this Complaint fit this operational pattern. Although Defendants' illicit transactions did not contribute to every IRGC, Foundation for the Oppressed, Hizballah, and SLO-sponsored attack in the world, they materially contributed to the attacks that killed or injured Plaintiffs in Iraq from 2006 through 2009.

288. Below, Plaintiffs outline the key events relevant to MTN Group's sponsorship of IRGC- and Hizballah-backed attacks through these five lanes of support described above.

**A. Defendants Funneled More Than \$1 billion to Their IRGC and Hizballah Partners from 2006 through 2012, Knowing Those Funds Would Be Used in Terrorist Attacks**

289. MTN's financial assistance to the terrorists began in 2004 with bribes to known terrorist operatives—including Hassan Rouhani, architect of the IRGC's alliance with al-Qaida, and Ebrahim Mahmoudzadeh, President of IRGC armorer IEI—in the form of diamonds, gold, and U.S. dollar payments.

290. MTN's wholesale financial contributions to its IRGC-controlled partners began in 2005, when MTN Group instructed MTN Mauritius to pay USD \$173.9 million in share capital to the joint venture, including “USD88.7 million” that went to IEDC—that is, to the Foundation and IEI—“to enable the IEDC to pay its share capital contribution of 51% to Irancell.”<sup>289</sup> It then provided a €300 million loan to Irancell to pay the fee for the GSM license; U.S. dollar-denominated “bridge loans” totaling at least \$500 million;<sup>290</sup> and massive amounts of “vendor

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<sup>289</sup> See MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 17 (Aug. 2, 2012), republished in MTN Group, Hoffmann Report, Appendices, 216.

<sup>290</sup> MTN Group, Irancell Investor Presentation at 21 (May 5, 2008), [https://www.mtn-investor.com/reporting/presentations/iran\\_pesentation\\_final.pdf](https://www.mtn-investor.com/reporting/presentations/iran_pesentation_final.pdf).

financing.” MTN documents confirm that by 2007, MTN had pumped \$1.15 **billion** into Irancell and its owners.<sup>291</sup>

291. Beginning in 2006, Irancell’s own operations generated massive cash flows for the IRGC and Hizballah through their control of Irancell’s ultimate beneficial owners, including the Foundation for the Oppressed, IEI, and IEDC. After generating just \$11 million in revenues in 2006, MTN generated \$190 million in 2007, \$607 million in 2008, and \$916 million in 2009. It crossed the \$1 billion threshold in 2010.<sup>292</sup> From 2006-2012, Irancell generated more than \$6 billion in revenues and **\$2.3 billion** in EBITDA for its owners—51% of which flowed to IRGC fronts the Foundation for the Oppressed and IEI.

292. When Defendants fueled Irancell, Foundation for the Oppressed, and IEI profits, they directly financed IRGC- and Hizballah-backed attacks targeting the United States because Irancell profits were inextricably intertwined with IRGC- and Hizballah-backed attacks. Monies flowed from Irancell, the Foundation, and IEI to the IRGC and Hizballah via multiple channels.

293. First, the joint venture’s profits flowed directly to its Iranian owners, the Foundation and IEI. The Foundation was, and at all relevant times was known to be, “used by the state as a proxy to ***fund off-the-books IRGC operations***” (that is, terrorist attacks).<sup>293</sup> IEI was the IRGC’s primary source of electronic weapons systems and weapons systems components used by the IRGC-QF, Hizballah, and their proxies in terrorist attacks. It is a direct subsidiary of MODAFL, the ministry tasked since 1989 with equipping and logically supporting IRGC

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<sup>291</sup> *Id.*

<sup>292</sup> Amounts are calculated using MTN Group financial statements and public (including Iranian) sources, converted into USD at market exchange rates. Because Iran’s official exchange rate often differs from market rates, revenues reported by Iranian publications frequently vary from those reported by MTN and the Western media.

<sup>293</sup> Ali Alfoneh, *How Intertwined Are the Revolutionary Guards in Iran’s Economy?*, Am. Enter. Inst. (Oct. 22, 2007).

terrorist operations. Thus, Irancell profits, driven by MTN’s capital investments, technical and technological contributions, and operational know-how, flowed directly through MTN’s Iranian partners into the IRGC’s terrorist operations. The hundreds of millions of dollars that flowed into the IRGC’s terrorist operations and weapons production capabilities via the Foundation and IEI were enough to fund and equip every attack alleged in this case hundreds of times over.

294. The IRGC has admitted that Irancell’s profits fueled terrorist attacks. In 2014, for example, IRGC-controlled media outlet ICTNA documented how Irancell supported IRGC-sponsored “resistance” as part of Irancell’s “social responsibility” efforts because, Irancell’s “development … will make some of the objectives pursued by the resistive economy come true” including by promoting, *inter alia*, “[r]esistance against the threatening elements,” *i.e.*, terrorism targeting the United States, “Safety of the strategic … goods” (*i.e.*, the IRGC’s and Hizballah’s weapons stockpiles), “and cooperation with Imam Khomeini Relief Foundation were among other measures taken by Irancell for fulfilling its social responsibilities.”<sup>294</sup>

295. Second, the IRGC directly received cash flows from Irancell, the Foundation, and IEI under the **Logistics Policy Directive**, an official Iranian government policy enacted in 2003 in response to the U.S. military presence in Iraq and Afghanistan. The LPD dictates that the IRGC must dedicate the profits earned from its commercial activities to IRGC operations—that is, to terrorist attacks. The funding provided to the IRGC (and, through the IRGC, to Hizballah) under the Logistics Policy Directive was directed overwhelmingly to sponsoring attacks directed by the Qods Force, Hizballah, and their proxies. As one senior IRGC operative admitted in an audio file leaked to Iranian media, “Ali Khamenei had ordered that the main goal” of IRGC-

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<sup>294</sup> Alireza Dezfouli, *quoted in* ICTNA, *Irancell Brings 4G to Iran* (Nov. 22, 2014), <https://www.ictna.ir/id/065513/>.

controlled companies “should be to help the IRGC Quds Force and accordingly, 90% of the financial resources” should flow to terrorist operations.

296. MTN knew about the Logistics Policy Directive, which was a public regulation that would have been discovered in MTN’s due diligence for the Irancell venture and was discussed in both Iranian and Western media. In 2007, for example, Ali Alfoneh, of the American Enterprise Institute, publicly warned about the Directive, which he explained was intended to help the IRGC “purchase and upgrade equipment for the Revolutionary Guards and fund its other activities,” *i.e.*, IRGC-sponsored acts of terrorism targeting the United States.<sup>295</sup> Similar warnings were published in later years.

297. Third, from 1979 through the present, the Terrorist Sponsors have also relied upon **mandatory donations (*khums*)** comprising 20% of all income, which has flowed up to Khamenei and then back down to the Khamenei Cell and, through the Khamenei Cell, to Iran’s proxies to finance terrorist attacks. Shiite theological traditions call for donations (*khums*), usually equal to 20% of a person’s income on every transaction, to support the cause. Pursuant to governing IRGC and Hizballah doctrine, the IRGC emphasizes the need to consistently collect donations (or taxes) as something that is universally required from all profit-generating activities and transactions—without exception—including, but not limited to, profits generated through official business, criminal rackets, bribery and kickbacks, and a broad array of other illicit cash flow schemes. The IRGC’s “no exceptions” rule ensures that the terrorists have an administratively simple scheme analogous to a terrorist flat tax.

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<sup>295</sup> Ali Alfoneh, *How Intertwined Are the Revolutionary Guards in Iran’s Economy?*, American Enterprise Institute, Middle Eastern Outlook (Oct. 2007).

298. IRGC practices, policies, and procedures—including, but not limited to, the Logistics Policy Directive and *khums*—ensured that monies flowing from Irancell to IEI were programmatically reinvested back into the Terrorist Sponsors’ priority IEI-manufactured weapons, including missiles, rockets, UAVs, RPGs, small arms, communications technologies, and other key weapons systems. Accordingly, Defendants fueled profits that helped IEI make more weapons, invest in necessary arms-related research, and finance more, and better, weapons maintenance, *e.g.*, weapons upkeep in the field, and logistics sustainment, *e.g.*, arms supply chains, which materially strengthened the lethality of each Hizballah- and IRGC-sponsored attack targeting the United States in which such FTOs, or their proxies, used IEI-manufactured weapons, including such attacks against Plaintiffs.

299. From at least 2007 through 2012, MTN’s Irancell joint venture with the Foundation for the Oppressed and IEI comprised one of the largest funding sources for IRGC and Hizballah attacks—and was definitively the single largest source of non-Iranian financial support for such attacks. From 2007 through 2012, Irancell profits directly financed well over \$100 million per year of Hizballah attacks in the Middle East that were sponsored by the IRGC—enough to fund every attack against Plaintiffs in Iraq hundreds of times.

300. Detailed analyses have confirmed the gist of Plaintiffs’ allegations. In 2025, for example, *National Security News* reported that “Irancell’s profitable partnership with MTN” meant that “the same [IRGC] networks” that controlled Irancell “generate[d] billions of dollars that pay for the assassins’ training, travel, and weapons” through “a self-reinforcing system: surveillance feeds targeting, and revenue feeds operations” because

[T]he profits from Irancell’s success … have helped fund Iran’s security operations. ***During its rapid growth, Irancell has become one of the most valuable cash cows for the Iranian regime. According to a credible IRGC defector, Irancell is the “largest or second-largest source of cash flow” among***

***all IRGC front companies, funnelling about \$500 million per year to the IRGC for its terror operations – over \$10 billion during the term of the MTN-Irancell joint venture.*** These funds, collected from millions of Iranians' phone bills and data top-ups, bolstered the IRGC's budget just as it was expanding its activities abroad from 2005 onwards. Notably, that was the period when the IRGC (through its Qods Force) armed and directed proxy militias in Iraq and Afghanistan.<sup>296</sup>

301. Indeed, MTN Group has effectively admitted the same premise. In 2011, for example, MTN Group admitted that, with respect to MTN Group's "[e]xposure to high risk countries"—which MTN always defined in the same reports to include Iran—"MTN" was "***usually the largest national taxpayer and/or employer.***"<sup>297</sup> In Iran, MTN (through Irancell) was almost certainly the largest or second largest corporate payer to the regime.

302. Terrorist scholars have also confirmed the point. In 2010, for example, two Iran scholars at the Foundation for Defense of Democracies concluded that any transaction with IRGC telecoms fronts necessarily fueled IRGC- and Hizballah-backed attacks given the tight nexus between IRGC commercial activity and violence by Axis proxies, and critically, played such role even when the commercial activity did not result in the IRGC or Qods Force directly obtaining any embargoed arms or technology:

IRGC front companies ... have stakes in telecommunications .... of which Iran is the largest manufacturer in the Middle East. ... Many IRGC projects are military in nature, and the group ***diverts much of the technology and expertise it acquires*** from Western companies for seemingly innocuous projects to unsavory ends. ... Any company that does business in Iran risks becoming an unwitting accomplice to the IRGC's nefarious activities ... Yet ***even when*** companies provide services and technologies that cannot be diverted to illicit projects, partnering with the IRGC entails some complicity with its activities. In June 2006, [the head of an IRGC-owned company] ***confirmed*** in an interview with a local daily that the

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<sup>296</sup> National Security News, *Tehran's Digital Platform For Terrorism: How MTN-Irancell Enables Iran's Plot To Assassinate President Trump* (June 30, 2025), <https://nationalsecuritynews.com/2025/06/tehrans-digital-platform-for-terrorism-how-mtn-irancell-enables-irans-plot-to-assassinate-president-trump/>.

<sup>297</sup> MTN Group, *Integrated Business Report For The Year Ended 31 December 2010*, 12 (Mar. 2011) (emphasis added), <https://group.mtn.com/wp-content/uploads/2019/02/Integrated-business-report-2010.pdf>.

organization's *funds finance various national defense projects, including arming and training Hezbollah.*<sup>298</sup>

303. In 2012, similarly, former Treasury counterterrorism official Avi Jorisch warned, in reference to "Irancell," that MTN Group had "a corporate responsibility to cease ... colluding with a state sponsor of terror" because "Irancell" provided funds and resources through which "Iran and its proxies [] engaged in multiple acts of terror" and therefore MTN "[p]artner[ed] with a regime that uses mobile technology to ... proliferate[] terrorism."<sup>299</sup>

304. Defendants' cash flows to known IRGC fronts directly facilitated Hizballah's and the Sunni terrorist proxies' terrorist attacks on Americans in Iraq and Afghanistan. Money is the lifeblood of terrorism. As a senior Treasury official testified to Congress, "While the financial cost of carrying out an individual terrorist attack can be quite low, recruiting, training and sustaining operatives, procuring weapons, and developing the infrastructure necessary to support these activities requires generating and moving substantial funds, often between distant locations."<sup>300</sup> Likewise, as a senior U.S. military officer has public explained, Iran was "foment[ing] ... violence with support from commercial entities affiliated with the Islamic Revolutionary Guards Corps" and that "[w]hen you invest in Iran, you're investing in the IRGC. You might as well cut the Islamic Revolutionary Guards Corps a check and say, 'please use this

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<sup>298</sup> Mark Dubowitz & Emanuele Ottolenghi, *The Dangers Of Doing Business With Iran's Revolutionary Guards*, Forbes (June 15, 2010) (emphasis added).

<sup>299</sup> Avi Jorisch (Senior Fellow at the American Foreign Policy Council), *MTN Has No Business Aiding Terror In Iran; Allegations That SA Cellphone Company Helps Regime Persecute Opposition*, Sunday Times - South Africa (Mar. 25, 2012), <https://tinyurl.com/mpb3ctm3>.

<sup>300</sup> Daniel Glaser, quoted in U.S. Dep't of Treas., *Testimony of A|S for Terrorist Financing Daniel L. Glaser Before The House Committee on Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade, and House Committee on Armed Services' Subcommittee on Emerging Threats and Capabilities* (June 9, 2016).

to commit more murder across the Greater Middle East.”<sup>301</sup> Moreover, the Department of Justice recently warned that “[i]lllicit financial and logistical networks undermine our national security by enabling shadow-banking for and sanctions evasion by hostile nation-states and terror regimes.”<sup>302</sup>

305. The United States has confirmed that “do[ing] business with Iran” meant doing business with the IRGC-QF, because “[a]t the end of the day,” money flowing to Iran “flow[s] to” the IRGC-QF’s commander and allows the IRGC “to run roughshod across the Middle East.”<sup>303</sup> The IRGC, Ayatollah Khamenei and his Supreme Leader’s Office, and the notorious terrorist front the Foundation for the Oppressed controlled and extracted profits from every link in the transaction chain from IRGC-controlled businesses, and each of those groups flowed profits through to fund attacks by the IRGC’s terrorist proxies in Iraq, among other places.

306. The effect of MTN’s industrial-scale financial assistance to the terrorists is amplified by the low cost of most terrorist attacks. Studies consistently confirmed that the cost of nearly all attacks by terrorist groups in the Middle East in the post-9/11 era ranged from around \$2,000 per attack to around \$20,000 per attack—with most on the low end of that spectrum. IEDs, for example, usually cost around \$100 per bomb. Generally, Hizballah fighters were paid around \$200 per month, while leaders were paid around \$400. Indeed, al-Qaida bragged in online publications in the early 2010s that it could conduct a sophisticated,

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<sup>301</sup> Statement by Herbert Raymond McMaster, Lieutenant General, National Security Advisor to the President, United States of America (Video), Munich Security Conference 2018, at 23:30 (Question) and 28:15 (Iran-related part of answer) (Feb. 17, 2018), <https://tinyurl.com/2j4ta49u>.

<sup>302</sup> U.S. Dep’t of Justice, *Focus, Fairness, and Efficiency in the Fight Against White-Collar Crime*, 1-2 (May 12, 2025), <https://www.justice.gov/criminal/media/1400046/dl?inline>.

<sup>303</sup> Secretary of State Mike Pompeo, *quoted in* Heritage Foundation, Transcript, *After the Deal: A New Iran Strategy* (May 21, 2018), <https://tinyurl.com/bdnyw7up>

transnational bombing targeting Americans for less than \$5,000. As terrorism scholars Jessica Stern and J. M. Berger have explained:

Asymmetrical warfare is defined by asymmetry. Any terrorist ideology that can attract five recruits and the contents of their checking accounts can make headlines for months. *A terrorist group with twenty willing recruits and half a million dollars can make headlines for years.* (Emphasis added.)<sup>304</sup>

307. At those rates, even a single transaction that flowed \$5,000 to an IRGC proxy would have financed substantial terrorist violence. At the time, a \$5,000 payment would have put 10 terrorists (at \$200 per fighter) and two commanders (at \$400 per commander) in the field for a month, equipped with about 20 IEDs. Or terrorists could have spent the \$5,000 to purchase dozens of bomb components or to finance multiple complex attacks. The cash flows that MTN's investments in Irancell enabled were orders of magnitude higher—and they materially strengthened the terrorists' ability to commit the attacks that killed and injured Plaintiffs.

308. United States counterterrorism policy has long recognized that some monetary sources are uniquely correlated with greater risk of terrorist attacks when illicitly supplied by a business to skilled terrorists. In 2006, for example, the United States *National Strategy for Combating Terrorism* explained that the “United States and our partners continue to take active and effective measures against our primary terrorist enemies” by “attacking these terrorists and their capacity to operate effectively” through “the use of all elements of national power, ... denying or neutralizing what our terrorist enemies need to operate and survive,” including:

Funds, which provide the fungible, easily transportable means to secure all other forms of material support necessary to the survival and operation of terrorist organizations. Our enemies raise funds through a variety of means, including soliciting contributions from supporters; operating businesses, NGOs, and charitable fronts; and engaging in criminal activity such as fraud, extortion, and kidnapping for ransom. They transfer funds through several mechanisms, including the formal banking system, wire transfers, debit or “smart” cards, [and]

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<sup>304</sup> Jessica Stern and J. M. Berger, *ISIS: The State Of Terror*, at 191 (Ecco 2016).

cash couriers .... Effective disruption of funding sources and interdiction of transfer mechanisms can help our partners and us to starve terrorist networks of the material support they require.<sup>305</sup>

309. These concerns were at their peak when applied to Hizballah and the IRGC. For example, terrorism scholar Barak Seener has observed (in 2018) that “large IRGC companies ... can receive capital and hard currency through its connections to publicly owned banks”: “Rather than transfer the funds directly to terrorist proxies, the money could flow through the IRGC’s construction arm, which can directly finance terrorism” and given the context in which, “[a]ccording to the U.S. Treasury, the IRGC uses” a large commercial enterprise “to ‘generate income and fund[] its operations[],’” the “IRGC could also receive access to fungible assets by converting its unfrozen assets and revenue in a foreign currency enabling IRGC officials and IRGC linked entities with the ability to move its money anywhere in the world” and increase the IRGC’s ability “to financially sponsor terrorism” by “increasing its financial support” to “Hizballah” in a manner that is inextricably connected to terrorist violence: “Chairman of the Joint Chiefs Gen. Joseph Dunford” has “asserted that the more access the Iranian military has to money, ‘the more effective they’ll be in spreading malign influence.’”<sup>306</sup>

310. Moreover, Irancell’s unique structure ensured a tight nexus between Defendants’ conduct and IRGC-sponsored terrorist attacks. The IRGC always embedded IRGC operatives and supporters, including IRGC-IO operatives, throughout Irancell’s corporate structure, including its headquarters in Tehran. Such IRGC-IO embeds ensured the Qods Force’s and Hizballah’s ability to extract maximum financial, operational, intelligence, and logistical value

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<sup>305</sup> White House, *National Strategy for Combating Terrorism*, 11-12 (Sept. 1, 2006).

<sup>306</sup> Barak Seener (Jerusalem Center for Public Affairs), *Commercial Risks Entering the Iranian Market: Why sanctions make investment in the Islamic Republic of Iran a high-risk proposition*, Jerusalem Center for Public Affairs, at 19-20 (2018), <https://tinyurl.com/5yf5cwf>.

from their ultimate control of Irancell. MTN, which always had personnel working in Irancell's headquarters, knew of and facilitated the IRGC's involvement in its operations.

311. MTN's conduct also funded the Terrorist Sponsors' attack-specific payments.

Because U.S. dollars were particularly valuable for terrorist operations, Iran's proxies depended on access to the international financial system to finance every aspect of their lethal attacks, and Iran's Terrorist Sponsors facilitated that access through their commercial fronts and banks. Such Iranian dollars have supplied the logistical spine for Axis proxies upon which their attacks relied.

312. Throughout the relevant period, the Foundation for the Oppressed, SLO, and Irancell profits fueled by MTN funded at least five distinct types of **attack payments** to the IRGC, Hezbollah, and Axis proxy terrorists that enabled attacks, including, but not limited to, the following. *First*, MTN's conduct financed **salary payments** that funded attack-related operations, intelligence, logistics, and leadership cell operatives, including Khamenei Cell members. *Second*, MTN's conduct financed **martyr payments** to the families of terrorist martyrs when an attacker died (*i.e.*, was "martyred"), which were made to reward attacks and incentivize future attacks. *Third*, MTN's conduct financed **bounty payments** made to terrorist operatives for successful attacks and calibrated to especially promote such attacks through larger bounties awarded for successful attacks killing, injuring, or capturing a U.S. victim as compared to non-U.S.-victims. *Fourth*, MTN's conduct funded **disability payments** to terrorist operatives, and their families, if such operatives were injured while supporting a terrorist attack, which often cost at least several thousand U.S. dollars per year. *Fifth*, MTN's conduct funded **orphan payments** to the caretakers of the children of terrorist operatives who were killed while supporting a terrorist attack, which were made to reward and incentivize terrorist attacks by

ensuring that the operative's child will be looked after by the terrorist group, as well as to enable recruitment of child terrorists by Iran's proxies.

313. From 2006 through 2011, the Terrorist Sponsors' unique structures rendered concerns about fungibility irrelevant. The types of assistance Defendants supplied to the attacks by the Sunni terrorist proxies against Plaintiffs, and nature of Hizballah and the IRGC as recipients (directly, and through their fronts, the Foundation and IEI), ensured that Defendants' assistance reached the Sunni terrorist proxies' operations cells and leaders in Iraq and Afghanistan who committed, planned, and authorized the Sunni terrorist proxies' attacks in Iraq and Afghanistan from 2006 through 2010 that killed and maimed Plaintiffs. The Terrorist Sponsors organized a massive transnational revenue collection and relocation system through which the Terrorist Sponsors ensured that a fixed, measurable, percent of all revenue would directly flow to their most important priority of attacking the United States to export the revolution. revenue recycling with MODAFL and IEI to leverage their superior economies of scale to build more MODAFL and IEI-made weapons, and the Foundation for the Oppressed's key role financing and processing operations-related, attack-incentivizing payments through its commercial profits. The Terrorist Sponsors' structural mechanisms ensured that Defendants' assistance directly flowed to Iranian proxy attacks in Iraq and Afghanistan committed by Hizballah and the Sunni terrorist proxies for which Ayatollah Khamenei, the IRGC, SLO, Foundation for the Oppressed, and IEI provided vital, direct, aid to Hizballah and the Sunni terrorist proxies that made their attacks larger, more frequent, and more effective, which provided vital aid to Hizballah's and the Sunni terrorist proxies' attacks that killed hundreds of Americans and maimed thousands more, including Plaintiffs and their loved ones.

314. For at least four reasons, Defendants' assistance to Hizballah's and the Sunni terrorist proxies' attacks targeting the United States in Iraq from 2006-2011 through MTN's joint venture partnership with the Foundation for the Oppressed and Iran Electronics Industries did **not** depend on the fungibility of Defendants' aid to such attacks through Irancell.

315. *First*, from 2003 through 2011, the **Logistics Policy Directive** ensured that a fixed percentage comprising at least half of all IRGC and MODAFL commercial profits were specifically earmarked for the IRGC's operations (*i.e.*, attack) budgets, and the IRGC's and MODAFL's weapons budgets—and, necessarily therefore, Hizballah's operations budgets and weapons budgets because at least 70% of all Hizballah's operations and weapons funds came from Ayatollah Khamenei, the Foundation for the Oppressed, the IRGC, and the SLO. From 2006 through 2011, when every Plaintiff was attacked, the IRGC, MODAFL, and IEI zealously complied with the Logistics Policy Directive, which ensured that the IRGC's and Hizballah's fixed percentage of Defendants' Irancell-related profits for the IRGC and MODAFL were programmatically redirected back to aid attacks by the IRGC and Hizballah through supplying their operations (attack) and weapons budgets.

316. Based on credible public statements by the IRGC, MODAFL, and IEI, analyses published by Iran scholars, and reports from journalists inside Iran, that flow-through percentage was more than one-half (*i.e.*, 50%+). Simply put, the Terrorist Sponsors' rigorous enforcement of the Logistics Policy Directive meant that **most** of the Foundation's and IEI's historic Irancell profits generated from 2006-2013 by Defendants that flowed to the Foundation and IEI's 51% Irancell directly, inextricably, and inevitably assisted Hizballah's and the Sunni terrorist proxies' attacks targeting the United States in Iraq through the Terrorist Sponsors' operation of the Logistics Policy Directive as a terrorist tactic, technique, and procedure that was unique to

Hizballah, the IRGC, and the Sunni terrorist proxies from 2006 through 2013.<sup>307</sup> Given such math, the normal course application of the Logistics Policy Directive meant that more than one-quarter (25%+) of all Irancell profits that Defendants generated for the Foundation and IEI from 2006 through 2011 directly financed IRGC (and, by implication Hizballah) operations by paying the terrorists doing the killing and supplying the weapons the Sunni terrorist proxies used to attack the United States in Iraq and Afghanistan. At those rates, Defendants likely routed at least several hundred million to attacks by Hizballah and its proxies that were funded by Foundation for the Oppressed profits and armed by IEI profits. By almost any metric, Defendants were likely the Number 1 Overall financial donor to Hizballah and the IRGC from 2006 through 2011. Indeed, Irancell was a cash cow that was unique for Iran (no other consumer businesses reliably generated cash flow the way Irancell could for the Terrorist Sponsors).

317. *Second*, the IRGC's, SLO's, and Foundation for the Oppressed's custom and practice of **mandatory 20% *khums* payments to the Terrorist Sponsors** from all IRGC and Hizballah members (no one retires) and fronts (including the Foundation, IEI, Irancell, and IEDC) equal to at least twenty percent (20%) of such person's income received from every profit-making transaction. Under the Terrorist Sponsors' *khums*-related custom and practice, and tactics, techniques, and procedures, IRGC and Hizballah persons ordinarily paid 20% of all earnings from all transactions to Ayatollah Khamenei through, *inter alia*, the Foundation for the Oppressed and Supreme Leader's Office, which collected *khums* and re-deployed them to Hizballah and the Qods Force consistent with Khamenei's long-standing practice to use such

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<sup>307</sup> The Supreme Leader and his most lethal security arms (IRGC-Hizballah), operated a mafia-like top-to-bottom collection system to systematically identify, value, and extract 20% of all profits generated by a follower of the Leader or security services, which payments were mandatory, programmatic, and analogous to a terrorist flat tax (*khums*).

khums to fund attacks. The Terrorist Sponsors' programmatic use of *khums* to supply vital funds to attacks by Hizballah from 2006 through 2011 meant that Defendants always knew that a substantial percentage of the Irancell cash flow they created necessarily financed attacks by the Sunni terrorist proxies because Defendants always knew—and it was always true that—20% of Defendants' Iranian partners' profits ineluctably flowed to the terrorist operations leader who served as Supreme Commander of Hizballah, Supreme Commander of the IRGC, and Supreme Leader of the Islamic Revolution—Ayatollah Ali Khamenei. Accordingly, while the use cases for other sources of money may be indeterminate, when the recipient is Khamenei, the most likely use was always anti-American terrorism, because that was always Khamenei's top overall desire to expel the United States from the Middle East.

318. *Third*, Defendants' funds predictably flowed to Hizballah and al Qaida attacks while simultaneously financing far more Hizballah and al Qaida in Iraq violence by improving the terrorists' financial "spend" efficiency because the Terrorist Sponsors used the **Foundation and IEI to supply turnkey support to attacks by Hizballah**. Accordingly, Defendants' assistance to attacks by Hizballah and the IRGC through the Foundation and IEI was not watered down when it reached Hizballah and al Qaida by virtue of the presence of intermediaries who drive up the cost through their need to receive a slice, in effect. The Terrorist Sponsors (and by extension al Qaida given its intertwinement with Hizballah) therefore experienced radically more efficient attack economics because the Terrorist Sponsors did not have to lose a significant portion of the profits they intended to use to find attacks to intermediaries. By radically scaling down Hizballah's and the IRGC's transaction costs through the power of efficiency achieved by financing the very operations and arms-manufacturing arms that enabled such attacks (*i.e.*, the Foundation and IEI), Defendants' scheme supplied Hizballah and al Qaida a wholesale Costco-

for-Terrorists level of price savings resulting from Defendants serving as Irancell joint venture partners with the Terrorist Sponsors' wholesale solution to operations payments (the Foundation for the Oppressed) and weapons (IEI).

319. Defendants' commercial profits directly armed Hizballah, the IRGC-QF, and the Sunni Terrorist Proxies through the IRGC's control of MODAFL and IEI, and use of the windfall cash flows Defendants created to power IEI as Iran's high-tech weapons monopoly through which the Terrorist Sponsors supplied weapons, or components, for every attack type and weapon type used against Plaintiffs in Iraq and Afghanistan from 2006 through 2010. Like the Foundation for the Oppressed, Defendants' key role in Hizballah, IRGC, and Sunni Terrorist Proxy attacks against Plaintiffs through IEI did not depend on fungibility because IEI was simultaneously the recipient of Defendants' material support while a core component of the operations architecture with specific responsibility for the Terrorist Sponsors' weapons. In 2008, for example, Judge Lamberth found that the "IRGC actively supports terrorism as a means of protecting the Islamic revolution that brought the Ayatollah to power," which attacks the IRGC financed through the IRGC's "***own separate funding sources***"—one of which was the IRGC's financial empire "derived in part from its confiscation of the assets of the former Shah of Iran in 1979, when the Shah was deposed"—*i.e.*, the Foundation for the Oppressed. *Rimkus v. Islamic Republic of Iran, et al.*, 575 F. Supp. 2d 181, 187 (D.D.C. 2008) (findings of fact).

320. Accordingly, when Defendants generated windfall Irancell profits for the IRGC, MODAFL, and IEI while, simultaneously, Irancell, the IRGC, MODAFL, and IEI relied upon their commercial revenues and profits, Defendants supplied key weapons, computing, communications, or intelligence to the Terrorist Sponsors that Hizballah and the IRGC

necessarily would have used under the Terrorist Sponsors' custom and practice, and tactics, techniques, and procedures, for an attack targeting the United States.

321. *Fourth*, Defendants provided **broad cross-cutting support** to IRGC-sponsored attacks in the Middle East, including Hizballah and al Qaida attacks in Iraq and Sunni Terrorist Proxy attacks in Afghanistan. MTN supplied vital technical aid and services to Hizballah's and IRGC-QF's attacks that were not fungible. For example, Defendants helped the IRGC and Hizballah (through the Foundation and IEI) counter (and defeat) the application of U.S. antiterrorism controls against Irancell when MTN (including through dual-hatted MTN Group/Irancell technical, financial, marketing, and operations employees) led Irancell's efforts to acquire sanctioned, U.S.-origin, military-grade computers, servers, communications technologies, and software, which directly increased the pace, effectiveness, and lethality of Hizballah's and IRGC-QF's terrorist attacks targeting the United States, including hostage-taking attacks targeting U.S. civilians in the Middle East, and attacks targeting American service members in eastern Iraq, among other places.

322. Hizballah closely leveraged IRGC-QF and IRGC-IO resources for such attacks to optimize the terrorists' pre-attack analytic, intelligence, targeting, and planning to maximize the chances of a successful terrorist attack, including attacks against Plaintiffs. For example, Hizballah and al-Qaida relied upon such assistance to successfully execute hostage-taking attacks targeting the United States in Iraq. Similarly, Hizballah and al Qaida relied upon such IRGC assistance to successfully execute complex roadside bomb, rocket, and ambush attacks in Iraq .

323. MTN also provided broad, cross-cutting support to attacks by Hizballah and IRGC-QF-supported Sunni Terrorist Proxies in Iraq and Afghanistan through MTN's practice of effectively

seconding MTN Group-affiliated persons to IRGC “security” operatives, investigations, investigative requests, and intelligence support demanded by the IRGC under its “security” agenda of targeting the United States. MTN did so by providing the IRGC—necessarily including the IRGC-QF given its intelligence function—bespoke technical, communications, analytical, and scientific services that were contrary to MTN’s normal practice (*e.g.*, MTN South Africa’s approach) and illegal under U.S. law given the sanctions against Iran and the IRGC, among other grounds. When MTN did so, it supplied IRGC-QF, IRGC-IO, and Hizballah terrorists bespoke, direct, and potent services that helped them execute Hizballah-led proxy attacks in the Middle East, including Iraq, by receiving invaluable attack planning assistance from Defendants that was tailored to each attack. For example, dual-hatted MTN Group officer, director, or employee Alireza Dezfouli—who was both a member of MTN Group’s Executive Committee member and Irancell’s CEO—directly assisted IRGC-IO operatives who sought bespoke support from Irancell as the IRGC targeted regime enemies, including Americans, for kidnapping as part of the IRGC’s (and, now, Irancell’s) longstanding embrace of so-called “hostage diplomacy,” which MTN Group always enabled when a member of its Executive Committee literally helped the IRGC gather pre-attack intelligence to better plan its hostage-taking attempts.

324. From 2006 through 2013, MTN caused at least hundreds of millions, if not billions, of net profits dollars into accounts for which the Foundation for the Oppressed and its Sunni Terrorist Proxies were one of the ultimate beneficial owners, in effect, given the Foundation’s relationship with Hizballah and the IRGC. The Foundation supplied key financial support to the operatives, logisticians, smugglers, and intelligence assets upon which Hezbollah’s attacks relied. In so doing, MTN helped Hizballah- and IRGC-QF-supported the Sunni Terrorist Proxies improve

their ability to buy weapons (because the Foundation has more resources to spend), smuggle them into Iraq and Afghanistan (more Foundation money to pay smugglers), store them while in Iraq and Afghanistan (more Foundation money to build safe houses), and incentivize terrorists to use them (more Foundation money to make bounty, salary, and martyr payments, among others). In so doing, MTN's support through the Foundation for the Oppressed played a key role in each attack against Plaintiffs.

325. From at least 2006 through at least 2013, MTN's scheme financed Hizballah's and the Sunni Terrorist Proxies' attacks in Iraq and Afghanistan, including those against Plaintiffs. Both terrorist groups derived vital aid from Ayatollah Khamenei, the SLO, the Foundation for the Oppressed, the IRGC, and Hezbollah, which underwrote an outsized majority percentage of Hizballah's operations budget, as well as a substantial source of financing, through Hizballah, to the Sunni terrorist proxies in Iraq and Afghanistan, all of which paid for the expenditures needed to, organize, train, arm, and logistically sustain such Iranian proxies in Iraq and Afghanistan while they attack Americans there through Sunni terrorist proxy cells in key areas throughout Iraq and Afghanistan.

326. Senior U.S. officials confirmed that the Iranian regime, including the IRGC, were vital to financing Hezbollah's attacks. On September 29, 2006, for example, Frank C. Urbancic, Principal Deputy Coordinator at State, testified before Congress as follows:

Iran is the 'central banker' of terrorism and a primary funding source for Hezbollah. Because money is a terrorist group's oxygen, attacking terrorist financing is an essential element to combating terrorism. In that regard, we have made progress in impeding Iran's financial support for Hizballah and in undermining Hizballah's own financial network. . . .

The USG has long assessed that Iran provides technological, operational, and financial support and guidance to Lebanese Hezbollah. The Iranian regime has for 27 years used its connections and influence with terrorist groups to combat U.S. interests it perceives as at odds with its own, and Hezbollah has acted as a willing partner.

327. On May 27, 2009, Treasury imposed sanctions targeting Hizballah and confirmed the Iranian regime's, including the IRGC's, continued key role in financing Hizballah attacks:

Treasury [] designated ... supporters of ... Hizballah ..., under E.O. 13224. E.O. 13224 targets terrorists and those providing support to terrorists or acts of terrorism by ... prohibiting U.S. persons from engaging in any transactions with them. "We will continue to take steps to protect the financial system from the threat posed by Hizballah and those who support it," said Under Secretary for Terrorism ... Stuart Levey. ... Iran ... provide[s] significant support to Hizballah, giving money, weapons and training to the terrorist organization. In turn, Hizballah is closely allied with and has an allegiance to [Iran]. Iran is Hizballah's main source of weapons and uses its Islamic Revolutionary Guard Corps to train Hizballah operatives in Lebanon and Iran. Iran provides hundreds of millions of dollars per year to Hizballah.

328. MTN's assistance was also potent because it helped flow funds to the leadership cells of the Hizballah proxies that committed the attacks that killed or injured Plaintiffs or their loved ones. For example, State reported on September 17, 2020 that "the Islamic Republic's illicit financing activities," helped "undermine the integrity and security of the global financial system,: through "the Iranian regime's destabilizing campaigns and the aggrandizement of its leaders" when the "Iranian regime use[d] opaque and fraudulent financing activities to fund its partners" and "proxies."

**B. MTN Funded IEI's Production and Distribution of Weapons and Weapons Components to the IRGC, Hizballah, and Their Proxies**

329. MTN's conduct also fueled IEI profits that powered the Terrorist Sponsors' supply of arms to the IRGC, Hizballah, al-Qaida, and other proxy groups, including military electronics, weapons systems, and weapons system components used in terrorist attacks.

330. The terrorist attacks on Plaintiffs involved IEDs, small-arms and sniper fire, rocket-propelled grenades (RPGs), rockets, and mortars. In the relevant timeframe, IEI manufactured or procured significant components for all those weapons systems, including:

- a. Remote detonation devices such as the Wireless Fire Control system, which, according to a MODAFL publication, is used to “control, plan and execute explosive operations from far distance[s],” and can serve as a remote trigger for IEDs.
- b. Proximity fuses for rockets, including man-portable 107 mm (Fajr-1 and Haseb), 122 mm (Arash and Noor), 240 mm (Fajr-3 and Fajr-5) rockets and rocket-propelled grenades<sup>308</sup> that the IRGC supplied to Hizballah and other IRGC proxy forces and that were widely used by those forces in attacks on American forces in Iraq. IEI’s website describes these fuses as creating a “[d]estruction area … three times more than impact fuze.”
- c. Sighting optics for indirect-fire weapons, including ET-1, M2A2, and MD83 sighting optics for Iranian HM-12, HM-13, HM-15, HM-16, and HM-19 60 mm, 81 mm, 82mm, and 120mm mortars, which the IRGC has widely supplied to Hizballah and to other proxy forces in Iraq, Afghanistan, and elsewhere. Per IEI’s website, these optics allow terrorist mortar crews to “aim indirectly at targets.”
- d. Handheld fire-control computers, including the AFCC-85 used with multiple Iranian-made arms systems supplied to IRGC proxies, including rocket and mortar systems.
- e. Night vision and telescopic sights, including models for Dragunov sniper rifles (and Iranian-made copies thereof known as Nakhjir) and AM-50 and Steyr HS-50 “anti-materiel” rifles, which the IRGC is known to have supplied to its terrorist proxies including Hizballah and insurgents in Iraq.
- f. Telescopic sights for infantry rifles, including “Hadaf” and “Riflescope” models.
- g. Optical sights for rocket-propelled grenade launchers, including “Jooya” optical sights for the RPG-7 and RPG-29 (the Iranian-made variants of which are known as the “Sageg” and “Ghadir”), both of which the IRGC supplied in quantity to its proxy forces in Iraq, Afghanistan, and elsewhere.
- h. NVS, NVS-T, NVG, and NVB-series night-vision optical systems and LH, ESR, and FADAK-series laser rangefinders for sniper rifles, small arms, crew-served weapons (*i.e.*, machine guns), and general reconnaissance and observation missions.
- i. Tactical radios, including frequency-hopping and encrypted transmitters designed to frustrate electronic eavesdropping and countermeasures.
- j. Gyro-stabilized surveillance systems for use in the IRGC’s extensive drone fleet, including the Ababil-3—a drone derived from South Africa’s “Seeker” drone—which the IRGC is known to have flown over Iraq during U.S. operations there.

331. Accordingly, when MTN fueled IEI profits, MTN helped the IRGC and Hizballah directly finance and supply all of these IEI-manufactured weapons and weapons components to

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<sup>308</sup> The U.S. government has described IEI’s M-122K proximity fuse as being used for RPGs.

the IRGC Qods Force, Hezbollah, and to one or more of its Axis of Resistance proxies for use in terrorist attacks on Americans.

332. Iran scholars have confirmed the importance of IEI's contributions to IRGC proxy terrorism. In 2015, for example, Farzin Nadimi observed that IEI products had been provided to Hezbollah and that IEI “[e]quipment such as portable frequency-hopping radios with encryption capability, data terminals, cellular and fiber-optic networks, laser range finders, thermal cameras, and night-vision goggles can all contribute greatly to the effectiveness and lethality of asymmetric operations.”

**C. MTN Procured Embargoed U.S. technology for its IRGC- and Hezbollah-front Partners, Knowing It Would Be Used to Support Terrorism**

333. From the beginning, MTN Group's role in Irancell was to help the Iranian joint venture and its IRGC owners illicitly procure embargoed U.S. technology, equipment, and services in violation of U.S. sanctions. That effort directly aided the IRGC's ability to plan and execute proxy attacks on Americans.

**1. MTN Was the Architect of a Large-scale, Complex Scheme to Procure Embargoed Technologies from the United States for its IRGC-front Partners**

334. Upon entering the joint venture, the MTN defendants immediately stepped into the role that was the deal's *raison d'être*: evading U.S. sanctions to provide their IRGC-front partners with embargoed U.S. technology. The targeted U.S. goods included enterprise-scale telecommunications and networking equipment—much of it subject to both national security and anti-terrorism controls—needed by the IRGC and its proxy terrorists to secure their communications, improve their planning, and enhance the lethality of their roadside bombs.

335. According to a report published by *Reuters* in August 2012, after failing to obtain U.S. technology lawfully via the “de minimis rule” (which MTN initially believed allowed it to

import large, multi-component systems so long as only 10% of the components were U.S.-sourced, but later learned applies on a per-component basis), a “desperate” MTN elected “to procure US embargoed products … from [the] grey market”—that is, through “dark” or unauthorized distribution channels—“notwithstanding the adverse consequences to MTN” of circumventing the U.S. sanctions regime.

336. MTN always knew that its efforts to help its Iranian partners obtain U.S. products violated American law. *Reuters* reported in 2012—based on MTN documents dated 2005 and 2006—that MTN “plotted to procure embargoed U.S. technology products for an Iranian subsidiary through outside vendors to circumvent American sanctions,” and that “[h]undreds of pages of internal [MTN] documents … show that MTN employees … wrote reports that openly discussed circumventing U.S. sanctions to source American tech equipment for MTN Irancell” and even “address the potential consequences of getting caught.” Internal MTN documents explicitly called for the acquisition of “embargo items.”

337. To that end, senior MTN Group technology personnel were embedded into Irancell and involved in its procurement operations. For example, internal MTN Group emails demonstrate that MTN Group’s Chief Technology Officer used an Irancell email address and was directly involved in the company’s procurement processes.<sup>309</sup> Senior MTN Group operating personnel were also routinely seconded to Irancell to manage procurement for the joint venture. Irancell’s Chief Operating Officer and Chief Financial Officer—the officials primarily responsible for the company’s day-to-day operations and financial decisions—are always or nearly always drawn from MTN Group or another of its operating companies.<sup>310</sup> Moreover, the

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<sup>309</sup> See MTN E-Mail Thread (Oct. 16, 2012) (MTN-GROUP-000002125).

<sup>310</sup> See *supra* n.3.

Chief Financial Officer seconded from MTN was required to “co-sign” “[a]ll cheques and other obligation creating documents,” giving that MTN officer first-hand knowledge and approval of all Irancell’s procurement expenditures.<sup>311</sup>

338. MTN Group was responsible for determining the technologies used by Irancell, helping to acquire those technologies, integrating such technologies into MTN’s global network, and optimizing Irancell’s use of technology. [Agreements executed early in MTN’s involvement in the joint venture provided, for example, gave MTN authority to (among other things) “evaluat[e] procurement of new systems applications, equipment and critical supplies” and “support[ ] [Irancell] in negotiations with key international suppliers, to leverage the buying power of the MTN Group for the benefit of [Irancell].” Another authorized MTN Group to “engage[ ] … international service providers … in its own name” to provide services to Irancell “in circumstances where it is considered necessary by [Irancell] to facilitate or expedite the engagement process in view of the start-up nature of the Company’s operations.”<sup>312</sup> This latter provision allowed Irancell to use MTN Group as a cover to obtain goods and services from international service providers—including U.S. companies—barred by U.S and international sanctions from providing those goods and services to an Iranian company.

339. Consistent with those agreements, MTN Group represented Irancell and its owners as their purchasing agent for embargoed foreign goods, and coordinated the joint venture’s efforts to obtain vital U.S. technology. In August 2012, *Reuters* reported that,

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<sup>311</sup> MTN Group, Project Snooker Presentation, at 2 (Nov. 22, 2005), republished in MTN Group, Hoffmann Report, Appendices, 424.

<sup>312</sup> See Cost Recovery Agreement Between Sherkat Khadamate Ertebati-e-Irancell (PJSC) (“Irancell”) and MTN Group (MTN-GROUP-000000518); Operational Support Agreement Between Sherkate Khadamate Ertebati-e-Irancell (Irancell Telecommunication Services Company) PJSC Registration No. 252949 (“Company”) and MTN Group Registration No.: (“MTN Group”) (MTN-GROUP-000000033).

according to a senior MTN executive in Iran, “MTN Group was directly involved in procuring U.S. parts for MTN Irancell.” Indeed, in August 2012, *Reuters* reported that “[a]ll the procedures and processes around procurement were established by MTN [Group].” Moreover, *Reuters* reported in August 2012 that as of 2006, MTN Group maintained “a lengthy spreadsheet of ‘3rd Party’ equipment” to be obtained for Irancell that “list[ed] hundreds of U.S. components - including servers, routers, storage devices and software - required for a variety of systems.” As *Reuters* reported in August 2012, another internal MTN document “list[ed] U.S. equipment needed for “value-added services,” including … a wiretapping system,” and stated that the equipment would arrive in Dubai for shipment on to the Iranian port of Bandar Abbas.

340. MTN Group conducted its Irancell procurement by creating lists of specific U.S. equipment required by its Iranian counterparties and providing those lists to agents with instructions to acquire them from the United States. It established multiple sanctions-evasion routes to obtain the embargoed U.S. technology, including a procurement network operated by MTN and Irancell via the Iranian technology company Patsa Co., the IEI affiliate Arya Hamrah Samaneh Co., and a network of front companies controlled by indicted sanctions-evader Mahmood Akbari; another network operated by the Iranian subsidiary of a Kuwaiti company known as Shabakkat; and a shadowy international procurement firm known as Exit40.

341. In June 2012, *Reuters* reported that an MTN Group executive was personally involved in the company’s first acquisition of embargoed U.S.-source technology—approximately half a dozen Sun servers provided by Patsa Co. after the MTN executive was approached by “an official with Patsa” offering the equipment. On information and belief, that “official” was Mahmood Akbari (“Akbari”), who was a managing director of Patsa Co. at that

time and subsequently became a key figure in MTN’s sanctions-evasion scheme (and the object of a felony indictment in the United States).<sup>313</sup>

342. After MTN concluded that it could not legally obtain necessary U.S. technology, it conceived and established an elaborate scheme to exploit the “grey market” and obtain the embargoed equipment through deniable third-party agents acting at its direction. The first link in the sanctions-evasion chain was MTN’s original source for embargoed Sun servers: Mahmood Akbari’s Patsa Co. In 2006, Patsa entered a bid to build and manage Irancell’s data center, which required various embargoed U.S.-sourced technologies, but—according to a report by *Reuters* in June 2012—was told by “an Iranian official” that “Patsa could only have the contract if it partnered with MTN’s Iranian partners – Sairan … and Bonyad Mostazafan”—that is, IEI and the Foundation for the Oppressed.

343. Accordingly, *Reuters* reported in June 2012 that Patsa “agreed to allow its Iranian partners and MTN Irancell to set up a local Iranian company with the basic purpose of evading sanctions on Iran.” Published reports indicate that the resulting company was Arya Hamrah Samaneh Co. (“AHS”), and that it was “used to camouflage purchases of embargoed equipment” by Irancell.<sup>314</sup> AHS, which is part-owned by Patsa and IEI<sup>315</sup> and was co-founded by Akbari, was the entity that won the bid to operate Irancell’s data center in Iran, which the IRGC-IO

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<sup>313</sup> Various sources identify Akbari as a Patsa Managing Director, including the Trade Organization of Iran’s Iran Trade Directory, <https://dmr.ir/wp-content/uploads/2022/12/15-Information-Industry.pdf> (see entry for Patsa Co.).

<sup>314</sup> *Id.* (quotations omitted; formatting adjusted); *see also* Craig McKune, *US Trial Turns Heat on MTN*, Mail & Guardian (Feb. 15, 2013), <https://mg.co.za/article/2013-02-15-00-us-trial-turns-heat-on-mtn-1/>.

<sup>315</sup> Craig McKune & Sharda Naidoo, *Iran ‘Puts the Screws’ on MTN*, Mail & Guardian (Apr. 5, 2012), <https://mg.co.za/article/2012-04-05-iran-puts-the-screws-on-mtn/>.

reportedly ran and used as a node in their operations, among other ways, to gather intelligence on attack targets.<sup>316</sup>

344. Investigative reporting in MTN’s home country of South Africa has revealed that AHS, in turn, is linked to a group of U.A.E.-based fronts owned or controlled by Akbari and, on information and belief, Patsa Co., including Patco Group Ltd., TGO General Trading, and Managed Systems and Services (MSAS).<sup>317</sup> Patco Group has been identified by U.S. officials as “a ‘front’ company in the UAE” for Patsa Co., directly tying Patco to Patsa and thus to MTN.<sup>318</sup> Notably, Patsa Co.’s address in Tehran—“Patsa Building, No.34, Arash Blvd., Farid Afshar St., Zafar Ave., Tehran, Iran”<sup>319</sup>—is identical to the address given by the U.S. Bureau of Industry and Security for both Mahmood Akbari and Reza Hajigholamali, the principals of Patco Group.<sup>320</sup> This establishes a direct link between MTN Group, Patsa, Akbari, and Patco.

345. Multiple criminal prosecutions in the United States have identified American firms and individuals who worked with Akbari’s companies to supply embargoed dual-use technologies and services that prosecutors identified as having “military applications”<sup>321</sup> from the U.S. to Iran for the benefit of what the American conspirators identified as “a South African cellphone company”<sup>322</sup>—an unmistakable reference to MTN Group. Akbari, his companies, and

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<sup>316</sup> *Id.* (“Irancell” was “effectively run by the military and military intelligence” and used to gather attack and hostage-taking intelligence for targeting of regime enemies).

<sup>317</sup> See 81 Fed. Reg. 14953, 15955 (March 21, 2016).

<sup>318</sup> Affidavit of Special Agent Allen Berkowitz in Support of Criminal Complaint, *United States v. Chen Chee Onn*, No. 8:15-mj-1031 (M.D. Fl. Jan. 14. 2015), at ¶13.

<sup>319</sup> See <https://patsa.co.ir/contact-us/>.

<sup>320</sup> See 81 Fed. Reg. 14953, 15955 (March 21, 2016).

<sup>321</sup> Rowan Philp & Craig McKune, *US Trial Turns Heat On MTN*, Mail & Guardian (Feb. 15, 2013), available at <https://mg.co.za/article/2013-02-15-00-us-trial-turns-heat-on-mtn-1/>.

<sup>322</sup> Sentencing Memorandum of Defendant Mohammed Raza Hajian, ECF 40, *United States v. Hajian*, No. 8:12-cr-00177 (M.D. Fla. Oct. 15, 2012)

his colleague Reza Hajigholamali were all indicted in 2009 in connection with schemes to obtain embargoed dual-use technologies in the United States and ship them to Irancell.

346. Documents filed in the Akbari prosecutions demonstrate MTN’s role in the U.S. procurement scheme. For example, Mohammad Hajian, a Florida resident who operated three “export” companies out of his Tampa home, was charged with and convicted for obtaining embargoed dual-use computer equipment—specifically, a Hitachi Data Systems Universal Storage Platform V and a Sun M9000 enterprise server—“from a Florida company” and causing it to be shipped from Florida “to the UAE, knowing that this shipment was destined for Iran.”<sup>323</sup> Hajian told prosecutors that the equipment was sold “not to the [Iranian] regime,” but to “a South African cellphone company in Iran,” and was “intended to facilitate a joint venture between a South African cellphone company and a non-governmental Iranian entity related to the provision of civilian cellular telephone service within Iran”—that is, to assist Irancell.

347. Hajian’s direct counterpart was Patco Group Ltd., the UAE-based ‘front’ for Patsa Co. controlled by Akbari. In June 2012, *Reuters* revealed that Patco has been reported to be Irancell’s “IT Department” and affiliated with Arya Hamrah Samaneh Co., the procurement entity created by IRGC fronts the Foundation for the Oppressed and IEI with MTN’s approval to “camouflage” Irancell’s illegal procurement. The criminal complaint against one of Hajian’s co-conspirators notes that “Patco has been identified by investigators as a front company for Hajian’s Iran-based customers’ companies.”<sup>324</sup>

348. Hajian was the point man for a larger embargo-evasion enterprise aimed at funneling U.S. dual-use technology to Hajian’s customer, the “South African cell phone

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<sup>323</sup> See Information ¶¶1-5, *United States v. Hajian*, No. 8:12-cr-00177 (M.D. Fla. May 2, 2012).

<sup>324</sup> Criminal Complaint, Affidavit of Special Agent Eric Jones ¶¶19, 25, *United States v. Tally*, No. 8:13-cr-00028 (S.D. Fla. Dec. 15, 2012)

company in Iran.” When embargoed technology he sold to Patco “for ultimate delivery” to the “South African cell phone company in Iran” required software support, he retained Washington state-based computer engineer Alexander Talley to travel to the UAE to work on the system and train Akbari’s engineers on its use.<sup>325</sup> While in the UAE, Talley was invited by Akbari’s associate Reza Hajigholamali “to travel to Iran to work on computer projects”—specifically, to assist with the implementation of and training on the embargoed Hitachi system that Hajian sold to MTN.<sup>326</sup> Although Talley ultimately did not travel to Iran, he signed a contract with Patco to support the Hitachi system remotely from the United States.<sup>327</sup> He provided remote IT services to Irancell via Patco from his home office in Washington state from approximately March of 2011 through May of 2012. He was initially paid for those services through Hajian, and later by Akbari via Patco another Akbari company, TGO General Trading.<sup>328</sup>

349. The Hitachi and Sun technology obtained by Hajian and his co-conspirators for MTN was covered by multiple Export Control Classification Numbers (ECCNs) relating to antiterrorism and national security, including ECCNs 5A002 and 5D002,<sup>329</sup> which cover “encryption items” and are highly regulated to prevent proliferation of cryptographic tools that can shield telecommunications from U.S. military and law enforcement monitoring. For that reason, federal prosecutors told the District Court that the equipment Hajian sold to Irancell

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<sup>325</sup> Indictment ¶18(h), *United States v. Talley*, No. 8:13-cr-00028 (M.D Fla. Jan. 10, 2013).

<sup>326</sup> *Id.* ¶18(i), (j).

<sup>327</sup> *Id.* ¶18(r)-(v).

<sup>328</sup> Superseding Indictment ¶6, *United States v. Talley*, No. 8:13-cr-00028 (M.D Fla. Sept. 12, 2013).

<sup>329</sup> Government Sentencing Memorandum ¶1.2, ECF 56, *United States v. Dragoni*, 8:14-cr-94 (M.D. Fla. July 9, 2014).

“could have military applications,” and the judge agreed that it “‘could be dangerous’ in Iran, whether controlled by the government or by Irancell.”<sup>330</sup>

350. The Patsa-Akbari-Patco procurement scheme was not MTN’s only effort to acquire embargoed U.S. equipment. Concurrently with the establishment of the Patsa relationship, MTN also engaged Shabakkat Cellular, an Iranian subsidiary of a Kuwaiti company established concurrently with Irancell in 2005 and known to provide services to MTN Group.<sup>331</sup>

351. In August 2012, *Reuters* reported that “MTN [Group] decided to hand over the procurement of many U.S. parts to … Shabakkat,” which obtained and provided to Irancell equipment identified by MTN, including (among other items) U.S.-origin Cisco routers and switches and Sun hardware, which it shipped in from Dubai. According to internal MTN documents described by *Reuters* in June 2012, MTN’s use of “innovative mechanisms”—that is, deliberate sanctions evasion—to obtain U.S. technology was necessary because “the hardware platforms required” in Irancell’s data center—operated by AHS and controlled by the IRGC-IO intelligence officers—“are of US origin and therefore fall afoul of the U.S. embargo.”

352. Shabakkat utilized a shadowy company called “Exit40” to obtain at least some U.S.-origin technology from the United States. Established in 2003, Exit40 boasted on its website that its “procurement executives source hard to find or locally constrained products for customers.” The company initially claimed offices in Switzerland, Dubai, and India. In 2004—concurrently with MTN’s initial efforts to win the Irancell license—it established a fourth office in the United States, which it used to source U.S.-origin technology for ultimately delivery to

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<sup>330</sup> Rowan Philp & Craig McKune, *US Trial Turns Heat On MTN*, *Mail & Guardian* (Feb. 15, 2013), <https://mg.co.za/article/2013-02-15-00-us-trial-turns-heat-on-mtn-1/>

<sup>331</sup> <https://www.shabakkat.com/> (last visited August 2, 2025) (noting founding date of 2005 and identifying MTN as one of several telecommunications companies to which Shabakkat has “provided services and turnkey solutions”).

Irancell. Exit40's involvement in MTN's sanctions-evading procurement network was a closely guarded secret: according to Reuters, Shabakkat employees were counseled never to speak of Exit40 or its role in obtaining U.S. goods for Irancell.

353. Later, when MTN collaborator Huawei Co. sought its own mechanism for smuggling embargoed U.S. technologies into Iran, MTN Group "advised Huawei on setting up the structure" for such an operation, as *Reuters* reported in 2019. The result of that advice was Skycom, which the U.S. government has described as "an unofficial subsidiary" of Huawei used "to obtain otherwise prohibited U.S.-origin goods, technology and services ... for HUAWEI's Iran-based business while concealing the link to HUAWEI."<sup>332</sup> Both Huawei and Skycom are currently under indictment in the Eastern District of New York for this and related conduct. MTN Group and Irancell work closely with Huawei in Iran and elsewhere, and on information and belief, MTN Group—like Huawei—used Skycom to source embargoed technology from the United States for use by Irancell and its IRGC-front owners until Skycom's dissolution in 2017.

354. Because MTN Group and MTN Group employees were responsible for both identifying the products and technologies needed for Irancell's operations and for specifically approving all Irancell's procurement expenses, it necessarily knew of and approved the large-scale effort to circumvent the U.S. sanctions regime.

## **2. MTN's Illicit Procurement Scheme Enabled IRGC- and Hizballah-sponsored Terrorist Attacks on Americans**

355. The embargoed dual-use technologies that MTN procured for its IRGC partners were essential to the IRGC's and Hizballah's terrorist communications, surveillance, bombmaking, rocket attacks, intelligence gathering, and project management—everything those

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<sup>332</sup> Third Superseding Indictment, ECF No. 126, *United States. v. Huawei Techs. Co., Ltd.*, Case No. 1:18-cr-00457 (E.D.N.Y. Feb. 13, 2020).

groups needed to coordinate attacks with their Axis of Resistance proxies against Americans in the Middle East. By helping to revolutionize the IRGC’s communications capabilities, MTN helped the terrorists better conceal their communications with their Hizballah and Axis of Resistance proxies to make it difficult for American counter-terror forces to monitor the joint cells attacking Americans in Iraq and Afghanistan.

356. By making it easier for the terrorists to securely communicate with one another, MTN made it easier for them to attack Americans—and they did. MTN accomplished this “communications concealment” assistance to the IRGC and its terrorist proxies in at least three ways. *First*, MTN acquired advanced American-made encryption technologies for the IRGC, Hizballah, and their Axis proxies. The terrorists used the MTN-acquired, U.S.-manufactured and embargoed technologies to encrypt their communications, making attacks more difficult for U.S. forces to avoid. *Second*, MTN obtained advanced computing, software, and network technologies for the IRGC, Hizballah, and their Axis proxies. Whether those technologies remained with Irancell—which was heavily staffed with and controlled by IRGC-IO intelligence officers—or were passed to the IRGC or Hizballah directly, they contributed to both the terrorists’ cryptographic countermeasures and their logistical, planning, surveillance, and targeting capabilities. *Third*, MTN lied to the U.S. government about its ongoing cooperation with and work on behalf of the IRGC and Hizballah. This furthered the terrorist campaign by preventing the U.S. government from knowing and understanding what technology the terrorists had, and when it was obtained.

357. When MTN helped the IRGC and Hizballah evade U.S. antiterrorism sanctions through Irancell, it directly enabled terrorist attacks committed or sponsored by the IRGC, Hizballah, and their Axis proxies. The United States has made clear that the U.S. “antiterrorism

controls” that MTN deliberately helped the IRGC and Hezbollah (through Irancell, the Foundation for the Oppressed, and IEI) violate “are intended to prevent acts of terrorism” by “limit[ing] the availability of [controlled] goods for use in support of international terrorism.”<sup>333</sup> And specifically with respect to Iran, “[t]he purpose of the controls is to restrict exports of equipment that would be useful in enhancing Iran’s . . . terrorist supporting capabilities.”<sup>334</sup> When MTN helped the IRGC and Hezbollah use Irancell to ensure that such U.S.-origin goods were exported or reexported to “sensitive end-users in a designated terrorist-supporting country” like “Iran” via Irancell, MTN “enhance[d] [Iran’s] ability to support acts of international terrorism.”<sup>335</sup> The U.S. “antiterrorism controls” applicable to Iran and their attendant above findings and purposes covered, *inter alia*, certain “[m]obile communications equipment” and “microprocessors”<sup>336</sup>—at least one (if not both) of which MTN helped route to the IRGC.

358. MTN knew that its unlawful procurement scheme would funnel embargoed U.S. technology to the IRGC and its terrorist proxies. In 2012, for example, MTN Group’s CEO admitted to the *Wall Street Journal* that “What the [Iranian] government decides to do with that equipment is not in our hands. We cannot say who they listen to and when.”

359. MTN Group has also admitted that providing IT and communications technologies to terrorists foreseeably enables terrorist attacks. In 2018, for example, MTN admitted that, “digital technology” has “created concerns regarding . . . potential impacts on

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<sup>333</sup> U.S. Dep’t of Comm., *2004 Report on Foreign Policy-Based Export Controls*, 31 (Jan. 2004).

<sup>334</sup> *Id.* at 46.

<sup>335</sup> U.S. Dep’t of Comm., *2012 Report on Foreign Policy-Based Export Controls, Chapter 4: Anti-Terrorism Controls*, 36-37 (Jan. 2012).

<sup>336</sup> U.S. Dep’t of Comm., *2004 Report on Foreign Policy-Based Export Controls*, 28 (Jan. 2004).

national security[] in countries around the world ... [including] the concern about the spread of terrorism using digital communications.”<sup>337</sup>

#### **D. MTN Directly Assisted IRGC and Hizballah Operations**

360. Consistent with Defendants’ contractual obligations to support the IRGC’s “security” agenda, MTN’s headquarters in Tehran and Irancell’s data center were heavily staffed with IRGC intelligence personnel. First-hand accounts have described a shadowy “second floor” in MTN’s building populated by military intelligence officials, the IRGC volunteer militia known as the Basij (“morality police”) and clerics and stated that the data center is “is effectively run by the military and military intelligence.”<sup>338</sup>

361. The IRGC and Hizballah have used MTN and Irancell to source intelligence for attacks through their full access to Irancell’s data warehouse, which is owned by MTN and operated by a third-party provider in South Africa, and to the data-mining technologies of its operator.<sup>339</sup> The IRGC and Hizballah utilized Irancell’s data to identify, track, surveil, and target telecom users both inside Iran and elsewhere in the Middle East where Irancell mobile phones were in use, including Iraq and Afghanistan.

362. In addition, Irancell’s cellular towers provided the IRGC with valuable signals intelligence, often for a great distance from the towers—allowing the IRGC to use them as a form of early-warning system to detect movement on the other side of the border in Iraq and Afghanistan. This enabled the IRGC, Hizballah, and their Axis of Resistance proxies to more easily identify targets, launch attacks, smuggle weapons, and more. Irancell coverage plots—*i.e.*,

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<sup>337</sup> MTN Group, *Annual Sustainability Report For The Year Ended 31 December 2017*, 41 (Mar. 2018).

<sup>338</sup> Craig McKune & Sharda Naidoo, *Iran ‘Puts the Screws’ on MTN*, Mail & Guardian (Apr. 5, 2012).

<sup>339</sup> *Id.*

maps of where Irancell towers were located, some of which Irancell CEO Alireza Dezfouli presented in his “roadshow” presentation for Irancell—revealed Irancell’s commercially inexplicable emphasis on placing cell towers along Iran’s borders with Iraq and Afghanistan, even though such areas were generally sparsely populated, in order to enable the IRGC to better monitor the movement of U.S. and Coalition personnel in Iraq and Afghanistan. According to written accounts by U.S. Special Forces personnel, the IRGC used Irancell data towers along both borders to “ping” U.S. servicemembers’ and civilians’ phones to geolocate, track, and target them for terrorist attacks. MTN knew about and assisted the establishment, maintenance, and use of these commercially inexplicable cell towers.

363. In addition, Defendants provided their IRGC partners with access to business intelligence software known as FACTS and NMS used to support IRGC surveillance

364. As early as 2004, MTN Group created a UK-based shell company called Surizon. Surizon’s co-owners, its CEO, and “head of international business development” were previously members of MTN Group’s founding board, including its General Counsel and the architect of its international expansion. Surizon’s primary products were two software applications: Fast Access to Content, Trends and Statistics (“FACTS”) and Network Management System (“NMS”). FACTS was, and still is, an “intelligence system.” NMS enables companies to manage and monitor networks like Irancell’s and TCI’s, which have a mix of incompatible US, European, and Chinese-supplied hardware, enabling them to supply meaningful data to FACTS.

365. According to statements by Surizon and multiple MTN and Irancell employees, Surizon’s products were, in essence, interfaces and data manipulation scripts wrapped around U.S.-origin technologies created by, *inter alia*, Oracle, Roambi, and BMC. On information and

belief, between 2006 and 2007, Surizon and MTN Group ‘negotiated’ a “21-country deal” to provide “FACTS... across all MTN Group operators.”

366. Surizon and MTN Group customized and deployed FACTS and NMS to each of MTN Group’s operating companies, including in Sudan, Syria, and Iran, and specifically including the companies whose facilities are integrated into Iran’s transnational signals intelligence network.

367. The U.S.-origin technologies used by Irancell and supplied by MTN, enabled the IRGC to collect surveillance data and deliver intelligence in real time to terrorist agents in the field via smart phone applications. Use of the U.S.-origin technology, as provided by MTN, allowed the terrorists to monitor, track, and target Americans. Indeed, the U.S.-origin technologies enabled FACTS users and Iranian third parties to receive text message alerts under user-specified conditions, and to access network data, including interactive maps of subscriber activity using their smart phones, and to query and mine the data its network operations centers collected (which themselves were also based on U.S.-origin technologies).

#### **E. Defendants Knew Their Involvement in Irancell Aided Terrorist Attacks**

368. A wide array of information sources alerted MTN of the close connections between MTN’s conduct and IRGC- and Hizballah-sponsored attacks targeting the United States before and during MTN’s participation in the Irancell joint venture. Representative examples are set forth below, without the benefit of discovery, which is likely to yield further examples.

369. MTN knew that by partnering with Iran, and providing Iran with resources and funds, it was supporting Hizballah—as internal MTN documents show MTN knew, as early as 2006, that Hizballah was “*strongly supported by Iran*” and that Syria was a “*key transit point for Iranian assistance to Hezbollah*.” MTN was also aware, at this time, that the Taliban in Afghanistan “has made large parts of the country outside of Kabul a killing field for Afghani

[sic] and NATO military forces as well as civilians.” When referring to the “Impact on MTN” from “Middle East Conflict” in Lebanon, MTN made note of the risk of “another attack by Israel on Hezbollah,” without any acknowledgment of risks posed by Hezbollah itself. In Iran, MTN described the impact on MTN as a “security threat to MTN personnel and the assets of the operational entity should America ... decide to attack.” And the same slide refers to the Taliban as a “[c]ontinuous security threat to MTN personnel and implementation contractors.”<sup>340</sup>

370. This same presentation makes clear that MTN knew by participating in the Irancell joint venture, it was partnering with the IRGC. MTN goes so far as to state, when describing the Irancell timeline, “*The defining characteristic of this transaction was the political forces that were marshalled in support of MTN and it can therefore be concluded on an unequivocal basis that MTN’s entry into the Islamic Republic of Iran was at its core due to political decisions taken at the highest levels in Iran.*”<sup>341</sup>

371. From the beginning, Defendants knew from public reports that their majority owner of IEDC, the Foundation for the Oppressed, was a front for the IRGC and Hezbollah that funneled money and weapons for those terrorist groups and engaged in widespread sanctions evasion on their behalf.

372. From 2002 through early 2003, while MTN was preparing to do business in Iran with notorious IRGC fronts, a torrent of warnings reported by the United States alerted MTN that the Terrorist Sponsors posed an escalating threat to the United States throughout the Greater Middle East, which supplied key context for MTN’s ultimately successful attempt to partner with the IRGC and Hezbollah through Irancell. Such reports included, but were not limited to:

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<sup>340</sup> MTN Group, “Middle East and Iran,” (December 2006) (MTN 000000949, at -949 to -953).

<sup>341</sup> MTN Group, *Middle East and Iran*, at 3 (Dec. 2006), republished in MTN Group, Hoffmann Report, Appendices, 149-51.

- a. In January 2002, DOD warned that “Iran” had “longstanding hostility toward the United States” “sponsor[ed] … terrorists.”<sup>342</sup>
- b. In May 2002, State warned that “Supreme Leader Khamenei continued to refer to Israel as a ‘cancerous tumor’ that must be removed. Matching this rhetoric with action, Iran continued to provide Lebanese Hizballah … with varying amounts of funding, safehaven, training, and weapons … [and] encouraged Hizballah … to coordinate [its] planning [with other IRGC proxies] and to escalate their activities.”<sup>343</sup>
- c. In September 2002, Commerce warned that the U.S. government’s “Iran [] controls respond to the continued Iranian sponsorship of terrorism” and are intended “to restrict exports of equipment that would be useful in enhancing Iran’s … terrorist supporting capabilities” by “allow[ing] the United States to prevent shipments of U.S.-origin equipment to Iran for uses that could pose a direct threat to U.S. interests” given that “Iran continues to support groups that practice terrorism.”<sup>344</sup>
- d. In February 2003, the White House published America’s *National Strategy for Combating Terrorism*, which warned that “state sponsorship of terrorism” by “Iran” meant that it was “important” to “understand how terrorists and their supporters may use legitimate means of communications” for “illegal activities,” and that “[s]ensitive technology in the hands of terrorists can be just as damaging to our war efforts as weapons and financing.”<sup>345</sup>

373. During the period from after the United States overthrew Saddam Hussein’s regime in Iraq in March 2003 through when Defendants officially partnered with the Foundation for the Oppressed and IEI in Irancell in November 2005, the United States regularly warned that the Terrorist Sponsors were using Iranian resources, groups, and entities they controlled, including the Supreme National Security Council, to actively support Hizballah attacks targeting the United States in Iraq, just like the Terrorist Sponsors had long done for Hizballah throughout the world. Indeed, even when MTN merely reviewed State’s two annual reports on terrorism

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<sup>342</sup> U.S. Dep’t of Def., *Excerpts of Classified Nuclear Posture Review*, 4 (Jan. 2002).

<sup>343</sup> U.S. Dep’t of State, *Patterns of Global Terrorism: 2001*, 65 (May 2002).

<sup>344</sup> U.S. Dep’t of Comm., *2002 Report on Foreign Policy Export Controls, Chapter 4: Anti-Terrorism Controls*, 40 (Sept. 2002).

<sup>345</sup> White House, *National Strategy for Combating Terrorism*, 18, 22 (Feb. 1, 2003).

published during this period in June 2004 and April 2005, respectively, MTN was alerted as the following U.S. government findings relevant to MTN's Iran decisions.

- a. Iran as Worst State Sponsor of Terrorism. In 2004, State warned: "Iran remained the most active state sponsor of terrorism in 2003."<sup>346</sup> In 2005, State warned that "Iran remained the most active state sponsor of terrorism in 2004."<sup>347</sup>
- b. IRGC and MOIS Sponsorship of Attacks by Hizballah. In 2004, State warned that "Islamic Revolutionary Guard [Corps] and Ministry of Intelligence and Security personnel were involved in planning and support for terrorist acts. Although Iran detained al-Qaida operatives in 2003, it refused to identify senior members in custody. Tehran continued ... providing logistic support and training to Lebanese Hizballah."<sup>348</sup> In 2005, State warned that the "Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security were involved in the planning and support of terrorist acts and continued to exhort a variety of groups to use terrorism in pursuit of their goals,"<sup>349</sup> and that, among state sponsors of terrorism, "Iran" was "of special concern for" the Iran's "direct, open, and prominent role in supporting Hizballah," for Iran's "unhelpful actions in Iraq," among other reasons.<sup>350</sup>
- c. Key Impact of State Sponsorship on Terrorists' Threat to United States. In 2004, State warned: "State sponsors of terrorism impede the efforts of the United States and the international community to fight terrorism. These countries provide a critical foundation for terrorist groups. Without state sponsors, terrorist groups would have a much more difficult time obtaining the funds, weapons, materials, and secure areas they require to plan and conduct operations."<sup>351</sup>
- d. U.S. Judgment that Iranian WMD and Missiles Posed a High Terrorist Threat. In 2005, State warned that "Iran continue[d] to embrace terrorism as an instrument of policy" and, in such context, the "[m]ost worrisome" state-sponsored terrorism threat was that posed by "Iran" because, in addition to being a state sponsor of terrorists like Hizballah, Iran "also" had "the capabilities to manufacture weapons of mass destruction and other destabilizing technologies that could fall into the hands of terrorists."<sup>352</sup>

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<sup>346</sup> U.S. Dep't of State, *Patterns of Global Terrorism: 2003*, 86 (June 2004).

<sup>347</sup> U.S. Dep't of State, *Country Reports on Terrorism 2004*, 88 (Apr. 2005).

<sup>348</sup> U.S. Dep't of State, *Patterns of Global Terrorism: 2003*, 86 (June 2004).

<sup>349</sup> U.S. Dep't of State, *Country Reports on Terrorism 2004*, 88 (Apr. 2005).

<sup>350</sup> *Id.*

<sup>351</sup> U.S. Dep't of State, *Patterns of Global Terrorism: 2003*, 86 (June 2004).

<sup>352</sup> U.S. Dep't of State, *Country Reports on Terrorism 2004*, 5 (Apr. 2005).

374. Iranian announcements during the same 2002-2004 period also alerted MTN. In 2002, for example, Khamenei publicly reiterated his direct involvement in operational planning when he emphasized his efforts to promote the IRGC's and MODAFL's use of the Supreme National Security Council process to procure arms to wield against the Great Satan.<sup>353</sup> In 2003, likewise, Iran's President conspicuously adopted the Logistics Policy Directive, which supplied a potent new pipeline of regulated, percentages-based, revenue recycling within Irancell, the Foundation for the Oppressed, Iran Electronics Industries, and IEDC in which profits directly flowed back to finance operations, just as the IRGC and Hizballah were ramping up opposition to the United States in Iraq.

375. Defendants also knew that MODAFL—the ministry charged with arming and equipping the IRGC—was the “key player” in winning the Irancell bid,<sup>354</sup> and knew that their proposed joint venture partner IEI was also a weapons manufacturer that provided key weapons systems to the IRGC.

376. Defendants knew that their immediate counterparties in the negotiations with their Iranian partners—including Ali Shamkhani, Hassan Rouhani, Ebrahim Mahmoudzadeh, Mohammad Forouzandeh, and Mohammed Mokhber—were senior IRGC officers who played a direct role aiding attacks by the IRGC and Hizballah through one or more of funds, arms, operational support, or recruiting, and directly sponsored attacks targeting the United States.

377. Defendants knew that their IRGC-front counterparties preferred MTN over Turkcell because of MTN's expressed willingness to cooperate on “security” and “defense”

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<sup>353</sup> See, e.g., Vision of the Islamic Republic of Iran (July 31, 2002), quoted in BBC Newsfile, *Iran's Joint Chief Of Staff Says Military Ready To Defend Country Against USA* (July 31, 2002).

<sup>354</sup> MTN Group, Consolidated Report on Iran Visits, at 3 (July 21, 2004), quoted in MTN Group, Hoffmann Report, ¶79.

matters, and that MTN was allowed back into the bidding process “in exchange for defence co-operation.”<sup>355</sup>

378. Defendants knew that under their License Agreement, they were contractually required to “take all measures and provide any facilities necessary to comply with the requirements of national defense and public security”<sup>356</sup>—an obligation that in Iran necessarily required complicity in IRGC terrorism.

379. No later than 2007, Defendants knew that the U.S. had designated the IRGC-QF as a Specially Designated Global Terrorist for providing material support to terrorist groups in Afghanistan and Iraq, including Hizballah, and that in that designation Treasury warned multinational corporations, that the designations served to “notify the international private sector of the dangers of doing business with ... the many IRGC-affiliated companies that pervade several basic Iranian industries.”<sup>357</sup>

380. By 2008, Defendants knew that senior members of IEDC and IEI, including Mahmoudzadeh, had been designated under counter-proliferation authorities for their involvement in Iran’s ballistic missile and WMD programs.

381. As of today, MTN continues its relationship with the IRGC. Even after the United States designated the IRGC as an FTO on April 19, 2019, MTN refused to acknowledge any

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<sup>355</sup> Memorandum from Chris Kilowan to Phuthuma Nhleko, March 25, 2007, included as an exhibit (ECF 1-3) to the Turkcell complain MTN Group Ltd. and MTN Int’l (Mauritius) Ltd., *Hoffmann Report*, ¶ t. The Hoffman Report appears to validate the authenticity of this memorandum. See Hoffman Report ¶250 n.257.

<sup>356</sup> License Agreement for Mobile (GSM Communications Network and Services Between the Ministry of Communications and Information Technology of the Islamic Republic of Iran and Irancell Telecommunications Services Company, § 8.7 (Nov. 23, 2005), republished in MTN Group, Hoffman Report, Appendices, 475-76.

<sup>357</sup> U.S. Dep’t of Treas., *Fact Sheet: Designation of Iranian Entities and Individuals for Proliferation Activities and Support for Terrorism* (Oct. 25, 2007).

need to change its business practices in Iran for more than a year, instead rolling out a host of new offerings designed to *increase revenue* flowing to Irancell and, by extension, the two newly-designated-FTO-fronts that controlled Irancell.

382. On August 6, 2020—*475 days after the IRGC’s FTO designation*—MTN announced that it was exiting the Middle East. Even then, however, MTN refused to condemn the IRGC refused to promise a rapid withdrawal from its terrorist joint venture, Irancell, and merely offered a blithe promise that MTN would eventually exit Irancell in four or five years (*i.e.*, sometime in 2024 or 2025).

383. MTN’s ongoing refusal to immediately and unconditionally (as in weeks, not months or years) exit its joint venture with fronts for the IRGC even after the IRGC had been designated as an FTO in 2019, and nearly every other multinational corporation had withdrawn from such joint ventures with Iranian fronts nearly a decade earlier, further confirms that MTN meant to support Iran-backed terror all along.

#### **IV. MTN Independently Assisted Sunni Proxies’ Terrorist Attacks Through Its Operations In Afghanistan**

384. MTN’s joint venture in Iran was not its only foray into “nations dealing with war, sanctions and strife.”<sup>358</sup> In mid-2006, MTN Group bought Areeba, a Lebanese telephone company that had recently won a license to provide cellular-telephone service in Afghanistan. MTN entered the market shortly thereafter and began as the country’s third-largest provider (consistent with its status as the third entrant). MTN grew quickly, and by late 2010 it had obtained an estimated 32% market share—the largest of Afghanistan’s then-five cellular-phone providers. As MTN grew, it rebranded Areeba as MTN Afghanistan, and it expanded its

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<sup>358</sup> Alexandra Wexler, *Telecom Giant Pushes Into Dangerous Areas*, Wall St. J. (Aug. 10, 2019).

geographical footprint. By 2012, MTN had a presence in virtually every province in Afghanistan, including many under Taliban control or influence.

385. As in Iran, MTN's<sup>359</sup> success in Afghanistan depended on its cultivation of anti-American terrorists—in this case, the al-Qaida-Taliban Syndicate, which by 2006 was aggressively attacking American, Coalition, and Afghan government targets all over Afghanistan. Faced with sophisticated U.S. electronic surveillance and tracking efforts, the terrorists needed MTN's help to hold their own against the Coalition's counterinsurgency campaign—and they got it.

**A. Defendants Key Role In The Taliban's, Including The Haqqani Network's, Terrorist Enterprise in Afghanistan**

386. MTN's direct assistance to the al-Qaida-Taliban Syndicate took at least two distinct forms: direct financial contributions in the form of protection payments and tactical cooperation with terrorist requests to shut down cellular service.

**1. Protection Payments**

387. While MTN was achieving rapid growth in Afghanistan, the cellular-telephone sector provided a critical source of financing for the Taliban: protection rackets. Cellular “operators or their contractors routinely disburse[d] protection money to Taliban commanders in dangerous districts. That's usually in addition to cash that's openly passed to local tribal elders to protect a cell-tower site – cash that often also ends up in Taliban pockets.”<sup>360</sup> Coalition officials

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<sup>359</sup> Plaintiffs use the term “MTN” in this section to refer collectively to the MTN family of companies. Unless otherwise specified, when Plaintiffs use that term to describe MTN's conduct in Afghanistan, “MTN” refers to conduct that was implemented on the ground by MTN Afghanistan and approved by both MTN Group.

<sup>360</sup> Yaroslav Trofimov, *Cell Carriers Bow To Taliban Threat*, Wall St. J. (Mar. 22, 2010) (“*Cell Carriers Bow To Taliban Threat*”).

“confirm[ed] that carriers make payments to the Taliban.”<sup>361</sup> As terrorist-financing expert Thomas Ruttig documented, just as the Taliban raised “taxes” from international contractors doing business in Afghanistan, so too did it levy similar “taxes” on “the big telecom companies” like MTN.<sup>362</sup>

388. Specifically, the Taliban asked MTN to “pay monthly protection fees in each province, or face having their transmission towers attacked.”<sup>363</sup> The going rate was “usually in the range of \$2,000 per tower, per month, but it depends on who controls the zone around each tower.”<sup>364</sup> In some areas, MTN made payments to local Taliban commanders in exchange for protection. In others—such as Helmand and Kandahar—MTN operated in a Taliban-controlled environment in which protection “payments must go directly to Quetta”—referring to the city in Pakistan where the Quetta Shura Taliban—the Taliban’s senior leadership council responsible for coordinating Taliban military and political strategy and parsing out funds to operational cells—resided.

389. The Taliban conveyed its protection-money demands to MTN and other large cellular-phone providers via Night Letters. Dr. Barnett Rubin, an Afghanistan policy expert, obtained a copy of one such letter in 2008 from an industry source and explained why “[s]etting up a cell phone tower anywhere in Afghanistan requires the consent of whoever ‘controls’ the territory, or at least has the power to blow [it] up.”<sup>365</sup> As a result, cellular-phone companies in

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<sup>361</sup> *Id.*

<sup>362</sup> Thomas Ruttig, *The Other Side* at 20, Afghanistan Analysts Network (July 2009) (“Ruttig, *The Other Side*”).

<sup>363</sup> *Crime & Insurgency* at 32.

<sup>364</sup> *Id.*

<sup>365</sup> Barnett Rubin, *Taliban & Telecoms – Secret Negotiations Just Got Easier, And At A Price You Can Afford!* (Mar. 31, 2008), [icga.blogspot.com/2008/03/rubin-taliban-and-telecoms-secret.html](http://icga.blogspot.com/2008/03/rubin-taliban-and-telecoms-secret.html).

southern Afghanistan – where MTN had a heavy presence – typically believed they “ha[d] to pay the Taliban.”<sup>366</sup> The *Financial Times* likewise reported in 2008 that Taliban commanders in Wardak Province had “sent letters to mobile phone companies demanding ‘financial support’ in return for operating” in Taliban-run areas.<sup>367</sup> Those tactics were successful. One industry source estimated in 2009 that “every single one of the shadow provincial governors set up by the Taliban leadership council receives \$50,000 to \$60,000 in protection money each month alone from the telecommunications sector, the largest legal growth market in Afghanistan.”<sup>368</sup>

390. The Taliban itself confirmed that practice. After the *Financial Times* obtained a copy of a Taliban Night Letter demanding protection payments from cellular-phone companies in Wardak Province, the reporter called the telephone number listed as the point of contact in the Taliban’s letter. A “local Taliban official” answered and confirmed that “two companies had responded to their demands” by agreeing to pay. On information and belief, MTN was one of them. The Taliban official explained: “When a company sets up they have to pay tax to the government of Afghanistan. . . . We are the government here and they must pay tax to us.”<sup>369</sup>

391. MTN was a particularly aggressive practitioner of protection payments. Rather than invest in expensive security for its transmission masts, MTN purchased cheaper “security” by buying it from the Taliban. Indeed, MTN declined to use armed guards to protect its towers. Without paying for physical security, MTN had both the free cash flow and the incentive to buy peace with the Taliban. The CEO of one of MTN’s largest competitors, Roshan, alleged as much in 2008. According to an interview the CEO gave to the *Financial Times*, other “phone

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<sup>366</sup> *Id.*

<sup>367</sup> Jon Boone, *Telecom Chief Says Rivals Pay Taliban Protection*, Fin. Times (June 9, 2008) (“*Rivals Pay Taliban Protection*”).

<sup>368</sup> *How The Taliban Has Turned Extortion Into A Gold Mine*.

<sup>369</sup> *Rivals Pay Taliban Protection*.

companies in Afghanistan [were] bowing to criminal and Taliban demands to pay protection money to avoid the destruction of their transmission masts.”<sup>370</sup> In the interview, Roshan’s CEO continued: “I believe the competition is paying money, but we don’t do that.”<sup>371</sup> Of Roshan’s four largest competitors, three of them denied the accusation on the record. Only “MTN, the South African based multinational phone company, was not available for comment.”<sup>372</sup>

392. MTN’s public statements reflect its practice of paying protection money. Because MTN paid the Taliban, it was, in its own words, “‘not a target.’”<sup>373</sup> According to an MTN Afghanistan executive, “it’s enough for a driver to show at a Taliban checkpoint a company letter stating that equipment aboard the truck belongs to MTN and not to the U.S. forces.”<sup>374</sup>

393. MTN negotiated its protection payments in direct discussions between MTN Afghanistan’s security department and Taliban commanders. MTN’s security department consisted of roughly 600 total staff in Afghanistan, which included both local Afghan employees of MTN Afghanistan and a South African security component from MTN Group. The security department consisted of three different layers: provincial, regional, and a Tactical Operations Center in Kabul. Security personnel throughout those levels orchestrated payoffs to the Taliban. For example, one high-ranking MTN Afghanistan official conducted at least 38 telephone negotiations (which he recorded) with Taliban officials from 2007-2014, in which he engaged in so-called “security coordination” with the insurgency. The MTN employees who witnessed those conversations knew they were illegal, so they typically went to the roof of MTN Afghanistan’s

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<sup>370</sup> *Id.*

<sup>371</sup> *Id.*

<sup>372</sup> *Id.*

<sup>373</sup> *Cell Carriers Bow To Taliban Threat.*

<sup>374</sup> *Id.*

Kabul headquarters building—where they could maintain absolute privacy—to conduct their Taliban negotiations in secret. In addition, on at least one occasion, MTN negotiated its payments at an in-person meeting held with Taliban officials near Quetta, Pakistan. MTN employees in Afghanistan understood that those negotiations involved MTN agreeing to make both cash payments and in-kind bribes (including equipment) to the Taliban.

394. The ATFC gathered evidence from 2008-2012 confirming MTN Afghanistan’s practice of paying off the Taliban. The ATFC generated intelligence products, memorialized in DEA Form 6’s and Intelligence Information Reports, describing the common practice among Afghan telecommunications firms of paying the Taliban. According to the ATFC’s evidence, MTN Afghanistan was the worst offender of all the companies. The ATFC confirmed MTN Afghanistan’s frequent insurgent payments both in interviews with MTN employees and in wire intercepts collected by the Afghan government’s Sensitive Investigative Unit. In witness interviews with ATFC investigators, MTN employees admitted that MTN Afghanistan paid insurgents not to threaten its cell towers. They justified those payments by appealing to MTN’s commercial interests: MTN sources told the ATFC that it was cheaper to pay the Taliban than it would have been to rebuild the towers in the face of Taliban threats.

395. MTN’s practice of making protection payments to the Taliban extended to the Haqqani Network. Under Sirajuddin Haqqani’s leadership, the Haqqani Network was responsible for collecting “taxes” from Afghanistan’s telecom companies, which were the single largest (legal) industry and tax base in Afghanistan—and thus a key source of funding and power for the Taliban and al-Qaida, both of which were effectively led by Sirajuddin Haqqani in Afghanistan and Pakistan.

396. From at least 2010 through 2016, MTN operated towers in Haqqani-controlled territory in southeast and eastern Afghanistan, and it purchased security for those towers by paying the Haqqani Network. The Network's chief financial operative, Nasiruddin Haqqani, oversaw those payments, and they typically occurred on a semi-annual basis.

397. The U.S. government strongly opposed MTN's practice of paying the Taliban. ISAF's leadership was aware of cell-phone companies making protection payments to the Taliban and pressured the companies to stop. On information and belief, the U.S. government exerted that pressure in direct discussions between the U.S. government and MTN, and also through the Afghan Ministry of Communications. On one occasion, an ISAF commander raised the issue directly with President Karzai. In such conversations, ISAF's leadership specifically rejected the argument that protection payments represented an acceptable price of MTN maintaining its network in Afghanistan. ISAF and the Afghan government warned MTN Afghanistan that its business practices were supporting the insurgency and were threatening Coalition forces, and both entities instructed MTN to stop. MTN refused.

398. MTN supplied the Taliban with more substantial assistance than its competitors did. MTN's 2006 entry into Afghanistan set the stage for the Taliban's cellular-tower rackets by adding another participant to the Afghan cellular marketplace. Until that point, the Taliban's ability to extract money from the two incumbent providers had been limited. Once MTN emerged in 2006, it became the third cellular company in Afghanistan, which gave the Taliban additional leverage to execute on its protection racket. That is because, with MTN agreeing to pay the Taliban, the Taliban was free to follow through on its threats against other companies without the risk that doing so would cut off all cellular service in Afghanistan—service on which

the Taliban itself relied. Indeed, because Taliban fighters commonly preferred to use MTN's network for their own communications, the Taliban did not want to destroy MTN's network.

399. A review of available cell-tower attack data supports the same conclusion.

Plaintiffs have analyzed all of the available purported U.S. military Significant Activities reports, as published online, that describe attacks between 2004 and 2010 against or in the immediate vicinity of a cellular tower in Afghanistan. The data shows a clear disparity between MTN and its two main competitors, Roshan and Afghan Wireless Communication Company ("AWCC"). From 2004 to 2009, AWCC and Roshan suffered at least 6 and 7 attacks on their towers, respectively, whereas MTN—which did not even pay guards to protect its towers—faced only 1 (non-lethal) attack. The disparity is consistent with Roshan's accusation that MTN paid protection money to the Taliban.

400. That attack disparity existed despite MTN's and Roshan's deployment of transmission masts at similar times in similar locations. For example, Roshan's CEO cited to the *Financial Times* an instance on May 14, 2008, in which the Taliban attacked one of Roshan's towers in Wardak Province, yet two similar nearby towers (including one belonging to MTN) were not attacked.<sup>375</sup> The most likely explanation for the difference is that MTN had paid protection money, whereas Roshan had not. Indeed, in 2009, Roshan maintained company rules that prohibited it from paying protection money to terrorists. Because Roshan refused to pay, the Taliban destroyed 18 of Roshan's towers in and around the 2009 Afghan elections.

401. The senior MTN Afghanistan security official who oversaw many of MTN Afghanistan's protection payments to the Taliban reported directly to the head of MTN Group's head of business risk management, in Johannesburg, South Africa. MTN Group was specifically

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<sup>375</sup> *Rivals Pay Taliban Protection.*

aware of, and approved, MTN Afghanistan’s practice of paying the Taliban for security. In fact, MTN Group compensated MTN Afghanistan’s security team with cash bonuses reflecting its success at resolving “security issues” involving the Taliban. Those bonuses typically had three levels: Level 1 (\$1,500, for local operatives); Level 2 (\$5,000, for regional operatives); and Level 3 (\$10,000, for national operatives). The head of MTN Afghanistan’s security group received roughly \$66,000 in such bonuses during the relevant timeframe, which specifically compensated him for negotiating with the Taliban successfully. MTN Group even gave him an award for best “display[ing] the Group’s values in MTN Afghanistan.”

402. MTN’s overall payments to the Taliban reached tens, if not hundreds, of millions of dollars. Applying the standard rate of \$2,000 per tower per month to MTN’s collection of roughly 1,300 towers yields an estimated payment of \$2.6 million per month. At that rate, MTN’s payments from 2006 through 2012 surpassed \$100 million.

403. The logic behind MTN’s payoffs to the Haqqani Network matched the logic motivating MTN’s joint venture with the IRGC. MTN Group, Phuthuma Nhleko, and Irene Charnley intended to harm American interests in Afghanistan (like Iraq), and supporting the Taliban allowed them to do so. MTN Group, Phuthuma Nhleko, and Irene Charnley caused MTN Group, through MTN Afghanistan and/or other MTN subsidiaries and affiliates, to route monthly protection payments to al-Qaida (via Sirajuddin Haqqani and his immediate family members) and the Taliban or face the risk that terrorists commanded by Sirajuddin Haqqani would destroy some of MTN’s cell phone towers.

## 2. Deactivating MTN’s Cellular Towers

404. MTN Group also provided material support to the Taliban by deactivating MTN Afghanistan’s cell towers at the Taliban’s request. In or about 2008, the Taliban began demanding that Afghanistan’s major cellular-phone providers switch off their towers at night.

The Taliban justified that demand by arguing that Coalition forces were “using the cellular networks to track its insurgents throughout the war-torn country.”<sup>376</sup> Coalition forces, a Taliban spokesman stated, were “misusing the cell towers for their intelligence works.”<sup>377</sup> Because the Taliban believed that shutting down nighttime service would impede Coalition intelligence efforts, it demanded that the cellular-phone companies deactivate their towers from 5 p.m. until 3 a.m. Later, the Taliban ordered that the companies keep their masts deactivated until 6:30 a.m.

405. MTN granted the Taliban’s requests. In early 2008, MTN Group issued a statement that it was “aware of reports of the Taliban communicating a need for mobile operations to be suspended at certain times during the night in sensitive areas. We are evaluating the situation and liaising with our executives and the relevant authorities in Afghanistan.”<sup>378</sup> The “executives” apparently decided to accommodate the Taliban’s “need” and shut down MTN’s transmission masts at night. When the Taliban ordered cellular-phone companies to “switch off the signal,” MTN Afghanistan’s head of legal and government affairs told the media: “We decided to obey the orders and we have been shut down since yesterday.”<sup>379</sup> Since 2008, MTN’s policy has remained consistent: it has followed the Taliban’s, including its Haqqani Network’s, directives and switched off its transmission masts for the Taliban’s benefit—typically at night.

406. MTN Group specifically instructed MTN Afghanistan to comply with the Taliban’s directives to switch off its cell towers at night. On information and belief, Phuthuma

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<sup>376</sup> Paul Vecchiatto, *MTN Concerned By Afghanistan Threats*, ITWeb Cape Town (Feb. 28, 2008) (“*MTN Concerned By Afghanistan Threats*”), <https://www.itweb.co.za/content/dgp45MaYRYZMX918>.

<sup>377</sup> Indira A.R. Lakshmanan, *Fighting The Taliban With Cellphones*, N.Y. Times (Mar. 23, 2010).

<sup>378</sup> *MTN Concerned By Afghanistan Threats*.

<sup>379</sup> Agence France Presse, *Taliban Shut Down Cell Phones In Afghan Province* (Mar. 24, 2011).

Nhleko personally decided on behalf of MTN Group to instruct MTN Afghanistan to make protection payments to the Taliban, including its Haqqani Network.

407. MTN Group, under Defendant Nhleko's leadership, shut down its towers for the same reason it paid protection money: because it favored the Taliban, including its Haqqani Network. MTN Group and Mr. Nhleko, through MTN Afghanistan, made no effort to hide their shared motivation in that regard. When asked about shutting down its network, MTN Afghanistan's head of legal and government affairs publicly stated that MTN could not be seen as taking sides between the Afghan government and the Taliban, including its Haqqani Network, but instead, MTN believed that it must remain purportedly "neutral" between the two.

408. Even MTN's claims of "neutrality" between the Afghan government and the Taliban terrorists targeting were another lie orchestrated by MTN Group: MTN explicitly favored its ally, the Taliban, and its IRGC sponsor (and MTN's joint venture partner), over the United States and the Afghan government. *First*, MTN Group and its affiliates were solicitous of the Taliban, including its Haqqani Network, but scornful of America. MTN Group personnel and/or agents regularly followed the Taliban's instructions (*e.g.*, by shutting down towers), and routinely met with Taliban personnel when requested. When it came to America, however, MTN Group refused U.S. entreaties to halt its aid to the Taliban and could not even be bothered to attend a U.S. military-hosted meeting with Afghanistan's cell companies to even discuss the Taliban threat. *Second*, on information and belief, MTN Group caused MTN to pay **more** in protection "taxes" to the Taliban than MTN paid in legal taxes to Afghanistan's lawful government—simply put, discovery is likely to reveal that MTN made far more regular, and larger, tax payments to the terrorists than the Afghan government.

409. MTN went to great lengths to maintain its purported “neutrality” and do what the Taliban asked of it. Even in 2011, after President Karzai issued a decree formally demanding that MTN (and its competitors) reactivate their towers at night, MTN refused the recognized government’s directive and continued to follow the Taliban’s requests. One executive summed up MTN’s (and others’) refusal to follow President Karzai’s directive: “We’re not going to turn on our masts and become part of the army of the Afghan government.”<sup>380</sup> MTN shut down the towers to reduce the risk that the Taliban would threaten MTN’s commercial interests.

410. MTN Group and its affiliates could act this way because MTN’s personnel in Afghanistan supported the Taliban and the IRGC more than the United States and the Afghan government. During the decade prior to the Haqqani Network’s seizure of Kabul in 2021, MTN’s professional staff in Kabul conspicuously mirrored Taliban cultural behaviors, including Taliban-inspired attire and facial hair, even while most professionals in Kabul did not maintain similar appearances, and discovery is likely to reveal that MTN personnel in Kabul often dressed and acted like Taliban because they were regularly meeting with Taliban to pay them, sympathetic to the Taliban, and/or were members of the Taliban themselves. On information and belief, one or more MTN employees in Kabul is a member of the Taliban.

411. The ATFC gathered evidence confirming that MTN was switching off its transmission masts at night to comply with Taliban demands. Based on intelligence reporting, wire intercepts, and interviews with MTN sources, the ATFC concluded that MTN Afghanistan was deactivating its cell towers in coordination with the Taliban. The justification offered by MTN Afghanistan employees was, again, financial: turning off the towers helped MTN save

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<sup>380</sup> Jon Boone, *Taliban Target Mobile Phone Masts To Prevent Tipoffs From Afghan Civilians*, The Guardian (Nov. 11, 2011).

money by avoiding the need for MTN to invest in expensive security or to rebuild its towers. The ATFC observed that the security threat MTN faced was not primarily to its employees; it was to equipment that MTN did not want to spend the money to protect or rebuild.

412. MTN Afghanistan implemented tower shutdowns through a secretive process that originated with its security team. The head of MTN Afghanistan's security division would negotiate with the Taliban to determine which towers (called "Base Transceiver Stations" by MTN's technical team) to shut down, and at which times. Then, based on information received from the Taliban, MTN's security team relayed instructions to MTN Afghanistan's technical team directing them to implement the shutdowns. The instructions pinpointed the particular quadrant(s) within particular MTN towers' coverage areas in which Taliban operatives were located, specifying that MTN should turn off the signal within those quadrants. That enabled MTN to satisfy the Taliban's demands while also allowing MTN to continue earning revenue from customers in the other quadrants—and also to deceive the government about the extent of its shutdown. MTN employees further avoided memorializing these instructions over company email or in memos; they instead used phone calls or text messages with the purpose of avoiding a paper trail that would document their cooperation with the Taliban.

413. At all relevant times, MTN Group was aware of, and approved, MTN Afghanistan's practice of shutting down its towers to comply with the Taliban's requests. MTN Afghanistan would not have maintained that policy without specific buy-in from MTN Group's senior management in South Africa.

414. MTN's conduct strengthened the Taliban and undermined U.S. counterinsurgency efforts. By 2010, the Taliban was deploying MTN's cell phone network as a terrorist weapon against Americans in Afghanistan. The insurgents, one Army officer told the *New York Times*,

used MTN's cell towers "as a weapons system" against Coalition forces.<sup>381</sup> Indeed, cell phones were crucial to the Taliban—they provided a convenient form of communication and helped insurgents coordinate attacks—but they also came with two major downsides. *First*, U.S. intelligence tracked the Taliban's phone signals and used them to locate high-level targets for capture-or-kill missions. *Second*, cell phones provided Afghan civilians with the ability to call Coalition tip lines and provide valuable human intelligence.

415. Nighttime deactivation was the Taliban's solution to both problems. U.S. Special Forces typically execute high-value raids at night, and deactivated cell signals impeded those missions by making the insurgent targets harder to track. The Taliban's spokesman argued that Taliban fighters had "been increasingly targeted by foreigners recently and we know they are using the services of these phone companies against us."<sup>382</sup> As another Taliban spokesman explained publicly, the Taliban viewed the "cutoffs as a line of defense," in which its "main goal is to degrade the enemy's capability in tracking down our mujahedeen."<sup>383</sup> *AFP* reported that "Taliban militants regularly demand that mobile phone companies switch off their networks at night, fearing that NATO-led forces can track them through phone signals."<sup>384</sup>

416. Similarly, nighttime deactivation obstructed Coalition efforts to gather human intelligence. Cell phones provided a key conduit for Afghan civilians to pass intelligence to Coalition personnel. But, as the U.S. military director of the Telecommunication Advisory Team explained, "[i]f the masts are off Afghans can't report anything . . . If you see an insurgent you

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<sup>381</sup> Indira A.R. Lakshmanan, *Fighting The Taliban With Cellphones*, N.Y. Times (Mar. 23, 2010).

<sup>382</sup> Agence France Presse, *Taliban Shut Down Cell Phones In Afghan Province* (Mar. 24, 2011) ("Taliban Shut Down Cell Phones").

<sup>383</sup> Alissa J. Rubin, *Taliban Using Modern Means To Add To Sway*, N.Y. Times (Oct. 4, 2011).

<sup>384</sup> *Taliban Shut Down Cell Phones*.

can't call the police to say check this out.”<sup>385</sup> And Afghan informants were usually scared to phone in tips during the day when they could be seen by Taliban supporters. Human intelligence thus typically flowed to the Coalition at night. By agreeing to shut down its transmission masts, MTN knowingly deprived Coalition forces of that vital intelligence.

417. MTN’s tower shutdowns substantially contributed to the Taliban’s ability to commit the attacks that killed and injured Plaintiffs. The Taliban targeted its shutdown orders at key districts and provinces with tactical importance for ongoing Taliban operations. As MTN knew, tower deactivation in those areas impeded Coalition forces from locating Taliban operatives and degraded the Coalition’s ability to interdict Taliban ongoing attacks. Indeed, the U.S. intelligence benefits gleaned from active cell towers were so potent that ISAF often executed operations designed specifically to induce Taliban operatives to use their phones. By the same token, the operational impact of MTN’s tower-shutdown policy was so extreme that ISAF, U.S. Embassy, and Afghan government personnel repeatedly pressured MTN to stop. ISAF command considered such shutdowns to be a significant threat to U.S. counterinsurgency efforts. And those shutdowns occurred in the key provinces and districts in which Plaintiffs (or their family members) were operating when they were killed and injured. By defying the U.S. government and obeying the Taliban in the contested areas in which the insurgents were fighting Americans, MTN materially supported the Taliban attacks that killed and injured Plaintiffs.

418. The U.S. government tried to address those problems by encouraging Afghanistan’s cellular-phone providers to move their transmission masts onto secure U.S. bases. As the U.S. government explained, securely located transmission masts would be difficult for the

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<sup>385</sup> Jon Boone, *Taliban Target Mobile Phone Masts To Prevent Tipoffs From Afghan Civilians*, The Guardian (Nov. 11, 2011).

Taliban to attack—and could thus eliminate the putative reason MTN was deactivating its cell towers. Roshan, according to a purported 2009 U.S. State Department cable (as published online), was “keen to develop this partnership with the USG and sees it as a way to promote mutual security, communications, and commercial strategies for Afghanistan.”<sup>386</sup> MTN, by contrast, refused to participate and declined even to join Roshan and AWCC at the U.S. government-brokered meeting to discuss the idea.

419. Although news reports on occasion quoted individual Afghan government officials suggesting a resignation to the reality of MTN’s shutdown policy, the official Afghan government position—conveyed at in-person meetings held with MTN, including at least one with President Karzai himself—was that cell phone companies must keep their towers active at night. The U.S. government was even more strongly committed to that position. ISAF expected MTN to keep its towers on, invest in security to protect them itself rather than paying the Taliban, and ultimately rebuild them if necessary. ISAF considered that course of action not only feasible, but mandatory for a company like MTN reaping profits in an insurgency-afflicted country like Afghanistan.

**B. Defendants’ Conduct In Afghanistan Substantially Assisted the IRGC Sunni Terrorist Proxy Attacks Against Americans In Iraq**

420. When MTN Group and its agents and affiliates aided the Taliban, including its Haqqani Network, MTN substantially assisted al-Qaida’s, al-Qaida-in-Iraq’s, and Ansar al-Islam’s terrorist attacks against Americans in Iraq for a host of reasons.

421. *First*, when MTN Group authorized payments to Sirajuddin Haqqani—a dual-hatted al-Qaida/Taliban terrorist—MTN caused millions of dollars to flow to al-Qaida leadership

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<sup>386</sup> U.S. State Dep’t Cable ¶ 11, *Using Connection Technologies To Promote US Strategic Interests In Afghanistan* (July 23, 2009).

(Sirajuddin sat on al-Qaida's military council), which aided al-Qaida's regional and global capabilities, which were needed to sustain the al-Qaida-led terrorist campaign in Iraq that was executed by al-Qaida-in-Iraq and Ansar al-Islam.

422. *Second*, MTN's payments to the Taliban, including its Haqqani Network, funded, among other things, the network of terrorist training camps in Afghanistan and Pakistan that Sirajuddin Haqqani ran to instruct al-Qaida's Islamist terrorists in Afghanistan, Iraq, and globally. From 2005 through 2022, hundreds, Sirajuddin's network of MTN-funded terrorist training camps trained hundreds, if not thousands, of al-Qaida, al-Qaida-in-Iraq, and Ansar al-Islam terrorist leaders, field operatives, logisticians, bombmakers, financiers, and propagandists in order to facilitate their attacks against Americans in Iraq.

423. *Third*, when MTN Group and Defendant Nhleko approved MTN's policy of siding with the Taliban, including its post-FTO-designation Haqqani Network, and shutting down MTN cell towers upon Taliban demand, MTN and Mr. Nhleko helped build a digital express-lane for use by the Taliban and its IRGC allies to travel back and forth from Pakistan through Afghanistan for ultimate arrival in Iran or Iraq. MTN Group's policy of tower shutdowns directly aided the IRGC and ***every other terrorist group*** that needed or wanted to travel inside Afghanistan because any such group knew that, in effect, they could travel without leaving any digital footprint at night. When MTN Group blinded the U.S. military to the nighttime movements of the Hizballah and Qods Force operatives inside Afghanistan responsible for coordinating the movement of terrorists, funds, and arms between Iraq and Afghanistan/Pakistan, through Iran—all the while concealing such activity from the world's most powerful military and intelligence service—MTN Group provided devastating, impossible-to-overstate assistance to Hizballah, the Qods Force, and their Sunni terrorist proxies in Iraq.

424. *Fourth*, the Taliban, including its Haqqani Network, maintained a vast logistics, training, and safe haven program for allied terrorists groups worldwide, including al-Qaida, Lashkar-e-Taiba, Hizballah, the Qods Force, that increased the lethality and unit cohesion of the terrorist cells they trained by imparting al-Qaida and Haqqani Network expertise to Iraqi terrorists who did not have nearly the same level of tactical knowledge of experience upon which to draw. Moreover, the al-Qaida/Taliban Syndicate sites *in Afghanistan/Pakistan* keyed the rapid upward scaling of al-Qaida’s terrorist enterprise *in Iraq* by allowing the al-Qaida/Taliban Syndicate to apply a “train-the-trainer” paradigm to instruct al-Qaida’s Iraqi terrorist affiliates (all of whom were IRGC Sunni Terrorist Proxies like al-Qaida-in-Iraq and Ansar al-Islam), who received training at al-Qaida/Haqqani sites in Afghanistan and Pakistan, and then returned to Iraq to use their new skills to attack Americans more effectively.

425. Large networks of terrorist training camps that cater to hundreds of terrorists at a time—universities for terror—cost a lot of money, and require the best logistics. Thus, the IRGC provided substantial financial and logistical aid to the Sunni Terrorist Proxies’ attacks against Americans in Iraq by, among other things, facilitating their movement of money and logistical pipeline to al-Qaida’s leadership in Pakistan in order to provide them training and bombmaking classes at Sirajuddin Haqqani’s network of al-Qaida/Haqqani Network bomb factories and training camps in Afghanistan and Pakistan. The IRGC also worked with the Haqqani Network to promote the development of mutually beneficial logistics pipelines and swaps, for example, trading commodities useful for bombmaking logistics (like trading commercial CAN fertilizer from Pakistan for specific electronics from Iran). Thus, when MTN Group provided hundreds of millions of dollars and logistical aid to the Taliban, including its Haqqani Network, millions of

dollars of such aid to the Taliban flowed through to facilitate terrorist violence by al-Qaida, al-Qaida-in-Iraq, and Ansar al-Islam by supporting such FTO's training, travel, and logistics.

426. *Fifth*, the Taliban, including its Haqqani Network, were key to the ability of IRGC Sunni Terrorist Proxies in Iraq to access industrial-scale amounts of the high-quality commercial grade calcium ammonium nitrate (“CAN”) fertilizer that al-Qaida craved for its signature fertilizer bombs, which terrorists in Iraq could only cheaply and reliably buy from al-Qaida’s nationwide bombing campaign in Iraq from one place and one company—Pakistan and Fatima Fertilizer, including its affiliate, Pakarab Fertilizer), both of which were openly and notoriously aligned with the Haqqani Network and supplied all or nearly all the CAN fertilizer used by al-Qaida and its allies in Afghanistan and, on information and belief, Iraq.

427. MTN’s assistance to the Taliban and its Haqqani Network directly assisted the IRGC Sunni Terrorist Proxies’ bomb pipeline for the campaign against Americans in Iraq for a host of reasons, including, but not limited to: (i) by funding the Taliban operatives who coordinated with their Iraqi terrorist allies in the first instance; (ii) by providing the secure cell phones to all sides to the communication (IRGC and Taliban both), improving the terrorists’ concealment; and (iii) by blinding the U.S. military at night through MTN Group’s policy of “obeying” the instructions of the Taliban, including its Haqqani Network, MTN facilitated the terrorists’ ability to reliably smuggle the CAN fertilizer and other terrorist material that flowed from Pakistan to Iraq through Afghanistan and Iran.

## **V. Defendants’ Provision of Substantial Aid and Support to Terrorists Had A Substantial Nexus To The United States**

### **A. Defendants’ Conduct Targeted the United States**

428. MTN’s joint venture with the IRGC and its related assistance for Iran’s terrorist proxy groups relied on significant contacts with the United States. MTN Group was a key player

in orchestrating both those U.S. contacts and MTN’s material support to the IRGC and terrorist proxy groups.

429. MTN employs a top-down management structure in which MTN Group centralizes operational control over the functions performed by its various subsidiaries. During the relevant timeframe, MTN Group divided responsibility for its subsidiaries into six business groups; Irancell (and Afghanistan) fell under the purview of the Middle East and North Africa (“MENA”) group. The MENA group’s functional units resided in Dubai and reported directly to senior management in South Africa.

430. Because MTN’s business model depends on unstable countries, including Iran, one of MTN Group’s core management responsibilities is to manage operational and political risk in the countries MTN enters. Assessments of those risks occur both before the decision to enter a market—here, as MTN entered Afghanistan in the mid-2000s—and on an ongoing basis. In mitigating those risks—which here included designing a strategy for coordinating MTN’s operational support for the IRGC in Dubai and Iran—MTN Group implemented a number of measures, including the “appointment of a Group crisis manager”; the implementation of “physical and staff security measures”; and “[c]ontinual monitoring of the political environment in operating countries.” MTN Group, not its operating subsidiaries, decided to do business with the IRGC (including Qods Force) fronts, and developed MTN’s strategy related thereto.

431. Those policies required MTN Group’s close supervision of MTN’s payments to Qods Force fronts, operatives, and agents, and Irancell’s joint venture with the IRGC. As explained above, MTN Group made the decision—and instructed its subsidiary—to enter into a joint venture with the IRGC. MTN Group also approved its subsidiary’s practice of providing payments and operational support to the IRGC including sourcing hundreds of sensitive dual-use

items for IRGC, including Qods Force fronts, operatives, and agents inside and outside Iran in Dubai to benefit the Iranian IRGC’s terrorist enterprise. Those decisions had a substantial connection to the United States for the reasons explained below.

432. MTN’s resulting provision of material support to the IRGC (including its Hizballah Division and Qods Force), Hizballah, and the Sunni Terrorist Proxies, was expressly aimed at the United States. At all relevant times, MTN knew that the IRGC, Hizballah, and their Sunni Terrorist Proxies in Iraq and Afghanistan were targeting the United States, including its military servicemembers and civilians. The Joint Cells operated by the Sunni Terrorist Proxies with vital IRGC support (including MODAFL arms and Foundation for the Oppressed funds) did not conduct an indiscriminate terrorist campaign that merely injured Americans by chance. Instead, these Joint Cells directed attacks at *Americans* with the specific intent of killing *Americans* in particular—so that they could inflict pain in the United States and influence U.S. policy. Hizballah’s, the Sunni terrorist proxies’, and their IRGC sponsors’ ultimate, shared, publicly-stated goal was to effect a withdrawal of American forces from Iraq. Each terrorist attack that killed and injured Plaintiffs was part of that campaign of anti-American terrorism.

433. MTN’s decision to reach into the United States to obtain embargoed dual-use technology to aid the IRGC’s terrorist enterprise was also expressly aimed at the United States. MTN knew, based on conversations with IRGC, including Qods Force, agents that the IRGC viewed MTN’s assistance to the IRGC as vital to Iran’s ability to protect the “security” of its Islamist revolution, *i.e.*, external terror operations aimed to spread the revolution and counteract the Great Satan (the United States). MTN knew that the IRGC’s understanding of what was needed to protect Iranian “security” inherently involved terrorist violence against Americans as part of Iran’s effort to export its Islamist revolution and drive the U.S. out of the Middle East.

434. Internal MTN Group documents confirm MTN's knowledge of its counterparties' objectives early on. One slide deck prepared by MTN Group in 2006 entitled "Middle East and Iran" described Iran as "the key and most vocal protagonist in the fight against America's quest for world hegemony." MTN also acknowledged in that presentation that although Iran was not involved in any "violent conflict" with the U.S., the country was in a "stand-off with America and Europe."<sup>387</sup> MTN Group also acknowledged internally that "[t]he defining characteristic of [its securing the Irancell license and entering into the joint venture with the Iranian Shareholders] was the political forces that were marshalled in support of MTN and it can therefore be concluded on an unequivocal basis that MTN's entry into the Islamic Republic of Iran was at its core due to political decisions taken at the highest levels in Iran." MTN Group understood that the "highest levels" of political decisionmaking in Iran would not have pushed so forcefully for it to win the Irancell license without a clear understanding that MTN Group was aligned with the Supreme Leader on his most important geopolitical priorities, including its "resistance" against America and her global interests and influence.

435. MTN also knew, based on conversations with U.S. officials, that it was assuming an active role in an IRGC, including Qods Force, plot to develop cash flow and to source vital dual-use components for the IRGC and its proxies. MTN further knew of the key importance that communications and computing technology plays for terrorists.

436. When MTN sourced embargoed technology that the United States had publicly declared would threaten U.S. national security interests should that technology reach the IRGC, including by augmenting the IRGC's efforts to kill others and/or otherwise sponsor those killings, MTN intentionally helped arm terrorists it knew were targeting the United States.

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<sup>387</sup> MTN Group, "Middle East and Iran," (December 2006) (MTN 000000949, at -951 to -952).

Indeed, the IRGC’s direct statement in their contract with MTN obligated MTN to help the IRGC protect Iran’s “security.” MTN at all times knew or recklessly disregarded that “security” was a euphemism for IRGC, including Qods Force, terrorist operations outside of the territorial borders of Iran. When MTN obtained the technology requested by its partners in the IRGC, MTN targeted the United States by helping the terrorists improve their bombs, rockets, communications, and intelligence gathering.

437. Although MTN’s primary motivation for assisting the IRGC was financial, it also intended to harm Americans in the Middle East. One reason MTN cooperated with the IRGC was to align itself with their effort to drive Americans out of the region, including Iraq. MTN had two distinct but related reasons for desiring that outcome.

438. *First*, MTN intended to harm Americans because it decided that was the necessary price of maintaining a good relationship with the Ayatollah and the IRGC. The Ayatollah and the IRGC were explicit—both in public, and in conversations with MTN—that it wanted MTN’s financial and technical help in fighting against U.S. forces. Thus, MTN needed to disassociate itself from the United States and prove that it could deliver value to the terrorist campaign against U.S. forces in Iraq.

439. *Second*, MTN Group’s support for attacks against U.S. citizens by the Joint Cells advanced the foreign policy interests of MTN Group’s most important business partners, the Foundation for the Oppressed and IEI, which MTN at all times knew to be IRGC fronts.

440. MTN Group depends on its partnership with the Ayatollah and the IRGC. As of 2012, Iran was MTN’s fastest-growing market and its third-largest source of revenue overall. Today, Iran is MTN’s second-biggest market by subscribers. MTN Group’s financial incentive has led it to take a number of illegal steps to assist the Iranian regime.

441. MTN Group cooperated with the Ayatollah, and the IRGC, and including the Qods Force, despite knowing that the Ayatollah, and the IRGC, and including the Qods Force, are collectively the world’s worst sponsor of anti-American terrorism.

442. MTN Group’s agreement to aid the IRGC served the IRGC’s agenda of inflicting death and injury on U.S. forces. It also fulfilled MTN Group’s contractual obligation to engage in “defensive, security and political cooperation” with its IRGC, including Qods Force, partner.<sup>388</sup> Such cooperation offered MTN Group additional motivation for becoming joint venture partners with the IRGC. MTN’s support for the IRGC did not merely grow its profits by allowing it to obtain the Irancell business in the first instance; it also benefited MTN’s business by inflicting harm on an enemy (the United States) of MTN’s most lucrative business partner (the IRGC fronts that controlled Irancell) in order for MTN to curry Iranian favor to gain market share for a potentially uniquely lucrative telecom and communications market in Iran.

443. Defendants’ assistance to terrorists in Afghanistan was also expressly aimed at the United States. Defendants knew that those terrorists were targeting U.S. forces and, more broadly, U.S. interests in Afghanistan, with the ultimate intent of driving the U.S. out of the country. By providing money directly to those terrorists, and by cooperating with terrorist requests to shut down cellular masts to impeded U.S. and coalition counterinsurgency efforts, Defendants deliberately directed their conduct at U.S. personnel, policy, and interests in ways that had a meaningful relationship to, and had direct consequences in, the United States.

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<sup>388</sup> Letter Agreement § 8 (Sept. 18, 2005), attached as Exhibit A.

**B. Defendants' Culpable Conduct Threatening U.S. National Security Created Several Contacts with the United States that Make It Fair and Reasonable for Defendants to Face Suit in a U.S. Court**

444. Defendants also connected MTN Group's support of the Hizballah, the Qods Force, Regular IRGC, and the Sunni terrorist proxies, to the United States by obtaining technology and vital operational support in reliance on U.S. contacts. MTN Group orchestrated a complex scheme to surreptitiously supply technology and operational support for Irancell through various U.S. agents. MTN Group tied MTN's unlawful conduct to the United States in several ways.

445. Even while MTN Group was reaching into the United States to launch a multifaceted campaign to facilitate the flow of U.S. dollars to and from Irancell, its CEO continued expressing his contempt for the United States. Instead of exiting MTN Group's secret Security Cooperation Agreement and alliance with the IRGC, Phuthuma Nhleko, as MTN Group's President and CEO, defiantly pronounced that "U.S. sanctions should not have unintended consequences for non-U.S. companies."<sup>389</sup> MTN Group's, and Phuthuma Nhleko's, public statement furthered the terrorist's scheme, and fraud on MTN Group's shareholders, because MTN Group, through Mr. Nhleko, spread IRGC disinformation while fraudulently concealing the existence of MTN Group's illicit deal with its Hizballah, Qods Force, and Regular IRGC counterparties, *i.e.*, the "Iranian Shareholders," from MTN Group's own shareholders.

**1. Defendants Conspired to Illicitly Provide U.S.-Origin, Dual-Use Technologies to its IRGC Joint Venture**

446. U.S. sanctions on Iran presented a major impediment to MTN Group's ability to build, launch, and maintain its Irancell joint venture. Irancell needed U.S.-origin

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<sup>389</sup> Steve Stecklow, *How A Telecom Gian Got Round Sanctions On Iran*, Reuters (Aug. 30, 2012).

telecommunications and network equipment, among other things—and indeed, Irancell’s Iranian shareholders required it as a condition of their contract—but MTN could not “purchase[] directly” those items from its existing network of suppliers due to U.S. sanctions on Iran. In a November 2005 Powerpoint presentation, MTN Group thus posited that it had two options on how to proceed with its procurement responsibilities to the Irancell joint venture: “Option One” was to purchase the necessary hardware, operating systems, and other equipment through Irancell, presumably from grey market suppliers that had acquired or could acquire U.S.-origin products; or “Option Two,” which would involve MTN Group directly purchasing the necessary equipment from its existing vendors after obtaining permission from the U.S. government—a process that “could take 6-12 months with no guarantee.” Due to those challenges associated with Option Two, MTN Group recommended, and its leadership largely adopted, “Option One.”

447. Focusing on “Option One” did not mean that MTN Group’s role in Irancell’s procurement operation was any less critical or involved. After all, MTN Group was still obligated to serve as Irancell’s “procurement agent” under the Irancell formation documents. And MTN fulfilled that role. It developed and implemented Irancell’s procurement strategy, which was largely reliant on existing MTN Group procurement infrastructure and would involve significant dedication of MTN human resources—including by seconding several key procurement professionals—to Irancell, as well as appointing senior MTN Group personnel to Irancell’s board to oversee everything.

448. MTN Group assessed that notwithstanding U.S. sanctions on Iran, it could source much of the hardware and software Irancell needed from grey market sources, but acquiring those embargoed U.S.-origin products through such unauthorized channels would deprive it of access to a meaningful degree of manufacturer and/or vendor support. As a result, MTN Group

resolved to investigate and “confirm [the] full implications of using embargoed products from grey markets on MTN as shareholder and [on] its [appointed] directors on Irancell[‘s board].” On information and belief, MTN Group became comfortable that the lack of vendor support would not be an insurmountable problem for its Irancell procurement efforts because MTN Group could always tap its existing supplier network that it worked with outside of Iran to fill any gaps that it could not satisfactorily overcome through other means.

449. But the problem with Irancell’s need for U.S.-origin embargoed telecommunications hardware and software is that notwithstanding a robust grey market for those materials, MTN Group could not completely avoid reaching into the United States to fulfill its procurement obligations to Irancell.

450. Indeed, as alleged in Section III.C.1 *supra*, MTN Group used a network of local agents to reach into the United States—including Florida and Washington State—to acquire for Irancell’s use several key dual-use telecommunications components and critical IT support services, respectively, during the relevant time period. As evidenced in the guilty pleas and alleged in the various indictments of Mr. Hajian and others, these U.S.-based suppliers and service providers knew that their products were going to end up being used in Iran, by Irancell, and that MTN Group was ultimately the entity behind the scenes making that happen.

451. The existence of MTN Group’s scheme to illegally obtain embargoed U.S.-origin equipment for Irancell was further confirmed by MTN Group’s frenetic and culpable reaction to outreach from *Reuters* reporter Steve Stecklow in 2012 during his investigation of MTN Group’s procurement practices concerning Irancell, which resulted in a series of bombshell investigative reports. In his outreach to MTN Group, Mr. Stecklow noted how “the many internal documents”

he had seen “make numerous references to US equipment and sanctions, as well as discussions on how to obtain banned U.S. components.” He provided the following “small sampling”:

“The primary challenge in the establishment of the VAS solution is simply that the hardware platforms required are of US origin and therefore fall foul of the US embargo on exports to Iran. This means that innovative mechanisms need to be applied to secure delivery of the hardware platforms.”

And this:

Note: According to Shabakkat, all SUN HW is at Dubai waiting for Payment.

I have also seen lengthy parts lists of US components procured by MTN Irancell via Dubai.

452. After Mr. Stecklow reached out to MTN Group senior executive Paul Norman to discuss his initial findings, MTN Group retained the services of The Brunswick Group, a prestigious, high-priced crisis advisory firm to help craft a carefully parsed statement in response to what he referred to as Mr. Stecklow’s “allegations,” in which he denied that MTN Group “conspired with suppliers to evade applicable US sanctions on Iran or had a policy to do so,” and implicitly blamed for any violations of law the “turnkey vendors” from whom MTN Group purchased its equipment and who were “required to comply with US and EU sanctions.”

453. Mr. Stecklow responded: “Got it; thanks. To be clear, I’m not making any allegations. This is all from internal MTN documents. Here’s yet another example from a weekly progress report in November 2005 that was written by a consultant hired by MTN Group Management Services (PTY) LTD: ‘Briefed lawyers to obtain opinion on outsource model to bypass US embargo[.]’”

454. In October 2012, when reflecting in an email on his cumulative interactions with Mr. Stecklow, Paul Norman confidently stated how “sure” he was that Stecklow “has someone on the inside in Iran” as a source.

**2. From 2006 through 2019, Defendants Regularly Reached Into America to Attempt to Repatriate Hundreds of Millions of Dollars in Irancell Out of Iran**

455. On information and belief, beginning on or about 2012 and continuing through on or about 2019, Defendants routinely relied upon banks in New York to manage the cash flow of MTN Group, MTN Dubai, and Irancell, the latter of which was MTN Group's most important (and cash-intensive) investment in the Middle East—and, on information and belief, an important component of the compensation earned by Nhleko and Charnley while they served at MTN Group.

456. MTN Group established banking relationships with U.S. financial institutions and multinational financial institutions with U.S.-based subsidiaries or offices no later than 2013.

457. For example, MTN Group disclosed that it has a relationship with the Bank of New York, located at 101 Barclay Street, New York, NY 10286, as its depository bank. Similarly, in 2015, MTN Group disclosed its relationship with Citibank, whereby it guaranteed a syndicated loan facility worth \$1 billion, the same facility from which MTN International (Mauritius) Limited, the MTN Group subsidiary used to make corrupt payments to Iranian officials, had drawn \$670 million.

458. Following the easing of sanctions in January 2016, MTN focused on repatriating funds earned from its Irancell venture that were previously trapped in Iran. Indeed, Defendants saw the easing of sanctions as an opportunity to “normalize” its repatriation of monies from Irancell.

459. On October 24, 2016, MTN Group admitted that “MTN has commenced the repatriation of funds from MTN Irancell to MTN Group.”<sup>390</sup> On December 14, 2016, “Bloomberg report[ed] that MTN Group … extract[ed] several hundred million dollars with the help of European banks, and it [was] looking to take a total of around USD1 billion by the end of March 2017,” which “include[d] a **USD430 million loan repayment from MTN Irancell.**”<sup>391</sup>

460. Although these contacts with the U.S. financial system occurred after the terrorist attacks that killed and injured Plaintiffs, the Irancell profits that MTN Group withdrew covered the period when nearly every Plaintiff was injured or killed. When MTN Group coordinated a global strategy to facilitate the repatriation of its Irancell profits, MTN Group reached into the United States to obtain an enormous benefit that was, at least in part, the motivation for MTN’s misconduct that proximately caused Plaintiffs’ injuries by substantially assisting the IRGC’s (including the Qods Force’s) ability to sponsor the terrorist attacks that killed and maimed Plaintiffs and their family members.

461. On information and belief, MTN Group utilized its banking relationships with U.S. financial institutions and/or financial institutions with U.S. subsidiaries or offices, including but not limited to the Bank of New York and Citibank, to facilitate the repatriation of funds from Irancell to MTN Group.

462. Each time MTN Group used New York’s financial system, they did so in a context where they benefited from the New York financial system, and New York laws, and they

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<sup>390</sup> MTN Group Ltd., *Mtn Group Limited - Quarterly Update For The Period Ended 30 September 2016*, South African Company News Bites – Stock Report (Oct. 24, 2016).

<sup>391</sup> CommsUpdate, *MTN Extracts First Cash From Iran* (Dec. 14, 2016), (emphasis added) 2016 WLNR 38124973.

knew that the New York financial system imparted extra value to every transaction based upon its stability and reputation.

**3. Defendants Facilitated a Bribe that Was Instrumental to Irancell's Formation, which Flowed Through the New York Financial System to a Cut-Out for the IRGC and into the Budget of the IRGC**

463. MTN Group's U.S. contacts were essential to the initial bribe of \$400,000 that allowed MTN Group to wrest the Irancell license from Turkcell in the first instance and was the proximate and but-for cause of MTN Group's subsequent ability thereafter to assist the IRGC's, terrorist enterprise, and facilitate IRGC proxy attacks against Americans in Iraq and Afghanistan.

464. MTN Group either: (i) relied upon bank accounts in New York to clear and complete the U.S. Dollar-denominated \$400,000 wire that MTN Group sent to a recipient in 2007 who acted on behalf of the IRGC; or (ii) purchased the U.S. Dollars used in that transaction from Standard Bank in South Africa—which MTN Group knew would have been acquired from the United States—in an effort to prevent this illicit transaction from touching the United States.

465. This transaction independently aided the IRGC's efforts to covertly obtain U.S. dollars—the vital common currency of terrorist finance—to fund Joint Cell attacks against Americans in Iraq.

466. It would be improper to suggest that the absence of a direct on-paper linkage between the IRGC's cutout and the IRGC plausibly suggests that the \$400,000 did not flow through to the IRGC.

467. On December 11, 2006, MTN Group, via Nhleko, sent an unusual memo (Subject: "Consultancy Agreements") to Charnley, which provided, in full, as follows:

With reference to the process in terms of which MTN International (Mauritius) Limited acquired a 49% equity interest in Irancell, you are authorized to finalize

all agreements with the consultants that assisted the Company during the run up to and actual negotiating period, and to effect the necessary payments.<sup>392</sup>

The bottom of memo confirmed that the instruction came from “PHUTHUMA F. NHLEKO” acting as “[MTN] GROUP PRESIDENT & CEO.”<sup>393</sup>

468. MTN’s December 11, 2006 memo, and the process surrounding it, showed

MTN’s culpable state of mind:

- a. MTN Group Used Bribe Euphemism. MTN’s instruction relied upon a notorious bribery euphemism—“necessary payments”—that was widely known, as MTN knew and intended, as code for bribes.<sup>394</sup>
- b. MTN Group Offloaded its Consulting Payments to MTN Mauritius. MTN Group ignored the corporate form and had MTN Mauritius pay what MTN Group itself acknowledged was an MTN Group liability, with the order being supplied by Nhleko acting in his capacity as “Group President & CEO.”
- c. MTN Group Purposefully Backdated MTN’s Irancell Consultancy Agreements. Backdating is a classic red flag specifically for corrupt or illegal relationships. Among other reasons, when the relationship itself creates legal jeopardy, it has long been a common strategy for criminals the world over to backdate such agreements, the theory being that if the person’s criminal scheme does not come to fruition, the existence of a seemingly legitimate commercial agreement would prevent the urge to investigate the

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<sup>392</sup> MTN Group, Memorandum from Phuthuma Nhleko to Irene Charnley re Consultancy Agreements, at 1 (Dec. 11, 2006), *republished in* MTN Group, Hoffmann Report, Appendices, 120.

<sup>393</sup> MTN Group, Memorandum from Phuthuma Nhleko to Irene Charnley re Consultancy Agreements, at 1 (Dec. 11, 2006), *republished in* MTN Group, Hoffmann Report, Appendices, 120.

<sup>394</sup> As MTN knew, in most of the world before 2000, companies could lawfully pay bribes as a business expense and, as such an expense, companies could deduct such payments as “necessary payments.” Accordingly, bribery scandals involving some of the most important markets in which MTN did business, e.g., Nigeria, involved bribes called “necessary payments.” In 2010, for example, Daimler AG pleaded guilty to an expansive bribery scandal across 22 countries, including Nigeria, in which Daimler employees, like MTN, called bribes “necessary payments” when describing them internally within the company. Deferred Prosecution Agreement, Statement of Facts at 2-3, *United States v. Daimler AG*, 1:10-CR-063(D.D.C. Mar. 24, 2010) (Daimler AG admitted that, from 1998-2008, as part of its bribery scheme in places like Nigeria, “within DAIMLER, bribe payments were often identified and recorded as ‘commissions,’ ‘special discounts,’ and/or ‘nützliche AufWendungen’ or ‘N .A.’ payments, which translates to ‘useful payment’ or ‘necessary payment,’ and was understood by certain employees to mean ‘official bribe’”).

component transactions further and thereby risk uncovering problematic evidence of corrupt bribes.

469. On January 30, 2007, Kilowan sent a “CONFIDENTIAL MEMORANDUM” to Charnley that alerted her that MTN needed to pay one of its agents for Iran—whom MTN gave the code name “Long John” (“Long J” in the memo)—and stated:

I have e-mailed you the agreement for Long J and the money should be paid into the following bank account:

MOUSA ABOLFAZL HOSSEINZADEH  
COMMERCIAL BANK OF DUBAI  
MAIN BRANCH-DUBAI  
ACCOUNT NUMBER 1000546125  
CHEQUE ACCOUNT

Judging from the SMS I sent through to you this morning Long J is going to need the cash pretty soon and I suspect he is going to start pressing me for a date on which the transfer will take place.

While finalising this matter I kept on thinking that we are paying the consultants this money and they have done significantly less than our others did in the country. In fact the consultants will do nothing more for us while we will continuously be tapping our friend for information and advice.

As you are well aware we are getting high quality information and the support provided has been excellent. In fact, he assisted way and beyond his duty to us. You are also aware that he knows we are paying the consultants some money.

While I know we never even suggested that we would pay our friend some money I was wondering whether we could not out of our own volition offer to make some monetary contribution to express our gratitude. I would like to discuss this with you when I am in SA. He will also be in SA at the time and if there is agreement all round then you could have a discussion with him at the time.<sup>395</sup>

470. On March 1, 2007, according to MTN, “Aristo Oil issued an invoice, dated 1 March 2007, in the amount of USD400 000 . . . for ‘consulting and support services during the period 2005 and 2006 in accordance with the signed agreement between MTN International

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<sup>395</sup> MTN Group, Confidential Memorandum from Chris Kilowan to Irene Charnley, at 1 (Jan. 30, 2007), republished in MTN Group, Hoffmann Report, Appendices, 535.

(Mauritius) and Aristo.”<sup>396</sup> On April 3, 2007, MTN Group received another invoice from Aristo, which instructed that “MTN” must “transfer payment” of “US\$400,000” to the account of “Aristo Oil International Services L.L.C.” at “Commercial Bank of Dubai” on behalf of “Mousa Hosseinzadeh” to because Aristo “[p]rovided consulting and support services during the period 2005 and 2006 in accordance with the signed agreement” between MTN and Aristo.<sup>397</sup>

471. Hosseinzadeh was a cut-out for Iranians who supported the IRGC and helped MTN secure the Irancell bid, including Javid Ghorbanoghli. Under Iran’s long-standing *khums* practice, about 20% of the \$400,000 that MTN paid (*i.e.*, about \$80,000) necessarily flowed up to support IRGC and Hezbollah operations through the SLO and Foundation for the Oppressed, as well as IRGC in-house auditors, because Khamenei, the IRGC, Foundation, and SLO operated a comprehensive machinery to extract their 20% from all IRI officials, like Ghorbanoghli, who receive compensation.

472. Notably, even when MTN tried to whitewash its \$400,000 bribe with its Hoffmann Report, Defendants admitted “Aristo provided consultancy services in respect of a number of matters in Iran for the benefit of MTN (*i.e.* such as in relation to the opening of the MTN office in Iran) at the instruction of Mr Kilowan.”<sup>398</sup> Ghorbanoghli played a vital role building support within the Iranian government for MTN’s attempt to eject Turkcell by, *inter alia*, helping coordinate MTN’s involvement key Iran-South Africa Joint Bilateral Commissions in 2004 and 2006, which were vital brand and relationship building and stakeholder management

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<sup>396</sup> MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report provided to the Hoffmann Committee, at 6 (Aug. 2, 2012), *republished in* MTN Group, Hoffmann Report, Appendices, 205 (quoting “Aristo Oil invoice dated 1 March 2007”).

<sup>397</sup> Aristo Oil International Services LLC, Invoice to MTN International (Mauritius) Limited For Consulting and Support - Iran Licence, at 1 (Apr. 3, 2007), *republished in* MTN Group, Hoffmann Report, 134.

<sup>398</sup> MTN Group, Hoffmann Report, ¶342.

exercises for MTN. Indeed, the contrast between MTN's corrupt payments to benefit Ebrahim Mahmoudzadeh (at least \$3.6M) and Javid Ghorbanoghli (at least \$400,000) confirm Plaintiffs' allegations and show the care with which MTN managed MTN's bribes: MTN paid both, but paid Mahmoudzadeh almost 10X what MTN paid Ghorbanoghli. Those numbers are consistent with the difference in value offered by a key Iranian official decisionmaker in the contract award process (Mahmoudzadeh) and a key Iranian official in the stakeholder management process (Ghorbanoghli).

473. That same day, on April 3, 2007, MTN executed a backdated consulting agreement with Aristo Oil (via MTN Mauritius), under which Aristo served as "Consultant" to MTN.<sup>399</sup> In it, MTN agreed to language rife with criminal indicia and classic red flags of bribery and illicit payments, which included:

- a. MTN Chose to Backdate the Consulting Agreement. In Section 3 ("Commencement and Duration"), MTN backdated the Agreement by 791 days: "Notwithstanding the date of signature hereof, this Agreement shall commence on 1 February 2005 and shall endure for a period of one (1) years unless terminated by either party on 30 (thirty) day's written notice to the other party or unless terminated earlier in terms of the provisions set out below."<sup>400</sup> As MTN knew, this was a major red flag for corruption.
- b. MTN Chose to Offload MTN Group's Payment Responsibility to MTN Mauritius. MTN Group retained Aristo (off-books) before Kilowan executed the Aristo agreement on behalf of MTN Mauritius. In so doing, Kilowan effectuated Nhleko's December 11, 2006 instruction that MTN Mauritius make payments properly owed by MTN Group.<sup>401</sup>
- c. MTN Chose to Pay in U.S. Dollars. In Section 4.2, MTN chose to pay its Consultant in U.S. Dollars: "In consideration for the Consultant Services effected by the Consultant, MTNI shall pay the Consultant a once off fee of United States Dollars four hundred

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<sup>399</sup> MTN Group, Agreement for the Provision of Consulting Services Between MTN International (Mauritius) Limited and Aristo Oil International Services Limited Liability Company (Apr. 3, 2007), *republished in* MTN Group, Hoffmann Report, Appendices, 122-33.

<sup>400</sup> MTN Group, Agreement for the Provision of Consulting Services Between MTN International (Mauritius) Limited and Aristo Oil International Services Limited Liability Company, § 3 (Apr. 3, 2007), *republished in* MTN Group, Hoffmann Report, Appendices, 125.

<sup>401</sup> MTN Group, Memorandum from Phuthuma Nhleko to Irene Charnley re Consultancy Agreements, 1 (Dec. 11, 2006), *republished in* MTN Group, Hoffmann Report, Appendices, 120.

thousand (US\$400 000) at the end of one (1) year after MTNI entered into agreements to establish its presence in the Islamic Republic of Iran.”<sup>402</sup> MTN paid the Consultant in U.S. Dollars even though MTN knew the consultant was based in Iran and, ordinarily, would expect to be paid in Iranian Rial (IRR). As MTN knew, this was a major red flag for corruption.

- d. MTN Concealed its Bribe Through a False Scope of Responsibilities. Article 1 of Annexure A (“Scope of Responsibilities”) of MTN’s Consulting Agreement provided, in full, that the MTN hired Aristo to: “Provide consulting services, introduce MTNI to key role players, arrange meetings and generally provide support and assistance during the negotiations and conclusion of the necessary agreements that will provide for MTNI’s entry into the Iranian Mobile Market.”<sup>403</sup> As MTN knew, this “Scope of Responsibilities” omitted, *inter alia*, Aristo’s assistance lobbying the Iranian regime, coordinating meetings between Iran and South Africa that aided MTN, and, on information and belief, helping MTN with respect to its participation in the key 8<sup>th</sup> and 9<sup>th</sup> Joint Bilateral Commissions in 2004 and 2006, respectively—both of which featured MTN in a prominent role. MTN (and Aristo) concealed such information, however, because it comprised evidence of their bribery and evidence that MTN was behind South African government attempts to persuade the Iranian government to eject Turkcell in favor of MTN, which attempts were greatly enabled by Aristo. Accordingly, MTN necessarily vouched for Aristo’s false representations concerning the corrupt purpose of the Consulting Agreement that were set forth in Annexure A thereto when MTN paid Aristo \$400,000 due under the Agreement.

474. On April 3, 2007, and continuing into April 4, 2007, MTN personnel coordinated MTN’s \$400,000 payment to Aristo via at least eight separate emails,<sup>404</sup> because, as MTN Group’s Iran Director explained at the time, MTN’s \$400,000 payment to Aristo had “become quite critical” and therefore MTN needed to pay as quickly as possible “to save us from possible negative consequences” relating to Irancell.<sup>405</sup> Throughout this discussion, MTN displayed the

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<sup>402</sup> MTN Group, Agreement for the Provision of Consulting Services Between MTN International (Mauritius) Limited and Aristo Oil International Services Limited Liability Company, Annexure A, Art. 1 (Apr. 3, 2007), *republished in* MTN Group, Hoffmann Report, Appendices, 133.

<sup>403</sup> MTN Group, Agreement for the Provision of Consulting Services Between MTN International (Mauritius) Limited and Aristo Oil International Services Limited Liability Company, § 4.2 (Apr. 3, 2007), *republished in* MTN Group, Hoffmann Report, Appendices, 125.

<sup>404</sup> See MTN Group, Hoffmann Report, ¶¶326-32 (identifying at least eight emails between MTN personnel on April 3-4, 2007).

<sup>405</sup> MTN Group, Email from Chris Kilowan to Bronwyn De Villiers (Apr. 3, 2007), *quoted in* MTN Group, Hoffmann Report, ¶328.

precise attention to, and sophisticated knowledge of, wire transfer practice and process. In one email, for example, MTN Group’s Iran Director instructed MTN Group finance personnel: “Please forward a copy of the SWIFT transmission receipt to me as soon as it is available.”<sup>406</sup>

475. On April 4, 2007, according to Defendants, “MTN Holdings instructed Standard Bank to pay ‘Mousa Hosseinzadeh’ an amount of USD400 000.”<sup>407</sup> According to Defendants, “MTN Group Finance” concluded “that the signatures on the letter of instruction to Standard Bank to transfer the USD400 000, as well as the application to purchase foreign currency,” were “that of [Nazir] Patel [then-head of Executive Group Finance for MTN Group’s Management Company, MANCO] and [Dirk] Van Doorene [Senior Manager Group Finance for MTN].”<sup>408</sup>

**4. Defendants, Through Various Agents, Used the U.S. Financial System to Pay Dual-Use U.S.-Origin Equipment Suppliers and Key Technical Service Providers**

476. Between 2009 and 2012, one or more purchasing agents working for the IRGC in the U.A.E. and elsewhere, spending money provided by MTN Group, and acting at the direction of MTN Group and its IRGC, including Qods Force, ally, collectively wired more than \$5 million into America to associates in the U.S. who purchased embargoed technology for the IRGC’s, including the Qods Force’s benefit, which was then shipped from the U.S. to the U.A.E., where the IRGC assumed possession of the technology for use in its terrorist enterprise.

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<sup>406</sup> MTN Group, Email from Chris Kilowan to Rubysen Rambocus (Apr. 3, 2007), *quoted in* MTN Group, Hoffmann Report, ¶326.

<sup>407</sup> MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 7 (Aug. 2, 2012) (citing “Exhibit 1.08\_DOC ID 0.7.9.1180667\_MTN letter to Standard Bank re Aristo Oil”), *republished in* MTN Group, Hoffmann Report, Appendices, 206.

<sup>408</sup> MTN Group (KPMG), Legally Privileged and Confidential Attorney Work Product Report Provided to the Hoffmann Committee, at 8 (Aug. 2, 2012) (citing “Exhibit 1.08\_DOC ID 0.7.9.1180667\_MTN letter to Standard Bank re Aristo Oil”), *republished in* MTN Group, Hoffmann Report, Appendices, 207; *see* MTN Group, Hoffmann Report, Appendices, 155 (full names and roles).

477. On information and belief, MTN and/or MTN’s agents routed millions of dollars each year to its U.S. agents to pay for the embargoed dual-use U.S. technology it illegally obtained for the IRGC via transactions through the New York banking system, by causing money to be wired to MTN’s U.S. agents to pay for MTN’s U.S. agents to illegally obtain embargoed dual-use U.S. technology for the benefit of the Qods Force’s terrorist enterprise.

478. Between 2009 and 2012, and on information and belief ever since the mid-2000s, Irancell relied upon one or more U.S. persons to service Irancell’s enterprise-level computers and associated networks, relying on one or more U.S. persons to maintain Irancell’s network remotely from the U.S. and, on at least one occasion, having such U.S. person travel to meet with MTN’s IRGC, including Qods Force, allies in the U.A.E. to provide training to the Qods Force. MTN, or agents acting at MTN’s direction, sourced embargoed technology for the IRGC’s benefits from, among others, Akbari, Patco, MSAS, and TGO.

479. On information and belief, MTN and/or MTN’s agents routed millions of dollars each year to its U.S. agents in order to pay for the technology support services it illegally obtained for the IRGC via transactions through the New York banking system, by causing money to be wired to MTN’s U.S. agents to pay for MTN’s U.S. agents to illegally provide technological support to maintain Irancell for the benefit of the IRGC’s terrorist enterprise.

##### **5. MTN Group Transmitted Fraudulent Statements to MTN Shareholders in the United States to Conceal the Scheme**

480. MTN Group’s scheme also depended on MTN Group’s decision to reach into the United States to fraudulently conceal: (i) its secret pledge to aid the “security” and “defensive” agenda of notorious IRGC and Hizballah sponsors the Foundation for the Oppressed and IEI; and (ii) its fraudulent loans to its Iranian shareholder partners in Irancell, which it misrepresented as real assets of MTN—*i.e.*, legitimate loans with a reasonable expectation of repayment in the

ordinary course. One way MTN did so was by regularly publishing statements in annual reports, circulars, and press releases that MTN Group transmitted to MTN Group stakeholders, including shareholders, in the United States, in which MTN Group deliberately lied about MTN’s approach relating to Iran and the United States by directly asserting that MTN always practiced “neutrality” between nations in its business operations when, in fact, MTN Group had chosen sides between Iran and the United States and was the exact opposite of “neutral.”

481. In March 2011, for example, MTN Group fraudulently represented to its U.S. shareholders, among others, that one material way that Defendants ensured “Risk mitigation” of the “Macro” risks to MTN’s shareholders (including MTN shareholders in the United States) from Defendants’ “[e]xposure to high risk countries”—which MTN always defined to include Iran, given that it was MTN’s largest market in such category—was MTN Group’s company-wide policy in which “MTN takes a politically neutral stance but does engage – through its dedicated stakeholders relationship function.”<sup>409</sup>

482. In March 2012, likewise, MTN Group advised its shareholders that MTN was keenly aware that “challenges” to MTN’s “integrated risks and opportunities” arising from MTN shareholders’ “[e]xposure to higher risk countries” like Iran “include[d]” MTN Group’s handling of “political and social unrest, sanctions,” and “violations of human rights” in such places, and MTN Group’s strategy for “[s]ustainable mitigation” of such “challenges” included MTN Group’s company-wide policy in which “MTN adopts a neutral stance although does engage

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<sup>409</sup> MTN Group, *Integrated Business Report For The Year Ended 31 December 2010*, 12 (Mar. 2011), <https://group.mtn.com/wp-content/uploads/2019/02/Integrated-business-report-2010.pdf>.

through a dedicated stakeholder function.”<sup>410</sup> On information and belief, MTN Group transmitted other similar communications from 2006 through 2012.

**VI. The Islamic Revolutionary Guard Corps, Al-Qaida, and Their Affiliates Killed and Injured Plaintiffs and Their Family Members Through Acts of International Terrorism in Iraq**

946. The **Iraq Plaintiffs** are American civilians, servicemembers, and contractors serving in Iraq and/or Syria, and their family members, who were killed or injured in terrorist attacks committed by al-Qaida (FTO 1999), al-Qaida-in-Iraq (which later became ISIS) (FTO 2004), or Ansar al-Islam (FTO 2004), and all of which Hizballah, the Qods Force, and the Regular IRGC funded, armed, and logically supported through the illicit Irancell, TCI, and MCI cash and technology flows enabled by Defendants.

947. Each Plaintiff who suffered injury because of an attack by al-Qaida, al-Qaida-in-Iraq, or Ansar al-Islam in Iraq from 2006 through 2010 was injured because of Defendants’ direct aid to Hizballah, the Qods Force, and the Regular IRGC, all of which flowed through such IRGC components to aid al-Qaida, al-Qaida-in-Iraq, and Ansar al-Islam in Iraq as they conducted a nationwide anti-American terror campaign to intimidate the U.S. and Iraqi governments.

948. Defendants also aided the Joint Cell terrorist(s) who committed each attack by transacting with notorious terrorist front counterparties, including, but not limited to, the Bonyad Mostazafan, IEI, Irancell, TCI (including MCI), Exit40, and/or the Akbari Fronts, which had a widespread and specific reputation for raising money, providing logistical support, and obtaining weapons for terrorists, including Hizballah, to use to attack Americans. MTN Group’s,

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<sup>410</sup> MTN Group, *Integrated Business Report For The Year Ended 31 December 2011*, 12 (Mar. 2012), <https://group.mtn.com/wp-content/uploads/2019/02/Integrated-business-report-2011.pdf>.

Phuthuma Nhleko's, and Irene Charney's financial support and provision of embargoed American technologies and services for such IRGC-controlled, including the Qods Force-controlled, counterparties flowed through Hizballah to the terrorist(s) that committed each attack that injured each Plaintiff.

949. The IRGC provided key aid to al-Qaida, al-Qaida-in-Iraq, and Ansar al-Islam from 2003 through today. The IRGC specifically provided al-Qaida, al-Qaida-in-Iraq, and Ansar al-Islam weapons, funds, training, logistical support, communications technology, safe haven, and assistance with narcotics trafficking, which raised money for their shared terrorist enterprise against America, which al-Qaida and its allies used to further aid al-Qaida's, al-Qaida-in-Iraq's, and Ansar al-Islam's ability to execute the attacks that injured Plaintiffs.

950. The embargoed dual-use American technology—including thousands of secure American smartphones every year—hundreds of millions of U.S. Dollars annually, and vast network of logistical and operational support for the Irancell and TCI fronts that MTN Group provided to their counterparties controlled by the IRGC flowed through to al-Qaida, al-Qaida-in-Iraq, Ansar al-Islam, and their allies that committed each attack that injured each Plaintiff through transfers made by the IRGC to al-Qaida, al-Qaida-in-Iraq, and Ansar al-Islam.

#### **A. The July 4, 2007 Grenade Attack in Baghdad (Steven Davis Family)**

483. On July 4, 2007, al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a grenade attack in Baghdad, Iraq (the “July 4, 2007 Attack”).<sup>411</sup>

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<sup>411</sup> Unless otherwise indicated (e.g., for neighborhoods in Baghdad, Plaintiffs usually reference geographic details at the provincial level, so “Al Anbar” means “Al Anbar Province, Iraq” and “Wasit” means “Wasit Province, Iraq.”

484. The July 4, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

485. **Specialist Steven Davis** served in Iraq as a member of the U.S. Army. SPC Davis was injured in the July 4, 2007 Attack. SPC Davis died on July 4, 2007 as a result of injuries sustained during the attack. He was 23 years old.

486. SPC Davis was a U.S. national at the time of the attack and his death.

487. Plaintiff Guy “Buck” Davis is the father of SPC Davis and a U.S. national.

488. Plaintiff Teresita Davis is the mother of SPC Davis and a U.S. national.

489. Plaintiff Ayla Davis is the widow of SPC Davis and a U.S. national.

490. Plaintiff Elizabeth Davis is the daughter of SPC Davis and a U.S. national.

491. Plaintiff Christopher Davis is the brother of SPC Davis and a U.S. national.

492. As a result of the July 4, 2007 Attack and SPC Davis’s injuries and death, each member of the Davis Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Davis’s society, companionship, and counsel.

493. As a result of the March 1, 2006 Attack, SPC Davis was injured in his person and/or property. The Plaintiff members of the Davis Family are the survivors and/or heirs of SPC Davis and are entitled to recover for the damages SPC Davis sustained.

#### **B. The March 1, 2006 RPG Attack in Al Anbar (Christopher Merchant Family)**

494. On March 1, 2006, al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a rocket propelled grenade attack in Al Anbar, Iraq (the “March 1, 2006 Attack”).

495. The March 1, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

496. **Specialist Christopher Merchant** served in Iraq as a member of the U.S. Army National Guard. SPC Merchant was injured in the March 1, 2006 Attack. SPC Merchant died on March 1, 2006 as a result of injuries sustained during the attack.

497. SPC Merchant was a U.S. national at the time of the attack and his death.

498. Plaintiff Monica Merchant is the widow of SPC Merchant and a U.S. national.

499. As a result of the March 1, 2006 Attack and SPC Merchant's injuries and death, each member of the Merchant Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Merchant's society, companionship, and counsel.

500. As a result of the March 1, 2006 Attack, SPC Merchant was injured in his person and/or property. The Plaintiff members of the Merchant Family are the survivors and/or heirs of SPC Merchant and are entitled to recover for the damages SPC Merchant sustained.

#### **C. The March 7, 2006 IED Attack in Al Anbar (Justin Martone Family)**

501. On March 7, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq. (the "March 7, 2006 Attack").

502. The March 7, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

503. **Gunnery Sergeant Justin Martone** served in Iraq as a member of the U.S. Marine Corps. GySgt Martone was injured in the March 7, 2006 Attack. GySgt Martone died on March 7, 2006 as a result of injuries sustained during the attack.

504. GySgt Martone was a U.S. national at the time of the attack and his death.

505. Plaintiff Paulette Martone is the mother of GySgt Martone and a U.S. national.

506. Plaintiff Agostine Martone Jr. is the father of GySgt Martone and a U.S. national.

507. As a result of the March 7, 2006 Attack and GySgt Martone's injuries and death, each member of the Martone Family has experienced severe mental anguish, emotional pain and suffering, and the loss of GySgt Martone's society, companionship, and counsel.

508. As a result of the March 7, 2006 Attack, GySgt Martone was injured in his person and/or property. The Plaintiff members of the Martone Family are the survivors and/or heirs of GySgt Martone and are entitled to recover for the damages GySgt Martone sustained.

**D. The March 23, 2006 Complex Attack in Al Anbar (Brock Beery Family)**

509. On March 23, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a complex attack involving an IED and small arms fire in Al Anbar, Iraq (the "March 23, 2006 Attack").

510. The March 23, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

511. **Staff Sergeant Brock Beery** served in Iraq as a member of the U.S. Army National Guard. On March 23, 2006, SSG Beery was injured in the March 23, 2006 Attack. SSG Beery died on March 23, 2006 as a result of injuries sustained during the attack.

512. SSG Beery was a U.S. national at the time of the attack and his death.

513. Plaintiff Tobey Beery is the brother of SSG Beery and a U.S. national.

514. As a result of the March 23, 2006 Attack and SSG Beery's injuries and death, each member of the Beery Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Beery's society, companionship, and counsel.

515. As a result of the March 23, 2006 Attack, SSG Beery was injured in his person and/or property. The Plaintiff members of the Beery Family are the survivors and/or heirs of SSG Beery and are entitled to recover for the damages SSG Beery sustained.

**E. The April 11, 2006 Suicide Bomb Attack in Al Anbar (Kenneth Hess Family)**

516. On April 11, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a suicide bomber attack in Al Anbar (the "April 11, 2006 Attack").

517. The April 11, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

518. **Sergeant Kenneth Hess** served in Iraq as a member of the U.S. Army. SGT Hess was injured in the April 11, 2006 Attack. SGT Hess died on April 11, 2006 as a result of injuries sustained during the attack.

519. SGT Hess was a U.S. national at the time of the attack and his death.

520. Plaintiff April Hess is the widow of SGT Hess and a U.S. national.

521. Plaintiff Katherine Meeks is the mother of SGT Hess and a U.S. national.

522. As a result of the April 11, 2006 Attack and SGT Hess's injuries and death, each member of the Hess Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Hess's society, companionship, and counsel.

523. As a result of the April 11, 2006 Attack, SGT Hess was injured in his person and/or property. The Plaintiff members of the Hess Family are the survivors and/or heirs of SGT Hess and are entitled to recover for the damages SGT Hess sustained.

**F. The April 28, 2006 IED Attack in Al Anbar (Edward Davis III Family)**

524. On April 28, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the “April 28, 2006 Attack”).

525. The April 28, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

526. **Sergeant Edward Davis III** served in Iraq as a member of the U.S. Marine Corps. SGT Davis was injured in the April 28, 2006 Attack. SGT Davis died on April 28, 2006 as a result of injuries sustained during the attack.

527. SGT Davis was a U.S. national at the time of the attack and his death.

528. Plaintiff Preina Davis is the widow of SGT Davis and a U.S. national.

529. Plaintiff Alyssa Davis is the daughter of SGT Davis and a U.S. national.

530. Plaintiff Edward Davis IV is the son of SGT Davis and a U.S. national.

531. Plaintiff Priscilla Sandoval Smith is the stepdaughter of SGT Davis and a U.S. national. Ms. Sandoval Smith lived in the same household as SGT Davis for a substantial time and considered SGT Davis the functional equivalent of a biological father.

532. As a result of the April 28, 2006 Attack and SGT Davis’s injuries and death, each member of the Davis Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Davis’s society, companionship, and counsel.

533. As a result of the April 28, 2006 Attack, SGT Davis was injured in his person and/or property. The Plaintiff members of the Davis Family are the survivors and/or heirs of SGT Davis and are entitled to recover for the damages SGT Davis sustained.

**G. The May 1, 2006 Bomb Attack in Al Anbar (Cory Palmer Family)**

534. On May 1, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a bomb attack in Al Anbar, Iraq (the “May 6, 2006 Attack”).

535. The May 1, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

536. **Corporal Cory Palmer** served in Iraq as a member of the U.S. Marine Corps. On May 1, 2006, Cpl Palmer was injured in an explosion from the May 1, 2006 Attack. Cpl Palmer died on May 6, 2006 as a result of injuries sustained during the attack.

537. Cpl Palmer was a U.S. national at the time of the attack and his death.

538. Plaintiff Danna Palmer is the mother of Cpl Palmer and a U.S. national.

539. Danna Palmer also brings claims in her representative capacity on behalf of Cpl Palmer’s estate. Cpl Palmer’s estate is entitled to recover economic and non-economic damages.

540. As a result of the May 1, 2006 Attack and Cpl Palmer’s injuries and death, each member of the Palmer Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Cpl Palmer’s society, companionship, and counsel.

541. As a result of the May 1, 2006 Attack, Cpl Palmer was injured in his person and/or property. The Plaintiff members of the Palmer Family are the survivors and/or heirs of Cpl Palmer and are entitled to recover for the damages Cpl Palmer sustained.

**H. The May 6, 2006 IED Attack in Al Anbar (Leon Deraps Family)**

542. On May 6, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the “May 6, 2006 Attack”).

543. The May 6, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

544. **Lance Corporal Leon Deraps** served in Iraq as a member of the U.S. Marine Corps. LCpl Deraps was injured in the May 6, 2006 Attack. LCpl Deraps died on May 6, 2006 as a result of injuries sustained during the attack.

545. LCpl Deraps was a U.S. national at the time of the attack and his death.

546. Plaintiff Dale Deraps is the father of LCpl Deraps and a U.S. national.

547. Plaintiff Cedar Deraps is the brother of LCpl Deraps and a U.S. national.

548. Plaintiff Dawn Cassil is the sister of LCpl Deraps and a U.S. national.

549. Plaintiff Shanti Johnson is the sister of LCpl Deraps and a U.S. national.

550. As a result of the May 6, 2006 Attack and LCpl Deraps’s injuries and death, each member of the Deraps Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Deraps’s society, companionship, and counsel.

551. As a result of the May 6, 2006 Attack, LCpl Deraps was injured in his person and/or property. The Plaintiff members of the Deraps Family are the survivors and/or heirs of LCpl Deraps and are entitled to recover for the damages LCpl Deraps sustained.

**I. The June 5, 2006 IED Attack in Al Anbar (Jaime Jaenke Family)**

552. On June 5, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the “June 5, 2006 Attack”).

553. The June 5, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

554. **Petty Officer Second Class Jaime Jaenke** served in Iraq as a member of the U.S. Navy. PO2 Jaenke was injured in the June 5, 2006 Attack. PO2 Jaenke died on June 5, 2006 as a result of injuries sustained during the attack.

555. PO2 Jaenke was a U.S. national at the time of the attack and his death.

556. Plaintiff Susan Jaenke is the mother of PO2 Jaenke and a U.S. national.

557. As a result of the June 5, 2006 Attack and PO2 Jaenke’s injuries and death, each member of the Jaenke Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PO2 Jaenke’s society, companionship, and counsel.

558. As a result of the June 5, 2006 Attack, PO2 Jaenke was injured in her person and/or property. The Plaintiff members of the Jaenke Family are the survivors and/or heirs of PO2 Jaenke and are entitled to recover for the damages PO2 Jaenke sustained.

**J. The June 9, 2006 IED Attack in Al Anbar (Brent Zoucha Family)**

559. On June 9, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the “June 9, 2006 Attack”).

560. The June 9, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

561. **Lance Corporal Brent Zoucha** served in Iraq as a member of the U.S. Marine Corps. LCpl Zoucha was injured in the June 9, 2006 Attack. LCpl Zoucha died on June 9, 2006 as a result of injuries sustained during the attack.

562. LCpl Zoucha was a U.S. national at the time of the attack and his death.

563. Plaintiff Rita Zoucha is the mother of LCpl Zoucha and a U.S. national.

564. Plaintiff Sherri Laska is the sister of LCpl Zoucha and a U.S. national.

565. As a result of the June 9, 2006 Attack and LCpl Zoucha's injuries and death, each member of the Zoucha Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Zoucha's society, companionship, and counsel.

566. As a result of the June 9, 2006 Attack, LCpl Zoucha was injured in his person and/or property. The Plaintiff members of the Zoucha Family are the survivors and/or heirs of LCpl Zoucha and are entitled to recover for the damages LCpl Zoucha sustained.

#### **K. The June 17, 2006 IED Attack in Al Anbar (Johnathan Benson Family)**

567. On June 17, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the "June 17, 2006 Attack").

568. The June 17, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

569. **Corporal Johnathan Benson** served in Iraq as a member of the U.S. Marine Corps. Cpl Benson was injured in the June 17, 2006 Attack. Cpl Benson died on September 9, 2006 as a result of injuries sustained during the attack.

570. Cpl Benson was a U.S. national at the time of the attack and his death.

571. Plaintiff Marjorie Benson is the mother of Cpl Benson and a U.S. national.

572. Plaintiff Steven Benson is the father of Cpl Benson and a U.S. national.

573. As a result of the June 17, 2006 Attack and Cpl Benson's injuries and death, each member of the Benson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Cpl Benson's society, companionship, and counsel.

574. As a result of the June 17, 2006 Attack, Cpl Benson was injured in his person and/or property. The Plaintiff members of the Benson Family are the survivors and/or heirs of Cpl Benson and are entitled to recover for the damages Cpl Benson sustained.

#### **L. The June 27, 2006 IED Attack in Al Anbar (Jacque Keeslar Family)**

575. On June 27, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the "June 27, 2006 Attack").

576. The June 27, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who planted the IED neither wore uniforms nor otherwise identified themselves as enemy combatants and the passive detonation system indiscriminately placed civilians at risk.

577. **Plaintiff Sergeant First Class Jacque Keeslar** served in Iraq as a member of the U.S. Army. SFC Keeslar was injured in the June 27, 2006 Attack. The attack severely wounded SFC Keeslar, who lost his left leg above the knee and his right leg below the knee. As a result of

the June 27, 2006 Attack and his injuries, SFC Keeslar has experienced severe physical and emotional pain and suffering.

578. SFC Keeslar was a U.S. national at the time of the attack and remains one today.

579. Plaintiff Vanessa Keeslar is the wife of SFC Keeslar and a U.S. national.

580. As a result of the June 27, 2006 Attack and SFC Keeslar's injuries, each member of the Keeslar Family has experienced severe mental anguish, emotional pain and suffering.

**M. The July 2, 2006 IED Attack in Al Anbar (Justin Noyes Family)**

581. On July 2, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the "July 2, 2006 Attack").

582. The July 2, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

583. **Sergeant Justin Noyes** served in Iraq as a member of the U.S. Marine Corps. Sgt Noyes was injured in the July 2, 2006 Attack. Sgt Noyes died on July 2, 2006 as a result of injuries sustained during the attack.

584. Sgt Noyes was a U.S. national at the time of the attack and his death.

585. Plaintiff Stacy Bridges is the mother of Sgt Noyes and a U.S. national.

586. As a result of the July 2, 2006 Attack and Sgt Noyes's injuries and death, each member of the Noyes Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Sgt Noyes's society, companionship, and counsel.

587. As a result of the July 2, 2006 Attack, Sgt Noyes was injured in his person and/or property. The Plaintiff members of the Noyes Family are the survivors and/or heirs of Sgt Noyes and are entitled to recover for the damages Sgt Noyes sustained.

**N. The July 12, 2006 IED Attack in Al Anbar (Jerry Tharp Family)**

588. On July 12, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the “July 12, 2006 Attack”).

589. The July 12, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

590. **Petty Officer First Class Jerry Tharp** served in Iraq as a member of the U.S. Naval Reserve. PO1 Tharp was injured in the July 12, 2006 Attack. PO1 Tharp died on July 12, 2006 as a result of injuries sustained during the attack.

591. PO1 Tharp was a U.S. national at the time of the attack and his death.

592. Plaintiff Gayle Tharp is the widow of PO1 Tharp and a U.S. national.

593. Plaintiff Donna Tharp is the mother of PO1 Tharp and a U.S. national.

594. Plaintiff Karen Tharp is the sister of PO1 Tharp and a U.S. national.

595. As a result of the July 12, 2006 Attack and PO1 Tharp’s injuries and death, each member of the Tharp Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PO1 Tharp’s society, companionship, and counsel.

596. As a result of the July 12, 2006 Attack, PO1 Tharp was injured in his person and/or property. The Plaintiff members of the Tharp Family are the survivors and/or heirs of PO1 Tharp and are entitled to recover for the damages PO1 Tharp sustained.

**O. The August 22, 2006 IED Attack in Al Anbar (Paul Darga Family)**

597. On August 22, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the “August 22, 2006 Attack”).

598. The August 22, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

599. **Chief Petty Officer Paul Darga** served in Iraq as a member of the U.S. Navy. CPO Darga was injured in the August 22, 2006 Attack. CPO Darga died on August 22, 2006 as a result of injuries sustained during the attack.

600. CPO Darga was a U.S. national at the time of the attack and his death.

601. Plaintiff John Darga is the father of CPO Darga and a U.S. national.

602. As a result of the August 22, 2006 Attack and CPO Darga’s injuries and death, each member of the Darga Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPO Darga’s society, companionship, and counsel.

603. As a result of the August 22, 2006 Attack, CPO Darga was injured in his person and/or property. The Plaintiff members of the Darga Family are the survivors and/or heirs of CPO Darga and are entitled to recover for the damages CPO Darga sustained.

**P. The September 2, 2006 Mortar Attack in Babylon (Justin Dreese Family)**

604. On September 2, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a mortar attack in Babylon, Iraq (the “September 2, 2006 Attack”).

605. The September 2, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

606. **Private First Class Justin Dreese** served in Iraq as a member of the U.S. Army. PFC Dreese was injured in the September 2, 2006 Attack. PFC Dreese died on September 2, 2006 as a result of injuries sustained during the attack.

607. PFC Dreese was a U.S. national at the time of the attack and his death.

608. Plaintiff Kathryn Hartman is the mother of PFC Dreese and a U.S. national.

609. As a result of the September 2, 2006 Attack and PFC Dreese's injuries and death, each member of the Dreese Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PFC Dreese's society, companionship, and counsel.

610. As a result of the September 2, 2006 Attack, PFC Dreese was injured in his person and/or property. The Plaintiff members of the Dreese Family are the survivors and/or heirs of PFC Dreese and are entitled to recover for the damages PFC Dreese sustained.

**Q. The September 3, 2006 IED Attack in Nineveh (Richard Henkes II Family)**

611. On September 3, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Nineveh, Iraq (the "September 3, 2006 Attack").

612. The September 3, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

613. **Sergeant First Class Richard Henkes II** served in Iraq as a member of the U.S. Army. SFC Henkes was injured in the September 3, 2006 Attack. SFC Henkes died on September 3, 2006 as a result of injuries sustained during the attack.

614. SFC Henkes was a U.S. national at the time of the attack and his death.

615. Plaintiff Christine Stanton is the mother of SFC Henkes and a U.S. national.

616. As a result of the September 3, 2006 Attack and SFC Henkes's injuries and death, each member of the Henkes Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Henkes's society, companionship, and counsel.

617. As a result of the September 3, 2006 Attack, SFC Henkes was injured in his person and/or property. The Plaintiff members of the Henkes Family are the survivors and/or heirs of SFC Henkes and are entitled to recover for the damages SFC Henkes sustained.

**R. The September 4, 2006 IED Attack in Al Anbar (Christopher Walsh Family)**

618. On September 4, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the "September 4, 2006 Attack").

619. The September 4, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

620. **Petty Officer Second Class Christopher Walsh** served in Iraq as a member of the U.S. Naval Reserve. PO2 Walsh was injured in the September 4, 2006 Attack. PO2 Walsh died on September 4, 2006 as a result of injuries sustained during the attack.

621. PO2 Walsh was a U.S. national at the time of the attack and his death.

622. Plaintiff Maureen Walsh is the mother of PO2 Walsh and a U.S. national.

623. Plaintiff Erin Watson is the sister of PO2 Walsh and a U.S. national.

624. Plaintiff Joseph Walsh is the brother of PO2 Walsh and a U.S. national.

625. Plaintiff Meghan Turner is the sister of PO2 Walsh and a U.S. national.

626. Plaintiff Patrick Walsh is the brother of PO2 Walsh and a U.S. national.

627. As a result of the September 4, 2006 Attack and PO2 Walsh's injuries and death, each member of the Walsh Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PO2 Walsh's society, companionship, and counsel.

628. As a result of the September 4, 2006 Attack, PO2 Walsh was injured in his person and/or property. The Plaintiff members of the Walsh Family are the survivors and/or heirs of PO2 Walsh and are entitled to recover for the damages PO2 Walsh sustained.

**S. The September 13, 2006 IED Attack in Al Anbar (Jeffrey Shaffer Family)**

629. On September 13, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the "September 13, 2006 Attack").

630. The September 13, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

631. **Specialist Jeffrey Shaffer** served in Iraq as a member of the U.S. Army. SPC Shaffer was injured in the September 13, 2006 Attack. SPC Shaffer died on September 13, 2006 as a result of injuries sustained during the attack.

632. SPC Shaffer was a U.S. national at the time of the attack and his death.

633. Plaintiff Melissa Adams is the mother of SPC Shaffer and a U.S. national.

634. As a result of the September 13, 2006 Attack and SPC Shaffer's injuries and death, each member of the Shaffer Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Shaffer's society, companionship, and counsel.

635. As a result of the September 13, 2006 Attack, SPC Shaffer was injured in his person and/or property. The Plaintiff members of the Shaffer Family are the survivors and/or heirs of SPC Shaffer and are entitled to recover for the damages SPC Shaffer sustained.

**T. The September 13, 2006 Suicide Bomb Attack in Baghdad (Marcus Cain Family)**

636. On September 13, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a suicide bomber attack in Baghdad, Iraq (the "September 14, 2006 Attack").

637. The September 13, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

638. **Corporal Marcus Anthony Cain** served in Iraq as a member of the U.S. Army. CPL Cain was injured the September 13, 2006 Attack. CPL Cain died on September 14, 2006 as a result of injuries sustained during the attack.

639. CPL Cain was a U.S. national at the time of the attack and his death.

640. Plaintiff Leroy Cain Jr. is the father of CPL Cain and a U.S. national.

641. As a result of the September 13, 2006 Attack and CPL Cain's injuries and death, each member of the Cain Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Cain's society, companionship, and counsel.

642. As a result of the September 13, 2006 Attack, CPL Cain was injured in his person and/or property. The Plaintiff members of the Cain Family are the survivors and/or heirs of CPL Cain and are entitled to recover for the damages CPL Cain sustained.

**U. The September 16, 2006 IED Attack in Al Anbar (David Roddy Family)**

643. On September 16, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the “September 16, 2006 Attack”).

644. The September 16, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

645. **Petty Officer Second Class David Roddy** served in Iraq as a member of the U.S. Navy. PO2 Roddy was injured in the September 16, 2006 Attack. PO2 Roddy died on September 16, 2006 as a result of injuries sustained during the attack.

646. PO2 Roddy was a U.S. national at the time of the attack and his death.

647. Plaintiff Robert Roddy Jr. is the father of PO2 Roddy and a U.S. national.

648. As a result of the September 16, 2006 Attack and PO2 Roddy’s injuries and death, each member of the Roddy Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PO2 Roddy’s society, companionship, and counsel.

649. As a result of the September 16, 2006 Attack, PO2 Roddy was injured in his person and/or property. The Plaintiff members of the Roddy Family are the survivors and/or heirs of PO2 Roddy and are entitled to recover for the damages PO2 Roddy sustained.

**V. The October 6, 2006 IED Attack in Al Anbar (John Hale Family)**

650. On October 6, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the “October 6, 2006 Attack”).

651. The October 6, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

652. **Lance Corporal John Hale** served in Iraq as a member of the U.S. Marine Corps. LCpl Hale was injured in the October 6, 2006 Attack. LCpl Hale died on October 6, 2006 as a result of injuries sustained during the attack.

653. LCpl Hale was a U.S. national at the time of the attack and his death.

654. Plaintiff Phillip Hale is the father of LCpl Hale and a U.S. national.

655. As a result of the October 6, 2006 Attack and LCpl Hale’s injuries and death, each member of the Hale Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Hale’s society, companionship, and counsel.

656. As a result of the October 6, 2006 Attack, LCpl Hale was injured in his person and/or property. The Plaintiff members of the Hale Family are the survivors and/or heirs of LCpl Hale and are entitled to recover for the damages LCpl Hale sustained.

**W. The October 9, 2006 IED Attack in Al Anbar (Jon Bowman Family)**

657. On October 9, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the “October 9, 2006 Attack”).

658. The October 9, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

659. **Lance Corporal Jon Bowman** served in Iraq as a member of the U.S. Marine Corps. LCpl Bowman was injured in the October 9, 2006 Attack. LCpl Bowman died on October 9, 2006 as a result of injuries sustained during the attack.

660. LCpl Bowman was a U.S. national at the time of the attack and his death.

661. Plaintiff Jill Puckett is the mother of LCpl Bowman and a U.S. national.

662. Plaintiff Ashley Bellot is the sister of LCpl Bowman and a U.S. national.

663. As a result of the October 9, 2006 Attack and LCpl Bowman's injuries and death, each member of the Bowman Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Bowman's society, companionship, and counsel.

664. As a result of the October 9, 2006 Attack, LCpl Bowman was injured in his person and/or property. The Plaintiff members of the Bowman Family are the survivors and/or heirs of LCpl Bowman and are entitled to recover for the damages LCpl Bowman sustained.

#### **X. The October 17, 2006 Sniper Attack in Al Anbar (Joshua Booth Family)**

665. On October 17, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a sniper attack in Al Anbar, Iraq (the "October 17, 2006 Attack").

666. The October 17, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

667. **First Lieutenant Joshua Booth** served in Iraq as a member of the U.S. Marine Corps. 1stLt Booth was injured in the October 17, 2006 Attack. 1stLt Booth died on October 17, 2006 as a result of injuries sustained during the attack.

668. 1stLt Booth was a U.S. national at the time of the attack and his death.

669. Plaintiff Erica Booth is the widow of 1stLt Booth and a U.S. national.

670. Plaintiff Grace Booth is the daughter of 1stLt Booth and a U.S. national.

671. Plaintiff Tristan Booth is the son of 1stLt Booth and a U.S. national.

672. Plaintiff Debra Booth is the mother of 1stLt Booth and a U.S. national.

673. As a result of the October 17, 2006 Attack and 1stLt Booth's injuries and death, each member of the Booth Family has experienced severe mental anguish, emotional pain and suffering, and the loss of 1stLt Booth's society, companionship, and counsel.

674. As a result of the October 17, 2006 Attack, 1stLt Booth was injured in his person and/or property. The Plaintiff members of the Booth Family are the survivors and/or heirs of 1stLt Booth and are entitled to recover for the damages 1stLt Booth sustained.

#### **Y. The October 18, 2006 IED Attack in Diyala (Daniel Brozovich Family)**

675. On October 18, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the "October 18, 2006 Attack").

676. The October 18, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

677. **Sergeant First Class Daniel Brozovich** served in Iraq as a member of the U.S. Army. SFC Brozovich was injured in the October 18, 2006 Attack. SFC Brozovich died on October 18, 2006 as a result of injuries sustained during the attack.

678. SFC Brozovich was a U.S. national at the time of the attack and his death.

679. Plaintiff Mary Brozovich is the widow of SFC Brozovich and a U.S. national.

680. Plaintiff Ryan Brozovich is the son of SFC Brozovich and a U.S. national.

681. As a result of the October 18, 2006 Attack and SFC Brozovich's injuries and death, each member of the Brozovich Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Brozovich's society, companionship, and counsel.

682. As a result of the October 18, 2006 Attack, SFC Brozovich was injured in his person and/or property. The Plaintiff members of the Brozovich Family are the survivors and/or heirs of SFC Brozovich and are entitled to recover for the damages SFC Brozovich sustained.

#### **Z. The October 21, 2006 IED Attack in Al Anbar (Nathan Elrod Family)**

683. On October 21, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the "October 21, 2006 Attack").

684. The October 21, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

685. **Lance Corporal Nathan Elrod** served in Iraq as a member of the U.S. Marine Corps. LCpl Elrod was injured in the October 21, 2006 Attack. LCpl Elrod died on October 21, 2006 as a result of injuries sustained during the attack.

686. LCpl Elrod was a U.S. national at the time of the attack and his death.

687. Plaintiff Teresa Elrod is the mother of LCpl Elrod and a U.S. national.

688. Plaintiff Timothy Elrod is the father of LCpl Elrod and a U.S. national.

689. Plaintiff Shannon Eury is the sister of LCpl Elrod and a U.S. national.

690. As a result of the October 21, 2006 Attack and LCpl Elrod's injuries and death, each member of the Elrod Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Elrod's society, companionship, and counsel.

691. As a result of the October 21, 2006 Attack, LCpl Elrod was injured in his person and/or property. The Plaintiff members of the Elrod Family are the survivors and/or heirs of LCpl Elrod and are entitled to recover for the damages LCpl Elrod sustained.

**AA. The November 2, 2006 IED Attack in Al Anbar (Luke Holler Family)**

692. On November 2, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the "November 2, 2006 Attack").

693. The November 2, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

694. **Lance Corporal Luke Holler** served in Iraq as a member of the U.S. Marine Corps Reserve. LCpl Holler was injured in the November 2, 2006 Attack. LCpl Holler died on November 2, 2006 as a result of injuries sustained during the attack.

695. LCpl Holler was a U.S. national at the time of the attack and his death.

696. Plaintiff Ruth Holler is the mother of LCpl Holler and a U.S. national.

697. Plaintiff John Holler Jr. is the father of LCpl Holler and a U.S. national.

698. Plaintiff Joseph Holler is the brother of LCpl Holler and a U.S. national.

699. As a result of the November 2, 2006 Attack and LCpl Holler's injuries and death, each member of the Holler Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Holler's society, companionship, and counsel.

700. As a result of the November 2, 2006 Attack, LCpl Holler was injured in his person and/or property. The Plaintiff members of the Holler Family are the survivors and/or heirs of LCpl Holler and are entitled to recover for the damages LCpl Holler sustained.

**BB. The November 5, 2006 IED Attack in Al Anbar (Jose Galvan Family)**

701. On November 5, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the "November 5, 2006 Attack").

702. The November 5, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

703. **Corporal Jose Galvan** served in Iraq as a member of the U.S. Marine Corps. Cpl Galvan was injured in the November 5, 2006 Attack. Cpl Galvan died on November 5, 2006 as a result of injuries sustained during the attack.

704. Cpl Galvan was a U.S. national at the time of the attack and his death.

705. Plaintiff Leticia Romo is the mother of Cpl Galvan and a U.S. national.

706. Plaintiff Jesus Vega is the stepfather of Cpl Galvan and a U.S. national. Mr. Vega lived in the same household as Cpl Galvan for a substantial time and considered Cpl Galvan the functional equivalent of a biological son.

707. As a result of the November 5, 2006 Attack and Cpl Galvan's injuries and death, each member of the Galvan Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Cpl Galvan's society, companionship, and counsel.

708. As a result of the November 5, 2006 Attack, Cpl Galvan was injured in his person and/or property. The Plaintiff members of the Galvan Family are the survivors and/or heirs of Cpl Galvan and are entitled to recover for the damages Cpl Galvan sustained.

**CC. The November 22, 2006 IED Attack in Al Anbar (Heath Warner Family)**

709. On November 22, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the "November 22, 2006 Attack").

710. The November 22, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

711. **Private Heath Warner** served in Iraq as a member of the U.S. Marine Corps. Pvt Warner was injured in the November 22, 2006 Attack. Pvt Warner died on November 22, 2006 as a result of injuries sustained during the attack.

712. Pvt Warner was a U.S. national at the time of the attack and his death.

713. Plaintiff Melissa Warner is the mother of Pvt Warner and a U.S. national.

714. Plaintiff Scott Warner is the father of Pvt Warner and a U.S. national.

715. Plaintiff Ashton Warner is the brother of Pvt Warner and a U.S. national.

716. As a result of the November 22, 2006 Attack and Pvt Warner's injuries and death, each member of the Warner Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Pvt Warner's society, companionship, and counsel.

717. As a result of the November 22, 2006 Attack, Pvt Warner was injured in his person and/or property. The Plaintiff members of the Warner Family are the survivors and/or heirs of Pvt Warner and are entitled to recover for the damages Pvt Warner sustained.

**DD. The November 28, 2006 IED Attack in Al Anbar (Jon-Erik Loney Family)**

718. On November 28, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the “November 28, 2006 Attack”).

719. The November 28, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

720. **Corporal Jon-Erik Loney** served in Iraq as a member of the U.S. Army. CPL Loney was injured in the November 28, 2006 Attack. CPL Loney died on November 28, 2006 as a result of injuries sustained during the attack.

721. CPL Loney was a U.S. national at the time of the attack and his death.

722. Plaintiff Violet Kaylor is the mother of CPL Loney and a U.S. national.

723. Plaintiff Jim Kaylor is the stepfather of CPL Loney and a U.S. national. Mr. Kaylor lived in the same household as CPL Loney for a substantial time and considered CPL Loney the functional equivalent of a biological son.

724. As a result of the November 28, 2006 Attack and CPL Loney’s injuries and death, each member of the Loney Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Loney’s society, companionship, and counsel.

725. As a result of the November 28, 2006 Attack, CPL Loney was injured in his person and/or property. The Plaintiff members of the Loney Family are the survivors and/or heirs of CPL Loney and are entitled to recover for the damages CPL Loney sustained.

**EE. The November 29, 2006 IED Attack in Al Anbar (Chad Watson)**

726. On November 29, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the “November 29, 2006 Attack”).

727. The November 29, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who planted the IED neither wore uniforms nor otherwise identified themselves as enemy combatants and the passive detonation system indiscriminately placed civilians at risk.

728. **Plaintiff Corporal Chad Watson** served in Iraq as a member of the U.S. Marine Corps. Cpl Watson was injured in the November 29, 2006 Attack. The attack severely wounded Cpl Watson, who lost his right leg above the knee, suffered from serious injuries to his left ankle and foot, and suffered from shrapnel injuries to his face and right eye.

729. Cpl Watson was a national of the United States and remains one today.

730. As a result of the November 29, 2006 Attack and his injuries, Cpl Watson has experienced severe physical and emotional pain and suffering.

**FF. The December 1, 2006 IED Attack in Al Anbar (Robert Love Family)**

731. On December 1, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the “December 1, 2006 Attack”).

732. The December 1, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the

attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

733. **Staff Sergeant Robert Love Jr.** served in Iraq as a member of the U.S. Army.

SSG Love was injured in the December 1, 2006 Attack. SSG Love died on December 1, 2006 as a result of injuries sustained during the attack.

734. SSG Love was a U.S. national at the time of the attack and his death.

735. Plaintiff Robert Love Sr. is the father of SSG Love and a U.S. national.

736. Plaintiff Evelyn Ford is the sister of SSG Love and a U.S. national.

737. As a result of the December 1, 2006 Attack and SSG Love's injuries and death, each member of the Love Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Love's society, companionship, and counsel.

738. As a result of the December 1, 2006 Attack, SSG Love was injured in his person and/or property. The Plaintiff members of the Love Family are the survivors and/or heirs of SSG Love and are entitled to recover for the damages SSG Love sustained.

**GG. The December 11, 2006 IED Attack in Al Anbar (Clinton Miller Family)**

739. On December 11, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the December 11, 2006 Attack").

740. The December 11, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

741. **Lance Corporal Clinton Miller** served in Iraq as a member of the U.S. Marine Corps. LCpl Miller was injured in the December 11, 2006 Attack. LCpl Miller died on December 11, 2006 as a result of injuries sustained during the attack.

742. LCpl Miller was a U.S. national at the time of the attack and his death.

743. Plaintiff Kerby Miller is the father of LCpl Miller and a U.S. national.

744. Plaintiff Kim Miller is the stepmother of LCpl Miller and a U.S. national. Ms. Miller lived in the same household as LCpl Miller for a substantial time and considered LCpl Miller the functional equivalent of a biological son.

745. As a result of the December 11, 2006 Attack and LCpl Miller's injuries and death, each member of the Clinton J. Miller Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Miller's society, companionship, and counsel.

746. As a result of the December 11, 2006 Attack, LCpl Miller was injured in his person and/or property. The Plaintiff members of the Clinton J. Miller Family are the survivors and/or heirs of LCpl Miller and are entitled to recover for the damages LCpl Miller sustained.

#### **HH. The December 16, 2006 Sniper Attack in Al Anbar (Nicklas Palmer Family)**

747. On December 16, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a sniper attack in Al Anbar, Iraq (the "December 16, 2006 Attack").

748. The December 16, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

749. **Lance Corporal Nicklas Palmer** served in Iraq as a member of the U.S. Marine Corps. LCpl Palmer was injured in the December 16, 2006 Attack. LCpl Palmer died on December 16, 2006 as a result of injuries sustained during the attack.

750. LCpl Palmer was a U.S. national at the time of the attack and his death.

751. Plaintiff Rachele Palmer is the mother of LCpl Palmer and a U.S. national.

752. Plaintiff Brad Palmer is the father of LCpl Palmer and a U.S. national.

753. Plaintiff Dustin Palmer is the brother of LCpl Palmer and a U.S. national.

754. As a result of the December 16, 2006 Attack and LCpl Palmer's injuries and death, each member of the Nicklas J. Palmer Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Palmer's society, companionship, and counsel.

755. As a result of the December 16, 2006 Attack, LCpl Palmer was injured in his person and/or property. The Plaintiff members of the Nicklas J. Palmer Family are the survivors and/or heirs of LCpl Palmer and are entitled to recover for the damages LCpl Palmer sustained.

## **II. The December 18, 2006 Mortar Attack in Al Anbar (Kevin Kryst Family)**

756. On December 18, 2006, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a mortar attack in Al Anbar, Iraq (the "December 18, 2006 Attack").

757. The December 18, 2006 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

758. **Captain Kevin Kryst** served in Iraq as a member of the U.S. Marine Corps. Capt Kryst was injured in the December 18, 2006 Attack. Capt Kryst died on December 18, 2006 as a result of injuries sustained during the attack.

759. Capt Kryst was a U.S. national at the time of the attack and his death.

760. Plaintiff Bradley Kryst is the brother of Capt Kryst and a U.S. national.

761. As a result of the December 18, 2006 Attack and Capt Kryst's injuries and death, each member of the Kryst Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Capt Kryst's society, companionship, and counsel.

762. As a result of the December 18, 2006 Attack, Capt Kryst was injured in his person and/or property. The Plaintiff members of the Kryst Family are the survivors and/or heirs of Capt Kryst and are entitled to recover for the damages Capt Kryst sustained.

**JJ. The January 15, 2007 IED Attack in Nineveh (The Families of Ian Anderson and John Cooper)**

763. On January 15, 2007, Iranian Sunni Terrorist Proxies, with material support and resources from the IRGC, committed an IED attack in Nineveh, Iraq (the "January 15, 2007 Attack").

764. The January 15, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

765. **Sergeant Ian Anderson** served in Iraq as a member of the U.S. Army. SGT Anderson was injured in the January 15, 2007 Attack. SGT Anderson died on January 15, 2007 as a result of injuries sustained during the attack.

766. SGT Anderson was a U.S. national at the time of the attack and his death.

767. Plaintiff Elaine Frazier is the mother of SGT Anderson and a U.S. national.

768. As a result of the January 15, 2007 Attack and SGT Anderson's injuries and death, each member of the Ian C. Anderson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Anderson's society, companionship, and counsel.

769. As a result of the January 15, 2007 Attack, SGT Anderson was injured in his person and/or property. The Plaintiff members of the Ian C. Anderson Family are the survivors and/or heirs of SGT Anderson and are entitled to recover for the damages SGT Anderson sustained.

770. **Staff Sergeant John Cooper** served in Iraq as a member of the U.S. Army. SSG Cooper was injured in the January 15, 2007 Attack. SSG Cooper died on January 15, 2007 as a result of injuries sustained during the attack.

771. SSG Cooper was a U.S. national at the time of the attack and his death.

772. Plaintiff Sherri Springate is the sister of SSG Cooper and a U.S. national.

773. Plaintiff Susan West is the sister of SSG Cooper and a U.S. national.

774. As a result of the January 15, 2007 Attack and SSG Cooper's injuries and death, each member of the Cooper Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Cooper's society, companionship, and counsel.

775. As a result of the January 15, 2007 Attack, SSG Cooper was injured in his person and/or property. The Plaintiff members of the Cooper Family are the survivors and/or heirs of SSG Cooper and are entitled to recover for the damages SSG Cooper sustained.

#### **KK. The January 19, 2007 IED Attack in Nineveh (Russell Borea Family)**

776. On January 19, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Nineveh, Iraq (the "January 19, 2007 Attack").

777. The January 19, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

778. **Sergeant First Class Russell Borea** served in Iraq as a member of the U.S. Army. SFC Borea was injured in the January 19, 2007 Attack. SFC Borea died on January 19, 2007 as a result of injuries sustained during the attack.

779. SFC Borea was a U.S. national at the time of the attack and his death.

780. Plaintiff Christopher Borea is the brother of SFC Borea and a U.S. national.

781. Plaintiff Kim Borea is the sister of SFC Borea and a U.S. national.

782. As a result of the January 19, 2007 Attack and SFC Borea's injuries and death, each member of the Borea Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Borea's society, companionship, and counsel.

783. As a result of the January 19, 2007 Attack, SFC Borea was injured in his person and/or property. The Plaintiff members of the Borea Family are the survivors and/or heirs of SFC Borea and are entitled to recover for the damages SFC Borea sustained.

**LL. The January 20, 2007 IED Attack in Al Anbar (Jeffrey Bisson Family)**

784. On January 20, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the "January 20, 2007 IED Attack").

785. The January 20, 2007 IED Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

786. **Specialist Jeffrey Bisson** served in Iraq as a member of the U.S. Army. SPC Bisson was injured in the January 20, 2007 IED Attack. SPC Bisson died on January 20, 2007 as a result of injuries sustained during the attack.

787. SPC Bisson was a U.S. national at the time of the attack and his death.

788. Plaintiff Lauralee Bisson is the mother of SPC Bisson and a U.S. national.

789. Plaintiff Richard Bisson is the father of SPC Bisson and a U.S. national.

790. Plaintiff Andrew Bisson is the son of SPC Bisson and a U.S. national.

791. Plaintiff Christopher Bisson is the brother of SPC Bisson and a U.S. national.

792. As a result of the January 20, 2007 IED Attack and SPC Bisson's injuries and death, each member of the Bisson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Bisson's society, companionship, and counsel.

793. As a result of the January 20, 2007 IED Attack, SPC Bisson was injured in his person and/or property. The Plaintiff members of the Bisson Family are the survivors and/or heirs of SPC Bisson and are entitled to recover for the damages SPC Bisson sustained.

**MM. The January 20, 2007 Helicopter Attack in Diyala (Marilyn Gabbard Family)**

794. On January 20, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an attack on a helicopter in Diyala, Iraq (the "January 20, 2007 Helicopter Attack").

795. The January 20, 2007 Helicopter Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

796. **Command Sergeant Major Marilyn Gabbard** served in Iraq as a member of the U.S. Army National Guard. CSM Gabbard was injured in the January 20, 2007 Helicopter Attack. CSM Gabbard died on January 20, 2007 as a result of injuries sustained during the attack.

797. CSM Gabbard was a U.S. national at the time of the attack and his death.

798. Plaintiff Marla Van Cannon is the twin sister of CSM Gabbard and a U.S. national.

799. Plaintiff Michael Van Cannon is the brother of CSM Gabbard and a U.S. national.

800. As a result of the January 20, 2007 Helicopter Attack and CSM Gabbard's injuries and death, each member of the Gabbard Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CSM Gabbard's society, companionship, and counsel.

801. As a result of the January 20, 2007 Helicopter Attack, CSM Gabbard was injured in her person and/or property. The Plaintiff members of the Gabbard Family are the survivors and/or heirs of CSM Gabbard and are entitled to recover for the damages CSM Gabbard sustained.

**NN. The January 23, 2007 Helicopter Attack in Al Anbar (The Families of Casey Casavant, Steven Gernet, Ronald Johnson, and Arthur Laguna)**

802. On January 23, 2007, Iranian Sunni Terrorist Proxies, with material support and resources from the IRGC, committed an attack on a helicopter in Al Anbar, Iraq (the "January 23, 2007 Attack").

803. The January 23, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants

804. **Mr. Casey Casavant** served in Iraq as a civilian government contractor working for Blackwater. Mr. Casavant was injured in the January 23, 2007 Attack. Mr. Casavant died on January 23, 2007 as a result of injuries sustained during the attack.

805. Mr. Casavant was a U.S. national at the time of the attack and his death.

806. Plaintiff Barbara Parsons is the mother of Mr. Casavant and a U.S. national.

807. Plaintiff Kristen Swanson is the sister of Mr. Casavant and a U.S. national.

808. As a result of the January 23, 2007 Attack and Mr. Casavant's injuries and death, each member of the Casavant Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Mr. Casavant's society, companionship, and counsel.

809. As a result of the January 23, 2007 Attack, Mr. Casavant was injured in his person and/or property. The Plaintiff members of the Casavant Family are the survivors and/or heirs of Mr. Casavant and are entitled to recover for the damages Mr. Casavant sustained.

810. **Mr. Steven Gernet** served in Iraq as a civilian government contractor working for Blackwater. Mr. Gernet was injured in the January 23, 2007 Attack. Mr. Gernet died on January 23, 2007 as a result of injuries sustained during the attack.

811. Mr. Gernet was a U.S. national at the time of the attack and his death.

812. Plaintiff Jerica Johnson is the daughter of Mr. Gernet and a U.S. national.

813. As a result of the January 23, 2007 Attack and Mr. Gernet's injuries and death, each member of the Gernet Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Mr. Gernet's society, companionship, and counsel.

814. As a result of the January 23, 2007 Attack, Mr. Gernet was injured in his person and/or property. The Plaintiff members of the Gernet Family are the survivors and/or heirs of Mr. Gernet and are entitled to recover for the damages Mr. Gernet sustained.

815. **Mr. Ronald Johnson** served in Iraq as a civilian government contractor working for Blackwater. Mr. Johnson was injured in the January 23, 2007 Attack. Mr. Johnson died on January 23, 2007 as a result of injuries sustained during the attack.

816. Mr. Johnson was a U.S. national at the time of the attack and his death.

817. Plaintiff Randall Johnson is the brother of Mr. Johnson and a U.S. national.

818. As a result of the January 23, 2007 Attack and Mr. Johnson's injuries and death, each member of the Ronald Johnson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Mr. Johnson's society, companionship, and counsel.

819. As a result of the January 23, 2007 Attack, Mr. Johnson was injured in his person and/or property. The Plaintiff members of the Ronald Johnson Family are the survivors and/or heirs of Mr. Johnson and are entitled to recover for the damages Mr. Johnson sustained.

820. **Mr. Arthur Laguna** served in Iraq as a civilian government contractor working for Blackwater. Mr. Laguna was injured in the January 23, 2007 Attack. Mr. Laguna died on January 23, 2007 as a result of injuries sustained during the attack.

821. Mr. Laguna was a U.S. national at the time of the attack and his death.

822. Plaintiff Marybeth Laguna is the widow of Mr. Laguna and a U.S. national.

823. Plaintiff Erin Calvert is the daughter of Mr. Laguna and a U.S. national.

824. Plaintiff Sheri Adams is the daughter of Mr. Laguna and a U.S. national.

825. Plaintiff Tami Zerilli is the daughter of Mr. Laguna and a U.S. national.

826. Plaintiff Lydia Laguna is the mother of Mr. Laguna and a U.S. national.

827. Plaintiff Annette Laguna-Bates is the sister of Mr. Laguna and a U.S. national.

828. Plaintiff Daniel Laguna Jr. is the brother of Mr. Laguna and a U.S. national.

829. Plaintiff Linda Laguna-Griffin is the sister of Mr. Laguna and a U.S. national.

830. Plaintiff Milo Laguna is the brother of Mr. Laguna and a U.S. national.

831. Plaintiff Sarah Parker is the stepdaughter of Mr. Laguna and a U.S. national. Ms. Parker lived in the same household as Mr. Laguna for a substantial time and considered Mr. Laguna the functional equivalent of a biological father.

832. As a result of the January 23, 2007 Attack and Mr. Laguna's injuries and death, each member of the Laguna Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Mr. Laguna's society, companionship, and counsel.

833. As a result of the January 23, 2007 Attack, Mr. Laguna was injured in his person and/or property. The Plaintiff members of the Laguna Family are the survivors and/or heirs of Mr. Laguna and are entitled to recover for the damages Mr. Laguna sustained.

**OO. The January 26, 2007 IED Attack in Diyala (Alan Johnson Family)**

834. On January 26, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the "January 26, 2007 Attack").

835. The January 26, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

836. **Major Alan Johnson** served in Iraq as a member of the U.S. Army Reserve. MAJ Johnson was injured in an IED attack in the January 26, 2007 Attack. MAJ Johnson died on January 26, 2007 as a result of injuries sustained during the attack.

837. MAJ Johnson was a U.S. national at the time of the attack and his death.

838. Plaintiff Victoria Johnson is the widow of MAJ Johnson and a U.S. national.

839. As a result of the January 26, 2007 Attack and MAJ Johnson's injuries and death, each member of the Johnson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of MAJ Johnson's society, companionship, and counsel.

840. As a result of the January 26, 2007 Attack, MAJ Johnson was injured in his person and/or property. The Plaintiff members of the Alan R. Johnson Family are the survivors and/or heirs of MAJ Johnson and are entitled to recover for the damages MAJ Johnson sustained.

**PP. The January 30, 2007 IED Attack in Al Anbar (Stephen Shannon Family)**

841. On January 30, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar (the “January 30, 2007 Attack”).

842. The January 30, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

843. **Corporal Stephen Shannon** served in Iraq as a member of the U.S. Army Reserve. CPL Shannon was injured in the January 30, 2007 Attack. CPL Shannon died on January 31, 2007 as a result of injuries sustained during the attack.

844. CPL Shannon was a U.S. national at the time of the attack and his death.

845. Plaintiff Joan Shannon is the mother of CPL Shannon and a U.S. national.

846. As a result of the January 30, 2007 Attack and CPL Shannon’s injuries and death, each member of the Shannon Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Shannon’s society, companionship, and counsel.

847. As a result of the January 30, 2007 Attack, CPL Shannon was injured in his person and/or property. The Plaintiff members of the Shannon Family are the survivors and/or heirs of CPL Shannon and are entitled to recover for the damages CPL Shannon sustained.

**QQ. The February 7, 2007 Helicopter Attack in Al Anbar (The Families of Travis Pfister, Thomas Saba, and James Tijerina)**

848. On February 7, 2007, Iranian Sunni Terrorist Proxies, with material support and resources from the IRGC, committed an attack on a helicopter in Al Anbar (the “February 7, 2007 Attack”).

849. The February 7, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

850. **Sergeant Travis Pfister** served in Iraq as a member of the U.S. Marine Corps. Sgt Pfister was injured in the February 7, 2007 Attack. Sgt Pfister died on February 7, 2007 as a result of injuries sustained during the attack.

851. Sgt Pfister was a U.S. national at the time of the attack and his death.

852. Plaintiff Joshua Pfister is the brother of Sgt Pfister and a U.S. national.

853. As a result of the February 7, 2007 Attack and Sgt Pfister’s injuries and death, each member of the Pfister Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Sgt Pfister’s society, companionship, and counsel.

854. As a result of the February 7, 2007 Attack, Sgt Pfister was injured in his person and/or property. The Plaintiff members of the Pfister Family are the survivors and/or heirs of Sgt Pfister and are entitled to recover for the damages Sgt Pfister sustained.

855. **Corporal Thomas Saba** served in Iraq as a member of the U.S. Marine Corps. Cpl Saba was injured in the February 7, 2007 Attack. Cpl Saba died on February 7, 2007 as a result of injuries sustained during the attack.

856. Cpl Saba was a U.S. national at the time of the attack and his death.

857. Plaintiff Anthony Saba Sr. is the father of Cpl Saba and a U.S. national.

858. Plaintiff Anthony Saba Jr. is the brother of Cpl Saba and a U.S. national.

859. Plaintiff Mary Saba is the sister of Cpl Saba and a U.S. national.

860. Mary Saba also brings claims in her representative capacity on behalf of the estate of Barbara Saba, who was Cpl Saba's mother. Barbara Saba's estate is entitled to solatium damages. Barbara Saba was a U.S. national.

861. As a result of the February 7, 2007 Attack and Cpl Saba's injuries and death, each member of the Saba Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Cpl Saba's society, companionship, and counsel.

862. As a result of the February 7, 2007 Attack, Cpl Saba was injured in his person and/or property. The Plaintiff members of the Saba Family are the survivors and/or heirs of Cpl Saba and are entitled to recover for the damages Cpl Saba sustained.

863. **Sergeant James Tijerina** served in Iraq as a member of the U.S. Marine Corps. Sgt Tijerina was injured in the February 7, 2007 Attack. Sgt Tijerina died on February 7, 2007 as a result of injuries sustained during the attack.

864. Sgt Tijerina was a U.S. national at the time of the attack and his death.

865. Plaintiff Lynn Shaw is the sister of Sgt Tijerina and a U.S. national.

866. As a result of the February 7, 2007 Attack and Sgt Tijerina's injuries and death, each member of the Tijerina Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Sgt Tijerina's society, companionship, and counsel.

867. As a result of the February 7, 2007 Attack, Sgt Tijerina was injured in his person and/or property. The Plaintiff members of the Tijerina Family are the survivors and/or heirs of Sgt Tijerina and are entitled to recover for the damages Sgt Tijerina sustained.

**RR. The February 8, 2007 IED Attack in Al Anbar (Ross Clevenger Family)**

868. On February 8, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar (the “February 8, 2007 Attack”).

869. The February 8, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

870. **Sergeant Ross Clevenger** served in Iraq as a member of the U.S. Army Reserve. SGT Clevenger was injured in the February 8, 2007 Attack. SGT Clevenger died on February 8, 2007 as a result of injuries sustained during the attack.

871. SGT Clevenger was a U.S. national at the time of the attack and his death.

872. Plaintiff Brandon Clevenger is the brother of SGT Clevenger and a U.S. national.

873. Plaintiff Nancy Clevenger is the stepmother of SGT Clevenger and a U.S. national. Ms. Clevenger lived in the same household as SGT Clevenger for a substantial time and considered SGT Clevenger the functional equivalent of a biological son.

874. As a result of the February 8, 2007 Attack and SGT Clevenger’s injuries and death, each member of the Clevenger Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Clevenger’s society, companionship, and counsel.

875. As a result of the February 8, 2007 Attack, SGT Clevenger was injured in his person and/or property. The Plaintiff members of the Clevenger Family are the survivors and/or heirs of SGT Clevenger and are entitled to recover for the damages SGT Clevenger sustained.

**SS. The February 11, 2007 IED Attack in Al Anbar (Russell Kurtz Family)**

876. On February 11, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar (the “February 11, 2007 Attack”).

877. The February 11, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

878. **Sergeant Russell Kurtz** served in Iraq as a member of the U.S. Army. SGT Kurtz was injured in the February 11, 2007 Attack. SGT Kurtz died on February 11, 2007 as a result of injuries sustained during the attack.

879. SGT Kurtz was a U.S. national at the time of the attack and his death.

880. Plaintiff Roger Kurtz is the father of SGT Kurtz and a U.S. national.

881. Plaintiff Stephanie Kurtz is the sister of SGT Kurtz and a U.S. national.

882. As a result of the February 11, 2007 Attack and SGT Kurtz’s injuries and death, each member of the Kurtz Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Kurtz’s society, companionship, and counsel.

883. As a result of the February 11, 2007 Attack, SGT Kurtz was injured in his person and/or property. The Plaintiff members of the Kurtz Family are the survivors and/or heirs of SGT Kurtz and are entitled to recover for the damages SGT Kurtz sustained.

**TT. The February 14, 2007 IED Attack In Diyala (Carl Seigart Family)**

884. On February 14, 2007, Iranian Sunni Terrorist Proxies, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the “February 14, 2007 Attack”).

885. The February 14, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

886. **Sergeant Carl Seigart** served in Iraq as a member of the U.S. Army. SGT Seigart was injured in the February 14, 2007 Attack. SGT Seigart died on February 14, 2007 as a result of injuries sustained during the attack.

887. SGT Seigart was a U.S. national at the time of the attack and his death.

888. Plaintiff Darlene Seigart is the mother of SGT Seigart and a U.S. national.

889. As a result of the February 14, 2007 IED Attack and SGT Seigart's injuries and death, each member of the Seigart Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Seigart's society, companionship, and counsel.

890. As a result of the February 14, 2007 IED Attack, SGT Seigart was injured in his person and/or property. The Plaintiff members of the Seigart Family are the survivors and/or heirs of SGT Seigart and are entitled to recover for the damages SGT Seigart sustained.

**UU. The February 18, 2007 IED Attack in Al Anbar (Brett Witteveen Family)**

891. On February 18, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar (the "February 18, 2007 IED Attack").

892. The February 18, 2007 IED Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

893. **Private First Class Brett Witteveen** served in Iraq as a member of the U.S. Marine Corps. PFC Witteveen was injured in the February 18, 2007 IED Attack. PFC Witteveen died on February 18, 2007 as a result of injuries sustained during the attack.

894. PFC Witteveen was a U.S. national at the time of the attack and his death.

895. Plaintiff Richard Witteveen is the father of PFC Witteveen and a U.S. national.

896. Plaintiff Heather Kaufman is the sister of PFC Witteveen and a U.S. national.

897. Plaintiff Trent Witteveen is the brother of PFC Witteveen and a U.S. national.

898. As a result of the February 18, 2007 IED Attack and PFC Witteveen's injuries and death, each member of the Witteveen Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PFC Witteveen's society, companionship, and counsel.

899. As a result of the February 18, 2007 IED Attack, PFC Witteveen was injured in his person and/or property. The Plaintiff members of the Witteveen Family are the survivors and/or heirs of PFC Witteveen and are entitled to recover for the damages PFC Witteveen sustained.

**VV. The February 18, 2007 Sniper Attack in Al Anbar (Kelly Youngblood Family)**

900. On February 18, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a sniper attack in Al Anbar (the "February 18, 2007 Sniper Attack").

901. The February 18, 2007 Sniper Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

902. **Private First Class Kelly Youngblood** served in Iraq as a member of the U.S. Army. PFC Youngblood was injured in the February 18, 2007 Sniper Attack. PFC Youngblood died on February 18, 2007 as a result of injuries sustained during the attack.

903. PFC Youngblood was a U.S. national at the time of the attack and his death.

904. Plaintiff Kristen Simon is the mother of PFC Youngblood and a U.S. national.

905. Plaintiff Richard Gervasi II is the brother of PFC Youngblood and a U.S. national.

906. As a result of the February 18, 2007 Sniper Attack and PFC Youngblood's injuries and death, each member of the Youngblood Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PFC Youngblood's society, companionship, and counsel.

907. As a result of the February 18, 2007 Sniper Attack, PFC Youngblood was injured in his person and/or property. The Plaintiff members of the Youngblood Family are the survivors and/or heirs of PFC Youngblood and are entitled to recover for the damages PFC Youngblood sustained.

#### **WW. The March 5, 2007 IED Attack in Saladin (Justin Estes Family)**

908. On March 5, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Saladin, Iraq (the "March 5, 2007 Attack").

909. The March 5, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

910. **Staff Sergeant Justin Estes** served in Iraq as a member of the U.S. Army. SSG Estes was injured in the March 5, 2007 Attack. SSG Estes died on March 5, 2007 as a result of injuries sustained during the attack.

911. SSG Estes was a U.S. national at the time of the attack and his death.

912. Plaintiff Diane Salyers is the mother of SSG Estes and a U.S. national.

913. Plaintiff Kelli Winkler is the sister of SSG Estes and a U.S. national.

914. Plaintiff Norma Estes is the sister of SSG Estes and a U.S. national.

915. As a result of the March 5, 2007 Attack and SSG Estes's injuries and death, each member of the Estes Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Estes's society, companionship, and counsel.

916. As a result of the March 5, 2007 Attack, SSG Estes was injured in his person and/or property. The Plaintiff members of the Estes Family are the survivors and/or heirs of SSG Estes and are entitled to recover for the damages SSG Estes sustained.

## **XX. The March 17, 2007 IED Attack in Diyala (Benjamin Sebban Family)**

917. On March 17, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the "March 17, 2007 Attack").

918. The March 17, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

919. **Sergeant First Class Benjamin Sebban** served in Iraq as a member of the U.S. Army. SFC Sebban was injured in the March 17, 2007 Attack. SFC Sebban died on March 17, 2007 as a result of injuries sustained during the attack.

920. SFC Sebban was a U.S. national at the time of the attack and his death.

921. Plaintiff Daniel Sebban is the brother of SFC Sebban and a U.S. national.

922. As a result of the March 17, 2007 Attack and SFC Sebban's injuries and death, each member of the Sebban Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Sebban's society, companionship, and counsel.

923. As a result of the March 17, 2007 Attack, SFC Sebban was injured in his person and/or property. The Plaintiff members of the Sebban Family are the survivors and/or heirs of SFC Sebban and are entitled to recover for the damages SFC Sebban sustained.

**YY. The April 4, 2007 IED Attack in Baghdad (Joseph Cantrell Family)**

924. On April 4, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Baghdad, Iraq (the "April 4, 2007 Attack").

925. The April 4, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

926. **Corporal Joseph Cantrell IV** served in Iraq as a member of the U.S. Army. CPL Cantrell was injured in the April 4, 2007 Attack. CPL Cantrell died on April 4, 2007 as a result of injuries sustained during the attack.

927. CPL Cantrell was a U.S. national at the time of the attack and his death.

928. Plaintiff Joseph Cantrell III is the father of CPL Cantrell and a U.S. national.

929. Plaintiff Sondra Adkins is the mother of CPL Cantrell and a U.S. national.

930. As a result of the April 4, 2007 Attack and CPL Cantrell's injuries and death, each member of the Cantrell Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Cantrell's society, companionship, and counsel.

931. As a result of the April 4, 2007 Attack, CPL Cantrell was injured in his person and/or property. The Plaintiff members of the Cantrell Family are the survivors and/or heirs of CPL Cantrell and are entitled to recover for the damages CPL Cantrell sustained.

**ZZ. The April 7, 2007 IED Attack in Diyala (The Families of Jonathan Grassbaugh, Levi Hoover, and Rodney McCandless)**

932. On April 7, 2007, Iranian Sunni Terrorist Proxies, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the "April 7, 2007 IED Attack").

933. The April 7, 2007 IED Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

934. **Captain Jonathan Grassbaugh** served in Iraq as a member of the U.S. Army. CPT Grassbaugh was injured in the April 7, 2007 IED Attack. CPT Grassbaugh died on April 7, 2007 as a result of injuries sustained during the attack.

935. CPT Grassbaugh was a U.S. national at the time of the attack and his death.

936. Plaintiff Patricia Grassbaugh is the mother of CPT Grassbaugh and a U.S. national.

937. As a result of the April 7, 2007 IED Attack and CPT Grassbaugh's injuries and death, each member of the Grassbaugh Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPT Grassbaugh's society, companionship, and counsel.

938. As a result of the April 7, 2007 IED Attack, CPT Grassbaugh was injured in his person and/or property. The Plaintiff members of the Grassbaugh Family are the survivors and/or heirs of CPT Grassbaugh and are entitled to recover for the damages CPT Grassbaugh sustained.

939. **Specialist Levi Hoover** served in Iraq as a member of the U.S. Army. SPC Hoover was injured in the April 7, 2007 IED Attack. SPC Hoover died on April 7, 2007 as a result of injuries sustained during the attack.

940. SPC Hoover was a U.S. national at the time of the attack and his death.

941. Plaintiff Belinda Brewster is the mother of SPC Hoover and a U.S. national.

942. As a result of the April 7, 2007 IED Attack and SPC Hoover's injuries and death, each member of the Hoover Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Hoover's society, companionship, and counsel.

943. As a result of the April 7, 2007 IED Attack, SPC Hoover was injured in his person and/or property. The Plaintiff members of the Hoover Family are the survivors and/or heirs of SPC Hoover and are entitled to recover for the damages SPC Hoover sustained.

944. **Private First Class Rodney McCandless** served in Iraq as a member of the U.S. Army. PFC McCandless was injured in the April 7, 2007 IED Attack. PFC McCandless died on April 7, 2007 as a result of injuries sustained during the attack.

945. PFC McCandless was a U.S. national at the time of the attack and his death.

946. Plaintiff Chassity McCandless is the sister of PFC McCandless and a U.S. national.

947. Plaintiff Ronald Sumner is the brother of PFC McCandless and a U.S. national.

948. As a result of the April 7, 2007 IED Attack and PFC McCandless's injuries and death, each member of the McCandless Family has experienced severe mental anguish,

emotional pain and suffering, and the loss of PFC McCandless's society, companionship, and counsel.

949. As a result of the April 7, 2007 IED Attack, PFC McCandless was injured in his person and/or property. The Plaintiff members of the McCandless Family are the survivors and/or heirs of PFC McCandless and are entitled to recover for the damages PFC McCandless sustained.

**AAA. The April 14, 2007 IED Attack in Al Anbar (Brandon Wallace Family)**

950. On April 14, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the "April 14, 2007 Attack").

951. The April 14, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

952. **Sergeant Brandon Wallace** served in Iraq as a member of the U.S. Army. SGT Wallace was injured in the April 14, 2007 Attack. SGT Wallace died on April 14, 2007 as a result of injuries sustained during the attack.

953. SGT Wallace was a U.S. national at the time of the attack and his death.

954. Plaintiff Robin Wallace is the mother of SGT Wallace and a U.S. national.

955. Plaintiff Rickey Wallace is the father of SGT Wallace and a U.S. national.

956. Plaintiff Rachel Tucker is the sister of SGT Wallace and a U.S. national.

957. Plaintiff Sarah Wallace is the sister of SGT Wallace and a U.S. national.

958. As a result of the April 14, 2007 IED Attack and SGT Wallace's injuries and death, each member of the Wallace Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Wallace's society, companionship, and counsel.

959. As a result of the April 14, 2007 IED Attack, SGT Wallace was injured in his person and/or property. The Plaintiff members of the Wallace Family are the survivors and/or heirs of SGT Wallace and are entitled to recover for the damages SGT Wallace sustained.

**BBB. The April 23, 2007 Vehicle-Borne IED Attack in Diyala (The Families of Kenneth Locker, Brice Pearson, and Michael Rodriguez)**

960. On April 23, 2007, Iranian Sunni Terrorist Proxies, with material support and resources from the IRGC, committed a vehicle-born IED attack in Diyala, Iraq (the "April 23, 2007 Attack").

961. The April 23, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

962. **Staff Sergeant Kenneth Locker Jr.** served in Iraq as a member of the U.S. Army. SSG Locker was injured in the April 23, 2007 Attack. SSG Locker died on April 23, 2007 as a result of injuries sustained during the attack.

963. SSG Locker was a U.S. national at the time of the attack and his death.

964. Plaintiff Carmon Petters is the sister of SSG Locker and a U.S. national.

965. Cameron Petters also brings claims in her representative capacity on behalf of the estate of Kenneth Locker Sr., who was SSG Locker's father. Kenneth Locker Sr.'s estate is entitled to solatium damages. Kenneth Locker Sr. was a U.S. national.

966. As a result of the April 23, 2007 Attack and SSG Locker's injuries and death, each member of the Locker Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Locker's society, companionship, and counsel.

967. As a result of the April 23, 2007 Attack, SSG Locker was injured in his person and/or property. The Plaintiff members of the Locker Family are the survivors and/or heirs of SSG Locker and are entitled to recover for the damages SSG Locker sustained.

968. **Sergeant Brice Pearson** served in Iraq as a member of the U.S. Army. SGT Pearson was injured in the April 23, 2007 Attack. SGT Pearson died on April 23, 2007 as a result of injuries sustained during the attack.

969. SGT Pearson was a U.S. national at the time of the attack and his death.

970. Plaintiff Leslie White is the mother of SGT Pearson and a U.S. national.

971. Plaintiff Jeremy Pearson is the brother of SGT Pearson and a U.S. national.

972. As a result of the April 23, 2007 Attack and SGT Pearson's injuries and death, each member of the Pearson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Pearson's society, companionship, and counsel.

973. As a result of the April 23, 2007 Attack, SGT Pearson was injured in his person and/or property. The Plaintiff members of the Pearson Family are the survivors and/or heirs of SGT Pearson and are entitled to recover for the damages SGT Pearson sustained.

974. **Specialist Michael Rodriguez** served in Iraq as a member of the U.S. Army. SPC Rodriguez was injured in the April 23, 2007 Attack. SPC Rodriguez died on April 23, 2007 as a result of injuries sustained during the attack.

975. SPC Rodriguez was a U.S. national at the time of the attack and his death.

976. Plaintiff Lorie Southerland is the mother of SPC Rodriguez and a U.S. national.

977. As a result of the April 23, 2007 Attack and SPC Rodriguez's injuries and death, each member of the Rodriguez Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Rodriguez's society, companionship, and counsel.

978. As a result of the April 23, 2007 Attack, SPC Rodriguez was injured in his person and/or property. The Plaintiff members of the Rodriguez Family are the survivors and/or heirs of SPC Rodriguez and are entitled to recover for the damages SPC Rodriguez sustained.

**CCC. The May 6, 2007 IED Attack in Diyala (Jason Harkins Family)**

979. On May 6, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the "May 6, 2007 Attack").

980. The May 6, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

981. **Sergeant Jason Harkins** served in Iraq as a member of the U.S. Army. SGT Harkins was injured in the May 6, 2007 Attack. SGT Harkins died on May 6, 2007 as a result of injuries sustained during the attack.

982. SGT Harkins was a U.S. national at the time of the attack and his death.

983. Plaintiff April Harkins is the mother of SGT Harkins and a U.S. national.

984. Plaintiff Robert Harkins Jr. is the father of SGT Harkins and a U.S. national.

985. As a result of the May 6, 2007 Attack and SGT Harkins's injuries and death, each member of the Harkins Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Harkins's society, companionship, and counsel.

986. As a result of the May 6, 2007 Attack, SGT Harkins was injured in his person and/or property. The Plaintiff members of the Harkins Family are the survivors and/or heirs of SGT Harkins and are entitled to recover for the damages SGT Harkins sustained.

**DDD. The May 14, 2007 Sniper Attack in Al Anbar (Jeffrey Walker Family)**

987. On May 14, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a sniper attack in Al Anbar (the “May 14, 2007 Attack”).

988. The May 14, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

989. **Lance Corporal Jeffrey Walker** served in Iraq as a member of the U.S. Marine Corps. LCpl Walker was injured in the May 14, 2007 Attack. LCpl Walker died on May 14, 2007 as a result of injuries sustained during the attack.

990. LCpl Walker was a U.S. national at the time of the attack and his death.

991. Plaintiff Conner Walker is the son of LCpl Walker and a U.S. national.

992. Plaintiff Teresa Pinner is the mother of LCpl Walker and a U.S. national.

993. Plaintiff James Walker is the father of LCpl Walker and a U.S. national.

994. Plaintiff Kasey Walker is the sister of LCpl Walker and a U.S. national.

995. Plaintiff Kelly Murray is the sister of LCpl Walker and a U.S. national.

996. As a result of the May 14, 2007 Attack and LCpl Walker’s injuries and death, each member of the Walker Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Walker’s society, companionship, and counsel.

997. As a result of the May 14, 2007 Attack, LCpl Walker was injured in his person and/or property. The Plaintiff members of the Walker Family are the survivors and/or heirs of LCpl Walker and are entitled to recover for the damages LCpl Walker sustained.

**EEE. The May 18, 2007 IED Attack in Baghdad (Anselmo Martinez III Family)**

998. On May 18, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Baghdad, Iraq (the “May 18, 2007 Attack”).

999. The May 18, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1000. **Sergeant Anselmo Martinez III** served in Iraq as a member of the U.S. Army. SGT Martinez was injured in the May 18, 2007 Attack. SGT Martinez died on May 18, 2007 as a result of injuries sustained during the attack.

1001. SGT Martinez was a U.S. national at the time of the attack and his death.

1002. Plaintiff Anselmo Martinez Jr. is the father of SGT Martinez and a U.S. national.

1003. Plaintiff Galdina Ibarra is the sister of SGT Martinez and a U.S. national.

1004. As a result of the May 18, 2007 Attack and SGT Martinez’s injuries and death, each member of the Martinez Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Martinez’s society, companionship, and counsel.

1005. As a result of the May 18, 2007 Attack, SGT Martinez was injured in his person and/or property. The Plaintiff members of the Martinez Family are the survivors and/or heirs of SGT Martinez and are entitled to recover for the damages SGT Martinez sustained.

**FFF. The May 22, 2007 IED Attack in Baghdad (Robert Montgomery Jr. Family)**

1006. On May 22, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Baghdad, Iraq (the “May 22, 2007 Attack”).

1007. The May 22, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1008. **Sergeant Robert Montgomery Jr.** served in Iraq as a member of the U.S. Army. SGT Montgomery was injured in the May 22, 2007 Attack. SGT Montgomery died on May 22, 2007 as a result of injuries sustained during the attack.

1009. SGT Montgomery was a U.S. national at the time of the attack and his death.

1010. Plaintiff Micah Montgomery is the brother of SGT Montgomery and a U.S. national.

1011. As a result of the May 22, 2007 Attack and SGT Montgomery's injuries and death, each member of the Montgomery Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Montgomery's society, companionship, and counsel.

1012. As a result of the May 22, 2007 Attack, SGT Montgomery was injured in his person and/or property. The Plaintiff members of the Montgomery Family are the survivors and/or heirs of SGT Montgomery and are entitled to recover for the damages SGT Montgomery sustained.

**GGG. The May 28, 2007 IED Attack in Diyala (The Families of Zachary Baker, James Summers III, and Kile West)**

1013. On May 28, 2007, Iranian Sunni Terrorist Proxies, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the "May 28, 2007 Attack").

1014. The May 28, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack

neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1015. **Corporal Zachary Baker** served in Iraq as a member of the U.S. Army. CPL Baker was injured in the May 28, 2007 Attack. CPL Baker died on May 28, 2007 as a result of injuries sustained during the attack.

1016. CPL Baker was a U.S. national at the time of the attack and his death.

1017. Plaintiff Christina Baker is the widow of CPL Baker and a U.S. national.

1018. As a result of the May 28, 2007 Attack and CPL Baker's injuries and death, each member of the Baker Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Baker's society, companionship, and counsel.

1019. As a result of the May 28, 2007 Attack, CPL Baker was injured in his person and/or property. The Plaintiff members of the Baker Family are the survivors and/or heirs of CPL Baker and are entitled to recover for the damages CPL Baker sustained.

1020. **Corporal James Summers III** served in Iraq as a member of the U.S. Army. CPL Summers was injured in the May 28, 2007 Attack. CPL Summers died on May 28, 2007 as a result of injuries sustained during the attack.

1021. CPL Summers was a U.S. national at the time of the attack and his death.

1022. Plaintiff Michael Summers is the brother of CPL Summers and a U.S. national.

1023. As a result of the May 28, 2007 Attack and CPL Summers's injuries and death, each member of the Summers Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Summers's society, companionship, and counsel.

1024. As a result of the May 28, 2007 Attack, CPL Summers was injured in his person and/or property. The Plaintiff members of the Summers Family are the survivors and/or heirs of CPL Summers and are entitled to recover for the damages CPL Summers sustained.

1025. **First Lieutenant Kile West** served in Iraq as a member of the U.S. Army. 1LT West was injured in the May 28, 2007 Attack. 1LT West died on May 28, 2007 as a result of injuries sustained during the attack.

1026. 1LT West was a U.S. national at the time of the attack and his death.

1027. Plaintiff Nanette West is the mother of 1LT West and a U.S. national.

1028. Plaintiff Clark West is the father of 1LT West and a U.S. national.

1029. Plaintiff Kelli Anderson is the sister of 1LT West and a U.S. national.

1030. Plaintiff Kara Belmarez is the sister of 1LT West and a U.S. national.

1031. Plaintiff Carter West is the brother of 1LT West and a U.S. national.

1032. As a result of the May 28, 2007 Attack and 1LT West's injuries and death, each member of the West Family has experienced severe mental anguish, emotional pain and suffering, and the loss of 1LT West's society, companionship, and counsel.

1033. As a result of the May 28, 2007 Attack, 1LT West was injured in his person and/or property. The Plaintiff members of the West Family are the survivors and/or heirs of 1LT West and are entitled to recover for the damages 1LT West sustained.

#### **HHH. The June 2, 2007 IED Attack in Saladin (Dariek Dehn Family)**

1034. On June 2, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Saladin, Iraq (the "June 2, 2007 Attack").

1035. The June 2, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack

neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1036. **Sergeant Dariek Dehn** served in Iraq as a member of the U.S. Army. SGT Dehn was injured in the June 2, 2007 Attack. SGT Dehn died on June 2, 2007 as a result of injuries sustained during the attack.

1037. SGT Dehn was a U.S. national at the time of the attack and his death.

1038. Plaintiff David Dehn Jr. is the brother of SGT Dehn and a U.S. national.

1039. As a result of the June 2, 2007 Attack and SGT Dehn's injuries and death, each member of the Dehn Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Dehn's society, companionship, and counsel.

1040. As a result of the June 2, 2007 Attack, SGT Dehn was injured in his person and/or property. The Plaintiff members of the Dehn Family are the survivors and/or heirs of SGT Dehn and are entitled to recover for the damages SGT Dehn sustained.

### **III. The June 12, 2007 RPG Attack in Diyala (Damon LeGrand Family)**

1041. On June 12, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an RPG attack in Diyala, Iraq (the "June 12, 2007 Attack").

1042. The June 12, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1043. **Corporal Damon LeGrand** served in Iraq as a member of the U.S. Army. CPL LeGrand was injured in the June 12, 2007 Attack. CPL LeGrand died on June 12, 2007 as a result of injuries sustained during the attack.

1044. CPL LeGrand was a U.S. national at the time of the attack and his death.

1045. Plaintiff Ashley Rawlings is the widow of CPL LeGrand and a U.S. national.

1046. Plaintiff Kelsie LeGrand is the daughter of CPL LeGrand and a U.S. national.

1047. Plaintiff Glenna LeGrand is the mother of CPL LeGrand and a U.S. national.

1048. Plaintiff Moira Legrand is the stepdaughter of CPL LeGrand and a U.S. national.

Miss LeGrand lived in the same household as CPL LeGrand for a substantial time and

considered CPL LeGrand the functional equivalent of a biological father.

1049. As a result of the June 12, 2007 Attack and CPL LeGrand's injuries and death, each member of the LeGrand Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL LeGrand's society, companionship, and counsel.

1050. As a result of the June 12, 2007 Attack, CPL LeGrand was injured in his person and/or property. The Plaintiff members of the LeGrand Family are the survivors and/or heirs of CPL LeGrand and are entitled to recover for the damages CPL LeGrand sustained.

#### **JJJ. The June 19, 2007 IED Attack in Diyala (Darryl Linder Family)**

1051. On June 19, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the "June 19, 2007 Attack").

1052. The June 19, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1053. **Corporal Darryl Linder** served in Iraq as a member of the U.S. Army. CPL Linder was injured in the June 19, 2007 Attack. CPL Linder died on June 19, 2007 as a result of injuries sustained during the attack.

1054. CPL Linder was a U.S. national at the time of the attack and his death.

1055. Plaintiff Darryl Linder is the father of CPL Linder and a U.S. national.

1056. As a result of the June 19, 2007 Attack and CPL Linder's injuries and death, each member of the Linder Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Linder's society, companionship, and counsel.

1057. As a result of the June 19, 2007 Attack, CPL Linder was injured in his person and/or property. The Plaintiff members of the Linder Family are the survivors and/or heirs of CPL Linder and are entitled to recover for the damages CPL Linder sustained.

**KKK. The July 17, 2007 IED Attack in Saladin (Patrick Wade Family)**

1058. On July 17, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Saladin, Iraq (the "July 17, 2007 Attack").

1059. The July 17, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1060. **Chief Petty Officer Patrick Wade** served in Iraq as a member of the U.S. Navy. CPO Wade was injured in the July 17, 2007 Attack. CPO Wade died on July 17, 2007 as a result of injuries sustained during the attack.

1061. CPO Wade was a U.S. national at the time of the attack and his death.

1062. Plaintiff Gary Wade is the brother of CPO Wade and a U.S. national.

1063. As a result of the July 17, 2007 Attack and CPO Wade's injuries and death, each member of the Wade Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPO Wade's society, companionship, and counsel.

1064. As a result of the July 17, 2007 Attack, CPO Wade was injured in his person and/or property. The Plaintiff members of the Wade Family are the survivors and/or heirs of CPO Wade and are entitled to recover for the damages CPO Wade sustained.

**LLL. The July 20, 2007 IED Attack In Diyala (Rhett Butler Family)**

1065. On July 20, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the “July 20, 2007 Attack”).

1066. The July 20, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1067. **Corporal Rhett Butler** served in Iraq as a member of the U.S. Army. CPL Butler was injured in an the July 20, 2007 Attack. CPL Butler died on July 20, 2007 as a result of injuries sustained during the attack

1068. CPL Butler was a U.S. national at the time of the attack and his death.

1069. Plaintiff Shawna Westbrook is the sister of CPL Butler and a U.S. national.

1070. As a result of the July 20, 2007 Attack and CPL Butler’s injuries and death, each member of the Butler Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Butler’s society, companionship, and counsel.

1071. As a result of the July 20, 2007 Attack, CPL Butler was injured in his person and/or property. The Plaintiff members of the Butler Family are the survivors and/or heirs of CPL Butler and are entitled to recover for the damages CPL Butler sustained.

**MMM. The July 24, 2007 IED Attack in Diyala (Robert Lynch Family)**

1072. On July 24, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED Attack in Diyala, Iraq (the “July 24, 2007 IED Attack”).

1073. The July 24, 2007 IED Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the

attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1074. **Lance Corporal Robert Lynch** served in Iraq as a member of the U.S. Marine Corps. LCpl Lynch was injured in the July 24, 2007 IED Attack. LCpl Lynch died on July 24, 2007 as a result of injuries sustained during the attack.

1075. LCpl Lynch was a U.S. national at the time of the attack and his death.

1076. Plaintiff Michael Lynch III is the brother of LCpl Lynch and a U.S. national.

1077. As a result of the July 24, 2007 IED Attack and LCpl Lynch's injuries and death, each member of the Lynch Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Lynch's society, companionship, and counsel.

1078. As a result of the July 24, 2007 IED Attack, LCpl Lynch was injured in his person and/or property. The Plaintiff members of the Lynch Family are the survivors and/or heirs of LCpl Lynch and are entitled to recover for the damages LCpl Lynch sustained.

**NNN. The July 26, 2007 IED Attack In Diyala (Michael Baloga Family)**

1079. On July 26, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the "July 26, 2007 Attack").

1080. The July 26, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1081. **Private Second Class Michael Baloga** served in Iraq as a member of the U.S. Army. PV2 Baloga was injured in the July 26, 2007 Attack. PV2 Baloga died on July 26, 2007 as a result of injuries sustained during the attack.

1082. PV2 Baloga was a U.S. national at the time of the attack and his death.

1083. Plaintiff Linda Baloga is the stepmother of PV2 Baloga and a U.S. national. Ms. Baloga lived in the same household as PV2 Baloga for a substantial time and considered PV2 Baloga the functional equivalent of a biological son.

1084. As a result of the July 26, 2007 Attack and PV2 Baloga's injuries and death, each member of the Baloga Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PV2 Baloga's society, companionship, and counsel.

1085. As a result of the July 26, 2007 Attack, PV2 Baloga was injured in his person and/or property. The Plaintiff members of the Baloga Family are the survivors and/or heirs of PV2 Baloga and are entitled to recover for the damages PV2 Baloga sustained.

**OOO. The August 11, 2007 IED Attack in Baghdad (William Scates Family)**

1086. On August 11, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Baghdad, Iraq (the "August 11, 2007 Attack").

1087. The August 11, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1088. **Staff Sergeant William Scates** served in Iraq as a member of the U.S. Army. SSG Scates was injured in the August 11, 2007 Attack. SSG Scates died on August 11, 2007 as a result of injuries sustained during the attack.

1089. SSG Scates was a U.S. national at the time of the attack and his death.

1090. Plaintiff Shannon Owens is the sister of SSG Scates and a U.S. national.

1091. As a result of the August 11, 2007 Attack and SSG Scates's injuries and death, each member of the Scates Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Scates's society, companionship, and counsel.

1092. As a result of the August 11, 2007 Attack, SSG Scates was injured in his person and/or property. The Plaintiff members of the Scates Family are the survivors and/or heirs of SSG Scates and are entitled to recover for the damages SSG Scates sustained.

**PPP. The August 30, 2007 IED Attack in Nineveh (Daniel Scheibner Family)**

1093. On August 30, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Nineveh, Iraq (the "August 30, 2007 Attack").

1094. The August 30, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1095. **Sergeant First Class Daniel Scheibner** served in Iraq as a member of the U.S. Army. SFC Scheibner was injured in the August 30, 2007 Attack. SFC Scheibner died on August 30, 2007 as a result of injuries sustained during the attack.

1096. SFC Scheibner was a U.S. national at the time of the attack and his death.

1097. Plaintiff Ann Scheibner is the widow of SFC Scheibner and a U.S. national.

1098. Plaintiff Tyler Scheibner is the son of SFC Scheibner and a U.S. national.

1099. Plaintiff David Scheibner is the brother of SFC Scheibner and a U.S. national.

1100. Plaintiff Diane Cottrell is the sister of SFC Scheibner and a U.S. national.

1101. As a result of the August 30, 2007 Attack and SFC Scheibner's injuries and death, each member of the Scheibner Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Scheibner's society, companionship, and counsel.

1102. As a result of the August 30, 2007 Attack, SFC Scheibner was injured in his person and/or property. The Plaintiff members of the Scheibner Family are the survivors and/or heirs of SFC Scheibner and are entitled to recover for the damages SFC Scheibner sustained.

**QQQ. The September 7, 2007 IED Attack in Nineveh (Jason Hernandez Family)**

1103. On September 7, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Nineveh, Iraq (the "September 7, 2007 Attack").

1104. The September 7, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1105. **Corporal Jason Hernandez** served in Iraq as a member of the U.S. Army. CPL Hernandez was injured in the September 7, 2007 Attack. CPL Hernandez died on September 7, 2007 as a result of injuries sustained during the attack.

1106. CPL Hernandez was a U.S. national at the time of the attack and his death.

1107. Plaintiff John Hernandez is the father of CPL Hernandez and a U.S. national.

1108. Plaintiff Angela Hernandez is the sister of CPL Hernandez and a U.S. national.

1109. As a result of the September 7, 2007 Attack and CPL Hernandez's injuries and death, each member of the Jason J. Hernandez Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Hernandez's society, companionship, and counsel.

1110. As a result of the September 7, 2007 Attack, CPL Hernandez was injured in his person and/or property. The Plaintiff members of the Jason J. Hernandez Family are the survivors and/or heirs of CPL Hernandez and are entitled to recover for the damages CPL Hernandez sustained.

**RRR. The September 14, 2007 IED Attack in Diyala (Families of Jonathan Rivadeneira and Terry Wagoner)**

1111. On September 14, 2007, Iranian Sunni Terrorist Proxies, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the “September 14, 2007 Attack”).

1112. The September 14, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1113. **Specialist Jonathan Rivadeneira** served in Iraq as a member of the U.S. Army. SPC Rivadeneira was injured in the September 14, 2007 Attack. SPC Rivadeneira died on September 14, 2007 as a result of injuries sustained during the attack.

1114. SPC Rivadeneira was a U.S. national at the time of the attack and his death.

1115. Plaintiff Heather Nied is the widow of SPC Rivadeneira and a U.S. national.

1116. As a result of the September 14, 2007 Attack and SPC Rivadeneira’s injuries and death, each member of the Rivadeneira Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Rivadeneira’s society, companionship, and counsel.

1117. As a result of the September 14, 2007 Attack, SPC Rivadeneira was injured in his person and/or property. The Plaintiff members of the Rivadeneira Family are the survivors

and/or heirs of SPC Rivadeneira and are entitled to recover for the damages SPC Rivadeneira sustained.

1118. **Staff Sergeant Terry Wagoner** served in Iraq as a member of the U.S. Army. SSG Wagoner was injured in the September 14, 2007 Attack. SSG Wagoner died on September 14, 2007 as a result of injuries sustained during the attack.

1119. SSG Wagoner was a U.S. national at the time of the attack and his death.

1120. Plaintiff Katherine Wagoner is the widow of SSG Wagoner and a U.S. national.

1121. As a result of the September 14, 2007 attack and SSG Wagoner's injuries and death, each member of the Wagoner Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Wagoner's society, companionship, and counsel.

1122. As a result of the September 14, 2007 attack, SSG Wagoner was injured in his person and/or property. The Plaintiff members of the Wagoner Family are the survivors and/or heirs of SSG Wagoner and are entitled to recover for the damages SSG Wagoner sustained.

**SSS. The September 18, 2007 IED Attack in Diyala (Nicholas Olson Family)**

1123. On September 18, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the "September 18, 2007 Attack").

1124. The September 18, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1125. **Corporal Nicholas Olson** served in Iraq as a member of the U.S. Army. CPL Olson was injured in the September 18, 2007 Attack. CPL Olson died on September 18, 2007 as a result of injuries sustained during the attack.

1126. CPL Olson was a U.S. national at the time of the attack and his death.

1127. Plaintiff Melody Olson is the daughter of CPL Olson and a U.S. national.

1128. Plaintiff Raymond Olson is the father of CPL Olson and a U.S. national.

1129. As a result of the September 18, 2007 Attack and CPL Olson's injuries and death, each member of the Olson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Olson's society, companionship, and counsel.

1130. As a result of the September 18, 2007 Attack, CPL Olson was injured in his person and/or property. The Plaintiff members of the Olson Family are the survivors and/or heirs of CPL Olson and are entitled to recover for the damages CPL Olson sustained.

**TTT. The October 14, 2007 IED Attack in Baghdad (Justin Monschke Family)**

1131. On October 14, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Baghdad, Iraq (the "October 14, 2007 Attack").

1132. The October 14, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1133. **Sergeant First Class Justin Monschke** served in Iraq as a member of the U.S. Army. SFC Monschke was injured in the October 14, 2007 Attack. SFC Monschke died on October 14, 2007 as a result of injuries sustained during the attack.

1134. SFC Monschke was a U.S. national at the time of the attack and his death.

1135. Plaintiff Patty Jett is the mother of SFC Monschke and a U.S. national.

1136. As a result of the October 14, 2007 Attack and SFC Monschke's injuries and death, each member of the Monschke Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Monschke's society, companionship, and counsel.

1137. As a result of the October 14, 2007 Attack, SFC Monschke was injured in his person and/or property. The Plaintiff members of the Monschke Family are the survivors and/or heirs of SFC Monschke and are entitled to recover for the damages SFC Monschke sustained.

**UUU. The October 24, 2007 IED Attack in Nineveh (Robin Towns Sr. Family)**

1138. On October 24, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Nineveh, Iraq (the "October 24, 2007 Attack").

1139. The October 24, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1140. **Sergeant First Class Robin Towns Sr.** served in Iraq as a member of the U.S. Army National Guard. SFC Towns was injured in the October 24, 2007 Attack. SFC Towns died on October 24, 2007 as a result of injuries sustained during the attack.

1141. SFC Towns was a U.S. national at the time of the attack and his death.

1142. Plaintiff Shelia Towns is the widow of SFC Towns and a U.S. national.

1143. As a result of the October 24, 2007 Attack and SFC Towns's injuries and death, each member of the Towns Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Towns's society, companionship, and counsel.

1144. As a result of the October 24, 2007 Attack, SFC Towns was injured in his person and/or property. The Plaintiff members of the Towns Family are the survivors and/or heirs of SFC Towns and are entitled to recover for the damages SFC Towns sustained.

**VVV. The November 14, 2007 IED Attack in Diyala (Kenneth Booker Family)**

1145. On November 14, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the “November 14, 2007 Attack”).

1146. The November 14, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1147. **Sergeant Kenneth Booker** served in Iraq as a member of the U.S. Army. SGT Booker was injured in the November 14, 2007 Attack. SGT Booker died on November 14, 2007 as a result of injuries sustained during the attack.

1148. SGT Booker was a U.S. national at the time of the attack and his death.

1149. Plaintiff Charles Booker is the father of SGT Booker and a U.S. national.

1150. Plaintiff Brenda Booker is the stepmother of SGT Booker and a U.S. national. Ms. Booker lived in the same household as SGT Booker for a substantial time and considered SGT Booker the functional equivalent of a biological son.

1151. As a result of the November 14, 2007 Attack and SGT Booker’s injuries and death, each member of the Booker Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Booker’s society, companionship, and counsel.

1152. As a result of the November 14, 2007 Attack, SGT Booker was injured in his person and/or property. The Plaintiff members of the Booker Family are the survivors and/or heirs of SGT Booker and are entitled to recover for the damages SGT Booker sustained.

**WWW. The December 20, 2007 Suicide Bomb Attack in Diyala (Jeremy Ray Family)**

1153. On December 20, 2007, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a suicide bomber attack in Diyala, Iraq (the “December 20, 2007 Attack”).

1154. The December 20, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1155. **First Lieutenant Jeremy Ray** served in Iraq as a member of the U.S. Army. 1LT Ray was injured in the “December 20, 2007 Attack. 1LT Ray died on December 20, 2007 as a result of injuries sustained during the attack.

1156. 1LT Ray was a U.S. national at the time of the attack and his death.

1157. Plaintiff Deborah Ray is the mother of 1LT Ray and a U.S. national.

1158. Plaintiff Walter Ray is the father of 1LT Ray and a U.S. national.

1159. As a result of the December 20, 2007 Attack and 1LT Ray’s injuries and death, each member of the Ray Family has experienced severe mental anguish, emotional pain and suffering, and the loss of 1LT Ray’s society, companionship, and counsel.

1160. As a result of the December 20, 2007 Attack, 1LT Ray was injured in his person and/or property. The Plaintiff members of the Ray Family are the survivors and/or heirs of 1LT Ray and are entitled to recover for the damages 1LT Ray sustained.

**XXX. The January 5, 2008 IED Attack in Diyala (Jason Lemke Family)**

1161. On January 5, 2008, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the “January 5, 2008 Attack”).

1162. The January 5, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1163. **Corporal Jason Lemke** served in Iraq as a member of the U.S. Army. CPL Lemke was injured in the January 5, 2008 Attack. CPL Lemke died on January 5, 2008 as a result of injuries sustained during the attack.

1164. CPL Lemke was a U.S. national at the time of the attack and his death.

1165. Plaintiff Jill Frederiksen is the sister of CPL Lemke and a U.S. national.

1166. As a result of the January 5, 2008 Attack and CPL Lemke’s injuries and death, each member of the Lemke Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Lemke’s society, companionship, and counsel.

1167. As a result of the January 5, 2008 Attack, CPL Lemke was injured in his person and/or property. The Plaintiff members of the Lemke Family are the survivors and/or heirs of CPL Lemke and are entitled to recover for the damages CPL Lemke sustained.

**YYY. The January 9, 2008 IED Attack in Diyala (The Families of Jonathan Dozier, Zachary McBride, and Matthew Pionk)**

1168. On January 9, 2008, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the “January 9, 2008 Attack”).

1169. The January 9, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1170. **Sergeant First Class Jonathan Dozier** served in Iraq as a member of the U.S. Army. SFC Dozier was injured in the January 9, 2008 Attack. SFC Dozier died on January 9, 2008 as a result of injuries sustained during the attack.

1171. SFC Dozier was a U.S. national at the time of the attack and his death.

1172. Plaintiff Martha Cabe is the mother of SFC Dozier and a U.S. national.

1173. As a result of the January 9, 2008 Attack and SFC Dozier's injuries and death, each member of the Dozier Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Dozier's society, companionship, and counsel.

1174. As a result of the January 9, 2008 Attack, SFC Dozier was injured in his person and/or property. The Plaintiff members of the Dozier Family are the survivors and/or heirs of SFC Dozier and are entitled to recover for the damages SFC Dozier sustained.

1175. **Sergeant Zachary McBride** served in Iraq as a member of the U.S. Army. SGT McBride was injured in the January 9, 2008 Attack. SGT McBride died on January 9, 2008 as a result of injuries sustained during the attack.

1176. SGT McBride was a U.S. national at the time of the attack and his death.

1177. Plaintiff Laura McBride is the mother of SGT McBride and a U.S. national.

1178. Plaintiff Marshall McBride is the father of SGT McBride and a U.S. national.

1179. Plaintiff Sarah Lambert is the sister of SGT McBride and a U.S. national.

1180. As a result of the January 9, 2008 Attack and SGT McBride's injuries and death, each member of the McBride Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT McBride's society, companionship, and counsel.

1181. As a result of the January 9, 2008 Attack, SGT McBride was injured in his person and/or property. The Plaintiff members of the McBride Family are the survivors and/or heirs of SGT McBride and are entitled to recover for the damages SGT McBride sustained.

1182. **Sergeant First Class Matthew Pionk** served in Iraq as a member of the U.S. Army. SFC Pionk was injured in the January 9, 2008 Attack. SFC Pionk died on January 9, 2008 as a result of injuries sustained during the attack.

1183. SFC Pionk was a U.S. national at the time of the attack and his death.

1184. Plaintiff Melanie Pionk is the widow of SFC Pionk and a U.S. national.

1185. Plaintiff Ashley Pionk is the daughter of SFC Pionk and a U.S. national.

1186. Plaintiff Brandon Pionk is the son of SFC Pionk and a U.S. national.

1187. Plaintiff Dillon Pionk is the son of SFC Pionk and a U.S. national.

1188. Plaintiff Joshua Pionk is the brother of SFC Pionk and a U.S. national.

1189. As a result of the January 9, 2008 Attack and SFC Pionk's injuries and death, each member of the Pionk Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Pionk's society, companionship, and counsel.

1190. As a result of the January 9, 2008 Attack, SFC Pionk was injured in his person and/or property. The Plaintiff members of the Pionk Family are the survivors and/or heirs of SFC Pionk and are entitled to recover for the damages SFC Pionk sustained.

**ZZZ. The January 28, 2008 IED Attack in Nineveh (The Families of James Craig, Evan Marshall, and Joshua Young)**

1191. On January 28, 2008, IRGC Sunni Terrorist Proxies, with material support and resources from the IRGC, committed an IED attack in Nineveh, Iraq (the “January 28, 2008 Attack”).

1192. The January 28, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1193. **Sergeant James Craig** served in Iraq as a member of the U.S. Army. SGT Craig was injured in the January 28, 2008 Attack. SGT Craig died on January 28, 2008 as a result of injuries sustained during the attack.

1194. SGT Craig was a U.S. national at the time of the attack and his death.

1195. Plaintiff Natalie Jackson is the widow of SGT Craig and a U.S. national.

1196. Plaintiff Phyllis Craig is the mother of SGT Craig and a U.S. national.

1197. Plaintiff Joel Sexton-Craig is the father of SGT Craig and a U.S. national.

1198. Plaintiff Kelly Inman is the sister of SGT Craig and a U.S. national.

1199. Plaintiff Menesia Spade is the sister of SGT Craig and a U.S. national.

1200. Plaintiff Rachael Putman is the sister of SGT Craig and a U.S. national.

1201. As a result of the January 28, 2008 Attack and SGT Craig’s injuries and death, each member of the Craig Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Craig’s society, companionship, and counsel.

1202. As a result of the January 28, 2008 Attack, SGT Craig was injured in his person and/or property. The Plaintiff members of the Craig Family are the survivors and/or heirs of SGT Craig and are entitled to recover for the damages SGT Craig sustained.

1203. **Corporal Evan Marshall** served in Iraq as a member of the U.S. Army. CPL Marshall was injured in the January 28, 2008 Attack. CPL Marshall died on January 28, 2008 as a result of injuries sustained during the attack.

1204. CPL Marshall was a U.S. national at the time of the attack and his death.

1205. Plaintiff Sheila Marshall is the mother of CPL Marshall and a U.S. national.

1206. Plaintiff Andrew Marshall is the father of CPL Marshall and a U.S. national.

1207. As a result of the January 28, 2008 Attack and CPL Marshall's injuries and death, each member of the Marshall Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Marshall's society, companionship, and counsel.

1208. As a result of the January 28, 2008 Attack, CPL Marshall was injured in his person and/or property. The Plaintiff members of the Marshall Family are the survivors and/or heirs of CPL Marshall and are entitled to recover for the damages CPL Marshall sustained.

1209. **Private First Class Joshua Young** served in Iraq as a member of the U.S. Army. PFC Young was injured in the January 28, 2008 Attack. PFC Young died on January 28, 2008 as a result of injuries sustained during the attack.

1210. PFC Young was a U.S. national at the time of the attack and his death.

1211. Plaintiff Brandi Yanez is the sister of PFC Young and a U.S. national.

1212. As a result of the January 28, 2008 Attack and PFC Young's injuries and death, each member of the Young Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PFC Young's society, companionship, and counsel.

1213. As a result of the January 28, 2008 Attack, PFC Young was injured in his person and/or property. The Plaintiff members of the Young Family are the survivors and/or heirs of PFC Young and are entitled to recover for the damages PFC Young sustained.

**AAAA. The March 10, 2008 IED Attack in Diyala (The Families of Phillip Anderson and Torre Mallard)**

1214. On March 10, 2008, IRGC Sunni Terrorist Proxies, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the “March 10, 2008 Attack”).

1215. The March 10, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1216. **Sergeant Phillip Anderson** served in Iraq as a member of the U.S. Army. SGT Anderson was injured in the March 10, 2008 Attack. SGT Anderson died on March 10, 2008 as a result of injuries sustained during the attack.

1217. SGT Anderson was a U.S. national at the time of the attack and his death.

1218. Plaintiff Kenneth Anderson is the father of SGT Anderson and a U.S. national.

1219. As a result of the March 10, 2008 Attack and SGT Anderson’s injuries and death, each member of the Phillip R. Anderson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Anderson’s society, companionship, and counsel.

1220. As a result of the March 10, 2008 Attack, SGT Anderson was injured in his person and/or property. The Plaintiff members of the Phillip R. Anderson Family are the

survivors and/or heirs of SGT Anderson and are entitled to recover for the damages SGT Anderson sustained.

1221. **Captain Torre Mallard** served in Iraq as a member of the U.S. Army. CPT Mallard was injured in the March 10, 2008 Attack. CPT Mallard died on March 10, 2008 as a result of injuries sustained during the attack.

1222. CPT Mallard was a U.S. national at the time of the attack and his death.

1223. Plaintiff Robin Mallard is the mother of CPT Mallard and a U.S. national.

1224. Plaintiff Mose Mallard III is the father of CPT Mallard and a U.S. national.

1225. Plaintiff Terrence Mallard is the brother of CPT Mallard and a U.S. national.

1226. As a result of the March 10, 2008 Attack and CPT Mallard's injuries and death, each member of the Mallard Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPT Mallard's society, companionship, and counsel.

1227. As a result of the March 10, 2008 Attack, CPT Mallard was injured in his person and/or property. The Plaintiff members of the Mallard Family are the survivors and/or heirs of CPT Mallard and are entitled to recover for the damages CPT Mallard sustained.

#### **BBBB. The March 30, 2008 IED Attack in Baghdad (William Hall Family)**

1228. On March 30, 2008, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Baghdad (the "March 30, 2008 Attack").

1229. The March 30, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1230. **Lieutenant Colonel William Hall** served in Iraq as a member of the U.S. Marine Corps. LtCol Hall was injured in the March 30, 2008 Attack. LtCol Hall died on March 30, 2008 as a result of injuries sustained during the attack.

1231. LtCol Hall was a U.S. national at the time of the attack and his death.

1232. Plaintiff Xiomara Hall is the widow of LtCol Hall and a U.S. national.

1233. Plaintiff Gladys Hall is the daughter of LtCol Hall and a U.S. national.

1234. Plaintiff Mildred Hall is the mother of LtCol Hall and a U.S. national.

1235. Plaintiff Dolores Wilson is the sister of LtCol Hall and a U.S. national.

1236. Plaintiff Margie Bell is the sister of LtCol Hall and a U.S. national.

1237. Plaintiff Cristian Arias is the stepson of LtCol Hall and a U.S. national. Mr. Arias lived in the same household as LtCol Hall for a substantial time and considered LtCol Hall the functional equivalent of a biological father.

1238. Plaintiff Xavier Arias is the stepson of LtCol Hall and a U.S. national. Mr. Arias lived in the same household as LtCol Hall for a substantial time and considered LtCol Hall the functional equivalent of a biological father.

1239. As a result of the March 30, 2008 Attack and LtCol Hall's injuries and death, each member of the William G. Hall Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LtCol Hall's society, companionship, and counsel.

1240. As a result of the March 30, 2008 Attack, LtCol Hall was injured in his person and/or property. The Plaintiff members of the William G. Hall Family are the survivors and/or heirs of LtCol Hall and are entitled to recover for the damages LtCol Hall sustained.

**CCCC. The April 9, 2008 IED Attack in Saladin (Anthony Capra Jr. Family)**

1241. On April 9, 2008, Ansar al-Islam, with material support and resources from the IRGC, committed an IED attack in Golden Hills in Saladin Province, Iraq (the “April 9, 2008 Attack”).

1242. The April 9, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1243. **Technical Sergeant Anthony (“Tony”) Capra, Jr.** served in Iraq in the U.S. Air Force. TSgt Capra was injured in the April 9, 2008 Attack. TSgt Capra died on April 9, 2008 as a result of injuries sustained during the attack.

1244. TSgt Capra was a U.S. national at the time of the attack and his death.

1245. Plaintiff Angie Capra is the widow of TSgt Capra and a U.S. national.

1246. Plaintiff Anthony (“Tony”) Capra, Sr. is the father of TSgt Capra and a U.S. national.

1247. Plaintiff Sharon Capra is the mother of TSgt Capra and a U.S. national.

1248. Plaintiff Mark Capra is the son of TSgt Capra and a U.S. national.

1249. Plaintiff Victoria Campbell is the daughter of TSgt Capra and a U.S. national.

1250. Plaintiff Adrianna Capra is the daughter of TSgt Capra and a U.S. national.

1251. Plaintiff Jared Capra is the son of TSgt Capra and a U.S. national.

1252. Plaintiff Shawn Capra is the son of TSgt Capra and a U.S. national.

1253. Plaintiff Danielle Capra is the sister of TSgt Capra and a U.S. national.

1254. Plaintiff Emily Moffatt is the sister of TSgt Capra and a U.S. national.

1255. Plaintiff Jacob Capra is the brother of TSgt Capra and a U.S. national.

1256. Plaintiff Joanna Capra is the sister of TSgt Capra and a U.S. national.

1257. Plaintiff Joseph Capra is the brother of TSgt Capra and a U.S. national.

1258. Plaintiff Julia-Anne Capra is the sister of TSgt Capra and a U.S. national.

1259. Plaintiff Rachel Capra Lee is the sister of TSgt Capra and a U.S. national.

1260. Plaintiff Sarah Johnson is the sister of TSgt Capra and a U.S. national.

1261. As a result of the April 9, 2008 Attack and TSgt Capra's injuries and death, each member of the Capra Family has experienced severe mental anguish, emotional pain and suffering, and the loss of TSgt Capra's society, companionship, and counsel.

1262. As a result of the April 9, 2008 Attack, TSgt Capra was injured in his person and/or property. The Plaintiff members of the Capra are the survivors and/or heirs of TSgt Capra and are entitled to recover for the damages TSgt Capra sustained.

#### **DDDD. The April 14, 2008 IED Attack in Al Anbar (Dean Opicka Family)**

1263. On April 14, 2008, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the "April 14, 2008 Attack").

1264. The April 14, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1265. **Lance Corporal Dean Opicka** served in Iraq as a member of the U.S. Marine Corps Reserve. LCpl Opicka was injured in the April 14, 2008 Attack. LCpl Opicka died on April 14, 2008 as a result of injuries sustained during the attack.

1266. LCpl Opicka was a U.S. national at the time of the attack and his death.

1267. Plaintiff Donna Opicka is the mother of LCpl Opicka and a U.S. national.

1268. Plaintiff Daniel Opicka is the brother of LCpl Opicka and a U.S. national.

1269. As a result of the April 14, 2008 Attack and LCpl Opicka's injuries and death, each member of the Opicka Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Opicka's society, companionship, and counsel.

1270. As a result of the April 14, 2008 Attack, LCpl Opicka was injured in his person and/or property. The Plaintiff members of the Opicka Family are the survivors and/or heirs of LCpl Opicka and are entitled to recover for the damages LCpl Opicka sustained.

**EEEE. The June 25, 2008 IED Attack in Nineveh (Alejandro Dominguez Family)**

1271. On June 25, 2008, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Nineveh, Iraq (the "June 25, 2008 Attack").

1272. The June 25, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1273. **Sergeant Alejandro Dominguez** served in Iraq as a member of the U.S. Army. SGT Dominguez was injured in the June 25, 2008 Attack. SGT Dominguez died on June 25, 2008 as a result of injuries sustained during the attack.

1274. SGT Dominguez was a U.S. national at the time of the attack and his death.

1275. Plaintiff Isaijah Ortiz is the son of SGT Dominguez and a U.S. national.

1276. Plaintiff Elia Dominguez is the mother of SGT Dominguez and a permanent U.S. resident.

1277. Plaintiff Antonio Dominguez is the father of SGT Dominguez and a U.S. national.

1278. Plaintiff Elia Ortiz is the sister of SGT Dominguez and a U.S. national.

1279. As a result of the June 25, 2008 Attack and SGT Dominguez's injuries and death, each member of the Dominguez Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Dominguez's society, companionship, and counsel.

1280. As a result of the June 25, 2008 Attack, SGT Dominguez was injured in his person and/or property. The Plaintiff members of the Dominguez Family are the survivors and/or heirs of SGT Dominguez and are entitled to recover for the damages SGT Dominguez sustained.

**FFFF. The September 24, 2008 Suicide Bomb Attack in Diyala (Michael Medders Family)**

1281. On September 24, 2008, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed a suicide bomber attack in Diyala, Iraq (the "September 24, 2008 Attack").

1282. The September 24, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1283. **Captain Michael Medders** served in Iraq as a member of the U.S. Army. CPT Medders was injured in the September 24, 2008 Attack. CPT Medders died on September 24, 2008 as a result of injuries sustained during the attack.

1284. CPT Medders was a U.S. national at the time of the attack and his death.

1285. Plaintiff Katherine Shrader is the sister of CPT Medders and a U.S. national.

1286. As a result of the September 24, 2008 Attack and CPT Medders's injuries and death, each member of the Medders Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPT Medders's society, companionship, and counsel.

1287. As a result of the September 24, 2008 Attack, CPT Medders was injured in his person and/or property. The Plaintiff members of the Medders Family are the survivors and/or heirs of CPT Medders and are entitled to recover for the damages CPT Medders sustained.

**GGGG. The November 14, 2008 IED Attack in Al Anbar (Aaron Allen Family)**

1288. On November 14, 2008, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Al Anbar, Iraq (the “November 14, 2008 Attack”).

1289. The November 14, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1290. **Corporal Aaron Allen** served in Iraq as a member of the U.S. Marine Corps. Cpl Allen was injured in the November 14, 2008 Attack. Cpl Allen died on November 14, 2008 as a result of injuries sustained during the attack.

1291. Cpl Allen was a U.S. national at the time of the attack and his death.

1292. Plaintiff Mary Allen is the mother of Cpl Allen and a U.S. national.

1293. As a result of the November 14, 2008 Attack and Cpl Allen’s injuries and death, each member of the Allen Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Cpl Allen’s society, companionship, and counsel.

1294. As a result of the November 14, 2008 Attack, Cpl Allen was injured in his person and/or property. The Plaintiff members of the Allen Family are the survivors and/or heirs of Cpl Allen and are entitled to recover for the damages Cpl Allen sustained.

**HHHH. The April 10, 2009 Suicide Attack in Nineveh (The Families of Edward Forrest, Jr., Bryan Hall, Jason Pautsch, and Gary Woods, Jr.)**

1295. On April 10, 2009, Iranian Sunni Terrorist Proxies, with material support and resources from the IRGC, committed a vehicle-borne IED suicide attack in Nineveh, Iraq (the “April 10, 2009 Attack”).

1296. The April 10, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1297. **Sergeant Edward Forrest Jr.** served in Iraq as a member of the U.S. Army. SGT Forrest was injured in the April 10, 2009 Attack. SGT Forrest died on April 10, 2009 as a result of injuries sustained during the attack.

1298. SGT Forrest was a U.S. national at the time of the attack and his death.

1299. Plaintiff Stephanie Forrest is the widow of SGT Forrest and a U.S. national.

1300. Plaintiff Bradan Forrest is the son of SGT Forrest and a U.S. national.

1301. Plaintiff J.F., by and through his next friend Stephanie Forrest, is the minor son of SGT Forrest and a U.S. national.

1302. As a result of the April 10, 2009 Attack and SGT Forrest’s injuries and death, each member of the Forrest Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Forrest’s society, companionship, and counsel.

1303. As a result of the April 10, 2009 Attack, SGT Forrest was injured in his person and/or property. The Plaintiff members of the Forrest Family are the survivors and/or heirs of SGT Forrest and are entitled to recover for the damages SGT Forrest sustained.

1304. **Sergeant First Class Bryan Hall** served in Iraq as a member of the U.S. Army. SFC Hall was injured the April 10, 2009 Attack. SFC Hall died on April 10, 2009 as a result of injuries sustained during the attack.

1305. SFC Hall was a U.S. national at the time of the attack and his death.

1306. Plaintiff Rachel Hall is the widow of SFC Hall and a U.S. national.

1307. Plaintiff Addison Hall is the daughter of SFC Hall and a U.S. national.

1308. As a result of the April 10, 2009 Attack and SFC Hall's injuries and death, each member of the Hall Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Hall's society, companionship, and counsel.

1309. As a result of the April 10, 2009 Attack, SFC Hall was injured in his person and/or property. The Plaintiff members of the Bryan E. Hall Family are the survivors and/or heirs of SFC Hall and are entitled to recover for the damages SFC Hall sustained.

1310. **Corporal Jason Pautsch** served in Iraq as a member of the U.S. Army. CPL Pautsch was injured in the April 10, 2009 Attack. CPL Pautsch died on April 10, 2009 as a result of injuries sustained during the attack.

1311. CPL Pautsch was a U.S. national at the time of the attack and his death.

1312. Plaintiff Josef Pautsch is the brother of CPL Pautsch and a U.S. national.

1313. As a result of the April 10, 2009 Attack and CPL Pautsch's injuries and death, each member of the Pautsch Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Pautsch's society, companionship, and counsel.

1314. As a result of the April 10, 2009 Attack, CPL Pautsch was injured in his person and/or property. The Plaintiff members of the Pautsch Family are the survivors and/or heirs of CPL Pautsch and are entitled to recover for the damages CPL Pautsch sustained.

1315. **Staff Sergeant Gary Woods Jr.** served in Iraq as a member of the U.S. Army.

SSG Woods was injured in the April 10, 2009 Attack. SSG Woods died on April 10, 2009 as a result of injuries sustained during the attack.

1316. SSG Woods was a U.S. national at the time of the attack and his death.

1317. Plaintiff Becky Johnson is the mother of SSG Woods and a U.S. national.

1318. As a result of the April 10, 2009 Attack and SSG Woods's injuries and death, each member of the Woods Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Woods's society, companionship, and counsel.

1319. As a result of the April 10, 2009 Attack, SSG Woods was injured in his person and/or property. The Plaintiff members of the Woods Family are the survivors and/or heirs of SSG Woods and are entitled to recover for the damages SSG Woods sustained.

### **III. The July 21, 2010 IED Attack in Diyala (Michael Runyan Family)**

1320. On July 21, 2010, Al-Qaida and al-Qaida-in-Iraq, with material support and resources from the IRGC, committed an IED attack in Diyala, Iraq (the "July 21, 2010 Attack").

1321. The July 21, 2010 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants, and the passive detonation system indiscriminately placed civilians at risk.

1322. **First Lieutenant Michael Runyan** served in Iraq as a member of the U.S. Army.

1LT Runyan was injured in the July 21, 2010 Attack. 1LT Runyan died on July 21, 2010 as a result of injuries sustained during the attack.

1323. 1LT Runyan was a U.S. national at the time of the attack and his death.

1324. Plaintiff Alex Runyan is the brother of 1LT Runyan and a U.S. national.

1325. As a result of the July 21, 2010 Attack and 1LT Runyan's injuries and death, each member of the Runyan Family has experienced severe mental anguish, emotional pain and suffering, and the loss of 1LT Runyan's society, companionship, and counsel.

1326. As a result of the July 21, 2010 Attack, 1LT Runyan was injured in his person and/or property. The Plaintiff members of the Runyan Family are the survivors and/or heirs of 1LT Runyan and are entitled to recover for the damages 1LT Runyan sustained.

**VII. The Islamic Revolutionary Guard Corps, Al-Qaida, and Their Affiliates Killed and Injured Plaintiffs and Their Family Members Through Acts of International Terrorism in Afghanistan**

1327. The **Afghanistan Plaintiffs** are American civilians, servicemembers, and contractors serving in Afghanistan, and their family members, who were killed or injured in terrorist attacks committed by al-Qaida, the Taliban, including its Haqqani Network, or other al-Qaida affiliates that were members of the al-Qaida/Taliban Syndicate, all of which Hizballah, the Qods Force, and the Regular IRGC funded, armed, and logically supported through the illicit Irancell, TCI, and MCI cash and technology flows enabled by Defendants.

1328. Each Plaintiff who suffered injury because of an attack by the al-Qaida/Taliban Syndicate in Afghanistan from 2007 through 2011 was injured because of Defendants' direct aid to Hizballah, the Qods Force, and the Regular IRGC, all of which flowed through such IRGC components to aid the al-Qaida/Taliban Syndicate in Afghanistan as they executed their nationwide anti-American terror campaign to expel the United States from the country.

1329. The IRGC provided key aid to the al-Qaida/Taliban Syndicate from 2006 through today. The IRGC specifically provided al-Qaida and the Taliban, including its Haqqani Network, weapons, funds, training, logistical support, communications technology, safe haven, and assistance with narcotics trafficking, which raised money for their shared terrorist enterprise

against America, all of which al-Qaida and its allies used to fund and execute the al-Qaida/Taliban Syndicate attacks in Afghanistan that injured Plaintiffs.

1330. The embargoed dual-use American technology—including thousands of secure American smartphones every year—hundreds of millions of U.S. Dollars annually, and vast network of logistical and operational support for the Irancell and TCI fronts that MTN Group provided to their counterparties controlled by the IRGC flowed through to al-Qaida, the Taliban, including its Haqqani Network, and injured each Plaintiff through transfers made by the IRGC to the al-Qaida/Taliban Syndicate

**A. The April 12, 2007 IED Attack in Ghazni (The Families of Casey Combs and David Stephens)**

1331. On April 12, 2007, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Ghazni Province, Afghanistan (the “April 12, 2007 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the April 12, 2007 Attack.

1332. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1333. The April 12, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1334. **Staff Sergeant Casey Combs** served in Afghanistan as a member of the U.S. Army. SSG Combs was injured in the April 12, 2007 Attack. SSG Combs died on April 12, 2007 as a result of injuries sustained during the attack.

1335. SSG Combs was a U.S. national at the time of the attack and his death.

1336. Plaintiff Amber Moreland is the widow of SSG Combs and a U.S. national.

1337. Plaintiff Hallie Combs is the daughter of SSG Combs and a U.S. national.

1338. Plaintiff Trenton Combs is the son of SSG Combs and a U.S. national.

1339. As a result of the April 12, 2007 Attack, SSG Combs was injured in his person and/or property. The Plaintiff members of the Combs Family are the survivors and/or heirs of SSG Combs and are entitled to recover for the damages SSG Combs sustained.

1340. As a result of the April 12, 2007 Attack and SSG Combs's injuries and death, each member of the Combs Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Comb's society, companionship, and counsel.

1341. **Sergeant David Stephens** served in Afghanistan as a member of the U.S. Army. SGT Stephens was injured in the April 12, 2007 Attack. SGT Stephens died on April 12, 2007 as a result of injuries sustained during the attack.

1342. SGT Stephens was a U.S. national at the time of the attack and his death.

1343. Plaintiff Megan Stephens is the widow of SGT Stephens and a U.S. national.

1344. Plaintiff Sienna Stephens is the daughter of SGT Stephens and a U.S. national.

1345. As a result of the April 12, 2007 Attack, SGT Stephens was injured in his person and/or property. The Plaintiff members of the Stephens Family are the survivors and/or heirs of SGT Stephens and are entitled to recover for the damages SGT Stephens sustained.

1346. As a result of the April 12, 2007 Attack and SGT Stephens's injuries and death, each member of the Stephens Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Stephen's society, companionship, and counsel.

**B. The May 30, 2007 Rocket Propelled Grenade Attack in Helmand (Jesse Blamires Family)**

1347. On May 30, 2007 a joint cell comprised of al-Qaida and the Taliban committed a rocket propelled grenade attack in Helmand Province, Afghanistan (the "May 30, 2007 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the May 30, 2007 Attack.

1348. The May 30, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1349. **Sergeant Jesse Blamires** served in Afghanistan as a member of the U.S. Army. SGT Blamires was injured in the May 30, 2007 Attack. SGT Blamires died on May 30, 2007 as a result of injuries sustained during the attack.

1350. SGT Blamires was a U.S. national at the time of the attack and his death.

1351. Plaintiff Kimberly Blamires is the widow of SGT Blamires and a U.S. national.

1352. Plaintiff Danika Blamires, is the daughter of SGT Blamires and a U.S. national.

1353. Plaintiff Kalli Blamires is the daughter of SGT Blamires and a U.S. national.

1354. Plaintiff Sandra Blamires is the mother of SGT Blamires and a U.S. national.

1355. Sandra Blamires also brings claims in her representative capacity on behalf of Plaintiff Craig Blamires's estate. Craig Blamires was the father of SGT Blamires and was a U.S. national at the time of his death. Crag Blamires' estate is entitled to recover solatium damages.

1356. Plaintiff Beau Blamires is the brother of SGT Blamires and a U.S. national.

1357. Plaintiff Eric Blamires is the brother of SGT Blamires and a U.S. national.

1358. Plaintiff Ethan Blamires is the brother of SGT Blamires and a U.S. national.

1359. Plaintiff Neil Blamires is the brother of SGT Blamires and a U.S. national.

1360. Plaintiff Julie McGraw is the sister of SGT Blamires and a U.S. national.

1361. As a result of the May 30, 2007 Attack, SGT Blamires was injured in his person and/or property. The Plaintiff members of the Blamires Family are the survivors and/or heirs of SGT Blamires and are entitled to recover for the damages SGT Blamires sustained.

1362. As a result of the May 30, 2007 Attack and SGT Blamires's injuries and death, each member of the Blamires Family has experienced severe mental anguish, emotional pain and suffering.

### **C. The June 9, 2007 IED Attack in Khost (Darryl Wallace Family)**

1363. On June 9, 2007, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Khost Province, Afghanistan (the "June 9, 2007 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the June 9, 2007 Attack.

1364. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1365. The June 9, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1366. **Plaintiff Sergeant Darryl Wallace** served in Afghanistan as a member of the U.S. Army. SGT Wallace was injured in the June 9, 2007 Attack. The attack severely wounded SGT Wallace, who lost both of his legs and suffered from crushed hips and pelvis, a broken lower back, a ruptured spleen, a broken left forearm requiring metal plates and over 100 screws, crushed facial bones requiring reconstructive surgery, a traumatic brain injury (“TBI”), post-traumatic stress disorder, insomnia, anxiety, and chronic pain. As a result of the June 9, 2007 attack and his injuries, SGT Wallace has experienced severe physical and emotional pain and suffering.

1367. SGT Wallace was a U.S. national at the time of the attack and remains one to this day.

1368. Plaintiff Tiffany Wallace is the wife of SGT Wallace and a U.S. national.

1369. Plaintiff Chase Wallace is the son of SGT Wallace and a U.S. national.

1370. As a result of the June 9, 2007 Attack and SGT Wallace’s injuries, each member of the Wallace Family has experienced severe mental anguish and emotional pain and suffering.

#### **D. The June 17, 2007 IED Attack in Kandahar (Christopher Henderson Family)**

1371. On June 17, 2007, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kandahar Province, Afghanistan (the “June 17, 2007 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the June 17, 2007 Attack.

1372. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida

bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1373. The June 17, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1374. **Sergeant First Class Christopher Henderson** served in Afghanistan as a member of the U.S. Army. SFC Henderson was injured in the June 17, 2007 Attack. SFC Henderson died on June 17, 2007 as a result of injuries sustained during the attack.

1375. SFC Henderson was a U.S. national at the time of the attack and his death.

1376. Plaintiff James Henderson is the father of SFC Henderson and a U.S. national.

1377. Plaintiff Athena Gordon is the sister of SFC Henderson and a U.S. national.

1378. As a result of the June 17, 2007 Attack, SFC Henderson was injured in his person and/or property. The Plaintiff members of the Henderson Family are the survivors and/or heirs of SFC Henderson and are entitled to recover for the damages SFC Henderson sustained.

1379. As a result of the June 17, 2007 Attack and SFC Henderson's injuries and death, each member of the Henderson Family has experienced severe mental anguish, emotional pain and suffering

#### **E. The July 5, 2007 IED Attack in Paktika (Thomas McGee Family)**

1380. On July 5, 2007, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Paktika Province, Afghanistan (the "July 5, 2007 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training,

and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the July 5, 2007 Attack.

1381. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1382. The July 5, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1383. **Sergeant Thomas McGee** served in Afghanistan as a member of the U.S. Army. SGT McGee was injured in the July 5, 2007 Attack. SGT McGee died on July 6, 2007 as a result of injuries sustained during the attack

1384. SGT McGee was a U.S. national at the time of the attack and his death.

1385. Plaintiff Sylvia McGee is the mother of SGT McGee and a U.S. national.

1386. Plaintiff Thomas McGee is the father of SGT McGee and a U.S. national.

1387. Plaintiff Corey McGee is the brother of SGT McGee and a U.S. national.

1388. As a result of the July 5, 2007 Attack, SGT McGee was injured in his person and/or property. The Plaintiff members of the McGee Family are the survivors and/or heirs of SGT McGee and are entitled to recover for the damages SGT McGee sustained.

1389. As a result of the July 5, 2007 Attack and SGT McGee's injuries and death, each member of the McGee Family has experienced severe mental anguish, emotional pain and suffering, and SGT McGee's society, companionship, and counsel.

**F. The July 23, 2007 IED Attack in Paktika (The Families of Michael Curry, Adam Davis, And Travon Johnson)**

1390. On July 23, 2007 the Haqqani Network, a part of the Taliban, and al-Qaida, acting together in the Kabul Attack Network, committed an IED attack in Paktika Province, Afghanistan (the "July 23, 2007 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the July 23, 2007 Attack.

1391. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1392. The July 23, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1393. **First Sergeant Michael Curry Jr.** served in Afghanistan as a member of the U.S. Army. 1SG Curry was injured in the July 23, 2007 Attack. 1SG Curry died on July 23, 2007 as a result of injuries sustained during the attack.

1394. 1SG Curry was a U.S. national at the time of the attack and his death.

1395. Plaintiff Lavette Curry is the sister of 1SG Curry and a U.S. national.

1396. Plaintiff Niki Martin is the sister of 1SG Curry and a U.S. national.

1397. As a result of the July 23, 2007 Attack and 1SG Curry's injuries and death, each member of the Curry Family has experienced severe mental anguish, emotional pain and suffering, and the loss of 1LT 1SG Curry's society, companionship, and counsel.

1398. As a result of the July 23, 2007 Attack, 1SG Curry was injured in his person and/or property. The Plaintiff members of the Curry Family are the survivors and/or heirs of 1SG Curry and are entitled to recover for the damages 1SG Curry sustained.

1399. **Specialist Adam Davis** served in Afghanistan as a member of the U.S. Army. SPC Davis was injured in the July 23, 2007 Attack. SPC Davis died on July 23, 2007 as a result of injuries sustained during the attack.

1400. SPC Davis was a U.S. national at the time of the attack and his death.

1401. Plaintiff Tracy Carrico is the mother of SPC Davis and a U.S. national.

1402. Plaintiff Timothy Davis is the father of SPC Davis and a U.S. national.

1403. Plaintiff Stephanie Bova is the sister of SPC Davis and a U.S. national.

1404. As a result of the July 23, 2007 Attack and SPC Davis's injuries and death, each member of the Davis Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Davis's society, companionship, and counsel.

1405. As a result of the July 23, 2007 Attack, SPC Davis was injured in his person and/or property. The Plaintiff members of the Davis Family are the survivors and/or heirs of SPC Davis and are entitled to recover for the damages SPC Davis sustained.

1406. **Sergeant Travon Johnson** served in Afghanistan as a member of the U.S. Army. SGT Johnson was injured in the July 23, 2007 Attack. SGT Johnson died on July 23, 2007 as a result of injuries sustained during the attack.

1407. SGT Johnson was a U.S. national at the time of the attack and his death.

1408. Plaintiff Billie Shotlow is the mother of SGT Johnson and a U.S. national.

1409. Plaintiff Michael Shotlow is the stepfather of SGT Johnson and a U.S. national.

Michael Shotlow lived in the same household as SGT Johnson for a substantial time and

considered SGT Johnson the functional equivalent of a biological son.

1410. As a result of the July 23, 2007 Attack and SGT Johnson's injuries and death, each member of the Johnson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Johnson's society, companionship, and counsel

1411. As a result of the July 23, 2007 Attack, SGT Johnson was injured in his person and/or property. The Plaintiff members of the Johnson Family are the survivors and/or heirs of SGT Johnson and are entitled to recover for the damages SGT Johnson sustained.

**G. The August 26, 2007 Small Arms Attack in Paktika (Nicholas Carnes Family)**

1412. On August 26, 2007, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed small arms fire attack in Paktika Province, Afghanistan (the "August 26, 2007 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 26, 2007 Attack.

1413. The August 26, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1414. **Staff Sergeant Nicholas Carnes** served in Afghanistan as a member of the U.S. Army National Guard. SSG Carnes was injured in the August 26, 2007 Attack. SSG Carnes died on August 26, 2007 as a result of injuries sustained during the attack.

1415. SSG Carnes was a U.S. national at the time of the attack and his death.

1416. Plaintiff WrayJean Carnes is the mother of SSG Carnes and a U.S. national.

1417. Plaintiff Amanda Manasra is the sister of SSG Carnes and a U.S. national.

1418. As a result of the August 26, 2007 Attack and SSG Carnes's injuries and death, each member of the Carnes Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Carne's society, companionship, and counsel.

1419. As a result of the August 26, 2007 Attack, SSG Carnes was injured in his person and/or property. The Plaintiff members of the Carnes Family are the survivors and/or heirs of SSG Carnes and are entitled to recover for the damages SSG Carnes sustained.

#### **H. The August 28, 2007 Suicide Bomb Attack in Paktia (Cory Clark Family)**

1420. On August 28, 2007, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban)committed a suicide bombing attack in Paktia Province, Afghanistan (the "August 28, 2007 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 28, 2007 Attack.

1421. The August 28, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1422. **Sergeant Cory Clark** served in Afghanistan as a member of the U.S. Army. SGT Clark was injured in the August 28, 2007 Attack. SGT Clark died on August 28, 2007 as a result of injuries sustained during the attack.

1423. SGT Clark was a U.S. national at the time of the attack and his death.

1424. Plaintiff Wrenita Randall is the mother of SGT Clark and a U.S. national.

1425. Plaintiff Ediena McGee is the sister of SGT Clark and a U.S. national.

1426. As a result of the August 28, 2007 Attack and SGT Clark's injuries and death, each member of the Clark Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Clark's society, companionship, and counsel.

1427. As a result of the August 28, 2007, SGT Clark was injured in his person and/or property. The Plaintiff members of the Clark Family are the survivors and/or heirs of SGT Clark and are entitled to recover for the damages SGT Clark sustained.

#### **I. The October 23, 2007 Small Arms Attack in Kunar (Larry Rougle Family)**

1428. On October 23, 2007, a joint cell comprised of al-Qaida and the Taliban committed an attack involving small arms fire in Kunar Province, Afghanistan (the "October 23, 2007 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 23, 2007 Attack.

1429. The October 23, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1430. **Staff Sergeant Larry Rougle** served in Afghanistan as a member of the U.S. Army. SSG Rougle was injured in the October 23, 2007 Attack. SSG Rougle died on October 23, 2007 as a result of injuries sustained during the attack.

1431. SSG Rougle was a U.S. national at the time of the attack and his death.

1432. Plaintiff Nancy Rougle is the mother of SSG Rougle and a U.S. national.

1433. As a result of the October 23, 2007 Attack and SSG Rougle's injuries and death, each member of the Rougle Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Rougle's society, companionship, and counsel.

1434. As a result of the October 23, 2007 Attack, SSG Rougle was injured in his person and/or property. The Plaintiff members of the Rougle Family are the survivors and/or heirs of SSG Rougle and are entitled to recover for the damages SSG Rougle sustained.

**J. The November 2, 2007 Complex Attack in Uruzgan (Johnny Walls Family)**

1435. On November 2, 2007, a joint cell comprised of al-Qaida and the Taliban committed a complex attack involving a rocket propelled grenade and small arms fire in Uruzgan Province, Afghanistan (the “November 2, 2007 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the November 2, 2007 Attack.

1436. The November 2, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1437. **Sergeant First Class Johnny Walls** served in Afghanistan as a member of the U.S. Army. SFC Walls was injured in the November 2, 2007 Attack. SFC Walls died on November 2, 2007 as a result of injuries sustained during the attack.

1438. SFC Walls was a U.S. national at the time of the attack and his death.

1439. Plaintiff Harvey Walls is the brother of SFC Walls and a U.S. national.

1440. As a result of the November 2, 2007 Attack and SFC Walls’s injuries and death, each member of the Walls Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Walls’s society, companionship, and counsel.

1441. As a result of the November 2, 2007 Attack, SFC Walls was injured in his person and/or property. The Plaintiff members of the Walls Family are the survivors and/or heirs of SFC Walls and are entitled to recover for the damages SFC Walls sustained.

**K. The November 10, 2007 RPG Attack in Kapisa (Patrick Kutschbach Family)**

1442. On November 10, 2007, a joint cell comprised of al-Qaida and the Taliban committed a rocket propelled grenade attack in Kapisa Province, Afghanistan (the “November 10, 2007 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the November 10, 2007 Attack.

1443. The November 10, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1444. **Staff Sergeant Patrick Kutschbach** served in Afghanistan as a member of the U.S. Army. SSG Kutschbach was injured in the November 10, 2007 Attack. SSG Kutschbach died on November 10, 2007 as a result of injuries sustained during the attack.

1445. SSG Kutschbach was a U.S. national at the time of the attack and his death.

1446. Plaintiff Ginger Kutschbach is the widow of SSG Kutschbach and a U.S. national.

1447. Plaintiff Bastian Kutschbach is the son of SSG Kutschbach and a U.S. national.

1448. As a result of the November 10, 2007 Attack and SSG Kutschbach’s injuries and death, each member of the Kutschbach Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Kutschbach’s society, companionship, and counsel.

1449. As a result of the November 10, 2007 Attack, SSG Kutschbach was injured in his person and/or property. The Plaintiff members of the Kutschbach Family are the survivors and/or heirs of SSG Kutschbach and are entitled to recover for the damages SSG Kutschbach sustained.

**L. The November 12, 2007 IED Attack in Paktika (Adrian Hike Family)**

1450. On November 12, 2007, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Paktika Province, Afghanistan (the

“November 12, 2007 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the November 12, 2007 Attack.

1451. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1452. The November 12, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1453. **Sergeant Adrian Hike** served in Afghanistan as a member of the U.S. Army. SGT Hike was injured in the November 12, 2007 Attack. SGT Hike died on November 12, 2007 as a result of injuries sustained during the attack.

1454. SGT Hike was a U.S. national at the time of the attack and his death.

1455. Plaintiff Robert Bird is the stepfather of SGT Hike and a U.S. national. Robert A. Bird lived in the same household as SGT Hike for a substantial time and considered SGT Hike the functional equivalent of a biological son.

1456. As a result of the November 12, 2007 Attack and SGT Hike’s injuries and death, each member of the Hike Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Hike’s society, companionship, and counsel.

1457. As a result of the November 12, 2007 Attack, SGT Hike was injured in his person and/or property. The Plaintiff members of the Hike Family are the survivors and/or heirs of SGT Hike and are entitled to recover for the damages SGT Hike sustained.

**M. The December 9, 2007 IED Attack in Helmand (Tanner O'Leary Family)**

1458. On December 9, 2007, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Helmand Province, Afghanistan (the “December 9, 2007 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the December 9, 2007 Attack.

1459. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1460. The December 9, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1461. **Corporal Tanner O'Leary** served in Afghanistan as a member of the U.S. Army. CPL O'Leary was injured in the December 9, 2007 Attack. CPL O'Leary died on December 9, 2007 as a result of injuries sustained during the attack.

1462. CPL O'Leary was a U.S. national at the time of the attack and his death.

1463. Plaintiff Carmen O'Leary is the mother of CPL O'Leary and a U.S. national.

1464. As a result of the December 9, 2007 Attack and CPL O’Leary’s injuries and death, each member of the O’Leary Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL O’Leary’s society, companionship, and counsel.

1465. As a result of the December 9, 2007 Attack, CPL O’Leary was injured in his person and/or property. The Plaintiff members of the O’Leary Family are the survivors and/or heirs of CPL O’Leary and are entitled to recover for the damages CPL O’Leary sustained.

**N. The December 12, 2007 IED Attack in Paktika (Joshua Blaney Family)**

1466. On December 12, 2007, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Paktika Province, Afghanistan (the “December 12, 2007 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the December 12, 2007 Attack.

1467. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1468. The December 12, 2007 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1469. **Sergeant Joshua Blaney** served in Afghanistan as a member of the U.S. Army. SGT Blaney was injured in the December 12, 2007 Attack. SGT Blaney died on December 12, 2007 as a result of injuries sustained during the attack.

1470. SGT Blaney was a U.S. national at the time of the attack and his death.

1471. Plaintiff Dianne Massey is the mother of SGT Blaney and a U.S. national.

1472. Plaintiff Charles Blaney is the father of SGT Blaney and a U.S. national.

1473. Plaintiff Carley Blaney is the sister of SGT Blaney and a U.S. national.

1474. As a result of the December 12, 2007 Attack and SGT Blaney's injuries and death, each member of the Blaney Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Blaney's society, companionship, and counsel.

1475. As a result of the December 12, 2007 Attack, SGT Blaney was injured in his person and/or property. The Plaintiff members of the Blaney Family are the survivors and/or heirs of SGT Blaney and are entitled to recover for the damages SGT Blaney sustained.

**O. The January 2, 2008 Complex Attack in Khost (The Families of Richard Berrettini and Collin Bowen)**

1476. On January 2, 2008 a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed a complex attack involving an IED and small arms fire in Khost Province, Afghanistan (the "January 2, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the January 2, 2008 Attack.

1477. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1478. The January 2, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1479. **Lieutenant Colonel Richard Berrettini** served in Afghanistan as a member of the U.S. Army National Guard. LTC Berrettini was injured in the January 2, 2008 Attack. LTC Berrettini died on January 11, 2008 as a result of injuries sustained during the attack.

1480. LTC Berrettini was a U.S. national at the time of the attack and his death.

1481. Plaintiff Jane Berrettini is the widow of LTC Berrettini and a U.S. national.

1482. Plaintiff Christopher Berrettini is the son of LTC Berrettini and a U.S. national.

1483. Plaintiff Vincent Berrettini is the son of LTC Berrettini and a U.S. national.

1484. As a result of the January 2, 2008 Attack and LTC Berrettini's injuries and death, each member of the Berrettini Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LTC Berrettini's society, companionship, and counsel.

1485. As a result of the January 2, 2008 Attack, LTC Berrettini was injured in his person and/or property. The Plaintiff members of the Berrettini Family are the survivors and/or heirs of LTC Berrettini and are entitled to recover for the damages LTC Berrettini sustained.

1486. **Sergeant First Class Collin Bowen** served in Afghanistan as a member of the U.S. Army National Guard. SFC Bowen was injured in the January 2, 2008 Attack. SFC Bowen died on March 14, 2008 as a result of injuries sustained during the attack.

1487. SFC Bowen was a U.S. national at the time of the attack and his death.

1488. Plaintiff Michael Bowen is the father of SFC Bowen and a U.S. national.

1489. As a result of the January 2, 2008 Attack and SFC Bowen's injuries and death, each member of the Bowen Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Bowen's society, companionship, and counsel.

1490. As a result of the January 2, 2008 Attack, SFC Bowen was injured in his person and/or property. The Plaintiff members of the Bowen Family are the survivors and/or heirs of SFC Bowen and are entitled to recover for the damages SFC Bowen sustained.

**P. The January 9, 2008 IED Attack in Helmand (David Drakulich Family)**

1491. On January 9, 2008, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Helmand Province, Afghanistan (the "January 9, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the January 9, 2008 Attack.

1492. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1493. The January 9, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1494. **Sergeant David Drakulich** served in Afghanistan as a member of the U.S. Army. SGT Drakulich was injured in the January 9, 2008 Attack. SGT Drakulich died on January 9, 2008 as a result of injuries sustained during the attack.

1495. SGT Drakulich was a U.S. national at the time of the attack and his death.

1496. Plaintiff Antoinette Drakulich is the mother of SGT Drakulich and a U.S. national.

1497. Plaintiff Joseph Drakulich is the father of SGT Drakulich and a U.S. national.

1498. Plaintiff Dana Drakulich is the sister of SGT Drakulich and a U.S. national.

1499. Plaintiff Thomas Drakulich is the brother of SGT Drakulich and a U.S. national.

1500. As a result of the January 9, 2008 Attack and SGT Drakulich's injuries and death, each member of the Drakulich Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Drakulich's society, companionship, and counsel.

1501. As a result of the January 9, 2008 Attack, SGT Drakulich was injured in his person and/or property. The Plaintiff members of the Drakulich Family are the survivors and/or heirs of SGT Drakulich and are entitled to recover for the damages SGT Drakulich sustained.

**Q. The January 14, 2008 Complex Attack in Kabul (Thor Hesla Family)**

1502. On January 14, 2008, al-Qaida and the Taliban, with al-Qaida providing and training the suicide bomber, committed a complex attack involving a suicide bombing, small arms fire, and grenades in Kabul Province, Afghanistan (the "January 14, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the January 14, 2008 Attack.

1503. The January 14, 2008 Attack was committed by al-Qaida (an FTO) and the Taliban acting together in a joint al-Qaida-Taliban cell with al-Qaida providing, indoctrinating, and training the bomber, who was deployed by the Taliban. On information and belief, the suicide bomber who detonated the bomb during the attack was: (i) indoctrinated by al-Qaida regarding the purported religious justification that permitted the attack; (ii) trained by al-Qaida regarding al-Qaida's tactics, techniques, and procedures for suicide bombers; (iii) deployed by

al-Qaida to Afghanistan in order to attack Americans there; and (iv) a member of al-Qaida under al-Qaida training procedures for suicide attackers, as a result of the bomber pledging loyalty to al-Qaida to create a point of no return.

1504. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1505. The January 14, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1506. **Mr. Thor Hesla** served in Afghanistan as a civilian contractor for BearingPoint Management & Technology Consultants, contracting with USAID. Mr. Hesla was injured in the January 14, 2008 Attack. Mr. Hesla died on January 14, 2008 as a result of injuries sustained during the attack.

1507. Mr. Hesla was a U.S. national at the time of the attack and his death.

1508. Plaintiff Maren Hesla is the sister of Mr. Hesla and a U.S. national.

1509. As a result of the January 14, 2008 Attack and Thor Hesla's injuries and death, each member of the Hesla Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Thor Hesla's society, companionship, and counsel.

1510. As a result of the January 14, 2008 Attack, Thor Hesla was injured in his person and/or property. The Plaintiff members of the Hesla Family are the survivors and/or heirs of Thor Hesla and are entitled to recover for the damages Thor Hesla sustained.

**R. The May 9, 2008 Complex Attack in Paktia (Ara Deysie Family)**

1511. On May 9, 2008 a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed a complex attack involving rocket propelled grenades in Paktia Province, Afghanistan. (“May 9, 2008 Complex Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the May 9, 2008 Complex Attack.

1512. The May 9, 2008 Complex Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1513. **Private First Class Ara Deysie** served in Afghanistan as a member of the U.S. Army. PFC Deysie was injured in the May 9, 2008 Complex Attack. PFC Deysie died on May 9, 2008 as a result of injuries sustained during the attack.

1514. PFC Deysie was a U.S. national at the time of the attack and his death.

1515. Plaintiff Lori Deysie is the mother of PFC Deysie and a U.S. national.

1516. Plaintiff Erisa Deysie is the sister of PFC Deysie and a U.S. national.

1517. Plaintiff Sidnee Deysie is the sister of PFC Deysie and a U.S. national.

1518. As a result of the May 9, 2008 Complex Attack and PFC Deysie’s injuries and death, each member of the Deysie Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PFC Deysie’s society, companionship, and counsel.

1519. As a result of the May 9, 2008 Complex Attack, PFC Deysie was injured in his person and/or property. The Plaintiff members of the Deysie Family are the survivors and/or heirs of PFC Deysie and are entitled to recover for the damages PFC Deysie sustained.

**S. The May 9, 2008 IED Attack in Kapisa (Isaac Palomarez Family)**

1520. On May 9, 2008, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kapisa Province, Afghanistan (the “May 9, 2008 IED Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the May 9, 2008 IED Attack.

1521. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1522. The May 9, 2008 IED Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1523. **Sergeant Isaac Palomarez** served in Afghanistan as a member of the U.S. Army. SGT Palomarez was injured in the May 9, 2008 IED Attack. SGT Palomarez died on May 9, 2008 as a result of injuries sustained during the attack.

1524. SGT Palomarez was a U.S. national at the time of the attack and his death.

1525. Plaintiff Elma Palomarez is the mother of SGT Palomarez and a U.S. national.

1526. Plaintiff Candido Palomarez III is the brother of SGT Palomarez and a U.S. national.

1527. Plaintiff Omar Palomarez is the brother of SGT Palomarez and a U.S. national.

1528. Plaintiff Rene Palomarez is the brother of SGT Palomarez and a U.S. national.

1529. As a result of the May 9, 2008 IED Attack and SGT Palomarez's injuries and death, each member of the Palomarez Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Palomarez's society, companionship, and counsel.

1530. As a result of the May 9, 2008 IED Attack, SGT Palomarez was injured in his person and/or property. The Plaintiff members of the Palomarez Family are the survivors and/or heirs of SGT Palomarez and are entitled to recover for the damages SGT Palomarez sustained.

**T. The May 20, 2008 IED Attack in Ghazni (Jeffrey DePrimo Family)**

1531. On May 20, 2008, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Ghazni Province, Afghanistan (the "May 20, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the May 20, 2008 Attack.

1532. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1533. The May 20, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1534. **First Lieutenant Jeffrey DePrimo** served in Afghanistan as a member of the U.S. Army National Guard. 1LT DePrimo was injured in the May 20, 2008 Attack. 1LT DePrimo died on May 20, 2008 as a result of injuries sustained during the attack.

1535. 1LT DePrimo was a U.S. national at the time of the attack and his death.

1536. Plaintiff Helen DePrimo is the mother of 1LT DePrimo and a U.S. national.

1537. Plaintiff Joseph DePrimo is the father of 1LT DePrimo and a U.S. national.

1538. Plaintiff Jodi Calabro is the sister of 1LT DePrimo and a U.S. national.

1539. Plaintiff Danielle Fediw is the sister of 1LT DePrimo and a U.S. national.

1540. As a result of the May 20, 2008 Attack and 1LT DePrimo's injuries and death, each member of the DePrimo Family has experienced severe mental anguish, emotional pain and suffering, and the loss of 1LT DePrimo's society, companionship, and counsel.

1541. As a result of the May 20, 2008 Attack, 1LT DePrimo was injured in his person and/or property. The Plaintiff members of the DePrimo Family are the survivors and/or heirs of 1LT DePrimo and are entitled to recover for the damages 1LT DePrimo sustained.

#### **U. The May 28, 2008 IED Attack in Paktia (Chad Trimble Family)**

1542. On May 28, 2008, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Paktia Province, Afghanistan (the "May 28, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the May 28, 2008 Attack.

1543. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that

were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1544. The May 28, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1545. **Private First Class Chad Trimble** served in Afghanistan as a member of the U.S. Army. PFC Trimble was injured in the May 28, 2008 Attack. PFC Trimble died on May 28, 2008 as a result of injuries sustained during the attack.

1546. PFC Trimble was a U.S. national at the time of the attack and his death.

1547. Plaintiff Rosanna Trimble is the widow of PFC Trimble and a U.S. national.

1548. Plaintiff Micaela Trimble is the daughter of PFC Trimble and a U.S. national.

1549. Plaintiff Steffani Trimble is the daughter of PFC Trimble and a U.S. national.

1550. Plaintiff Nancy Trimble is the mother of PFC Trimble and a U.S. national.

1551. Plaintiff Timothy Trimble is the father of PFC Trimble and a U.S. national.

1552. As a result of the May 28, 2008 Attack and PFC Trimble’s injuries and death, each member of the Trimble Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PFC Trimble’s society, companionship, and counsel.

1553. As a result of the May 28, 2008 Attack, PFC Trimble was injured in his person and/or property. The Plaintiff members of the Trimble Family are the survivors and/or heirs of PFC Trimble and are entitled to recover for the damages PFC Trimble sustained.

#### **V. The May 31, 2008 IED Attack in Nangarhar (James Finley Family)**

1554. On May 31, 2008, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Nangarhar Province, Afghanistan (the “May 31, 2008 Attack”), which was

facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the May 31, 2008 Attack.

1555. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1556. The May 31, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1557. **Specialist James Finley** served in Afghanistan as a member of the U.S. Army. SPC Finley was injured in an the May 31, 2008 Attack. SPC Finley died on May 31, 2008 as a result of injuries sustained during the attack.

1558. SPC Finley was a U.S. national at the time of the attack and his death.

1559. Plaintiff Gerald Finley is the father of SPC Finley and a U.S. national.

1560. Plaintiff John Finley is the brother of SPC Finley and a U.S. national.

1561. Plaintiff Joshua Finley is the brother of SPC Finley and a U.S. national.

1562. Plaintiff Jennifer Lefors is the sister of SPC Finley and a U.S. national.

1563. As a result of the May 31, 2008 Attack and SPC Finley's injuries and death, each member of the Finley Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Finley's society, companionship, and counsel.

1564. As a result of the May 31, 2008 Attack, SPC Finley was injured in his person and/or property. The Plaintiff members of the Finley Family are the survivors and/or heirs of SPC Finley and are entitled to recover for the damages SPC Finley sustained.

**W. The June 3, 2008 IED Attack in Paktia (Scott Hagerty Family)**

1565. On June 3, 2008, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Paktia Province, Afghanistan (the “June 3, 2008 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the June 3, 2008 Attack.

1566. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1567. The June 3, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1568. **Major Scott Hagerty** served in Afghanistan as a member of the U.S. Army Reserve. MAJ Hagerty was injured in the June 3, 2008 Attack. MAJ Hagerty died on June 3, 2008 as a result of injuries sustained during the attack.

1569. MAJ Hagerty was a U.S. national at the time of the attack and his death.

1570. Plaintiff Lynne Farmer is the sister of MAJ Hagerty and a U.S. national.

1571. As a result of the June 3, 2008 Attack and MAJ Hagerty's injuries and death, each member of the Hagerty Family has experienced severe mental anguish, emotional pain and suffering, and the loss of MAJ Hagerty's society, companionship, and counsel.

1572. As a result of the June 3, 2008 Attack, MAJ Hagerty was injured in his person and/or property. The Plaintiff members of the Hagerty Family are the survivors and/or heirs of MAJ Hagerty and are entitled to recover for the damages MAJ Hagerty sustained.

#### **X. The June 8, 2008 IED Attack in Logar (Kevin McCloskey)**

1573. On June 8, 2008, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Logar Province, Afghanistan (the "June 8, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the June 8, 2008 Attack.

1574. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1575. The June 8, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1576. **Plaintiff Corporal Kevin McCloskey** served in Afghanistan as a member of the U.S. Army. CPL McCloskey was injured in the June 8, 2008 Attack. The attack severely

wounded CPL McCloskey, who suffered the loss of both his legs, vision loss in his right eye, burns all over his body, and a TBI.

1577. CPL McCloskey was a U.S. national at the time of the attack and remains one to this day.

1578. As a result of the June 8, 2008 Attack and his injuries, CPL McCloskey has experienced severe physical and emotional pain and suffering.

#### **Y. The June 18, 2008 RPG Attack in Paktika (Marc Retmier Family)**

1579. On June 18, 2008, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed a rocket propelled grenade attack in Paktika Province, Afghanistan (the “June 18, 2008 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the June 18, 2008 Attack.

1580. The June 18, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1581. **Hospitalman Marc Retmier** served in Afghanistan as a member of the U.S. Navy. HM Retmier was injured in the June 18, 2008 Attack. HM Retmier died on June 18, 2008 as a result of injuries sustained during the attack.

1582. HM Retmier was a U.S. national at the time of the attack and his death.

1583. Plaintiff Joy Retmier is the mother of HM Retmier and a U.S. national.

1584. Plaintiff Steven Retmier is the father of HM Retmier and a U.S. national.

1585. Plaintiff Mason Retmier is the brother of HM Retmier and a U.S. national.

1586. Plaintiff Matthew Retmier is the brother of HM Retmier and a U.S. national.

1587. As a result of the June 18, 2008 Attack and HM Retmier's injuries and death, each member of the Retmier Family has experienced severe mental anguish, emotional pain and suffering, and the loss of HM Retmier's society, companionship, and counsel.

1588. As a result of the June 18, 2008 Attack, HM Retmier was injured in his person and/or property. The Plaintiff members of the Retmier Family are the survivors and/or heirs of HM Retmier and are entitled to recover for the damages HM Retmier sustained.

**Z. The June 21, 2008 Complex Attack in Kandahar (James Walton Family)**

1589. On June 21, 2008, a joint cell comprised of al-Qaida and the Taliban committed a complex attack involving an IED and small arms fire in Kandahar Province, Afghanistan (the "June 21, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the June 21, 2008 Attack.

1590. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1591. The June 21, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1592. **Lieutenant Colonel James Walton** served in Afghanistan as a member of the U.S. Army. LTC Walton was injured in the June 21, 2008 Attack. LTC Walton died on June 21, 2008 as a result of injuries sustained during the attack.

1593. LTC Walton was a U.S. national at the time of the attack and his death.

1594. Plaintiff Sarah Walton is the widow of LTC Walton and a U.S. national.

1595. As a result of the June 21, 2008 Attack and LTC Walton's injuries and death, each member of the Walton Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LTC Walton's society, companionship, and counsel.

1596. As a result of the June 21, 2008 Attack, LTC Walton was injured in his person and/or property. The Plaintiff members of the Walton Family are the survivors and/or heirs of LTC Walton and are entitled to recover for the damages LTC Walton sustained.

**AA. The June 26, 2008 Complex Attack in Wardak (Families of Matthew Hilton and Mark Palmateer)**

1597. On June 26, 2008 a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed a complex attack involving IEDs, small arms fire, and rocket propelled grenades in Wardak Province, Afghanistan (the "June 26, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the June 26, 2008 Attack.

1598. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1599. The June 26, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1600. **Sergeant First Class Matthew Hilton** served in Afghanistan as a member of the U.S. Army National Guard. SFC Hilton was injured in the June 26, 2008 Attack. SFC Hilton died on June 26, 2008 as a result of injuries sustained during the attack.

1601. SFC Hilton was a U.S. national at the time of the attack and his death.

1602. Plaintiff Mary Hilton is the widow of SFC Hilton and a U.S. national.

1603. Plaintiff Jeanine Hilton is the sister of SFC Hilton and a U.S. national.

1604. Plaintiff Brent Robinson is the stepson of SFC Hilton and a U.S. national. Brent Robinson lived in the same household as SFC Hilton for a substantial time and considered SFC Hilton the functional equivalent of a biological father.

1605. As a result of the June 26, 2008 Attack and SFC Hilton's injuries and death, each member of the Hilton Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Hilton's society, companionship, and counsel.

1606. As a result of the June 26, 2008 Attack, SFC Hilton was injured in his person and/or property. The Plaintiff members of the Hilton Family are the survivors and/or heirs of SFC Hilton and are entitled to recover for the damages SFC Hilton sustained.

1607. **Sergeant Mark Palmateer** served in Afghanistan as a member of the U.S. Army National Guard. SGT Palmateer was injured in the June 26, 2008 Attack. SGT Palmateer died on June 26, 2008 as a result of injuries sustained during the attack.

1608. SGT Palmateer was a U.S. national at the time of the attack and his death.

1609. Plaintiff Christopher Palmateer is the brother of SGT Palmateer and a U.S. national.

1610. Plaintiff Marjorie Vail is the sister of SGT Palmateer and a U.S. national.

1611. As a result of the June 26, 2008 Attack and SGT Palmateer's injuries and death, each member of the Palmateer Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Palmateer's society, companionship, and counsel.

1612. As a result of the June 26, 2008 Attack, SGT Palmateer was injured in his person and/or property. The Plaintiff members of the Palmateer Family are the survivors and/or heirs of SGT Palmateer and are entitled to recover for the damages SGT Palmateer sustained.

**BB. The June 28, 2008 IED Attack in Zabul (Estell Turner Family)**

1613. On June 28, 2008, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Zabul Province, Afghanistan (the "June 28, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the June 28, 2008 Attack.

1614. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1615. The June 28, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1616. **Specialist Estell Turner** served in Afghanistan as a member of the U.S. Army. SPC Turner was injured in the June 28, 2008 Attack. SPC Turner died on July 2, 2008 as a result of injuries sustained during the attack.

1617. SPC Turner was a U.S. national at the time of the attack and his death.

1618. Plaintiff Leah Turner is the widow of SPC Turner and a U.S. national.

1619. Plaintiff Lyda Nieshe is the stepdaughter of SPC Turner and a U.S. national. Lyda Nieshe lived in the same household as SPC Turner for a substantial time and considered SPC Turner the functional equivalent of a biological father.

1620. As a result of the June 28, 2008 Attack and SPC Turner's injuries and death, each member of the Turner Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Turner's society, companionship, and counsel.

1621. As a result of the June 28, 2008 Attack, SPC Turner was injured in his person and/or property. The Plaintiff members of the Turner Family are the survivors and/or heirs of SPC Turner and are entitled to recover for the damages SPC Turner sustained.

**CC. The July 13, 2008 Complex Attack in Nuristan (The Families of Jason Bogar, Jonathan Brostrom, Israel Garcia, Jason Hovater, Pruitt Rainey, and Gunnar Zwillings)**

1622. On July 13, 2008, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed a complex attack involving small arms fire, IEDs, and rocket propelled grenades in Nuristan Province, Afghanistan (the "July 13, 2008 Complex Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the July 13, 2008 Complex Attack.

1623. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that

were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1624. The July 13, 2008 Complex Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1625. **Corporal Jason Bogar** served in Afghanistan as a member of the U.S. Army. CPL Bogar was injured in the July 13, 2008 Complex Attack. CPL Bogar died on July 13, 2008 as a result of injuries sustained during the attack.

1626. CPL Bogar was a U.S. national at the time of the attack and his death.

1627. Plaintiff Carlene Cross is the mother of CPL Bogar and a U.S. national.

1628. Plaintiff Michael Bogar is the father of CPL Bogar and a U.S. national.

1629. Plaintiff Micael Gauger is the sister of CPL Bogar and a U.S. national.

1630. Plaintiff Carise Martindale is the sister of CPL Bogar and a U.S. national.

1631. As a result of the July 13, 2008 Complex Attack and CPL Bogar’s injuries and death, each member of the Bogar Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Bogar’s society, companionship, and counsel.

1632. As a result of the July 13, 2008 Complex Attack, CPL Bogar was injured in his person and/or property. The Plaintiff members of the Bogar Family are the survivors and/or heirs of CPL Bogar and are entitled to recover for the damages CPL Bogar sustained.

1633. **First Lieutenant Jonathan Brostrom** served in Afghanistan as a member of the U.S. Army. 1LT Brostrom was injured in the July 13, 2008 Complex Attack. 1LT Brostrom died on July 13, 2008 as a result of injuries sustained during the attack.

1634. 1LT Brostrom was a U.S. national at the time of the attack and his death.

1635. Plaintiff Jase Brostrom is the son of 1LT Brostrom and a U.S. national.

1636. Plaintiff Mary Brostrom is the mother of 1LT Brostrom and a U.S. national.

1637. Plaintiff David Brostrom is the father of 1LT Brostrom and a U.S. national.

1638. Plaintiff Blake Brostrom is the brother of 1LT Brostrom and a U.S. national.

1639. As a result of the July 13, 2008 Complex Attack and 1LT Brostrom's injuries and death, each member of the Brostrom Family has experienced severe mental anguish, emotional pain and suffering, and the loss of 1LT Brostrom's society, companionship, and counsel.

1640. As a result of the July 13, 2008 Complex Attack, 1LT Brostrom was injured in his person and/or property. The Plaintiff members of the Brostrom Family are the survivors and/or heirs of 1LT Brostrom and are entitled to recover for the damages 1LT Brostrom sustained.

1641. **Sergeant Israel Garcia** served in Afghanistan as a member of the U.S. Army.

SGT Garcia was injured in the July 13, 2008 Complex Attack. SGT Garcia died on July 13, 2008 as a result of injuries sustained during the attack.

1642. SGT Garcia was a U.S. national at the time of the attack and his death.

1643. Plaintiff Lesly Garcia is the widow of SGT Garcia and a U.S. national.

1644. Plaintiff Maricruz Garcia Velasquez is the mother of SGT Garcia and a U.S. national.

1645. Plaintiff Victor Garcia is the father of SGT Garcia and a U.S. national.

1646. Plaintiff Ramses Garcia is the brother of SGT Garcia and a U.S. national.

1647. As a result of the July 13, 2008 Complex Attack and SGT Garcia's injuries and death, each member of the Garcia Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Garcia's society, companionship, and counsel.

1648. As a result of the July 13, 2008 Complex Attack, SGT Garcia was injured in his person and/or property. The Plaintiff members of the Garcia Family are the survivors and/or heirs of SGT Garcia and are entitled to recover for the damages SGT Garcia sustained.

1649. **Specialist Jason Hovater** served in Afghanistan as a member of the U.S. Army. SPC Hovater was injured in the July 13, 2008 Complex Attack. SPC Hovater died on July 13, 2008 as a result of injuries sustained during the attack.

1650. SPC Hovater was a U.S. national at the time of the attack and his death.

1651. Plaintiff Jenna Vanosdale is the widow of SPC Hovater and a U.S. national.

1652. As a result of the July 13, 2008 Complex Attack and SPC Hovater's injuries and death, each member of the Hovater Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Hovater's society, companionship, and counsel.

1653. As a result of the July 13, 2008 Complex Attack, SPC Hovater was injured in his person and/or property. The Plaintiff members of the Hovater Family are the survivors and/or heirs of SPC Hovater and are entitled to recover for the damages SPC Hovater sustained.

1654. **Corporal Pruitt Rainey** served in Afghanistan as a member of the U.S. Army. CPL Rainey was injured in the July 13, 2008 Complex Attack. CPL Rainey died on July 13, 2008 as a result of injuries sustained during the attack.

1655. CPL Rainey was a U.S. national at the time of the attack and his death.

1656. Plaintiff Renda Riggins is the mother of CPL Rainey and a U.S. national.

1657. As a result of the July 13, 2008 Complex Attack and CPL Rainey's injuries and death, each member of the Rainey Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Rainey's society, companionship, and counsel.

1658. As a result of the July 13, 2008 Complex Attack, CPL Rainey was injured in his person and/or property. The Plaintiff members of the Rainey Family are the survivors and/or heirs of CPL Rainey and are entitled to recover for the damages CPL Rainey sustained.

1659. **Corporal Gunnar Zwilling** served in Afghanistan as a member of the U.S. Army. CPL Zwilling was injured in the July 13, 2008 Complex Attack. CPL Zwilling died on July 13, 2008 as a result of injuries sustained during the attack.

1660. CPL Zwilling was a U.S. national at the time of the attack and his death.

1661. Kathy Lay brings claims in her representative capacity only on behalf of Kurt Zwilling's estate. Kurt Zwilling was the father of CPL Zwilling and was a U.S. national at the time of his death. Kurt Zwilling's estate is entitled to recover solatium damages.

1662. Plaintiff Alexander Zwilling is the brother of CPL Zwilling and a U.S. national.

1663. As a result of the July 13, 2008 Complex Attack and CPL Zwilling's injuries and death, each member of the Zwilling Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Zwilling's society, companionship, and counsel.

1664. As a result of the July 13, 2008 Complex Attack, CPL Zwilling was injured in his person and/or property. The Plaintiff members of the Zwilling Family are the survivors and/or heirs of CPL Zwilling and are entitled to recover for the damages CPL Zwilling sustained.

#### **DD. The July 13, 2008 IED Attack in Helmand (Mitchell Young Family)**

1665. On July 13, 2008, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Helmand Province, Afghanistan (the "July 13, 2008 IED Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the July 13, 2008 IED Attack.

1666. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida

bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1667. The July 13, 2008 IED Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1668. **Master Sergeant Mitchell Young** served in Afghanistan as a member of the U.S. Army. MSG Young was injured in the July 13, 2008 IED Attack. MSG Young died on July 13, 2008 as a result of injuries sustained during the attack.

1669. MSG Young was a U.S. national at the time of the attack and his death.

1670. Plaintiff Robyn Young is the widow of MSG Young and a U.S. national.

1671. As a result of the July 13, 2008 IED Attack and MSG Young's injuries and death, each member of the Young Family has experienced severe mental anguish, emotional pain and suffering, and the loss of MSG Young's society, companionship, and counsel.

1672. As a result of the July 13, 2008 IED Attack, MSG Young was injured in his person and/or property. The Plaintiff members of the Young Family are the survivors and/or heirs of MSG Young and are entitled to recover for the damages MSG Young sustained.

#### **EE. The July 21, 2008 IED Attack in Helmand (Ivan Wilson Family)**

1673. On July 21, 2008, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Helmand Province, Afghanistan (the "July 21, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the July 21, 2008 Attack.

1674. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1675. The July 21, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1676. **Lance Corporal Ivan Wilson** served in Afghanistan as a member of the U.S. Marine Corps. LCpl Wilson was injured in the July 21, 2008 Attack. LCpl Wilson died on July 21, 2008 as a result of injuries sustained during the attack.

1677. LCpl Wilson was a U.S. national at the time of the attack and his death.

1678. Plaintiff Denise Wilson is the mother of LCpl Wilson and a U.S. national.

1679. As a result of the July 21, 2008 Attack and LCpl Wilson's injuries and death, each member of the Wilson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Wilson's society, companionship, and counsel.

1680. As a result of the July 21, 2008 Attack, LCpl Wilson was injured in his person and/or property. The Plaintiff members of the Wilson Family are the survivors and/or heirs of LCpl Wilson and are entitled to recover for the damages LCpl Wilson sustained.

**FF. The August 1, 2008 IED Attack in Khost (Ryan Baumann Family)**

1681. On August 1, 2008, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Khost Province, Afghanistan (the "August 1, 2008 Khost Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding,

personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 1, 2008 Khost Attack.

1682. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1683. The August 1, 2008 Khost Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1684. **Sergeant Ryan Baumann** served in Afghanistan as a member of the U.S. Army. SGT Baumann was injured in the August 1, 2008 Khost Attack. SGT Baumann died on August 1, 2008 as a result of injuries sustained during the attack.

1685. SGT Baumann was a U.S. national at the time of the attack and his death.

1686. Plaintiff Cindy Lohman is the mother of SGT Baumann and a U.S. national.

1687. Plaintiff Gary Lohman is the stepfather of SGT Baumann and a U.S. national. Gary Edward Lohman lived in the same household as SGT Baumann for a substantial time and considered SGT Baumann the functional equivalent of a biological son.

1688. As a result of the August 1, 2008 Khost Attack and SGT Baumann's injuries and death, each member of the Baumann Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Baumann's society, companionship, and counsel.

1689. As a result of the August 1, 2008 Khost Attack, SGT Baumann was injured in his person and/or property. The Plaintiff members of the Baumann Family are the survivors and/or heirs of SGT Baumann and are entitled to recover for the damages SGT Baumann sustained.

**GG. The August 1, 2008 IED Attack in Kunar (Jair Garcia Family)**

1690. On August 1, 2008 a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kunar Province, Afghanistan (the “August 1, 2008 Kunar Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 1, 2008 Kunar Attack.

1691. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1692. The August 1, 2008 Kunar Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1693. **Private Second Class Jair Garcia** served in Afghanistan as a member of the U.S. Army. PV2 Garcia was injured in the August 1, 2008 Kunar Attack. PV2 Garcia died on August 1, 2008 as a result of injuries sustained during the attack.

1694. PV2 Garcia was a U.S. national at the time of the attack and his death.

1695. Plaintiff Maria Avneri is the mother of PV2 Garcia and a U.S. national.

1696. Plaintiff Eduardo Garcia is the brother of PV2 Garcia and a U.S. national.

1697. Plaintiff Jacob Avneri is the stepfather of PV2 Garcia and a U.S. national. Jacob Avneri lived in the same household as PV2 Garcia for a substantial time and considered PV2 Garcia the functional equivalent of a biological son.

1698. As a result of the August 1, 2008 Kunar Attack and PV2 Garcia's injuries and death, each member of the Garcia Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PV2 Garcia's society, companionship, and counsel.

1699. As a result of the August 1, 2008 Kunar Attack, PV2 Garcia was injured in his person and/or property. The Plaintiff members of the Garcia Family are the survivors and/or heirs of PV2 Garcia and are entitled to recover for the damages PV2 Garcia sustained.

#### **HH. The August 22, 2008 IED Attack in Ghazni (Brian Studer Family)**

1700. On August 22, 2008 a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Ghazni Province, Afghanistan (the "August 22, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 22, 2008 Attack.

1701. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1702. The August 22, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1703. **Staff Sergeant Brian Studer** served in Afghanistan as a member of the U.S. Army. SSG Studer was injured in the August 22, 2008 Attack. SSG Studer died on August 22, 2008 as a result of injuries sustained during the attack.

1704. SSG Studer was a U.S. national at the time of the attack and his death.

1705. Plaintiff Crystal DeLeo is the sister of SSG Studer and a U.S. national.

1706. As a result of the August 22, 2008 Attack and SSG Studer's injuries and death, each member of the Studer Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Studer's society, companionship, and counsel.

1707. As a result of the August 22, 2008 Attack, SSG Studer was injured in his person and/or property. The Plaintiff members of the Studer Family are the survivors and/or heirs of SSG Studer and are entitled to recover for the damages SSG Studer sustained.

## **II. The September 17, 2008 IED Attack in Paktia (Jason Vazquez Family)**

1708. On September 17, 2008 a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Paktia Province, Afghanistan (the "September 17, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the September 17, 2008 Attack.

1709. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1710. The September 17, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1711. **Staff Sergeant Jason Vazquez** served in Afghanistan as a member of the U.S. Army National Guard. SSG Vazquez was injured in the September 17, 2008 Attack. SSG Vazquez died on September 17, 2008 as a result of injuries sustained during the attack.

1712. SSG Vazquez was a U.S. national at the time of the attack and his death.

1713. Plaintiff Jose Vazquez Sr. is the father of SSG Vazquez and a U.S. national.

1714. Plaintiff Janice Vazquez is the sister of SSG Vazquez and a U.S. national.

1715. Plaintiff Jose Vazquez Jr. is the brother of SSG Vazquez and a U.S. national.

1716. As a result of the September 17, 2008 Attack and SSG Vazquez's injuries and death, each member of the Vazquez Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Vazquez's society, companionship, and counsel.

1717. As a result of the September 17, 2008 Attack, SSG Vazquez was injured in his person and/or property. The Plaintiff members of the Vazquez Family are the survivors and/or heirs of SSG Vazquez and are entitled to recover for the damages SSG Vazquez sustained.

#### **JJ. The September 19, 2008 IED Attack in Kunar (Nathan Cox Family)**

1718. On September 19, 2008, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kunar Province, Afghanistan (the "September 19, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the September 19, 2008 Attack.

1719. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida

bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1720. The September 19, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1721. **Staff Sergeant Nathan Cox** served in Afghanistan as a member of the U.S. Army. SSG Cox was injured in the September 19, 2008 Attack. SSG Cox died on September 20, 2008 as a result of injuries sustained during the attack.

1722. SSG Cox was a U.S. national at the time of the attack and his death.

1723. Plaintiff Hannah Cox is the sister of SSG Cox and a U.S. national.

1724. As a result of the September 19, 2008 Attack and SSG Cox's injuries and death, each member of the Cox Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Cox's society, companionship, and counsel.

1725. As a result of the September 19, 2008 Attack, SSG Cox was injured in his person and/or property. The Plaintiff members of the Cox Family are the survivors and/or heirs of SSG Cox and are entitled to recover for the damages SSG Cox sustained.

#### **KK. The September 29, 2008 IED Attack in Helmand (Jamie Nicholas Family)**

1726. On September 29, 2008, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Helmand Province, Afghanistan (the "September 29, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the September 29, 2008 Attack.

1727. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1728. The September 29, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1729. **Sergeant First Class Jamie Nicholas** served in Afghanistan as a member of the U.S. Army. SFC Nicholas was injured in the September 29, 2008 Attack. SFC Nicholas died on September 29, 2008 as a result of injuries sustained during the attack.

1730. SFC Nicholas was a U.S. national at the time of the attack and his death.

1731. Plaintiff Michelle Nicholas is the widow of SFC Nicholas and a U.S. national.

1732. As a result of the September 29, 2008 Attack and SFC Nicholas's injuries and death, each member of the Nicholas Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Nicholas's society, companionship, and counsel.

1733. As a result of the September 29, 2008 Attack, SFC Nicholas was injured in his person and/or property. The Plaintiff members of the Nicholas Family are the survivors and/or heirs of SFC Nicholas and are entitled to recover for the damages SFC Nicholas sustained.

#### **LL. The October 14, 2008 IED Attack in Kunar (Cory Bertrand Family)**

1734. On October 14, 2008, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kunar Province, Afghanistan (the "October 14, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and

logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 14, 2008 Attack.

1735. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1736. The October 14, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1737. **Specialist Cory Bertrand** served in Afghanistan as a member of the U.S. Army. SPC Bertrand was injured in the October 14, 2008 Attack. SPC Bertrand died on October 14, 2008 as a result of injuries sustained during the attack.

1738. SPC Bertrand was a U.S. national at the time of the attack and his death.

1739. Plaintiff Charlotte Allen is the mother of SPC Bertrand and a U.S. national.

1740. Plaintiff Austin Nelams is the brother of SPC Bertrand and a U.S. national.

1741. Plaintiff Matthew Allen is the stepfather of SPC Bertrand and a U.S. national.

Matthew Allen lived in the same household as SPC Bertrand for a substantial time and considered SPC Bertrand the functional equivalent of a biological son.

1742. As a result of the October 14, 2008 Attack and SPC Bertrand's injuries and death, each member of the Bertrand Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Bertrand's society, companionship, and counsel.

1743. As a result of the October 14, 2008 Attack, SPC Bertrand was injured in his person and/or property. The Plaintiff members of the Bertrand Family are the survivors and/or heirs of SPC Bertrand and are entitled to recover for the damages SPC Bertrand sustained.

**MM. The October 22, 2008 IED Attack in Helmand (Adrian Robles Family)**

1744. On October 22, 2008, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Helmand Province, Afghanistan (the “October 22, 2008 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 22, 2008 Attack.

1745. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1746. The October 22, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1747. **Corporal Adrian Robles** served in Afghanistan as a member of the U.S. Marine Corps. Cpl Robles was injured in the October 22, 2008 Attack. Cpl Robles died on October 22, 2008 as a result of injuries sustained during the attack.

1748. Cpl Robles was a U.S. national at the time of the attack and his death.

1749. Plaintiff Cesar Robles is the father of Cpl Robles and a U.S. national.

1750. As a result of the October 22, 2008 Attack and Cpl Robles's injuries and death, each member of the Robles Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Cpl Robles's society, companionship, and counsel.

1751. As a result of the October 22, 2008 Attack, Cpl Robles was injured in his person and/or property. The Plaintiff members of the Robles Family are the survivors and/or heirs of Cpl Robles and are entitled to recover for the damages Cpl Robles sustained.

**NN. The October 27, 2008 Suicide Bomb Attack in Baghlan (Kevin Grieco Family)**

1752. On October 27, 2008, a joint cell comprised of al-Qaida and the Taliban committed a suicide bombing attack in Baghlan Province, Afghanistan (the "October 27, 2008 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 27, 2008 Attack.

1753. The October 27, 2008 Attack was committed by al-Qaida (an FTO) and the Taliban acting together in a joint al-Qaida-Taliban cell with al-Qaida providing, indoctrinating, and training the bomber, who was deployed by the Taliban. On information and belief, the suicide bomber who detonated the bomb during the attack was: (i) indoctrinated by al-Qaida regarding the purported religious justification that permitted the attack; (ii) trained by al-Qaida regarding al-Qaida's tactics, techniques, and procedures for suicide bombers; (iii) deployed by al-Qaida to Afghanistan in order to attack Americans there; and (iv) a member of al-Qaida under al-Qaida training procedures for suicide attackers, as a result of the bomber pledging loyalty to al-Qaida to create a point of no return.

1754. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida

bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1755. The October 27, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1756. **Staff Sergeant Kevin Grieco** served in Afghanistan as a member of the U.S. Army National Guard. SSG Grieco was injured in the October 27, 2008 Attack. SSG Grieco died on October 27, 2008 as a result of injuries sustained during the attack.

1757. SSG Grieco was a U.S. national at the time of the attack and his death.

1758. Plaintiff Linda Grieco is the mother of SSG Grieco and a U.S. national.

1759. Plaintiff Ralph Grieco is the father of SSG Grieco and a U.S. national.

1760. Plaintiff Jennifer Burch is the sister of SSG Grieco and a U.S. national.

1761. As a result of the October 27, 2008 Attack and SSG Grieco's injuries and death, each member of the Grieco Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Grieco's society, companionship, and counsel.

1762. As a result of the October 27, 2008 Attack, SSG Grieco was injured in his person and/or property. The Plaintiff members of the Grieco Family are the survivors and/or heirs of SSG Grieco and are entitled to recover for the damages SSG Grieco sustained.

**OO. The November 13, 2008 Suicide Bomb Attack in Nangarhar (Jonnie Stiles Family)**

1763. On November 13, 2008, a joint cell comprised of al-Qaida and the Taliban committed a suicide bombing attack in Nangarhar Province, Afghanistan (the "November 13,

2008 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the November 13, 2008 Attack.

1764. The November 13, 2008 Attack was committed by al-Qaida (an FTO) and the Taliban acting together in a joint al-Qaida-Taliban cell with al-Qaida providing, indoctrinating, and training the bomber, who was deployed by the Taliban. On information and belief, the suicide bomber who detonated the bomb during the attack was: (i) indoctrinated by al-Qaida regarding the purported religious justification that permitted the attack; (ii) trained by al-Qaida regarding al-Qaida’s tactics, techniques, and procedures for suicide bombers; (iii) deployed by al-Qaida to Afghanistan in order to attack Americans there; and (iv) a member of al-Qaida under al-Qaida training procedures for suicide attackers, as a result of the bomber pledging loyalty to al-Qaida to create a point of no return.

1765. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1766. The November 13, 2008 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1767. **Sergeant Jonnie Stiles** served in Afghanistan as a member of the U.S. Army National Guard. SGT Stiles was injured in the November 13, 2008 Attack. SGT Stiles died on November 13, 2008 as a result of injuries sustained during the attack.

1768. SGT Stiles was a U.S. national at the time of the attack and his death.

1769. Plaintiff Launa Chavez is the widow of SGT Stiles and a U.S. national.

1770. Plaintiff Charles Stiles is the father of SGT Stiles and a U.S. national.

1771. Plaintiff Natalie Schoening is the sister of SGT Stiles and a U.S. national.

1772. Plaintiff Kenneth Stiles is the brother of SGT Stiles and a U.S. national.

1773. Plaintiff Maria Stiles is the stepmother of SGT Stiles and a U.S. national. Maria Stiles lived in the same household as SGT Stiles for a substantial time and considered SGT Stiles the functional equivalent of a biological son.

1774. As a result of the November 13, 2008 Attack and SGT Stiles's injuries and death, each member of the Stiles Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Stiles's society, companionship, and counsel.

1775. As a result of the November 13, 2008 Attack, SGT Stiles was injured in his person and/or property. The Plaintiff members of the Stiles Family are the survivors and/or heirs of SGT Stiles and are entitled to recover for the damages SGT Stiles sustained.

**PP. The January 9, 2009 IED Attack in Zabul (The Families of Joseph Hernandez and Jason Parsons)**

1776. On January 9, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Zabul Province, Afghanistan (the "January 9, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the January 9, 2009 Attack.

1777. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1778. The January 9, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1779. **Corporal Joseph Hernandez** served in Afghanistan as a member of the U.S. Army. CPL Hernandez was injured in the January 9, 2009 Attack. CPL Hernandez died on January 9, 2009 as a result of injuries sustained during the attack.

1780. CPL Hernandez was a U.S. national at the time of the attack and his death.

1781. Plaintiff Jessie Hernandez is the father of CPL Hernandez and a U.S. national.

1782. As a result of the January 9, 2009 Attack and CPL Hernandez's injuries and death, each member of the Hernandez Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Hernandez's society, companionship, and counsel.

1783. As a result of the January 9, 2009 Attack, CPL Hernandez was injured in his person and/or property. The Plaintiff members of the Hernandez Family are the survivors and/or heirs of CPL Hernandez and are entitled to recover for the damages CPL Hernandez sustained.

1784. **Sergeant Jason Parsons** served in Afghanistan as a member of the U.S. Army. SGT Parsons was injured in the January 9, 2009 Attack. SGT Parsons died on January 9, 2009 as a result of injuries sustained during the attack.

1785. SGT Parsons was a U.S. national at the time of the attack and his death.

1786. Plaintiff Garland Parsons is the father of SGT Parsons and a U.S. national.

1787. Plaintiff Cathy Parsons is the stepmother of SGT Parsons and a U.S. national.

Cathy Parsons lived in the same household as SGT Parsons for a substantial time and considered SGT Parsons the functional equivalent of a biological son.

1788. As a result of the January 9, 2009 Attack and SGT Parsons's injuries and death, each member of the Parsons Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Parsons's society, companionship, and counsel.

1789. As a result of the January 9, 2009 Attack, SGT Parsons was injured in his person and/or property. The Plaintiff members of the Parsons Family are the survivors and/or heirs of SGT Parsons and are entitled to recover for the damages SGT Parsons sustained.

**QQ. The January 17, 2009 Complex Attack in Kunar (Ezra Dawson Family)**

1790. On January 17, 2009, a joint cell comprised of al-Qaida and the Taliban committed a complex attack involving a rocket propelled grenade and small arms fire in Kunar Province, Afghanistan (the "January 17, 2009 Complex Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the January 17, 2009 Complex Attack.

1791. The January 17, Complex 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1792. **Sergeant Ezra Dawson** served in Afghanistan as a member of the U.S. Army.

SGT Dawson was injured in the January 17, 2009 Complex Attack. SGT Dawson died on January 17, 2009 as a result of injuries sustained during the attack.

1793. SGT Dawson was a U.S. national at the time of the attack and his death.

1794. Plaintiff Eva Farr-Wallace is the mother of SGT Dawson and a U.S. national.

1795. Plaintiff Calvin Jamison is the father of SGT Dawson and a U.S. national.

1796. Plaintiff Atarah Wright is the sister of SGT Dawson and a U.S. national.

1797. As a result of the January 17, 2009 Complex Attack and SGT Dawson's injuries and death, each member of the Dawson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Dawson's society, companionship, and counsel.

1798. As a result of the January 17, 2009 Complex Attack, SGT Dawson was injured in his person and/or property. The Plaintiff members of the Dawson Family are the survivors and/or heirs of SGT Dawson and are entitled to recover for the damages SGT Dawson sustained.

**RR. The January 17, 2009 IED Attack in Kabul (Simone Robinson Family)**

1799. On January 17, 2009, al-Qaida and the Taliban, acting together as a joint cell in the Kabul Attack Network, committed an IED attack in Kabul Province, Afghanistan (the "January 17, 2009 IED Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the January 17, 2009 IED Attack.

1800. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1801. The January 17, 2009 IED Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1802. **Sergeant Simone Robinson** served in Afghanistan as a member of the U.S. Army National Guard. SGT Robinson was injured in the January 17, 2009 IED Attack. SGT Robinson died on March 1, 2009 as a result of injuries sustained during the attack.

1803. SGT Robinson was a U.S. national at the time of the attack and her death.

1804. Plaintiff Regina Byther is the mother of SGT Robinson and a U.S. national.

1805. Plaintiff Nyzia Wilson is the daughter of SGT Robinson and a U.S. national.

1806. As a result of the January 17, 2009 IED Attack and SGT Robinson's injuries and death, each member of the Robinson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Robinson's society, companionship, and counsel.

1807. As a result of the January 17, 2009 IED Attack, SGT Robinson was injured in his person and/or property. The Plaintiff members of the Robinson Family are the survivors and/or heirs of SGT Robinson and are entitled to recover for the damages SGT Robinson sustained.

**SS. The February 8, 2009 IED Attack in Helmand (Jared Southworth Family)**

1808. On February 8, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Helmand Province, Afghanistan (the "February 8, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the February 8, 2009 Attack.

1809. The February 8, 2009 Attack was committed by al-Qaida (an FTO) and the Taliban acting together in a joint al-Qaida-Taliban cell with al-Qaida providing, indoctrinating, and training the bomber, who was deployed by the Taliban. On information and belief, the

suicide bomber who detonated the bomb during the attack was: (i) indoctrinated by al-Qaida regarding the purported religious justification that permitted the attack; (ii) trained by al-Qaida regarding al-Qaida's tactics, techniques, and procedures for suicide bombers; (iii) deployed by al-Qaida to Afghanistan in order to attack Americans there; and (iv) a member of al-Qaida under al-Qaida training procedures for suicide attackers, as a result of the bomber pledging loyalty to al-Qaida to create a point of no return.

1810. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1811. The February 8, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1812. **First Lieutenant Jared Southworth** served in Afghanistan as a member of the U.S. Army National Guard. 1LT Southworth was injured in the February 8, 2009 Attack. 1LT Southworth died on February 8, 2009 as a result of injuries sustained during the attack.

1813. 1LT Southworth was a U.S. national at the time of the attack and his death.

1814. Plaintiff Chrissy Prado is the widow of 1LT Southworth and a U.S. national.

1815. Plaintiff Ally Prado is the daughter of 1LT Southworth and a U.S. national.

1816. Plaintiff Carly Prado is the daughter of 1LT Southworth and a U.S. national.

1817. Plaintiff Logan Prado is the son of 1LT Southworth and a U.S. national.

1818. Plaintiff Owen Prado is the son of 1LT Southworth and a U.S. national.

1819. Plaintiff Kimberly Southworth is the mother of 1LT Southworth and a U.S. national.

1820. Plaintiff Robert Southworth is the father of 1LT Southworth and a U.S. national.

1821. Plaintiff Christina Guerrero is the sister of 1LT Southworth and a U.S. national.

1822. Plaintiff Michael Southworth is the brother of 1LT Southworth and a U.S. national.

1823. As a result of the February 8, 2009 Attack and 1LT Southworth's injuries and death, each member of the Southworth Family has experienced severe mental anguish, emotional pain and suffering, and the loss of 1LT Southworth's society, companionship, and counsel.

1824. As a result of the February 8, 2009 Attack, 1LT Southworth was injured in his person and/or property. The Plaintiff members of the Southworth Family are the survivors and/or heirs of 1LT Southworth and are entitled to recover for the damages 1LT Southworth sustained.

**TT. The February 10, 2009 Suicide Bomb Attack in Khost (Jason Watson Family)**

1825. On February 10, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed a suicide bombing attack in Khost Province, Afghanistan (the "February 10, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the February 10, 2009 Attack.

1826. The February 10, 2009 Attack was committed by al-Qaida (an FTO) and the Taliban acting together in a joint al-Qaida-Taliban cell with al-Qaida providing, indoctrinating, and training the bomber, who was deployed by the Taliban. On information and belief, the suicide bomber who detonated the bomb during the attack was: (i) indoctrinated by al-Qaida

regarding the purported religious justification that permitted the attack; (ii) trained by al-Qaida regarding al-Qaida's tactics, techniques, and procedures for suicide bombers; (iii) deployed by al-Qaida to Afghanistan in order to attack Americans there; and (iv) a member of al-Qaida under al-Qaida training procedures for suicide attackers, as a result of the bomber pledging loyalty to al-Qaida to create a point of no return.

1827. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1828. The February 10, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1829. **Private First Class Jason Watson** served in Afghanistan as a member of the U.S. Army. PFC Watson was injured in the February 10, 2009 Attack. PFC Watson died on February 10, 2009 as a result of injuries sustained during the attack.

1830. PFC Watson was a U.S. national at the time of the attack and his death.

1831. Plaintiff Robert Watson Jr. is the father of PFC Watson and a U.S. national.

1832. As a result of the February 10, 2009 Attack and PFC Watson's injuries and death, each member of the Watson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PFC Watson's society, companionship, and counsel.

1833. As a result of the February 10, 2009 Attack, PFC Watson was injured in his person and/or property. The Plaintiff members of the Watson Family are the survivors and/or heirs of PFC Watson and are entitled to recover for the damages PFC Watson sustained.

**UU. The February 20, 2009 Complex Attack in Uruzgan (Jeremy Bessa Family)**

1834. On February 20, 2009, a joint cell comprised of al-Qaida and the Taliban committed a complex attack involving an IED and small arms fire in Uruzgan Province, Afghanistan (the “February 20, 2009 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the February 20, 2009 Attack.

1835. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1836. The February 20, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1837. **Staff Sergeant Jeremy Bessa** served in Afghanistan as a member of the U.S. Army. SSG Bessa was injured in the February 20, 2009 Attack. SSG Bessa died on February 20, 2009 as a result of injuries sustained during the attack.

1838. SSG Bessa was a U.S. national at the time of the attack and his death.

1839. Plaintiff Julie Bessa is the mother of SSG Bessa and a U.S. national.

1840. Plaintiff Bryana Bessa is the sister of SSG Bessa and a U.S. national.

1841. Plaintiff Joel Bessa is the brother of SSG Bessa and a U.S. national.

1842. As a result of the February 20, 2009 Attack and SSG Bessa's injuries and death, each member of the Bessa Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Bessa's society, companionship, and counsel.

1843. As a result of the February 20, 2009 Attack, SSG Bessa was injured in his person and/or property. The Plaintiff members of the Bessa Family are the survivors and/or heirs of SSG Bessa and are entitled to recover for the damages SSG Bessa sustained.

#### **VV. The March 8, 2009 IED Attack in Paktia (Kevin Dupont Family)**

1844. On March 8, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Paktia Province, Afghanistan (the "March 8, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the March 8, 2009 Attack.

1845. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1846. The March 8, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1847. **Master Sergeant Kevin Dupont** served in Afghanistan as a member of the U.S. Army National Guard. MSG Dupont was injured in the March 8, 2009 Attack. MSG Dupont died on June 17, 2009 as a result of injuries sustained during the attack.

1848. MSG Dupont was a U.S. national at the time of the attack and his death.

1849. Plaintiff Lisa Murawski-Dupont is the widow of MSG Dupont and a U.S. national.

1850. Plaintiff Mark Dupont is the brother of MSG Dupont and a U.S. national.

1851. As a result of the March 8, 2009 Attack and MSG Dupont's injuries and death, each member of the Dupont Family has experienced severe mental anguish, emotional pain and suffering, and the loss of MSG Dupont's society, companionship, and counsel.

1852. As a result of the March 8, 2009 Attack, MSG Dupont was injured in his person and/or property. The Plaintiff members of the Dupont Family are the survivors and/or heirs of MSG Dupont and are entitled to recover for the damages MSG Dupont sustained.

**WW. The May 20, 2009 IED Attack in Kabul (Roslyn Schulte Family)**

1853. On May 20, 2009, al-Qaida and the Taliban, acting together as a joint cell in the Kabul Attack Network, committed an IED attack in Kabul Province, Afghanistan (the "May 20, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the May 20, 2009 Attack.

1854. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that

were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1855. The May 20, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1856. **First Lieutenant Roslyn Schulte** served in Afghanistan as a member of the U.S. Air Force. 1st Lt Schulte was injured in the May 20, 2009 Attack. 1st Lt Schulte died on May 20, 2009 as a result of injuries sustained during the attack.

1857. 1st Lt Schulte was a U.S. national at the time of the attack and her death.

1858. Plaintiff Susie Schulte is the mother of 1st Lt Schulte and a U.S. national.

1859. Plaintiff Robert Schulte is the father of 1st Lt Schulte and a U.S. national.

1860. Plaintiff Todd Schulte is the brother of 1st Lt Schulte and a U.S. national.

1861. As a result of the May 20, 2009 Attack and 1st Lt Schulte’s injuries and death, each member of the Schulte Family has experienced severe mental anguish, emotional pain and suffering, and the loss of 1st Lt Schulte’s society, companionship, and counsel.

1862. As a result of the May 20, 2009 Attack, 1st Lt Schulte was injured in his person and/or property. The Plaintiff members of the Schulte Family are the survivors and/or heirs of 1st Lt Schulte and are entitled to recover for the damages 1st Lt Schulte sustained.

## **XX. The May 26, 2009 Suicide Bomb Attack in Kapisa (The Mark Stratton II Family)**

1863. On May 26, 2009, al-Qaida and the Taliban, acting together as a joint cell in the Kabul Attack Network, committed a suicide bombing attack in Kapisa Province, Afghanistan (the “May 26, 2009 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding,

personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the May 26, 2009 Attack.

1864. The May 26, 2009 Attack was committed by al-Qaida (an FTO) and the Taliban acting together in a joint al-Qaida-Taliban cell with al-Qaida providing, indoctrinating, and training the bomber, who was deployed by the Taliban. On information and belief, the suicide bomber who detonated the bomb during the attack was: (i) indoctrinated by al-Qaida regarding the purported religious justification that permitted the attack; (ii) trained by al-Qaida regarding al-Qaida's tactics, techniques, and procedures for suicide bombers; (iii) deployed by al-Qaida to Afghanistan in order to attack Americans there; and (iv) a member of al-Qaida under al-Qaida training procedures for suicide attackers, as a result of the bomber pledging loyalty to al-Qaida to create a point of no return.

1865. On information and belief, the device that the suicide bomber during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1866. The May 26, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1867. **Lieutenant Colonel Mark Stratton II** served in Afghanistan as a member of the U.S. Air Force. Lt Col Stratton was injured in the May 26, 2009 Attack. Lt Col Stratton died on May 26, 2009 as a result of injuries sustained during the attack.

1868. Lt Col Stratton was a U.S. national at the time of the attack and his death.

1869. Plaintiff Janice York is the mother of Lt Col Stratton and a U.S. national.

1870. Plaintiff Franklin Little is the brother of Lt Col Stratton and a U.S. national.

1871. Plaintiff Michael Stratton is the brother of Lt Col Stratton and a U.S. national.

1872. Plaintiff Steven Stratton is the brother of Lt Col Stratton and a U.S. national.

1873. Plaintiff Deborah Young is the stepmother of Lt Col Stratton and a U.S. national.

Deborah Young lived in the same household as Lt Col Stratton for a substantial time and considered Lt Col Stratton the functional equivalent of a biological son.

1874. As a result of the May 26, 2009 Attack and Lt Col Stratton's injuries and death, each member of the Stratton Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Lt Col Stratton's society, companionship, and counsel.

1875. As a result of the May 26, 2009 Attack, Lt Col Stratton was injured in his person and/or property. The Plaintiff members of the Stratton Family are the survivors and/or heirs of Lt Col Stratton and are entitled to recover for the damages Lt Col Stratton sustained.

#### **YY. The June 2, 2009 IED Attack in Paktia (Jonathan O'Neill Family)**

1876. On June 2, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Paktia Province, Afghanistan (the "June 2, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the June 2, 2009 Attack.

1877. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that

were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1878. The June 2, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1879. **Specialist Jonathan O’Neill** served in Afghanistan as a member of the U.S. Army. SPC O’Neill was injured in the June 2, 2009 Attack. SPC O’Neill died on June 15, 2009 as a result of injuries sustained during the attack.

1880. SPC O’Neill was a U.S. national at the time of the attack and his death.

1881. Plaintiff Jacqueline O’Neill is the mother of SPC O’Neill and a U.S. national.

1882. Plaintiff Jacqueline O’Neill brings claims in both her personal capacity and her representative capacity on behalf of SPC O’Neill’s estate. SPC O’Neill’s estate is entitled to recover economic and non-economic damages.

1883. Plaintiff Robert O’Neill is the father of SPC O’Neill and a U.S. national.

1884. Plaintiff Brian O’Neill is the brother of SPC O’Neill and a U.S. national.

1885. Plaintiff Kaitlyn O’Neill is the sister of SPC O’Neill and a U.S. national.

1886. Plaintiff Matthew O’Neill is the brother of SPC O’Neill and a U.S. national.

1887. As a result of the June 2, 2009 Attack and SPC O’Neill’s injuries and death, each member of the O’Neill Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC O’Neill’s society, companionship, and counsel.

1888. As a result of the June 2, 2009 Attack, SPC O’Neill was injured in his person and/or property. The Plaintiff members of the O’Neill Family are the survivors and/or heirs of SPC O’Neill and are entitled to recover for the damages SPC O’Neill sustained.

**ZZ. The June 4, 2009 Complex Attack in Kapisa (Jeffrey Jordan Family)**

1889. On June 4, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed a complex attack involving IEDs and small arms fire in Kapisa Province, Afghanistan (the “June 4, 2009 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the June 4, 2009 Attack.

1890. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1891. The June 4, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1892. **Sergeant Jeffrey Jordan** served in Afghanistan as a member of the U.S. Army National Guard. SGT Jordan was injured in the June 4, 2009 Attack. SGT Jordan died on June 4, 2009 as a result of injuries sustained during the attack.

1893. SGT Jordan was a U.S. national at the time of the attack and his death.

1894. Plaintiff Lacey Jordan is the widow of SGT Jordan and a U.S. national.

1895. Plaintiff T.J., by and through his next friend Lacey Jordan, is the minor son of SGT Jordan and a U.S. national.

1896. As a result of the June 4, 2009 Attack and SGT Jordan's injuries and death, each member of the Jordan Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Jordan's society, companionship, and counsel.

1897. As a result of the June 4, 2009 Attack, SGT Jordan was injured in his person and/or property. The Plaintiff members of the Jordan Family are the survivors and/or heirs of SGT Jordan and are entitled to recover for the damages SGT Jordan sustained.

**AAA. The June 19, 2009 IED Attack in Kandahar (Paul Smith Family)**

1898. On June 19, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kandahar Province, Afghanistan (the "June 19, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the June 19, 2009 Attack.

1899. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1900. The June 19, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1901. **Staff Sergeant Paul Smith** served in Afghanistan as a member of the U.S. Army National Guard. SSG Smith was injured in the June 19, 2009 Attack. SSG Smith died on June 19, 2009 as a result of injuries sustained during the attack.

1902. SSG Smith was a U.S. national at the time of the attack and his death.

1903. Plaintiff Kim Smith is the widow of SSG Smith and a U.S. national.

1904. Plaintiff Benjiman Smith is the son of SSG Smith and a U.S. national.

1905. Plaintiff Sarah Ngiraibiochel is the stepdaughter of SSG Smith and a U.S. national. Sarah Ngiraibiochel lived in the same household as SSG Smith for a substantial time and considered SSG Smith the functional equivalent of a biological father.

1906. As a result of the June 19, 2009 Attack and SSG Smith's injuries and death, each member of the Smith Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Smith's society, companionship, and counsel.

1907. As a result of the June 19, 2009 Attack, SSG Smith was injured in his person and/or property. The Plaintiff members of the Smith Family are the survivors and/or heirs of SSG Smith and are entitled to recover for the damages SSG Smith sustained.

#### **BBB. The June 20, 2009 RPG Attack in Khost (John Blair Family)**

1908. On June 20, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed a rocket propelled grenade attack in Khost Province, Afghanistan (the "June 20, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the June 20, 2009 Attack.

1909. The June 20, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1910. **First Sergeant John Blair** served in Afghanistan as a member of the U.S. Army National Guard. 1SG Blair was injured in the June 20, 2009 Attack. 1SG Blair died on June 20, 2009 as a result of injuries sustained during the attack.

1911. 1SG Blair was a U.S. national at the time of the attack and his death.

1912. Plaintiff Donna Blair is the widow of 1SG Blair and a U.S. national.

1913. Plaintiff Dallas Bryant is the stepson of 1SG Blair and a U.S. national. Dallas Bryant lived in the same household as 1SG Blair for a substantial time and considered 1SG Blair the functional equivalent of a biological father.

1914. Plaintiff Georgia Priest is the stepdaughter of 1SG Blair and a U.S. national.

Georgia Priest lived in the same household as 1SG Blair for a substantial time and considered 1SG Blair the functional equivalent of a biological father.

1915. As a result of the June 20, 2009 Attack and 1SG Blair's injuries and death, each member of the Blair Family has experienced severe mental anguish, emotional pain and suffering, and the loss of 1SG Blair's society, companionship, and counsel.

1916. As a result of the June 20, 2009 Attack, 1SG Blair was injured in his person and/or property. The Plaintiff members of the Blair Family are the survivors and/or heirs of 1SG Blair and are entitled to recover for the damages 1SG Blair sustained.

#### **CCC. The June 21, 2009 Rocket Attack in Parwan (Ricky Jones Family)**

1917. On June 21, 2009, a joint cell comprised of al-Qaida and the Taliban committed a rocket attack in Parwan Province, Afghanistan (the "June 21, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the June 21, 2009 Attack.

1918. The June 21, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1919. **Sergeant Ricky Jones** served in Afghanistan as a member of the U.S. Army.

SGT Jones was injured in the June 21, 2009 Attack. SGT Jones died on June 21, 2009 as a result of injuries sustained during the attack.

1920. SGT Jones was a U.S. national at the time of the attack and his death.

1921. Plaintiff Fredda Jones is the widow of SGT Jones and a U.S. national.

1922. Plaintiff Jamerius Jones is the son of SGT Jones and a U.S. national.

1923. Plaintiff Kenderrick Jones is the son of SGT Jones and a U.S. national.

1924. Plaintiff Marius Washington is the son of SGT Jones and a U.S. national.

1925. Plaintiff Sheila McCary is the mother of SGT Jones and a U.S. national.

1926. Plaintiff Jasmine Hyatt is the sister of SGT Jones and a U.S. national.

1927. Plaintiff I'Kemeyon Crow is the stepson of SGT Jones and a U.S. national.

I'Kemeyon Crow lived in the same household as SGT Jones for a substantial time and

considered SGT Jones the functional equivalent of a biological father.

1928. As a result of the June 21, 2009 Attack and SGT Jones's injuries and death, each member of the Jones Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Jones's society, companionship, and counsel.

1929. As a result of the June 21, 2009 Attack, SGT Jones was injured in his person and/or property. The Plaintiff members of the Jones Family are the survivors and/or heirs of SGT Jones and are entitled to recover for the damages SGT Jones sustained.

#### **DDD. The July 2, 2009 Small Arms Attack in Helmand (Charles Sharp Family)**

1930. On July 2, 2009, a joint cell comprised of al-Qaida and the Taliban committed a small arms fire attack in Helmand Province, Afghanistan (the "July 2, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the July 2, 2009 Attack.

1931. The July 2, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1932. **Lance Corporal Charles Sharp** served in Afghanistan as a member of the U.S. Marine Corps. LCpl Sharp was injured in the July 2, 2009 Attack. LCpl Sharp died on July 2, 2009 as a result of injuries sustained during the attack.

1933. LCpl Sharp was a U.S. national at the time of the attack and his death.

1934. Plaintiff Angela Preston is the mother of LCpl Sharp and a U.S. national.

1935. Plaintiff Reuben Sharp is the father of LCpl Sharp and a U.S. national.

1936. Plaintiff A.P., by and through his next friend Angela Preston, is the minor brother of LCpl Sharp and a U.S. national.

1937. Plaintiff Gus Preston is the stepfather of LCpl Sharp and a U.S. national. Gus Preston lived in the same household as LCpl Sharp for a substantial time and considered LCpl Sharp the functional equivalent of a biological son.

1938. As a result of the July 2, 2009 Attack and LCpl Sharp's injuries and death, each member of the Sharp Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Sharp's society, companionship, and counsel.

1939. As a result of the July 2, 2009 Attack, LCpl Sharp was injured in his person and/or property. The Plaintiff members of the Sharp Family are the survivors and/or heirs of LCpl Sharp and are entitled to recover for the damages LCpl Sharp sustained.

**EEE. The July 6, 2009 IED Attack in Kunduz (The Families of Chester Hosford and Derwin Williams)**

1940. On July 6, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kunduz Province, Afghanistan (the "July 6, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the July 6, 2009 Attack.

1941. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1942. The July 6, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1943. **Sergeant Chester Hosford** served in Afghanistan as a member of the U.S. Army National Guard. SGT Hosford was injured in the July 6, 2009 Attack. SGT Hosford died on July 6, 2009 as a result of injuries sustained during the attack.

1944. SGT Hosford was a U.S. national at the time of the attack and his death.

1945. Plaintiff Tristyn Vinson-Hosford is the son of SGT Hosford and a U.S. national.

1946. As a result of the July 6, 2009 Attack and SGT Hosford's injuries and death, each member of the Hosford Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Hosford's society, companionship, and counsel.

1947. As a result of the July 6, 2009 Attack, SGT Hosford was injured in his person and/or property. The Plaintiff members of the Hosford Family are the survivors and/or heirs of SGT Hosford and are entitled to recover for the damages SGT Hosford sustained.

1948. **First Lieutenant Derwin Williams** served in Afghanistan as a member of the U.S. Army National Guard. 1LT Williams was injured in the July 6, 2009 Attack. 1LT Williams died on July 6, 2009 as a result of injuries sustained during the attack.

1949. 1LT Williams was a U.S. national at the time of the attack and his death.

1950. Plaintiff Felicia Williams is the widow of 1LT Williams and a U.S. national.

1951. Plaintiff Derlysa Williams is the daughter of 1LT Williams and a U.S. national.

1952. Plaintiff Vanecia Mitchell is the stepdaughter of 1LT Williams and a U.S. national. Vanecia Mitchell lived in the same household as 1LT Williams for a substantial time and considered 1LT Williams the functional equivalent of a biological father.

1953. Plaintiff Victoria Tolbert is the stepdaughter of 1LT Williams and a U.S. national. Victoria Tolbert lived in the same household as 1LT Williams for a substantial time and considered 1LT Williams the functional equivalent of a biological father.

1954. As a result of the July 6, 2009 Attack and 1LT Williams's injuries and death, each member of the Williams Family has experienced severe mental anguish, emotional pain and suffering, and the loss of 1LT Williams's society, companionship, and counsel.

1955. As a result of the July 6, 2009 Attack, 1LT Williams was injured in his person and/or property. The Plaintiff members of the Williams Family are the survivors and/or heirs of 1LT Williams and are entitled to recover for the damages 1LT Williams sustained.

**FFF. The July 7, 2009 IED Attack in Herat (Christopher Talbert Family)**

1956. On July 7, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Herat Province, Afghanistan (the "July 7, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the July 7, 2009 Attack.

1957. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that

were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1958. The July 7, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1959. Specialist Christopher Talbert served in Afghanistan as a member of the U.S. Army National Guard. SPC Talbert was injured in the July 7, 2009 Attack. SPC Talbert died on July 7, 2009 as a result of injuries sustained during the attack.

1960. SPC Talbert was a U.S. national at the time of the attack and his death.

1961. Plaintiff Jeffrey Kuykendall is the brother of SPC Talbert and a U.S. national.

1962. Plaintiff Larry Kuykendall is the brother of SPC Talbert and a U.S. national.

1963. As a result of the July 7, 2009 Attack and SPC Talbert’s injuries and death, each member of the Talbert Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Talbert’s society, companionship, and counsel.

1964. As a result of the July 7, 2009 Attack, SPC Talbert was injured in his person and/or property. The Plaintiff members of the Talbert Family are the survivors and/or heirs of SPC Talbert and are entitled to recover for the damages SPC Talbert sustained.

#### **GGG. The July 22, 2009 IED Attack in Zabul (Joshua Rimer Family)**

1965. On July 22, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Zabul Province, Afghanistan (the “July 22, 2009 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the July 22, 2009 Attack.

1966. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1967. The July 22, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1968. **Sergeant Joshua Rimer** served in Afghanistan as a member of the U.S. Army. SGT Rimer was injured in the July 22, 2009 Attack. SGT Rimer died on July 22, 2009 as a result of injuries sustained during the attack.

1969. SGT Rimer was a U.S. national at the time of the attack and his death.

1970. Plaintiff Donna Rimer is the mother of SGT Rimer and a U.S. national.

1971. Plaintiff James Rimer is the father of SGT Rimer and a U.S. national.

1972. Plaintiff Shannon Fenton is the sister of SGT Rimer and a U.S. national.

1973. As a result of the July 22, 2009 Attack and SGT Rimer's injuries and death, each member of the Rimer Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Rimer's society, companionship, and counsel.

1974. As a result of the July 22, 2009 Attack, SGT Rimer was injured in his person and/or property. The Plaintiff members of the Rimer Family are the survivors and/or heirs of SGT Rimer and are entitled to recover for the damages SGT Rimer sustained.

**HHH. The August 1, 2009 Complex Attack in Kandahar (Jonathan Walls Family)**

1975. On August 1, 2009, a joint cell comprised of al-Qaida and the Taliban committed a complex attack involving an IED and rocket propelled grenades in Kandahar Province, Afghanistan (the “August 1, 2009 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 1, 2009 Attack.

1976. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1977. The August 1, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1978. **Sergeant Jonathan Walls** served in Afghanistan as a member of the U.S. Army. SGT Walls was injured in the August 1, 2009 Attack. SGT Walls died on August 1, 2009 as a result of injuries sustained during the attack.

1979. SGT Walls was a U.S. national at the time of the attack and his death.

1980. Plaintiff Lisa Hicks is the mother of SGT Walls and a U.S. national.

1981. Plaintiff Steven Walls Sr. is the father of SGT Walls and a U.S. national.

1982. As a result of the August 1, 2009 Attack and SGT Walls’s injuries and death, each member of the Walls Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Walls’s society, companionship, and counsel.

1983. As a result of the August 1, 2009 Attack, SGT Walls was injured in his person and/or property. The Plaintiff members of the Walls Family are the survivors and/or heirs of SGT Walls and are entitled to recover for the damages SGT Walls sustained.

**III. The August 2, 2009 IED Attack in Wardak (Alejandro Granado III Family)**

1984. On August 2, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Wardak Province, Afghanistan (the “August 2, 2009 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 2, 2009 Attack.

1985. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

1986. The August 2, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1987. **Sergeant First Class Alejandro Granado III** served in Afghanistan as a member of the U.S. Army National Guard. SFC Granado was injured in the August 2, 2009 Attack. SFC Granado died on August 2, 2009 as a result of injuries sustained during the attack.

1988. SFC Granado was a U.S. national at the time of the attack and his death.

1989. Plaintiff Hasson Granado is the son of SFC Granado and a U.S. national.

1990. As a result of the August 2, 2009 Attack and SFC Granado's injuries and death, each member of the Granado Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SFC Granado's society, companionship, and counsel.

1991. As a result of the August 2, 2009 Attack, SFC Granado was injured in his person and/or property. The Plaintiff members of the Granado Family are the survivors and/or heirs of SFC Granado and are entitled to recover for the damages SFC Granado sustained.

**JJJ. The August 7, 2009 IED Attack in Wardak (Jerry Evans Jr. Family)**

1992. On August 7, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Wardak Province, Afghanistan (the "August 7, 2009 IED Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 7, 2009 IED Attack.

1993. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

1994. The August 7, 2009 IED Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

1995. **Sergeant Jerry Evans Jr.** served in Afghanistan as a member of the U.S. Army. SGT Evans was injured in the August 7, 2009 IED Attack. SGT Evans died on August 7, 2009 as a result of injuries sustained during the attack.

1996. SGT Evans was a U.S. national at the time of the attack and his death.

1997. Plaintiff Landon Domino is the son of SGT Evans and a U.S. national.

1998. Plaintiff Jerry Evans Sr. is the father of SGT Evans and a U.S. national.

1999. Plaintiff Larissa Barnhart is the sister of SGT Evans and a U.S. national.

2000. Plaintiff Brittany Evans is the sister of SGT Evans and a U.S. national.

2001. Brittany Evans also brings claims in her representative capacity on behalf of Plaintiff Martha Evans's estate. Martha Evans was the mother of SGT Evans and was a U.S. national at the time of the attack and her death. Martha Ann Evans' estate is entitled to recover solatium damages.

2002. Plaintiff Crystal Evans is the sister of SGT Evans and a U.S. national.

2003. Plaintiff Jonathan Rogers is the brother of SGT Evans and a U.S. national.

2004. As a result of the August 7, 2009 IED Attack and SGT Evans's injuries and death, each member of the Evans Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Evans's society, companionship, and counsel.

2005. As a result of the August 7, 2009 IED Attack, SGT Evans was injured in his person and/or property. The Plaintiff members of the Evans Family are the survivors and/or heirs of SGT Evans and are entitled to recover for the damages SGT Evans sustained.

#### **KKK. The August 7, 2009 Sniper Attack in Kapisa (Matthew Freeman Family)**

2006. On August 7, 2009, a joint cell comprised of al-Qaida and the Taliban committed a sniper attack in Kapisa Province, Afghanistan (the "August 7, 2009 Sniper Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 7, 2009 Sniper Attack.

2007. The August 7, 2009 Sniper Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2008. **Captain Matthew Freeman** served in Afghanistan as a member of the U.S. Marine Corps. Capt Freeman was injured in the August 7, 2009 Sniper Attack. Capt Freeman died on August 7, 2009 as a result of injuries sustained during the attack.

2009. Capt Freeman was a U.S. national at the time of the attack and his death.

2010. Plaintiff Lisa Freeman is the mother of Capt Freeman and a U.S. national.

2011. Plaintiff Virginia Wiedower is the sister of Capt Freeman and a U.S. national.

2012. As a result of the August 7, 2009 Sniper Attack and Capt Freeman's injuries and death, each member of the Freeman Family has experienced severe mental anguish, emotional pain and suffering, and the loss of Capt Freeman's society, companionship, and counsel.

2013. As a result of the August 7, 2009 Sniper Attack, Capt Freeman was injured in his person and/or property. The Plaintiff members of the Freeman Family are the survivors and/or heirs of Capt Freeman and are entitled to recover for the damages Capt Freeman sustained.

**LLL. The August 16, 2009 Complex Attack in Herat (Nicholas Roush Family)**

2014. On August 16, 2009, a joint cell comprised of al-Qaida and the Taliban committed a complex attack involving an IED, small arms fire, machine guns, and rocket propelled grenades in Herat Province, Afghanistan (the "August 16, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 16, 2009 Attack.

2015. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-

Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

2016. The August 16, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2017. **Corporal Nicholas Roush** served in Afghanistan as a member of the U.S. Army. CPL Roush was injured in the August 16, 2009 Attack. CPL Roush died on August 16, 2009 as a result of injuries sustained during the attack.

2018. CPL Roush was a U.S. national at the time of the attack and his death.

2019. Plaintiff Donna Roush is the mother of CPL Roush and a U.S. national.

2020. Plaintiff Robert Roush Jr. is the father of CPL Roush and a U.S. national.

2021. Plaintiff Kyle Roush is the brother of CPL Roush and a U.S. national.

2022. Plaintiff Robert Roush III is the brother of CPL Roush and a U.S. national.

2023. As a result of the August 16, 2009 Attack and CPL Roush’s injuries and death, each member of the Roush Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Roush’s society, companionship, and counsel.

2024. As a result of the August 16, 2009 Attack, CPL Roush was injured in his person and/or property. The Plaintiff members of the Roush Family are the survivors and/or heirs of CPL Roush and are entitled to recover for the damages CPL Roush sustained.

**MMM. The August 18, 2009 Complex Attack in Kandahar (Jonathan Yanney Family)**

2025. On August 18, 2009, a joint cell comprised of al-Qaida and the Taliban committed a complex attack involving an IED and small arms fire in Kandahar Province,

Afghanistan (the “August 18, 2009 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 18, 2009 Attack.

2026. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

2027. The August 18, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2028. **Private First Class Jonathan Yanney** served in Afghanistan as a member of the U.S. Army. PFC Yanney was injured in the August 18, 2009 Attack. PFC Yanney died on August 18, 2009 as a result of injuries sustained during the attack.

2029. PFC Yanney was a U.S. national at the time of the attack and his death.

2030. Plaintiff Russell Yanney is the father of PFC Yanney and a U.S. national.

2031. As a result of the August 18, 2009 Attack and PFC Yanney’s injuries and death, each member of the Yanney Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PFC Yanney’s society, companionship, and counsel.

2032. As a result of the August 18, 2009 Attack, PFC Yanney was injured in his person and/or property. The Plaintiff members of the Yanney Family are the survivors and/or heirs of PFC Yanney and are entitled to recover for the damages PFC Yanney sustained.

**NNN. The August 20, 2009 IED Attack in Wardak (Justin Pellerin Family)**

2033. On August 20, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Wardak Province, Afghanistan (the “August 20, 2009 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 20, 2009 Attack.

2034. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

2035. The August 20, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2036. **Specialist Justin Pellerin** served in Afghanistan as a member of the U.S. Army. SPC Pellerin was injured in the August 20, 2009 Attack. SPC Pellerin died on August 20, 2009 as a result of injuries sustained during the attack.

2037. SPC Pellerin was a U.S. national at the time of the attack and his death.

2038. Plaintiff Chelsey Pellerin is the widow of SPC Pellerin and a U.S. national.

2039. As a result of the August 20, 2009 Attack and SPC Pellerin’s injuries and death, each member of the Pellerin Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Pellerin’s society, companionship, and counsel.

2040. As a result of the August 20, 2009 Attack, SPC Pellerin was injured in his person and/or property. The Plaintiff members of the Pellerin Family are the survivors and/or heirs of SPC Pellerin and are entitled to recover for the damages SPC Pellerin sustained.

**OOO. The August 21, 2009 Complex Attack in Kunar (Matthew Ingram Family)**

2041. On August 21, 2009, a joint cell comprised of al-Qaida and the Taliban committed a complex attack involving an IED and small arms fire in Wardak Province, Afghanistan (the “August 21, 2009 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 21, 2009 Attack.

2042. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

2043. The August 21, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2044. **Sergeant Matthew Ingram** served in Afghanistan as a member of the U.S. Army. SGT Ingram was injured in the August 21, 2009 Attack. SGT Ingram died on August 21, 2009 as a result of injuries sustained during the attack.

2045. SGT Ingram was a U.S. national at the time of the attack and his death.

2046. Plaintiff Holly Ingram is the widow of SGT Ingram and a U.S. national.

2047. Plaintiff C.I., by and through her next friend Holly Ingram, is the minor daughter of SGT Ingram and a U.S. national.

2048. As a result of the August 21, 2009 Attack and SGT Ingram's injuries and death, each member of the Ingram Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Ingram's society, companionship, and counsel.

2049. As a result of the August 21, 2009 Attack, SGT Ingram was injured in his person and/or property. The Plaintiff members of the Ingram Family are the survivors and/or heirs of SGT Ingram and are entitled to recover for the damages SGT Ingram sustained.

**PPP. The August 27, 2009 IED Attack in Kandahar (Matthew Wildes Family)**

2050. On August 27, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kandahar Province, Afghanistan (the "August 27, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 27, 2009 Attack.

2051. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2052. The August 27, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2053. **Private First Class Matthew Wildes** served in Afghanistan as a member of the U.S. Army. PFC Wildes was injured in the August 27, 2009 Attack. PFC Wildes died on August 27, 2009 as a result of injuries sustained during the attack.

2054. PFC Wildes was a U.S. national at the time of the attack and his death.

2055. Plaintiff Clint Wildes is the father of PFC Wildes and a U.S. national.

2056. Plaintiff Jamie Surles is the sister of PFC Wildes and a U.S. national.

2057. As a result of the August 27, 2009 Attack and PFC Wildes's injuries and death, each member of the Wildes Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PFC Wildes's society, companionship, and counsel.

2058. As a result of the August 27, 2009 Attack, PFC Wildes was injured in his person and/or property. The Plaintiff members of the Wildes Family are the survivors and/or heirs of PFC Wildes and are entitled to recover for the damages PFC Wildes sustained.

#### **QQQ. The August 31, 2009 IED Attack in Kandahar (Tyler Walshe Family)**

2059. On August 31, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kandahar Province, Afghanistan (the "August 31, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the August 31, 2009 Attack.

2060. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2061. The August 31, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2062. **Specialist Tyler Walshe** served in Afghanistan as a member of the U.S. Army. SPC Walshe was injured in the August 31, 2009 Attack. SPC Walshe died on August 31, 2009 as a result of injuries sustained during the attack.

2063. SPC Walshe was a U.S. national at the time of the attack and his death.

2064. Plaintiff Daniel Vietti is the brother of SPC Walshe and a U.S. national.

2065. Plaintiff Eric Vietti is the brother of SPC Walshe and a U.S. national.

2066. As a result of the August 31, 2009 Attack and SPC Walshe's injuries and death, each member of the Walshe Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Walshe's society, companionship, and counsel.

2067. As a result of the August 31, 2009 Attack, SPC Walshe was injured in his person and/or property. The Plaintiff members of the Walshe Family are the survivors and/or heirs of SPC Walshe and are entitled to recover for the damages SPC Walshe sustained.

**RRR. The September 4, 2009 Complex Attack in Paktika (Darryn Andrews Family)**

2068. On September 4, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed a complex attack involving an IED and rocket propelled grenades in Paktika Province, Afghanistan (the "September 4, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the September 4, 2009 Attack.

2069. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2070. The September 4, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2071. **Second Lieutenant Darryn Andrews** served in Afghanistan as a member of the U.S. Army. 2LT Andrews was injured in the September 4, 2009 Attack. 2LT Andrews died on September 4, 2009 as a result of injuries sustained during the attack.

2072. 2LT Andrews was a U.S. national at the time of the attack and his death.

2073. Plaintiff Sondra Andrews is the mother of 2LT Andrews and a U.S. national.

2074. Plaintiff Robert Andrews is the father of 2LT Andrews and a U.S. national.

2075. As a result of the September 4, 2009 Attack and 2LT Andrews's injuries and death, each member of the Andrews Family has experienced severe mental anguish, emotional pain and suffering, and the loss of 2LT Andrews's society, companionship, and counsel.

2076. As a result of the September 4, 2009 Attack, 2LT Andrews was injured in his person and/or property. The Plaintiff members of the Andrews Family are the survivors and/or heirs of 2LT Andrews and are entitled to recover for the damages 2LT Andrews sustained.

**SSS. The September 12, 2009 Complex Attack in Wardak (The Families of Nekl Allen and Daniel Cox)**

2077. On September 12, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed a complex attack involving an IED and small arms fire in Wardak Province, Afghanistan (the “September 12, 2009 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the September 12, 2009 Attack.

2078. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

2079. The September 12, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2080. **Staff Sergeant Nekl Allen** served in Afghanistan as a member of the U.S. Army. SSG Allen was injured in the September 12, 2009 Attack. SSG Allen died on September 12, 2009 as a result of injuries sustained during the attack.

2081. SSG Allen was a U.S. national at the time of the attack and his death.

2082. Plaintiff Amy Allen is the widow of SSG Allen and a U.S. national.

2083. Plaintiff Daniel Allen is the father of SSG Allen and a U.S. national.

2084. Plaintiff Rana Allen is the sister of SSG Allen and a U.S. national.

2085. As a result of the September 12, 2009 Attack and SSG Allen's injuries and death, each member of the Allen Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Allen's society, companionship, and counsel.

2086. As a result of the September 12, 2009 Attack, SSG Allen was injured in his person and/or property. The Plaintiff members of the Allen Family are the survivors and/or heirs of SSG Allen and are entitled to recover for the damages SSG Allen sustained.

2087. **Corporal Daniel Cox** served in Afghanistan as a member of the U.S. Army. CPL Cox was injured in the September 12, 2009 Attack. CPL Cox died on September 12, 2009 as a result of injuries sustained during the attack.

2088. CPL Cox was a U.S. national at the time of the attack and his death.

2089. Plaintiff Sharon Cox is the mother of CPL Cox and a U.S. national.

2090. Plaintiff Kim Cox is the father of CPL Cox and a U.S. national.

2091. Plaintiff Shannon Butler is the sister of CPL Cox and a U.S. national.

2092. As a result of the September 12, 2009 Attack and CPL Cox's injuries and death, each member of the Cox Family has experienced severe mental anguish, emotional pain and suffering, and the loss of CPL Cox's society, companionship, and counsel.

2093. As a result of the September 12, 2009 Attack, CPL Cox was injured in his person and/or property. The Plaintiff members of the Cox Family are the survivors and/or heirs of CPL Cox and are entitled to recover for the damages CPL Cox sustained.

**TTT. The September 14, 2009 IED Attack in Kandahar (David Wright II Family)**

2094. On September 14, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kandahar Province, Afghanistan (the "September 14, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and

logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the September 14, 2009 Attack.

2095. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2096. The September 14, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2097. **First Lieutenant David Wright II** served in Afghanistan as a member of the U.S. Army. 1LT Wright was injured in the September 14, 2009 Attack. 1LT Wright died on September 14, 2009 as a result of injuries sustained during the attack.

2098. 1LT Wright was a U.S. national at the time of the attack and his death.

2099. Plaintiff Regina Wright is the mother of 1LT Wright and a U.S. national.

2100. As a result of the September 14, 2009 Attack and 1LT Wright's injuries and death, each member of the Wright Family has experienced severe mental anguish, emotional pain and suffering, and the loss of 1LT Wright's society, companionship, and counsel.

2101. As a result of the September 14, 2009 Attack, 1LT Wright was injured in his person and/or property. The Plaintiff members of the Wright Family are the survivors and/or heirs of 1LT Wright and are entitled to recover for the damages 1LT Wright sustained.

**UUU. The September 24, 2009 IED Attack in Zabul (Edward Smith Family)**

2102. On September 24, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Zabul Province, Afghanistan (the “September 24, 2009 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the September 24, 2009 Attack.

2103. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

2104. The September 24, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2105. **Staff Sergeant Edward Smith** served in Afghanistan as a member of the U.S. Army. SSG Smith was injured in the September 24, 2009 Attack. SSG Smith died on September 24, 2009 as a result of injuries sustained during the attack.

2106. SSG Smith was a U.S. national at the time of the attack and his death.

2107. Plaintiff Jamie Smith is the widow of SSG Smith and a U.S. national.

2108. Plaintiff Steven Flowers Jr. is the brother of SSG Smith and a U.S. national.

2109. Plaintiff Craig Smith is the brother of SSG Smith and a U.S. national.

2110. Plaintiff Robert Smith is the brother of SSG Smith and a U.S. national.

2111. Plaintiff Thelma Smith is the sister of SSG Smith and a U.S. national.

2112. Plaintiff Annette Parrish is the grandmother of SSG Smith and a U.S. national. Annette Parrish lived in the same household as SSG Smith for a substantial time and considered SSG Smith the functional equivalent of a biological son.

2113. Plaintiff DeAnndrea Luney is the stepdaughter of SSG Smith and a U.S. national. DeAnndrea Luney lived in the same household as SSG Smith for a substantial time and considered SSG Smith the functional equivalent of a biological father.

2114. Plaintiff Deiontay Welch is the stepson of SSG Smith and a U.S. national. Deiontay Welch lived in the same household as SSG Smith for a substantial time and considered SSG Smith the functional equivalent of a biological father.

2115. As a result of the September 24, 2009 Attack and SSG Smith's injuries and death, each member of the Smith Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Smith's society, companionship, and counsel.

2116. As a result of the September 24, 2009 Attack, SSG Smith was injured in his person and/or property. The Plaintiff members of the Smith Family are the survivors and/or heirs of SSG Smith and are entitled to recover for the damages SSG Smith sustained.

#### **VVV. The September 30, 2009 Suicide Bomb Attack in Khost (Alex French IV Family)**

2117. On September 30, 2009, al-Qaida and the Haqqani Network (a part of the Taliban), acting together as a joint cell for the Kabul Attack Network, committed a suicide bombing attack in Khost Province, Afghanistan (the "September 30, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the September 30, 2009 Attack.

2118. The September 30, 2009 Attack was committed by al-Qaida (an FTO) and the Taliban acting together in a joint al-Qaida-Taliban cell with al-Qaida providing, indoctrinating,

and training the bomber, who was deployed by the Taliban. On information and belief, the suicide bomber who detonated the bomb during the attack was: (i) indoctrinated by al-Qaida regarding the purported religious justification that permitted the attack; (ii) trained by al-Qaida regarding al-Qaida's tactics, techniques, and procedures for suicide bombers; (iii) deployed by al-Qaida to Afghanistan in order to attack Americans there; and (iv) a member of al-Qaida under al-Qaida training procedures for suicide attackers, as a result of the bomber pledging loyalty to al-Qaida to create a point of no return.

2119. On information and belief, the device that the suicide bomber detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2120. The September 30, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2121. **Staff Sergeant Alex French IV** served in Afghanistan as a member of the U.S. Army National Guard. SSG French was injured in the September 30, 2009 Attack. SSG French died on September 30, 2009 as a result of injuries sustained during the attack.

2122. SSG French was a U.S. national at the time of the attack and his death.

2123. Plaintiff Gwendolyn French is the mother of SSG French and a U.S. national.

2124. Plaintiff Laquitta French is the sister of SSG French and a U.S. national.

2125. As a result of the September 30, 2009 Attack and SSG French's injuries and death, each member of the French Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG French's society, companionship, and counsel.

2126. As a result of the September 30, 2009 Attack, SSG French was injured in his person and/or property. The Plaintiff members of the French Family are the survivors and/or heirs of SSG French and are entitled to recover for the damages SSG French sustained.

**WWW. The October 1, 2009 RPG Attack in Logar (Ryan Adams Family)**

2127. On October 1, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed a rocket propelled grenade attack in Logar Province, Afghanistan (the "October 1, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 1, 2009 Attack.

2128. The October 1, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2129. **Sergeant Ryan Adams** served in Afghanistan as a member of the U.S. Army National Guard. SGT Adams was injured in the October 1, 2009 Attack. SGT Adams died on October 2, 2009 as a result of injuries sustained during the attack.

2130. SGT Adams was a U.S. national at the time of the attack and his death.

2131. Plaintiff Jalane Adams is the mother of SGT Adams and a U.S. national.

2132. Plaintiff Peter Adams is the father of SGT Adams and a U.S. national.

2133. Plaintiff Amanda Boone is the sister of SGT Adams and a U.S. national.

2134. As a result of the October 1, 2009 Attack and SGT Adams's injuries and death, each member of the Adams Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Adams's society, companionship, and counsel.

2135. As a result of the October 1, 2009 Attack, SGT Adams was injured in his person and/or property. The Plaintiff members of the Adams Family are the survivors and/or heirs of SGT Adams and are entitled to recover for the damages SGT Adams sustained.

**XXX. The October 7, 2009 IED Attack in Helmand (George Cauley Family)**

2136. On October 7, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Helmand Province, Afghanistan (the "October 7, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 7, 2009 Attack.

2137. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2138. The October 7, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2139. **Specialist George Cauley** served in Afghanistan as a member of the U.S. Army National Guard. SPC Cauley was injured in the October 7, 2009 Attack. SPC Cauley died on October 10, 2009 as a result of injuries sustained during the attack.

2140. SPC Cauley was a U.S. national at the time of the attack and his death.

2141. Plaintiff Richard Cauley is the father of SPC Cauley and a U.S. national.

2142. As a result of the October 7, 2009 Attack and SPC Cauley's injuries and death, each member of the Cauley Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Cauley's society, companionship, and counsel.

2143. As a result of the October 7, 2009 Attack, SPC Cauley was injured in his person and/or property. The Plaintiff members of the Cauley Family are the survivors and/or heirs of SPC Cauley and are entitled to recover for the damages SPC Cauley sustained.

**YYY. The October 9, 2009 IED Attack in Helmand (Aaron Taylor Family)**

2144. On October 9, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Helmand Province, Afghanistan (the "October 9, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 9, 2009 Attack.

2145. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2146. The October 9, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2147. **Staff Sergeant Aaron Taylor** served in Afghanistan as a member of the U.S. Marine Corps. SSgt Taylor was injured in the October 9, 2009 Attack. SSgt Taylor died on October 9, 2009 as a result of injuries sustained during the attack.

2148. SSgt Taylor was a U.S. national at the time of the attack and his death.

2149. Plaintiff Clifford Taylor is the father of SSgt Taylor and a U.S. national.

2150. Plaintiff Kyle Taylor is the brother of SSgt Taylor and a U.S. national.

2151. As a result of the October 9, 2009 Attack and SSgt Taylor's injuries and death, each member of the Taylor Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSgt Taylor's society, companionship, and counsel.

2152. As a result of the October 9, 2009 Attack, SSgt Taylor was injured in his person and/or property. The Plaintiff members of the Taylor Family are the survivors and/or heirs of SSgt Taylor and are entitled to recover for the damages SSgt Taylor sustained.

**ZZZ. The October 15, 2009 IED Attack in Kandahar (Brandon Styer Family)**

2153. On October 15, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kandahar Province, Afghanistan (the "October 15, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 15, 2009 Attack.

2154. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2155. The October 15, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2156. **Private First Class Brandon Styer** served in Afghanistan as a member of the U.S. Army. PFC Styer was injured in the October 15, 2009 Attack. PFC Styer died on October 15, 2009 as a result of injuries sustained during the attack.

2157. PFC Styer was a U.S. national at the time of the attack and his death.

2158. Plaintiff Jill Myers is the mother of PFC Styer and a U.S. national.

2159. Plaintiff Alyssa Lowson is the sister of PFC Styer and a U.S. national.

2160. Plaintiff John Hall is the stepfather of PFC Styer and a U.S. national. John Anderson Hall lived in the same household as PFC Styer for a substantial time and considered PFC Styer the functional equivalent of a biological son.

2161. As a result of the October 15, 2009 Attack and PFC Styer's injuries and death, each member of the Styer Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PFC Styer's society, companionship, and counsel.

2162. As a result of the October 15, 2009 Attack, PFC Styer was injured in his person and/or property. The Plaintiff members of the Styer Family are the survivors and/or heirs of PFC Styer and are entitled to recover for the damages PFC Styer sustained.

#### **AAAA. The October 16, 2009 IED Attack in Ghazni (Anthony Green Family)**

2163. On October 16, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Ghazni Province, Afghanistan (the "October 16, 2009 Ghazni Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 16, 2009 Ghazni Attack.

2164. On information and belief, the bomb that detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist

Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

2165. The October 16, 2009 Ghazni Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2166. **Sergeant Anthony Green** served in Afghanistan as a member of the U.S. Army National Guard. SGT Green was injured in the October 16, 2009 Attack. SGT Green died on October 16, 2009 as a result of injuries sustained during the attack.

2167. SGT Green was a U.S. national at the time of the attack and his death.

2168. Plaintiff Almuth Green Jr. is the father of SGT Green and a U.S. national.

2169. Almuth Green Jr. also brings claims in his representative capacity on behalf of Plaintiff Patricia Green’s estate. Patricia Green was the mother of SGT Green and was a U.S. national at the time of the attack and her death. Patricia Green’s estate is entitled to recover solatium damages.

2170. Plaintiff Jesse Green is the brother of SGT Green and a U.S. national.

2171. As a result of the October 16, 2009 Attack and SGT Green’s injuries and death, each member of the Green Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Green’s society, companionship, and counsel.

2172. As a result of the October 16, 2009 Attack, SGT Green was injured in his person and/or property. The Plaintiff members of the Green Family are the survivors and/or heirs of SGT Green and are entitled to recover for the damages SGT Green sustained.

**BBBB. The October 16, 2009 IED Attack in Kandahar (Christopher Rudzinski Family)**

2173. On October 16, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kandahar Province, Afghanistan (the “October 16, 2009 Kandahar Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 15, 2009 Kandahar Attack.

2174. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

2175. The October 16, 2009 Kandahar Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2176. **Staff Sergeant Christopher Rudzinski** served in Afghanistan as a member of the U.S. Army. SSG Rudzinski was injured in the October 16, 2009 Kandahar Attack. SSG Rudzinski died on October 16, 2009 as a result of injuries sustained during the attack.

2177. SSG Rudzinski was a U.S. national at the time of the attack and his death.

2178. Plaintiff R.R., by and through his next friend Caroline Rudzinski, is the minor son of SSG Rudzinski and a U.S. national.

2179. As a result of the October 16, 2009 Kandahar Attack and SSG Rudzinski's injuries and death, each member of the Rudzinski Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Rudzinski's society, companionship, and counsel.

2180. As a result of the October 16, 2009 Kandahar Attack, SSG Rudzinski was injured in his person and/or property. The Plaintiff members of the Rudzinski Family are the survivors and/or heirs of SSG Rudzinski.

**CCCC. The October 17, 2009 IED Attack in Kandahar (Michael Dahl Jr. Family)**

2181. On October 17, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kandahar Province, Afghanistan (the "October 17, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 17, 2009 Attack.

2182. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2183. The October 17, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2184. **Specialist Michael Dahl Jr.** served in Afghanistan as a member of the U.S. Army. SPC Dahl was injured in the October 17, 2009 Attack. SPC Dahl died on October 17, 2009 as a result of injuries sustained during the attack.

2185. SPC Dahl was a U.S. national at the time of the attack and his death.

2186. Plaintiff Patricia Dahl is the mother of SPC Dahl and a U.S. national.

2187. Plaintiff Angel Dahl is the brother of SPC Dahl and a U.S. national.

2188. As a result of the October 17, 2009 Attack and SPC Dahl's injuries and death, each member of the Dahl Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Dahl's society, companionship, and counsel.

2189. As a result of the October 17, 2009 Attack, SPC Dahl was injured in his person and/or property. The Plaintiff members of the Dahl Family are the survivors and/or heirs of SPC Dahl and are entitled to recover for the damages SPC Dahl sustained.

#### **DDDD. The October 20, 2009 IED Attack in Helmand (David Baker Family)**

2190. On October 20, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Helmand Province, Afghanistan (the "October 20, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 20, 2009 Attack.

2191. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2192. The October 20, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2193. **Lance Corporal David Baker** served in Afghanistan as a member of the U.S. Marine Corps. LCpl Baker was injured in the October 20, 2009 Attack. LCpl Baker died on October 20, 2009 as a result of injuries sustained during the attack.

2194. LCpl Baker was a U.S. national at the time of the attack and his death.

2195. Plaintiff Mark C. Baker is the father of LCpl Baker and a U.S. national.

2196. Plaintiff Mark D. Baker is the brother of LCpl Baker and a U.S. national.

2197. Plaintiff Taylor Genovese is the sister of LCpl Baker and a U.S. national.

2198. Plaintiff Rebecca Baker is the stepmother of LCpl Baker and a U.S. national.

Rebecca Baker lived in the same household as LCpl Baker for a substantial time and considered LCpl Baker the functional equivalent of a biological son.

2199. As a result of the October 20, 2009 Attack and LCpl Baker's injuries and death, each member of the Baker Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Baker's society, companionship, and counsel.

2200. As a result of the October 20, 2009 Attack, LCpl Baker was injured in his person and/or property. The Plaintiff members of the Baker Family are the survivors and/or heirs of LCpl Baker and are entitled to recover for the damages LCpl Baker sustained.

#### **EEEE. The October 23, 2009 IED Attack in Kandahar (Eric Lembke Family)**

2201. On October 23, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kandahar Province, Afghanistan (the "October 23, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and

logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 23, 2009 Attack.

2202. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2203. The October 23, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2204. **Specialist Eric Lembke** served in Afghanistan as a member of the U.S. Army. SPC Lembke was injured in the October 23, 2009 Attack. SPC Lembke died on October 23, 2009 as a result of injuries sustained during the attack.

2205. SPC Lembke was a U.S. national at the time of the attack and his death.

2206. Plaintiff Mashelle Lembke is the widow of SPC Lembke and a U.S. national.

2207. Plaintiff Alexis Lembke is the daughter of SPC Lembke and a U.S. national.

2208. Plaintiff Thomas Lembke is the son of SPC Lembke and a U.S. national.

2209. Mary Lembke brings claims in her representative capacity on behalf of Plaintiff Robert Lembke's estate. Robert Lembke was the brother of SPC Lembke and was a U.S. national at the time of the attack and his death. Robert Lembke's estate is entitled to recover solatium damages.

2210. As a result of the October 23, 2009 Attack and SPC Lembke's injuries and death, each member of the Lembke Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Lembke's society, companionship, and counsel.

2211. As a result of the October 23, 2009 Attack, SPC Lembke was injured in his person and/or property. The Plaintiff members of the Lembke Family are the survivors and/or heirs of SPC Lembke and are entitled to recover for the damages SPC Lembke sustained.

**FFFF. The October 25, 2009 IED Attack in Laghman (Brandon Steffey Family)**

2212. On October 25, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Laghman Province, Afghanistan (the "October 25, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 25, 2009 Attack.

2213. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2214. The October 25, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2215. **Specialist Brandon Steffey** served in Afghanistan as a member of the U.S. Army. SPC Steffey was injured in the October 25, 2009 Attack. SPC Steffey died on October 25, 2009 as a result of injuries sustained during the attack.

2216. SPC Steffey was a U.S. national at the time of the attack and his death.

2217. Plaintiff Andrea Steffey is the widow of SPC Steffey and a U.S. national.

2218. Plaintiff A.S., by and through her next friend Andrea Steffey, is the minor daughter of SPC Steffey and a U.S. national.

2219. Plaintiff Rachel Humpf is the mother of SPC Steffey and a U.S. national.

2220. Plaintiff Dennis Steffey is the father of SPC Steffey and a U.S. national.

2221. Plaintiff Heather Jackson is the sister of SPC Steffey and a U.S. national.

2222. Plaintiff David Humpf is the stepfather of SPC Steffey and a U.S. national. David Humpf lived in the same household as SPC Steffey for a substantial time and considered SPC Steffey the functional equivalent of a biological son.

2223. As a result of the October 25, 2009 Attack and SPC Steffey's injuries and death, each member of the Steffey Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Steffey's society, companionship, and counsel.

**GGGG. The October 27, 2009 IED Attack in Kandahar (Brian Bates Jr. Family)**

2224. On October 27, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kandahar Province, Afghanistan (the "October 27, 2009 IED Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 27, 2009 IED Attack.

2225. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that

were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

2226. The October 27, 2009 IED Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2227. **Private First Class Brian Bates Jr.** served in Afghanistan as a member of the U.S. Army. PFC Bates was injured in the October 27, 2009 IED Attack. PFC Bates died on October 27, 2009 as a result of injuries sustained during the attack.

2228. PFC Bates was a U.S. national at the time of the attack and his death.

2229. Plaintiff Enjolie Bates is the widow of PFC Bates and a U.S. national.

2230. Plaintiff B.B., by and through his next friend Enjolie Bates, is the minor son of PFC Bates and a U.S. national.

2231. Plaintiff Rylie Bates is the daughter of PFC Bates and a U.S. national.

2232. Plaintiff Marline Tully is the foster mother and biological grandmother of PFC Bates and a U.S. national. Ms. Tully lived in the same household as PFC Bates for a substantial period of time and considered PFC Bates the functional equivalent of a biological son.

2233. As a result of the October 27, 2009 IED Attack and PFC Bates’s injuries and death, each member of the Bates Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PFC Bates’s society, companionship, and counsel.

2234. As a result of the October 27, 2009 IEDs Attack, PFC Bates was injured in his person and/or property. The Plaintiff members of the Bates Family are the survivors and/or heirs of PFC Bates and are entitled to recover for the damages PFC Bates sustained.

**HHHH. The October 27, 2009 Complex Attack in Kandahar (The Families of Fernando De La Rosa, Issac Jackson, and Patrick Williamson)**

2235. On October 27, 2009, a joint cell comprised of al-Qaida and the Taliban committed a complex attack involving an IED and small arms fire in Kandahar Province, Afghanistan (the “October 27, 2009 Complex Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the October 27, 2009 Complex Attack.

2236. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

2237. The October 27, 2009 Complex Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2238. **Sergeant Fernando De La Rosa** served in Afghanistan as a member of the U.S. Army. SGT De La Rosa was injured in the October 27, 2009 Complex Attack. SGT De La Rosa died on October 27, 2009 as a result of injuries sustained during the attack.

2239. SGT De La Rosa was a U.S. national at the time of the attack and his death.

2240. Plaintiff Rolando De La Rosa is the father of SGT De La Rosa and a U.S. national.

2241. As a result of the October 27, 2009 Complex Attack and SGT De La Rosa's injuries and death, each member of the De La Rosa Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT De La Rosa's society, companionship, and counsel.

2242. As a result of the October 27, 2009 Complex Attack, SGT De La Rosa was injured in his person and/or property. The Plaintiff members of the De La Rosa Family are the survivors and/or heirs of SGT De La Rosa and are entitled to recover for the damages SGT De La Rosa sustained.

2243. **Sergeant Issac Jackson** served in Afghanistan as a member of the U.S. Army. SGT Jackson was injured in the October 27, 2009 Complex Attack. SGT Jackson died on October 27, 2009 as a result of injuries sustained during the attack.

2244. SGT Jackson was a U.S. national at the time of the attack and his death.

2245. Plaintiff Christal Thomas-Kariker is the mother of SGT Jackson and a U.S. national.

2246. Plaintiff Edward Kariker is the stepfather of SGT Jackson and a U.S. national. Edward Kariker lived in the same household as SGT Jackson for a substantial time and considered SGT Jackson the functional equivalent of a biological son.

2247. As a result of the October 27, 2009 Complex Attack and SGT Jackson's injuries and death, each member of the Jackson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Jackson's society, companionship, and counsel.

2248. As a result of the October 27, 2009 Complex Attack, SGT Jackson was injured in his person and/or property. The Plaintiff members of the Jackson Family are the survivors and/or heirs of SGT Jackson and are entitled to recover for the damages SGT Jackson sustained.

2249. **Sergeant Patrick Williamson** served in Afghanistan as a member of the U.S. Army. SGT Williamson was injured in the October 27, 2009 Complex Attack. SGT Williamson died on October 27, 2009 as a result of injuries sustained during the attack.

2250. SGT Williamson was a U.S. national at the time of the attack and his death.

2251. Plaintiff Sybil Williamson is the mother of SGT Williamson and a U.S. national.

2252. Plaintiff Leon Williamson III is the father of SGT Williamson and a U.S. national.

2253. As a result of the October 27, 2009 Attack and SGT Williamson's injuries and death, each member of the Williamson Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT Williamson's society, companionship, and counsel.

2254. As a result of the October 27, 2009 Attack, SGT Williamson was injured in his person and/or property. The Plaintiff members of the Williamson Family are the survivors and/or heirs of SGT Williamson and are entitled to recover for the damages SGT Williamson sustained.

### **III. The November 4, 2009 Complex Attack in Paktika (Julian Berisford Family)**

2255. On November 4, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed a complex attack involving small arms fire and rocket propelled grenades in Paktika Province, Afghanistan (the "November 4, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the November 4, 2009 Attack.

2256. The November 4, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2257. **Specialist Julian Berisford** served in Afghanistan as a member of the U.S. Army. SPC Berisford was injured in the November 4, 2009 Attack. SPC Berisford died on November 4, 2009 as a result of injuries sustained during the attack.

2258. SPC Berisford was a U.S. national at the time of the attack and his death.

2259. Plaintiff Gina Berisford is the widow of SPC Berisford and a U.S. national.

2260. Plaintiff M.B., by and through her next friend Gina Berisford, is the minor daughter of SPC Berisford and a U.S. national.

2261. Plaintiff Shelley Guthrie is the mother of SPC Berisford and a U.S. national.

2262. As a result of the November 4, 2009 Attack and SPC Berisford's injuries and death, each member of the Berisford Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SPC Berisford's society, companionship, and counsel.

2263. As a result of the November 4, 2009 Attack, SPC Berisford was injured in his person and/or property. The Plaintiff members of the Berisford Family are the survivors and/or heirs of SPC Berisford and are entitled to recover for the damages SPC Berisford sustained.

**JJJJ. The November 13, 2009 IED Attack in Wardak (Christopher Coffland Family)**

2264. On November 13, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Wardak Province, Afghanistan (the "November 13, 2009 Wardak Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the November 13, 2009 Wardak Attack.

2265. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2266. The November 13, 2009 Wardak Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2267. **Corporal Christopher Coffland** served in Afghanistan as a member of the U.S. Army Reserve. CPL Coffland was injured in the November 13, 2009 Wardak Attack. CPL Coffland died on November 13, 2009 as a result of injuries sustained during the attack.

2268. CPL Coffland was a U.S. national at the time of the attack and his death.

2269. Plaintiff Antoinette Coffland is the mother of CPL Coffland and a U.S. national.

2270. Plaintiff David Coffland is the father of CPL Coffland and a U.S. national.

2271. Plaintiff Laurie Bartlett is the sister of CPL Coffland and a U.S. national.

2272. Plaintiff Karen Bresnahan is the sister of CPL Coffland and a U.S. national.

2273. Plaintiff David Coffland, Jr. is the brother of CPL Coffland and a U.S. national.

2274. Plaintiff Lynn Coffland is the sister of CPL Coffland and a U.S. national.

2275. As a result of the November 13, Wardak 2009 Attack and CPL Coffland's injuries and death, each member of the Coffland Family has experienced severe mental anguish,

emotional pain and suffering, and the loss of CPL Coffland's society, companionship, and counsel.

2276. As a result of the November 13, 2009 Wardak Attack, CPL Coffland was injured in his person and/or property. The Plaintiff members of the Coffland Family are the survivors and/or heirs of CPL Coffland and are entitled to recover for the damages CPL Coffland sustained.

**KKKK. The November 13, 2009 IED Attack in Helmand (Shawn Hefner Family)**

2277. On November 13, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Helmand Province, Afghanistan (the "November 13, 2009 Helmand Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the November 13, 2009 Helmand Attack.

2278. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2279. The November 13, 2009 Helmand Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2280. **Lance Corporal Shawn Hefner** served in Afghanistan as a member of the U.S. Marine Corps. LCpl Hefner was injured in the November 13, 2009 Helmand Attack. LCpl Hefner died on November 13, 2009 as a result of injuries sustained during the attack.

2281. LCpl Hefner was a U.S. national at the time of the attack and his death.

2282. Plaintiff Robin Hefner is the mother of LCpl Hefner and a U.S. national.

2283. Plaintiff Brandon Hefner is the brother of LCpl Hefner and a U.S. national.

2284. Plaintiff Jessica Simpson is the sister of LCpl Hefner and a U.S. national.

2285. As a result of the November 13, 2009 Helmand Attack and LCpl Hefner's injuries and death, each member of the Hefner Family has experienced severe mental anguish, emotional pain and suffering, and the loss of LCpl Hefner's society, companionship, and counsel.

2286. As a result of the November 13, 2009 Helmand Attack, LCpl Hefner was injured in his person and/or property. The Plaintiff members of the Hefner Family are the survivors and/or heirs of LCpl Hefner and are entitled to recover for the damages LCpl Hefner sustained.

**LLLL. The November 19, 2009 Suicide Bomb Attack in Zabul (John Cleaver Family)**

2287. On November 19, 2009, al-Qaida and the Taliban, acting together as a joint cell in the Kabul Attack Network, committed a suicide bombing attack in Zabul Province, Afghanistan (the "November 19, 2009 Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the November 19, 2009 Attack.

2288. The November 19, 2009 Attack was committed by al-Qaida (an FTO) and the Taliban acting together in a joint al-Qaida-Taliban cell with al-Qaida providing, indoctrinating, and training the bomber, who was deployed by the Taliban. On information and belief, the suicide bomber who detonated the bomb during the attack was: (i) indoctrinated by al-Qaida

regarding the purported religious justification that permitted the attack; (ii) trained by al-Qaida regarding al-Qaida's tactics, techniques, and procedures for suicide bombers; (iii) deployed by al-Qaida to Afghanistan in order to attack Americans there; and (iv) a member of al-Qaida under al-Qaida training procedures for suicide attackers, as a result of the bomber pledging loyalty to al-Qaida to create a point of no return.

2289. On information and belief, the device that the bomber detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were "cooked" by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban's attack.

2290. The November 19, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2291. **Staff Sergeant John Cleaver** served in Afghanistan as a member of the U.S. Army. SSG Cleaver was injured in the November 19, 2009 Attack. SSG Cleaver died on November 19, 2009 as a result of injuries sustained during the attack.

2292. SSG Cleaver was a U.S. national at the time of the attack and his death.

2293. Plaintiff Aidan Cleaver is the son of SSG Cleaver and a U.S. national.

2294. Plaintiff Collin Cleaver is the son of SSG Cleaver and a U.S. national.

2295. As a result of the November 19, 2009 Attack and SSG Cleaver's injuries and death, each member of the Cleaver Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Cleaver's society, companionship, and counsel.

2296. As a result of the November 19, 2009 Attack, SSG Cleaver was injured in his person and/or property. The Plaintiff members of the Cleaver Family are the survivors and/or heirs of SSG Cleaver and are entitled to recover for the damages SSG Cleaver sustained.

**MMMM. The November 22, 2009 IED Attack in Kandahar (Marcus Tynes Family)**

2297. On November 22, 2009, a joint cell comprised of al-Qaida and the Taliban committed an IED attack in Kandahar Province, Afghanistan (the “November 22, 2009 Attack”), which was facilitated by al-Qaida-in-Iraq’s provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the November 22, 2009 Attack.

2298. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida’s IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

2299. The November 22, 2009 Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2300. **Private First Class Marcus Tynes** served in Afghanistan as a member of the U.S. Army. PFC Tynes was injured in the November 22, 2009 Attack. PFC Tynes died on November 22, 2009 as a result of injuries sustained during the attack.

2301. PFC Tynes was a U.S. national at the time of the attack and his death.

2302. Plaintiff Dana Atlas is the mother of PFC Tynes and a U.S. national.

2303. Plaintiff Johannes Atlas is the brother of PFC Tynes and a U.S. national.

2304. Plaintiff Savannah Atlas is the sister of PFC Tynes and a U.S. national.

2305. Plaintiff Summer Atlas is the sister of PFC Tynes and a U.S. national.

2306. As a result of the November 22, 2009 Attack and PFC Tynes's injuries and death, each member of the Tynes Family has experienced severe mental anguish, emotional pain and suffering, and the loss of PFC Tynes's society, companionship, and counsel.

2307. As a result of the November 22, 2009 Attack, PFC Tynes was injured in his person and/or property. The Plaintiff members of the Tynes Family are the survivors and/or heirs of PFC Tynes and are entitled to recover for the damages PFC Tynes sustained.

**NNNN. The November 23, 2009 Mortar Attack in Kandahar (Jason McLeod Family)**

2308. On November 23, 2009, a joint cell comprised of al-Qaida and the Taliban committed a mortar attack in Kandahar Province, Afghanistan (the "November 23, 2009 Mortar Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the November 23, 2009 Mortar Attack.

2309. The November 23, 2009 Mortar Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2310. **Sergeant Jason McLeod served** in Afghanistan as a member of the U.S. Army. SGT McLeod was injured in the November 23, 2009 Mortar Attack. SGT McLeod died on November 23, 2009 as a result of injuries sustained during the attack.

2311. SGT McLeod was a U.S. national at the time of the attack and his death.

2312. Plaintiff Aimee Wood is the widow of SGT McLeod and a U.S. national.

2313. Plaintiff J.M., by and through her next friend Aimee Wood, is the minor daughter of SGT McLeod and a U.S. national.

2314. Plaintiff Barbara Hanke is the mother of SGT McLeod and a U.S. national.

2315. Plaintiff Gregory McLeod is the father of SGT McLeod and a U.S. national.

2316. Plaintiff Jacqueline McLeod is the sister of SGT McLeod and a U.S. national.

2317. Plaintiff Justin McLeod is the brother of SGT McLeod and a U.S. national.

2318. As a result of the November 23, 2009 Mortar Attack and SGT McLeod's injuries and death, each member of the McLeod Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SGT McLeod's society, companionship, and counsel.

2319. As a result of the November 23, 2009 Mortar Attack, SGT McLeod was injured in his person and/or property. The Plaintiff members of the McLeod Family are the survivors and/or heirs of SGT McLeod and are entitled to recover for the damages SGT McLeod sustained.

**OOOO. The November 23, 2009 IED Attack in Khost (Matthew Pucino Family)**

2320. On November 23, 2009, a joint cell comprised of al-Qaida and the Haqqani Network (a part of the Taliban) committed an IED attack in Khost Province, Afghanistan (the "November 23, 2009 IED Attack"), which was facilitated by al-Qaida-in-Iraq's provision of funding, personnel, training, and logistical support to al-Qaida and the Taliban. Al-Qaida planned and authorized the November 23, 2009 IED Attack.

2321. On information and belief, the bomb that the Taliban detonated during the attack was: (i) based on a signature al-Qaida IED design; (ii) assembled and tested by al-Qaida bombmakers at one of al-Qaida's IED manufacturing sites managed and funded by al-Qaida/Taliban terrorist Sirajuddin Haqqani; (iii) designed to detonate precursor ingredients that

were “cooked” by al-Qaida chemists; and (iv) provided to the Taliban by al-Qaida operatives in order to facilitate the Taliban’s attack.

2322. The November 23, 2009 IED Attack would have violated the laws of war if these terrorists were subject to them because, among other reasons, the terrorist(s) who committed the attack neither wore uniforms nor otherwise identified themselves as enemy combatants.

2323. **Staff Sergeant Matthew Pucino** served in Afghanistan as a member of the U.S. Army National Guard. SSG Pucino was injured in the November 23, 2009 IED Attack. SSG Pucino died on November 23, 2009 as a result of injuries sustained during the attack.

2324. SSG Pucino was a U.S. national at the time of the attack and his death.

2325. Plaintiff Kathryn Pucino is the mother of SSG Pucino and a U.S. national.

2326. Plaintiff Albert Pucino Jr. is the father of SSG Pucino and a U.S. national.

2327. Plaintiff Lisa Haglof is the sister of SSG Pucino and a U.S. national.

2328. Plaintiff Melissa Pucino is the sister of SSG Pucino and a U.S. national.

2329. As a result of the November 23, 2009 IED Attack and SSG Pucino’s injuries and death, each member of the Pucino Family has experienced severe mental anguish, emotional pain and suffering, and the loss of SSG Pucino’s society, companionship, and counsel.

2330. As a result of the November 23, 2009 IED Attack, SSG Pucino was injured in his person and/or property. The Plaintiff members of the Pucino Family are the survivors and/or heirs of SSG Pucino and are entitled to recover for the damages SSG Pucino sustained.

#### CLAIMS FOR RELIEF

##### **COUNT ONE: VIOLATION OF THE ANTI-TERRORISM ACT, 18 U.S.C. § 2333(a)**

**[All Defendants: Primary Liability, 18 U.S.C. § 2339A Predicate]**

2331. Plaintiffs incorporate their factual allegations above.

2332. MTN Group, Irancell, Phuthuma Nhleko, and Irene Charnley<sup>412</sup> provided material support to the IRGC, including Hizballah and the Qods Force,<sup>413</sup> al-Qaida, al-Qaida-in-Iraq, Ansar al-Islam, and the Taliban, including its Haqqani Network,<sup>414</sup> in violation of 18 U.S.C. § 2339A. They did so negotiating, executing, performing under, and fraudulently concealing MTN’s secret Security Cooperation Agreement with the IRGC, and by making payments, or causing payments to be made, to the IRGC, including Hizballah and the Qods Force, al-Qaida, al-Qaida-in-Iraq, Ansar al-Islam, and the Taliban, including its Haqqani Network, that financed such FTOs’ and SDGT’s terrorist attacks, and by providing management, financial, operational, and strategic communications services to the Hizballah and the Qods Force, and, in the case of MTN Group, by deactivating MTN’s transmission masts to assist the Taliban’s, including its Haqqani Network’s, counterintelligence activities and undermine U.S. counterinsurgency efforts in Afghanistan. Defendants’ payments took the form of currency or monetary instruments or financial securities, which qualified as material support under 18 U.S.C. § 2339A(b)(1). MTN Group’s manipulation of MTN’s cellular signals, and Phuthuma Nhleko’s and Irene Charnley’s

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<sup>412</sup> Phuthuma Nhleko and Irene Charnley at all times served MTN Group and MTN’s affiliates and therefore their acts, omissions, and knowledge is imputed to MTN Group. All references to “Phuthuma Nhleko” and “Irene Charnley” in Counts One through Six below are inclusive of MTN Group, unless otherwise specified.

<sup>413</sup> All references to the “IRGC” in Counts One through Six below are inclusive of Hezbollah and the Qods Force, unless otherwise specified. *See supra* Part I.A.2 (explaining that the Hezbollah Division and Qods Force are both parts of the IRGC). When Plaintiffs refer to the IRGC operatives inside of Iraq, Plaintiffs refer exclusively to terrorists from the IRGC’s Hezbollah Division and Qods Force, which are the two IRGC components that conduct terrorist operations outside of Iran’s borders. *See id.*

<sup>414</sup> All references to the “Taliban” in Counts One through Six below are inclusive of the Haqqani Network, unless otherwise specified. *See supra* Part I.C.I (explaining that the Haqqani Network is part of the Taliban). Attacks committed by the Taliban also include attacks committed by the Kabul Attack Network and joint Taliban-al-Qaida cells, which definitionally reflect Taliban involvement.

management, financial, operational, and strategic communications services for the IRGC's benefit also provided a service; assistance derived from scientific, technical, or other specialized knowledge; communications equipment; facilities; and personnel (that is, the persons who carried out the Haqqani Network's cell tower deactivation requests, or the persons who transferred management, financial, and operational services and knowledge to the above FTOs and SDGTs, and who executed the strategic communications and disinformation campaigns that helped fraudulently conceal the secret Security Cooperation Agreement from MTN Group's shareholders until March 28, 2012), which likewise qualified as material support.

2333. Defendants knew or recklessly disregarded that their material support would be used by the IRGC, Hizballah, al-Qaida, al-Qaida-in-Iraq, Ansar al-Islam, and the Taliban, including its Haqqani Network, in the preparation for, or in carrying out, the destruction of U.S. property by fire or explosive, conspiracy to murder in a foreign country, killing and attempted killing of U.S. employees performing official duties, hostage taking, damaging U.S. government property, killing U.S. nationals abroad, use of weapons of mass destruction, commission of acts of terrorism transcending national boundaries, bombing government facilities, financing terrorism, and receiving training from FTOs. Those acts by the IRGC, including Hizballah and the Qods Force, al-Qaida, al-Qaida-in-Iraq, Ansar al-Islam, and the Taliban, including its Haqqani Network, in turn, violated the criminal laws of the United States, or would have violated those laws had they been committed within the jurisdiction of the United States, including 18 U.S.C. §§ 844(f)(2) or (3), 956(a)(1), 1114, 1203, 1361, 2332, 2332a, 2332b, 2332f, 2339C(a)(1)(B), and 2339D, respectively. Defendants also disguised the nature of their support, in further violation of 18 U.S.C. § 2339A.

2334. Defendants' conduct, by providing material support to groups that were committing terrorist acts against Americans, involved violent acts and acts dangerous to human life. Defendants' conduct therefore gives rise to primary liability under 18 U.S.C. § 2333(a).<sup>415</sup> Defendants' support for the IRGC, including Hizballah and the Qods Force, al-Qaida, al-Qaida-in-Iraq, Ansar al-Islam, and the Taliban, including its Haqqani Network appears, as an objective matter, to have been intended (a) to intimidate or coerce the civilian populations of Iran,<sup>416</sup> Iraq, Afghanistan, the United States, and other Coalition nations, (b) to influence the policy of the U.S., Iraq, Afghan, and other Coalition governments by intimidation and coercion, and (c) to affect the conduct of the U.S., Iraq, Afghan, and other Coalition governments by mass destruction, assassination, and kidnapping.

2335. Defendants' provision of material support to the IRGC, including Hizballah and the Qods Force, al-Qaida, al-Qaida-in-Iraq, Ansar al-Islam, and the Taliban, including its Haqqani Network occurred primarily outside the territorial jurisdiction of the United States.

2336. Plaintiffs are U.S. nationals who were injured in their persons, properties, and/or businesses by reason of Defendants' conduct. Plaintiffs suffered economic, physical, and emotional injuries proximately caused by Defendants' conduct; are the survivors and/or heirs of U.S. nationals who suffered such injuries; or both.

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<sup>415</sup> See, e.g., *Wultz v. Islamic Republic of Iran*, 755 F. Supp. 2d 1, 48-49 (D.D.C. 2010) (violation of material-support statutes, even without any "subjective intent" to further terrorist objectives, meets statutory definition of "international terrorism" based on such support's "objective 'external appearance'"); *Burnett v. Al Baraka Inv. & Dev. Corp.*, 274 F. Supp. 2d 86, 106-07 (D.D.C. 2003) (similar).

<sup>416</sup> Defendants enabled the IRGC's terrorism against Iran's population.

2337. As a result of Defendants' violation of 18 U.S.C. §§ 2333(a) and 2339A, Plaintiffs are entitled to recover economic and non-economic damages, including solatium damages.

**COUNT TWO: VIOLATION OF THE ANTI-TERRORISM ACT, 18 U.S.C. § 2333(a)**

**[All Defendants: Primary Liability, 18 U.S.C. § 2339B Predicate]**

2338. Plaintiffs incorporate their factual allegations above.

2339. MTN Group, Irancell, Phuthuma Nhleko, and Irene Charnley provided material support to Hizballah and al-Qaida (through al-Qaida member Sirajuddin Haqqani), in violation of 18 U.S.C. § 2339B. MTN Group and Irancell did so by making cash and in-kind payments to Hizballah, al-Qaida, and al-Qaida-in-Iraq. MTN Group's and Irancell's payments took the form of currency or monetary instruments or financial securities, which qualified as material support under 18 U.S.C. § 2339A(b)(1). MTN Group, Phuthuma Nhleko, and Irene Charnley also did by providing global management consulting, logistics, financial, and communications agent services to Hizballah to provide Hizballah secure cell phones, embargoed American communications and network computing technologies, illicit financial, consulting, and technical services (e.g., remote IT from the United States to keep everything working in a Hizballah data center outside of Beirut), strategic communications and disinformation services, all to undermine U.S. counterterrorism efforts in Iraq, Iran, Lebanon, and Afghanistan pursuant to Defendants' contractual obligation, and/or performance to satisfy MTN's obligation, to the IRGC under the secret Security Cooperation Agreement that Defendants fraudulently concealed until March 28, 2012, all of which also provided Hizballah with a service; assistance derived from scientific, technical or other specialized knowledge; communications equipment; facilities; and personnel (that is, the persons who carried out Hizballah's cell phone acquisition requests, or the persons who transferred management, financial, and operational services and knowledge to Hizballah,

and who executed the strategic communications and disinformation campaigns that provided cover and concealment to Hizballah and fraudulently concealed Hizballah's secret Security Cooperation Agreement with MTN Group, Irancell, Phuthuma Nhleko, and Irene Charnley<sup>417</sup> until March 28, 2012), all of which likewise qualified as material support. MTN further disguised the nature of its support, in further violation of 18 U.S.C. § 2339B.

2340. The United States has designated Hizballah and al-Qaida as FTOs under 8 U.S.C. § 1189 since 1997 and 1999, respectively. At all times since that designation, MTN Group, Irancell, Phuthuma Nhleko, and Irene Charnley, knew or recklessly disregarded that Hizballah and al-Qaida were designated FTOs and/or that Hizballah and al-Qaida had engaged in acts of terrorism against the United States.

2341. MTN Group's, Irancell's, Phuthuma Nhleko's, and Irene Charnley's conduct, by providing material support to designated FTOs, involved violent acts and acts dangerous to human life. MTN Group's, MTN Irancell's, Phuthuma Nhleko's, and Irene Charnley's conduct therefore gives rise to primary liability under 18 U.S.C. § 2333(a). MTN Group's, Irancell's, Phuthuma Nhleko's, and Irene Charnley's support for Hizballah and al-Qaida appears, as an objective matter, to have been intended (a) to intimidate or coerce the civilian populations of Iraq, Lebanon, Afghanistan, the United States, and other Coalition nations, (b) to influence the policy of the U.S., Iraq, Lebanon, Afghanistan, and other Coalition governments by intimidation and coercion, and (c) to affect the conduct of the U.S., Iraq, Lebanon, Afghanistan, and other Coalition governments by mass destruction, assassination, and kidnapping.

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<sup>417</sup> Irene Charnley knew of the secret Security Cooperation Agreement, helped secure the Agreement, concealed the Agreement, and performed under the Agreement. Through Irene Charnley's performance, Irene Charnley made herself a party to the Agreement all the same as if she had originally signed it alongside Phuthuma Nhleko.

2342. MTN Group's, Irancell's, Phuthuma Nhleko's, and Irene Charnley's provision of material support to Hizballah and al-Qaida occurred primarily outside the territorial jurisdiction of the United States.

2343. Plaintiffs are U.S. nationals who were injured in their persons, properties, and/or businesses by reason of MTN Group's, Irancell's, Phuthuma Nhleko's, and Irene Charnley's conduct. Plaintiffs suffered economic, physical, and emotional injuries proximately caused by MTN Group's, Irancell's, Phuthuma Nhleko's, and Irene Charnley's conduct; are the survivors and/or heirs of U.S. nationals who suffered such injuries; or both.

2344. As a result of MTN Group's, Irancell's, Phuthuma Nhleko's, and Irene Charnley's violation of 18 U.S.C. §§ 2333(a) and 2339B, Plaintiffs are entitled to recover economic and non-economic damages, including solatium damages.

**COUNT THREE: VIOLATION OF THE ANTI-TERRORISM ACT, 18 U.S.C. § 2333(a)**

**[All Defendants: Primary Liability, 18 U.S.C. § 2339C Predicate]**

2345. Plaintiffs incorporate their factual allegations above.

2346. Defendants, by making payments to the IRGC, including Hizballah and the Qods Force, al-Qaida, al-Qaida-in-Iraq, Ansar al-Islam, and Taliban, including its Haqqani Network, that financed such FTOs' and/or SDGTs' terrorist attacks, unlawfully and willfully provided funds to a terrorist group, in violation of 18 U.S.C. § 2339C(a)(1)(A). Defendants knew or recklessly disregarded that the IRGC, including Hizballah and the Qods Force, al-Qaida, al-Qaida-in-Iraq, Ansar al-Islam, and the Taliban, including its Haqqani Network, would use those funds in full or in part to carry out acts constituting an offense within the scope of the International Convention for the Suppression of Terrorist Bombings, as implemented by the United States at 18 U.S.C. § 2332f, including by delivering, placing, discharging, or detonating

explosives or other lethal devices in, into, or against places of public use and government facilities, with the intent to cause death or serious bodily injury.

2347. Defendants, by making payments to the IRGC, including Hizballah and the Qods Force, that financed the IRGC's, Hizballah's, al-Qaida's, Ansar al-Islam's, al-Qaida-in-Iraq's, and the Taliban's, including its Haqqani Network's, terrorist attacks, unlawfully and willfully provided funds to a terrorist group, in violation of 18 U.S.C. § 2339C(a)(1)(B). Defendants knew or recklessly disregarded that the IRGC, including Hizballah and the Qods Force, al-Qaida, Ansar al-Islam's, al-Qaida-in-Iraq, and Taliban, including its Haqqani Network, would use those funds in full or in part to carry out acts intended to cause death or serious bodily injury to civilians and/or others not taking an active part in the hostilities in a situation of armed conflict, and that the IRGC's, Hizballah's, al-Qaida's, Ansar al-Islam's, al-Qaida-in-Iraq's, and Taliban's, including its Haqqani Network's, purpose was to intimidate the U.S., Iraqi, and Afghan populations and to compel the U.S., Iraqi, and Afghan governments to effect a withdrawal of U.S. forces from Iraq and Afghanistan.

2348. Defendants' provision of funds to the IRGC, including Hizballah and the Qods Force, al-Qaida, Ansar al-Islam, al-Qaida-in-Iraq, and Taliban, including its Haqqani Network, involved violent acts and acts dangerous to human life. Defendants' conduct therefore gives rise to primary liability under 18 U.S.C. § 2333(a). Defendants' support for the IRGC, including Hizballah and the Qods Force, al-Qaida, Ansar al-Islam, al-Qaida-in-Iraq, and Taliban, including its Haqqani Network, appears, as an objective matter, to have been intended (a) to intimidate or coerce the civilian populations of Afghanistan, the United States, and other Coalition nations, (b) to influence the policy of the U.S., Afghan, and other Coalition governments by intimidation and

coercion, and (c) to affect the conduct of the U.S., Afghan, and other Coalition governments by mass destruction, assassination, and kidnapping.

2349. Defendants' provision of funds to the IRGC, including Hizballah and the Qods Force, al-Qaida, Ansar al-Islam, al-Qaida-in-Iraq, and Taliban, including its Haqqani Network, occurred primarily outside the territorial jurisdiction of the United States.

2350. Plaintiffs are U.S. nationals who were injured in their persons, properties, and/or businesses by reason of Defendants' conduct. Plaintiffs suffered economic, physical, and emotional injuries proximately caused by Defendants' conduct; are the survivors and/or heirs of U.S. nationals who suffered such injuries; or both.

2351. As a result of Defendants' violation of 18 U.S.C. §§ 2333(a) and 2339C, Plaintiffs are entitled to recover economic and non-economic damages, including solatium damages.

**COUNT FOUR: VIOLATION OF THE ANTI-TERRORISM ACT, 18 U.S.C. § 2333(d)**

[Plaintiff Members of the Forrest, Hall, Pautsch, Woods, Runyan, Hernandez, Parsons, Dawson, Robinson, Southworth, Watson, Bessa, Dupont, Schulte, Stratton, O'Neill, Jordan, Paul Smith, Blair, Jones, Sharp, Hosford, Williams, Talbert, Rimer, Walls, Granado, Evans, Freeman, Roush, Yanney, Pellerin, Ingram, Wildes, Walshe, Andrews, Allen, Cox, Wright, Edward Smith, French, Adams, Cauley, Taylor, Styer, Green, Rudzinski, Dahl, Baker, Lembke, Steffey, Bates, De La Rosa, Jackson, Williamson, Berisford, Coffland, Hefner, Cleaver, Tynes, McLeod, and Pucino Families vs. All Defendants:

**Aiding-And-Abetting Liability, Attack Predicate]**

2352. Plaintiffs incorporate their factual allegations above.

2353. To establish a claim for aiding and abetting under JASTA, 18 U.S.C. § 2333(d), Plaintiffs must show: (1) that they are U.S. nationals, or the estates, survivors, or heirs of U.S. nationals; (2) that they were injured by an act of "international terrorism," as defined by 18 U.S.C. § 2331(1); (3) that the act of international terrorism was committed, planned, or authorized by a designated FTO; (4) that MTN was generally aware that it was playing a role in

an overall illegal or tortious activity from which the act of international terrorism was a foreseeable consequence; and (5) that MTN knowingly provided substantial assistance.

2354. Every Plaintiff is a U.S. national, or the estate, survivor, or heir of a U.S. national.

2355. The terrorist attacks that injured Plaintiffs were acts of “international terrorism” because:

a. the attacks involved violent and dangerous acts that violated the criminal laws of the United States and many States (or would if committed in the United States). In particular, each attack constituted one or more of murder, attempted murder, conspiracy to murder, kidnapping, and arson, in violation of state law; and the destruction of U.S. property by fire or explosive, conspiracy to murder in a foreign country, killing and attempted killing of U.S. employees performing official duties, hostage taking, damaging U.S. government property, killing U.S. nationals abroad, use of weapons of mass destruction, commission of acts of terrorism transcending national boundaries, and bombing places of public use, in violation of 18 U.S.C. §§ 844(f)(2) or (3), 956(a)(1), 1114, 1203, 1361, 2332, 2332a, 2332b, and 2332f, respectively;

b. the attacks, carried out by terrorists bent on expelling the United States and its allies from Iraq, Afghanistan, and the greater Middle East, appear to have been intended (i) to intimidate or coerce the civilian populations Iraq, Afghanistan, Israel, the United States, and other nations, (ii) to influence the policy of the U.S., Israeli, Iraqi, Afghan, and other governments by intimidation and coercion, and (iii) to affect the conduct of the U.S., Israeli, Iraqi, Afghan, and other governments by mass destruction, assassination, and kidnapping; and

c. the attacks occurred primarily outside the territorial jurisdiction of the United States.

2356. Each attack was committed, planned, or authorized by one or more FTOs. Every attack was committed by one or more of Hizballah and al-Qaida, al-Qaida-in-Iraq, and Ansar al-Islam.

2357. MTN was generally aware that it was playing a role in illegal activity, and that the terrorist attacks that injured Plaintiffs were a natural and foreseeable consequence of that activity.

2358. MTN provided assistance knowingly and culpably, and not innocently or inadvertently. MTN did so with knowledge that they were aiding terrorist organizations carrying out attacks on Americans.

2359. MTN's assistance was substantial.

2360. MTN's assistance was pervasive and systemic. The assistance involved years of willful misconduct and tremendous sums of money that provided critically important assistance to the foreign terrorist organizations that killed or injured Plaintiffs and their family members.

2361. As a result of MTN's liability under 18 U.S.C. § 2333(d), Plaintiffs are entitled to recover economic and non-economic damages, including solatium damages.

**COUNT FIVE: VIOLATION OF THE ANTI-TERRORISM ACT, 18 U.S.C. § 2333(d)**

**[Plaintiff Members of the Forrest, Hall, Pautsch, Woods, Runyan, Hernandez, Parsons, Dawson, Robinson, Southworth, Watson, Bessa, Dupont, Schulte, Stratton, O'Neill, Jordan, Paul Smith, Blair, Jones, Sharp, Hosford, Williams, Talbert, Rimer, Walls, Granado, Evans, Freeman, Roush, Yanney, Pellerin, Ingram, Wildes, Walshe, Andrews, Allen, Cox, Wright, Edward Smith, French, Adams, Cauley, Taylor, Styer, Green, Rudzinski, Dahl, Baker, Lembke, Steffey, Bates, De La Rosa, Jackson, Williamson, Berisford, Coffland, Hefner, Cleaver, Tynes, McLeod, and Pucino Families vs. All Defendants:  
Conspiracy Liability, Attack Predicate]**

2362. Plaintiffs incorporate their factual allegations above.

2363. Each of MTN Group, Irancell, Phuthuma Nhleko, and Irene Charley entered into the Conspiracy with the “Iranian Shareholders,” and one another, including but not limited to the Bonyad Mostazafan, Iran Electronics Industries a/k/a Sairan, Iran Electronics Development Company, the Supreme National Security Council, and the Ministry of Defense and Armed Forces Logistics, all of whom were fronts for the IRGC (collectively, “IRGC Fronts”), as well as the IRGC’s terrorist co-conspirators in Iraq, to join the IRGC’s terrorist financing and logistics campaign.

2364. Each of MTN Group, Irancell, Phuthuma Nhleko, and Irene Charley furthered the Conspiracy through their knowing direct and/or indirect participation in the IRGC’s broad, coordinated, global campaign to source embargoed American technologies to aid the Conspiracy’s terrorist enterprise, including but not limited to, secure American mobile phones and computer network technologies.

2365. Given the illegal nature of the market for embargoed American technologies, each Defendant’s choice to further the Conspiracy by paying inflated prices above even the normal “going rate” for black market phones furthered the terrorist enterprise by substantially growing the black market for such technologies through the power of supply and demand. Every time each Defendant flooded the zone by promising to outspend every other black market participant, Defendants swelled the ranks of their co-conspirator tech resellers on the supply side in the U.S.

2366. Each of MTN Group, Irancell, Phuthuma Nhleko, and Irene Charley specifically intended to grow the overall global market for illicit American-manufactured mobile phones that were originally sold in a U.S. marketplace because they shared the goal of the Conspiracy, which was to finance, arm, and logistically support Hizballah, the Qods Force, and Regular IRGC.

2367. Each of MTN Group, Irancell, Phuthuma Nhleko, and Irene Charley was one in spirit with the terrorists, including, but not limited to, Hizballah, the Qods Force, and Regular IRGC, as well as IRGC Sunni Terrorist Proxies al-Qaida, the Taliban (including its Haqqani Network), al-Qaida-in-Iraq, and Ansar al-Islam, all of whom received weapons, funding, and training from the IRGC.

2368. Each Defendant hoped for the IRGC to achieve the object of the Conspiracy and force the United States to withdraw from Iraq and the rest of the Middle East. Defendants knew that Hizballah, the Qods Force, and Regular IRGC were extremely lucrative customers and generated billions of dollars in profits for each Defendant, and Defendants wanted to see the Conspiracy succeed because they calculated they would make more money if the terrorist campaigns in Iraq, Afghanistan, and the rest of the Middle East forced the U.S. out.

2369. Each Defendant furthered the Conspiracy by directly aiding the growth of the terrorists' supply chain through the foreseeable, inevitable, and obvious result that Defendants knew—and intended—would occur when they paid above-black market prices for illicit American technologies. Defendants knew that their deals would strengthen the terrorists' illicit technological supply chain by exploding the demand for suppliers, and specifically intended for this consequence to occur to benefit Hizballah, the Qods Force, and Regular IRGC. As a result, each Defendant furthered the Conspiracy by increasing the total volume of illicit American mobile phones and computer network technologies specifically available for, and intended to be purchased by, the agents, operatives, cut-outs, or corporate fronts acting on behalf of Hizballah, and the Qods Force, all of whom received substantially more illicit technologies than would otherwise have been the case if Defendants had not participated in the black market.

2370. Each Defendant furthered the Conspiracy by publicly denying the existence of their secret deal to aid the “security” agenda of Irancell’s and TCI’s Iranian Shareholders, i.e., Hizballah, the Qods Force, and Regular IRGC.

2371. Each Defendant agreed to further this Conspiracy by assisting the IRGC Fronts to move large sums of money (primarily in U.S. dollars) through the international financial system (and particularly the United States) undetected.

2372. Each Defendant agreed to further this Conspiracy by each assisting the IRGC Fronts to move tens of thousands of critical items of embargoed American technologies specifically identified by Hizballah and the Qods Force as necessary to the success of the Conspiracy, through the covert purchase of American-made technologies in U.S. markets, in transactions that were denominated in U.S. Dollars, in sums of money (primarily in U.S. dollars) through the international financial system (and particularly the U.S.) undetected.

2373. Hizballah, the Qods Force, and Regular IRGC conspired with IRGC Syndicate Terrorist Proxies in Iraq (al-Qaida, al-Qaida-in-Iraq, and Ansar al-Islam) and Afghanistan (al-Qaida and the Taliban, including its Haqqani Network) to facilitate terrorist attacks targeting Americans in Iraq and Afghanistan, among other places, for the purpose of targeting U.S. citizens and institutions and affecting the policies of the U.S. government.

2374. Each Defendant knew that the objective of the IRGC Conspiracy between these sophisticated terrorist organizations and the other Defendants was to facilitate terrorist attacks against Americans in Afghanistan, Iraq, Syria, Yemen, Israel, and Europe. This includes the attacks at issue in this case that were planned, authorized, or executed by designated FTOs and that killed or injured the Plaintiffs and their family members.

2375. These attacks were a foreseeable act in furtherance of this IRGC Conspiracy that caused Plaintiffs' injuries.

2376. Plaintiffs are U.S. nationals who were injured in their persons, properties, and/or businesses by reason of the terrorist attacks committed by Hizballah, al-Qaida, the Taliban (including its Haqqani Network), al-Qaida-in-Iraq, and Ansar al-Islam. Plaintiffs suffered economic, physical, and emotional injuries proximately caused by the attacks; are survivors and/or heirs of U.S. nationals who suffered such injuries; or both.

2377. As a result of Defendants' liability under 18 U.S.C. § 2333(d), Plaintiffs are entitled to recover economic and non-economic damages, including solatium damages.

**JURY DEMAND**

2378. In accordance with Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

2379. Plaintiffs request that the Court:

2380. Enter judgment against Defendants finding them jointly and severally liable under the Anti-Terrorism Act, 18 U.S.C. § 2333;

2381. Award Plaintiffs compensatory and punitive damages to the maximum extent permitted by law, and treble any compensatory damages awarded under the Anti-Terrorism Act pursuant to 18 U.S.C. § 2333(a);

2382. Award Plaintiffs their attorney's fees and costs incurred in this action, pursuant to 18 U.S.C. § 2333(a);

2383. Award Plaintiffs prejudgment interest; and

2384. Award Plaintiffs any such further relief the Court deems just and proper.

Respectfully submitted,

Dated: August 6, 2025

/s/ Geoffrey P. Eaton

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2025, I caused a copy of the foregoing Amended Complaint to be filed on the Court's CM/ECF system and thereby served all counsel of record.

/s/ Geoffrey P. Eaton  
Geoffrey P. Eaton