

No. 23-1259

IN THE
Supreme Court of the United States

BLOM BANK SAL,

Petitioner,

v.

MICHAL HONICKMAN, *et al.*,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SECOND CIRCUIT

JOINT APPENDIX
Volume 2 of 2 (Pages 257a to 509a)

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**APPENDIX I — ORDER OF THE UNITED STATES
COURT OF APPEALS FOR THE SECOND CIRCUIT,
FILED DECEMBER 17, 2020**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 17th day of December, two thousand twenty.

ROSEMARY S. POOLER,
RICHARD C. WESLEY,
SUSAN L. CARNEY,
Circuit Judges.

No. 20-575-cv

MICHAEL HONICKMAN, INDIVIDUALLY
AND FOR THE ESTATE OF
HOWARD GOLDSTEIN, *et al*,

Plaintiffs-Appellants,

v.

BLOM BANK, SAL,

Defendant-Appellee.

It is hereby ORDERED that a decision in this appeal be held in abeyance pending the decision in *Reuvane, et al. v. Lebanese Canadian Bank, SAL*, No. 19-3522-cv. It is further ORDERED that thirty days after the opinion

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in *Reuvane* issues, each party shall submit a letter brief, not to exceed fifteen pages double-spaced pages, limited to the issue of how *Reuvane* applies to this case.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

/s/ Catherine O'Hagan Wolfe

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**APPENDIX J — RESPONDENTS' POST-
ARGUMENT LETTER BRIEF, DATED JUNE 9, 2021**

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VIA ECF

Catherine O'Hagan Wolfe, Esq.
Clerk of Court, U.S. Court of Appeals
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Re: *Honickman v. BLOM Bank*, Docket No. 20-575

Dear Ms. O'Hagan Wolfe:

Pursuant to this Court's December 17, 2020 Order, ECF No. 95, Plaintiffs-Appellants ("Plaintiffs") respectfully submit this letter brief "limited to the issue of how Reuvane applies to this case." As shown below, the resulting opinion, *Kaplan v. Lebanese Canadian Bank, SAL*, 999 F.3d 842 (2d Cir. 2021) (recaptioned

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from *Reuvane*), compels vacatur of the district court's judgment because its grounds for dismissing the action were predicated almost exclusively on the same erroneous legal analysis squarely rejected in *Kaplan*.

The *Kaplan* plaintiffs alleged in relevant part that the defendant, Lebanese Canadian Bank ("LCB"), aided and abetted a series of rocket attacks that the Foreign Terrorist Organization ("FTO") Hezbollah launched at Israeli targets, causing the plaintiffs' injuries. Specifically, the plaintiffs alleged that LCB "provid[ed] banking services to certain individuals or entities alleged to be part of or closely affiliated with Hezbollah" (the "Five Customers"), *Kaplan* at 845, and did so "without disclosing their source, thereby circumventing sanctions imposed in order to hinder terrorist attacks," *id.* at 866. These services substantially assisted Hezbollah by providing it with access to potentially millions of untraceable dollars, foreseeably risking terrorist attacks.

The *Kaplan* lower court, 405 F. Supp. 3d 525 (S.D.N.Y. 2019), dismissed the complaint on three grounds: (1) the plaintiffs failed to plausibly allege that LCB knew the Five Customers were affiliated with Hezbollah; (2) even if LCB knowingly provided financial services to Hezbollah, that knowledge would not meet JASTA's "general awareness" standard; and (3) LCB did not knowingly provide substantial assistance because it did not "knowingly and intentionally support" the rocket attacks or knowingly provide money to Hezbollah itself.

This Court rejected all three grounds for dismissal. First, it held that a complaint may "contain general

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allegations as to a defendant’s knowledge” (that its customers were FTO affiliates)—including relying on the plausible inference that the defendant would be aware of publicly available information. *Kaplan* at 864. Second, it confirmed that JASTA, incorporating *Halberstam v. Welch*, 705 F.2d 472 (D.C. Cir. 1983), requires allegations that a defendant “was generally aware of its role in an ‘overall illegal activity’ from which an ‘act of international terrorism’ was a *foreseeable risk*,” and that “general awareness” is a less demanding standard than actual awareness. *Id.* at 860, 863-64. Finally, it held that plaintiffs need only show a bank “knowingly provid[ed] assistance—whether directly . . . or indirectly—and . . . that assistance was substantial,” *id.* at 866—not that it “knowingly and intentionally supported” terrorist attacks.

Kaplan compels reversal here because the *Kaplan* and *Honickman* complaints are substantially similar—indeed, the court below rejected Plaintiffs’ citations to other JASTA and ATA decisions, finding twice that a “more appropriate comparison is Judge Daniels’s recent decision in *Kaplan*,” SPA-24. *See also* SPA-31. In both *Kaplan* and *Honickman*: (1) the plaintiffs are Americans injured in terrorist attacks while traveling or living in Israel; (2) the attacks were committed by FTOs that operated openly in Lebanon and were notorious for committing terrorist attacks on civilians in Israel over many years; (3) the defendants are Lebanese banks that allegedly provided banking services to FTOs through organizations belonging to the FTOs’ respective “social wings”; (4) the banks allowed the FTOs to convert international funds transfers into unusual cash transactions capable

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of circumventing anti-money laundering and counter-terror sanctions; (5) the banks' customers were publicly associated with the FTOs in Lebanon and headed by prominent leaders of the respective FTOs; and (6) those customers were later designated as Specially Designated Global Terrorists ("SDGTs") by the United States.

Because of these similarities, the district court in *Honickman* explicitly adopted the three holdings from the lower *Kaplan* decision—including its erroneous application of *Linde v. Arab Bank, PLC*, 882 F.3d 314 (2d Cir. 2018) and *Siegel v. HSBC N. Am. Holdings, Inc.*, 933 F.3d 217 (2d Cir. 2019)—that this Court specifically rejected on appeal. These errors require reversal here.

I. KAPLAN REQUIRES REVERSAL ON GENERAL AWARENESS

As Plaintiffs argued in their prior briefs, the district court improperly rejected the *Halberstam* standard as foreclosed by *Linde* and *Siegel*: "In light of [*Siegel* and *Linde*], it is not enough for Plaintiffs to plausibl[y] allege that BLOM was generally aware of [its] role in terrorist activities, from which terrorist *attacks* were a natural and foreseeable consequence." SPA-18 (citations omitted). *See also* SPA-19 n.8 (erroneously finding that general awareness of a role in " Hamas's terrorist *enterprise*," even if sufficient under *Halberstam*, would still not satisfy *Linde*). This Court rejected LCB's (nearly verbatim) rendition of this same argument, *Kaplan* at 860, writing, "nothing in *Linde* repudiates the *Halberstam* standard that a defendant may be liable for aiding and abetting an

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act of terrorism if it was generally aware of its role in an ‘overall illegal activity’ from which an ‘act of international terrorism’ was a foreseeable risk.” *Id.*

This Court further found the rocket attacks at issue “foreseeable” from the banking services LCB provided to its customers, including the Martyrs Foundation (“Shahid”). *Id.* at 860-61. This is consistent with the Supreme Court’s finding that even the *deconflicting training* plaintiffs challenging § 2339B proposed providing to an FTO (“PKK”) could foreseeably lead to violence:

It is ***wholly foreseeable*** that the PKK could use the “specific skill[s]” that plaintiffs propose to impart, . . . as part of a broader strategy to promote terrorism. The PKK could, for example, pursue peaceful negotiation as a means of buying time to recover from short-term setbacks, lulling opponents into complacency, and ultimately preparing for renewed attacks. . . . A foreign terrorist organization introduced to the structures of the international legal system might use the information to threaten, manipulate, and disrupt. This possibility is real, not remote.

Holder v. Humanitarian Law Project, 561 U.S. 1, 36-37 (2010) (emphasis added).

Providing millions of dollars in untraceable cash to an FTO creates a much more foreseeable risk of terrorist acts than deconflicting training. The Supreme Court explained:

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“[m]oney is fungible, and Congress logically concluded that money a terrorist group such as the PKK obtains using the techniques plaintiffs propose to teach could be redirected to funding the group’s *violent activities*.” *Id.* at 37 (emphasis added). The Seventh Circuit likewise held that Hamas attacks in Israel were “foreseeable consequences” of “augmenting Hamas’s resources,” by providing it with money. *Boim v. Holy Land Found. for Relief & Dev.*, 549 F.3d 685, 694 (7th Cir. 2008) (en banc). Thus, “earmark[ing]” funds “for the organization’s nonterrorist activities does not get you off the liability hook,” given “the fungibility of money.” *Id.* at 698. Funds for BLOM’s “Three Customers” freed up funds which, for example, Hamas’s operatives in Lebanon funneled to their counterparts in the Palestinian Territories to finance terrorist attacks. Compl. ¶ 587.¹

Finally, even were money not fungible, “Hamas’s social welfare activities reinforce its terrorist activities” by supporting families of terrorists and “enhancing Hamas’s popularity among the Palestinian population.” *Boim* at 698. As a result, “[a]nyone who knowingly contributes to the nonviolent wing of an organization that he knows to engage in terrorism is knowingly contributing to the organization’s terrorist activities.” *Id.*

II. KAPLAN REQUIRES REVERSAL ON THE PLEADING STANDARD FOR KNOWLEDGE

Plaintiffs provided detailed allegations supporting the plausible inference that BLOM knew the Hamas

1. All paragraph citations herein are to the Complaint, Joint Appendix at 81-166.

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affiliations of the Three Customers and their transferors. Plaintiffs plausibly pleaded that Hamas operated openly in Lebanon as a terrorist group since at least 1994 and that articles published in major newspapers from 1994-2001 described Hamas fundraising. ¶¶ 514, 528-30. Sanabil and the Union of Good were run by Hamas leaders; Plaintiffs provided their names and positions and showed that Sanabil's directors had prominent roles *in Lebanon* during the relevant period. ¶¶ 591-94, 639. BLOM deposited vast sums into the Sanabil and Subul al-Khair accounts from Hamas fundraisers Interpal, CBSP, and Al-Aqsa Foundation ("AAF") *after* they were designated by Israel (and in AAF's case, also by Germany) and continued servicing these accounts *after* their biggest funding source, Holy Land Foundation ("HLF"), was designated an SDGT by the United States in 2001 (including depositing hundreds of thousands of dollars from HLF's successor organization, KindHearts, into Sanabil's accounts). ¶¶ 539, 542, 550-51, 554, 567, 588, 590, 596-606, 623-25. Finally, BLOM permitted Sanabil and Subul al-Khair to withdraw these funds in blocks of untraceable cash, ¶¶ 611, 626, in an area where Hamas regularly transferred funds to its operatives in the Palestinian Territories, ¶ 587.

These allegations comport with this Court's holding in *Kaplan* that, under JASTA, defendants' conduct "must be evaluated in the context of the enterprise they aided," *Kaplan* at 865 (quoting *Halberstam*, 705 F.2d at 488), which context includes the relevant FTO's "policy and practice of engaging in terrorist raids—and repeatedly publicizing that policy and practice," the duration of its

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“campaign of terrorist attacks against civilians,” the timing of the banking services provided, and the amounts of money furnished to the FTO as a result. *Id.* Here, BLOM knew it was transferring millions of dollars for Palestinian organizations in Lebanon belonging to Hamas in the midst of an intensive Hamas terror campaign against Israeli and American civilians.

The court below, however, heavily relied on the lower *Kaplan* decision in rejecting these types of knowledge allegations; it found publicly available information *inherently* insufficient, quoting Judge Daniels’s finding that although the plaintiffs there alleged “the entities’ connections to Hizbollah ‘was [sic] openly, publicly and repeatedly acknowledged and publicized by Hizbollah,” they “‘nowhere allege[d] . . . that [LCB] read or was aware of such sources.’” SPA-26 (quoting *Kaplan*, 405 F. Supp. 3d at 535). The district court did the same in suggesting that preexisting, *U.S.* designations are *necessary* to allege knowledge, citing the *Kaplan* finding that “[n]one of the entities were designated by the United States prior to the rocket attacks at issue as having an affiliation with Hizbollah.” SPA-25-26 (quoting *Kaplan*, 405 F. Supp. 3d at 535).

This Court rejected all of these propositions. First, it explained that “[a] complaint is allowed to contain general allegations as to a defendant’s knowledge, *see* Fed. R. Civ. P. 9(b), because ‘a plaintiff realistically cannot be expected to plead a defendant’s actual state of mind.’” *Id.* at 864 (quoting *Conn. Nat’l Bank v. Fluor Corp.*, 808 F.2d 957, 962 (2d Cir. 1987)). *See also* Pls. Mem. at 29-32 (citing

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cases). It thus rejected the requirement that plaintiffs plead that a bank “read or was aware of such sources,” explaining that “the court was required to accept as true the above factual allegations as to the repeated multimedia statements by Hizbollah, to consider all of the complaint’s allegations, rather than considering each in isolation, and to accept as true all permissible inferences that could be drawn from the complaint as a whole.” *Kaplan* at 864-65. Second, it held prior U.S. designations are not “a prerequisite for knowledge,” as “it would defy common sense to hold that such knowledge could be gained in no other way.” *Id.* at 864.

A. BLOM Provided Financial Services for Integral Hamas Entities, “Closely Intertwined” with Its Violent Activities and Did so in Unusual Ways.

Much as LCB was alleged to have done in *Kaplan*, BLOM *knowingly* transferred millions of dollars for so-called charities that incentivized suicide bombings and encouraged violence; indeed, several are Specially Designated Global *Terrorists*. For instance, BLOM deposited millions of dollars from HLF, an SDGT and the “crown jewel in HAMAS’s global fundraising network.” ¶ 563. Like Shahid in *Kaplan*, HLF:

provided crucial financial support for families of HAMAS suicide bombers, as well as the Palestinians who adhere to the HAMAS movement. It is believed that by providing these annuities to families of HAMAS members, the [HLF] assists HAMAS by providing a constant

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flow of suicide volunteers and buttresses a terrorist infrastructure heavily reliant on moral support of the Palestinian populace. . . . [HLF's] mission is to support the families of the martyrs.

¶ 566. BLOM transferred these funds into the Hamas-controlled Sanabil and Subul al-Khair accounts, along with funds from AAF, which Germany found in 2002 “calls for violence” to achieve Hamas’s goals and the United States called “a critical part of HAMAS’ terrorist support infrastructure.” ¶¶ 552-54.

Sanabil, “Hamas’s da’wa headquarters in Lebanon,” ¶ 588, “receive[d] large quantities of funds raised by major HAMAS-affiliated charities in Europe and the Middle East and, in turn, provide[d] funding to HAMAS,” and helped “recruit[] permanent members” for Hamas. ¶ 590. Subul al-Khair performed similar functions in the Beirut area, and “was identified as an unindicted co-conspirator in HLF’s criminal trial.” ¶¶ 621-28. The Union of Good was “the umbrella organization for HAMAS’s global fundraising activity” (its 50 constituent organizations included SDGTs Interpal and CBSP, ¶¶ 629-30) and acted as a broker for Hamas fundraising for “[t]he primary purpose” of “strengthen[ing] HAMAS’ political and military position in the West Bank and Gaza, including by [] diverting charitable donations to support HAMAS members and the families of terrorist operatives. . . .” ¶ 63 5. In sum, the Three Customers and their various transferors were “closely intertwined with [Hamas’s] violent terrorist activities,” *Kaplan* at 860-61—indeed,

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they were Hamas alter egos. The district court discounted these allegations in finding “no allegations whatsoever link[ing] the Three Customers to Hamas’ violent activities.” SPA-27.²

As in *Kaplan*, BLOM also permitted the Three Customers to engage in non-routine conduct obscuring their uses for the funds they funneled for Hamas. As an initial matter, this Court noted in *Kaplan* that “whether a defendant bank’s ‘financial services to [an FTO or its affiliates should or] should not be viewed as routine’ is a ‘question[] of fact for a jury to decide.’” *Kaplan* at 858 (quoting *Linde*, 882 F.3d at 327).³ But BLOM did not just provide financial services to the Three Customers knowing they belonged to an FTO—it permitted at least two of them to withdraw funds in *bulk cash*.⁴ Rather than

2. This is not to say such allegations are always necessary: LCB’s services for its other Hezbollah customers—Yousser, Bayt al-Mal, and their officers—were not alleged to have direct connections to Hezbollah violence *per se*, yet they constituted relevant allegations supporting the *Kaplan* plaintiffs’ claims. And while Shahid paid families of suicide bombers, the attacks at issue in *Kaplan* were *rocket attacks*, not suicide bombings.

3. This Court’s *Linde* discussion refutes the district court’s finding that, under *Linde*, “the mere provision of routine banking services to an FTO does not render a bank liable for civil aiding and abetting.” SPA-17.

4. Plaintiffs here provided much more detailed allegations about the millions of dollars in transfers BLOM processed for Hamas than did the plaintiffs in *Kaplan*, where the allegations largely described the *scope* of the cash-reporting exemptions LCB offered to Hezbollah entities, but offered few details on *actual transactions*.

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purchasing goods or services by check or wire transfer, as a charity or business typically would, Sanabil and Subul al-Khair withdrew funds in *untraceable* bank notes. ¶¶ 611, 613, 626, 628. As BLOM *itself* suggested, it never “knew how Subul al-Khair [or Sanabil] used its cash once withdrawn.” Def. Mem. at 32.

Large cash withdrawals are a clear indicator of criminal activity; for example, MENAFATF—the agency referenced in *Kaplan* at 849—has explained that “[c]ash . . . remains the raw material of most criminal activity. In many cases, even when the proceeds of a crime are initially generated in electronic form . . . criminals choose to withdraw the funds from a bank account in cash, transport it to another country, and pay it into another account in order to break an audit trail.”⁵ BLOM suggests it may not have found the withdrawals suspicious because it is “at least equally plausible that large cash withdrawals would be needed to provide humanitarian aid” in refugee camps, Def. Mem. at 32—but (purportedly) “equally plausible” inferences of BLOM’s beliefs about the uses of the cash (or its fungibility) favor *plaintiffs* on a 12(b)(6) motion. See *Kaplan* at 854 (“The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.”) (citation omitted).

5. MENAFATF, “Money Laundering Through the Physical Transportation of Cash,” at 3 (Oct. 2015), *available at* <https://www.fatf-gafi.org/media/fatf/documents/reports/money-laundering-through-transportation-cash.pdf>.

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Indeed, Hamas used Lebanon as a political and fundraising base, both for competing with its rivals Hezbollah and the Palestine Liberation Organization (“PLO”), and for funneling funds to its operational components in the Palestinian Territories. As Plaintiffs alleged:

For example, senior HAMAS activist Jamal al-Tawil, who was one of the Movement’s most important operatives in the Ramallah area, was arrested by Israel in 2002 and later told his interrogators that he received \$12,000 per month from HAMAS’s leadership in Lebanon. Other notorious HAMAS operatives in the Palestinian Territories ranging from Abbas al-Sayed (mastermind of the Park Hotel suicide bombing in Netanya) to Jamal Mansur, one of HAMAS’s senior operatives in Nablus to Sheikh Ahmed Yassin himself, received funds transfers from representatives of HAMAS’s bureau in Lebanon.

¶ 587. Untraceable funds thus went to, or freed up funds that went to, the Palestinian Territories.

The district court instead pointed to the stated charitable purposes given by AAF, Sanabil, and other designated terrorists on their transfers or other documentation. SPA-22-23. But it goes without saying that terrorist groups, especially when operating under charitable cover (*from jurisdictions that have outlawed*

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them), do not write “for terrorism” or “for bombs” on their transfers or mission statements. As shown above, the U.S. government found that Sanabil “provide[d] funding to Hamas” and the Union of Good “divert[ed] charitable donations” to “families of terrorist operatives.” ¶¶ 590, 635. The Supreme Court explained that terrorist groups regularly use charities as cover for terror financing and recruitment, *Holder*, 561 U.S. at 31, something surely well-known in Hezbollah-controlled Lebanon. *See* Pls. Mem. at 35 & n.8, Pls. Reply at 24 & n.12. Indeed, the U.S. government has confirmed that:

While Hamas thus engages in many different activities, it is one organization. The social and charitable elements of Hamas are inexorably intertwined with the terrorist elements in the organization’s overall mission. [Its] charitable network helps it maintain popular support, to compete with the Palestinian Authority, and to recruit activists, including individuals for its deadly terrorist attacks.

. . . . Hamas’ charitable associations serve in part as a screen for its covert activities, providing a benign cover through which money can be transferred from overseas into Hamas-controlled institutions. The overseas funds flowing into Hamas’ social and charitable infrastructure free other resources for use in terrorist operations.

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Brief of the U.S., *Holy Land Foundation v. Ashcroft*, 2003 WL 25586055 (D.C. Cir. 2003). The court below rejected this fundamental precept, finding no evidence that “any of these transfers ‘were used to perpetrate any of the [violent acts]’ allegedly carried out by Hamas,” SPA-21 n.9—but, of course, there were no allegations tracing transfers to attacks in *Kaplan*, either.

B. BLOM Knew the Entities It Serviced Were Hamas Entities

As in *Kaplan*, publicly available information supports the inference that BLOM knew it was transferring money on behalf of Hamas entities. Like LCB, BLOM operated in Lebanon, where Hamas had a longstanding presence as a well-known violent terrorist group. *See Kaplan* at 865 (noting Hezbollah’s and LCB’s history in Lebanon). Hamas was established in 1987, was designated an FTO by the U.S. in 1997, and has operated openly in Lebanon since at least 1994. ¶¶ 12, 508-13, 535, 574-75, 586. *See Kaplan* at 864 (crediting allegations that Hezbollah “had been designated by the United States as an FTO since 1997” and had “openly, publicly, and repeatedly acknowledged carrying out terrorist attacks against civilians”). The emerging presence of Hamas in the Palestinian refugee camps was widely publicized in the Lebanese press, ¶ 578, where two of the Three Customers operated. Hamas leaders in Lebanon also operated openly, establishing public institutions like the “Palestinian Ulema League” in 1998 and, of course, the Three Customers themselves. ¶¶ 582-84.

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Moreover, Hamas created the Three Customers in order to *raise its profile* in Lebanon to compete with other organizations like Hezbollah and the PLO. Thus, as the FBI reported in 2001, Sanabil was among a dozen Hamas entities that were “either *known* fronts for Hamas, *known* supporters of Hamas, or entities whose funding is *known* to benefit the Hamas agenda.” Pls. Mem. at 32 (quoting A-273 at 28:18-23) (emphasis added). Likewise, the Union of Good was created by Hamas as part of a *fundraising drive* during the Second Intifada; it was hardly an obscure or shadowy organization in the Middle East. It was chaired by Sheikh Yusuf al-Qaradawi, the Muslim Brotherhood’s spiritual leader and one of the region’s most recognizable figures with a long running television program on Al Jazeera, on which he publicly called for suicide bombing attacks against Israel. ¶¶ 630-32, 636-38 (specifying date of broadcast). Thus, while these organizations provided Hamas “charitable cover” when operating *in the West*; they operated openly *in Lebanon*. Furthermore, these groups were run by senior Hamas leadership. “Sanabil’s board members *were* predominantly well-known HAMAS leaders *in Lebanon*,” ¶ 591 (emphasis added), meaning Hamas leaders known *during the relevant period* (Sanabil closed in 2003). See also ¶ 639 (“HAMAS leaders have also served openly in the Union of Good’s executive leadership.”).⁶ These

6. The district court faulted Plaintiffs’ allegations for not providing more specific date and transactional information for the Union of Good accounts BLOM held, but such details are rarely available at the pleading stage (whereas the other two customers were directly implicated in the HLF prosecution). But the Union of Good was at all times a known Hamas organization, so even

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facts satisfy the “general allegations” standard clarified in *Kaplan*, which relied, in part, on public associations between Hezbollah and LCB’s customers. The allegations in *Kaplan* do not constitute the *minimum* required to plausibly plead JASTA aiding and abetting, and the cases are naturally not identical. For example, *Kaplan* involves certain allegations not present here, but that complaint also benefited from evidence collected by the United States in designating LCB a financial institution of primary money laundering concern and seizing some of its assets. JASTA claims are, of course, not limited to claims against the handful of banks the United States has designated.

Moreover, Plaintiffs have made allegations here *not* present in *Kaplan*. For instance, Plaintiffs here alleged that BLOM provided substantial assistance to Hamas *after* a number of its fundraising entities were designated. BLOM kept transferring millions of dollars into Sanabil’s accounts *after* its main donor, HLF, was designated by the United States in 2001, ¶ 567, including from HLF’s successor, KindHearts (Treasury froze its assets in 2006, ¶ 619). Israel designated Sanabil funders CBSP, Interpal—Sanabil was Interpal’s “official” representative in Lebanon, ¶ 607—and AAF as Hamas entities in 1997 and terrorist organizations in 1998, ¶¶ 539, 542, 550

if discovery later establishes that BLOM held those accounts only after the relevant period, BLOM’s willingness to maintain accounts for a notorious Hamas fundraising entity supports the inference that BLOM willingly held other Hamas accounts during the relevant period without compunction.

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(Germany closed AAF's offices in 2002, ¶ 55 1), and the Union of Good itself in 2002, ¶ 634.⁷

The district court found it *implausible* that BLOM would have noticed *any* of these repeated, successive designations. But the opposite is true—taking together the allegations of the numerous indicia BLOM had that the Three Customers were Hamas entities, the sheer volume of the transfers, the unusual conduct of withdrawing those funds in bulk cash, the raging terror campaign Hamas conducted against Israel 50 miles away, “rather than considering each in isolation,” *Kaplan* at 865, it is *more* than plausible that BLOM would have noticed the U.S. designation of Sanabil's largest donor (a news event in itself) and Israel's designation of its other primary funders. The district court made the same error in rejecting the significance of HLF's 2001 designation because HLF made no transfers after that date—but it is more than plausible that BLOM would have investigated customers *publicly associated with Hamas* and found they had been primarily funded by an infamous SDGT and Hamas's “crown jewel.” ¶ 563. The district court likewise rejected the significance of BLOM's deposit of funds from AAF *after* the United States designated it. ¶¶ 604-05, Exhibit D. While that single transaction annexed to the Complaint might be insufficient alone, taken together with the other evidence of Sanabil's several SDGT funders, its own eventual designation, its highly suspicious conduct (converting “donations” into cash),

7. The U.S. designated CBSP, Interpal, Sanabil, and AAF in 2003 and the Union of Good in 2008. ¶¶ 543, 553.

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and BLOM's willingness to support Hamas entities, it is more than plausible that discovery will establish that that post-designation transfer is not the only one of its kind.

Furthermore, Plaintiffs argued that BLOM, like LCB, would have “investigated the organizations receiving the large transfers, including designations of terrorist organizations made by the government whose country was experiencing the terrorism”—Israel. Pls. Mem. at 34 (quoting *Strauss v. Crédit Lyonnais, S.A.*, No. 06-cv-0702(CPS), 2006 WL 2862704, at *14 (E.D.N.Y. Oct. 5, 2006)). If this is plausible for a French bank, it is all the more so for a Lebanese bank operating right across Israel's border. Indeed, as another Beirut-based bank, BLOM operated in the same environment as LCB (and was thus subject to the same rules “intended to prevent terrorist organizations . . . from conducting banking activities” as was LCB, *Kaplan* at 849). By operating in an area “under the control of Hezbollah,” BLOM would be perfectly aware of terrorist organizations' reliance on charitable wings to raise funds and recruit operatives (as Sanabil was designated for doing). Pls. Mem. at 35 n.8. “The extent to which there is evidence to support the allegations as to” this publicly available information and as to whether BLOM “knew or should have known of them is a matter more appropriate for discovery.” *Kaplan* at 865.⁸

8. By disregarding all of these allegations, the district court erroneously concluded that “all of the sources cited regarding the Three Customers and their connection to Hamas are either undated or were dated after the last of the attacks,” SPA-20-21, just as the *Kaplan* lower court “[m]ention[ed] only the 2011 date” of a document alleged in the *Kaplan* complaint, and did

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In sum, Plaintiffs' complaint "satisfies the general awareness element because it plausibly alleges" that the Three Customers *and* their (designated) transferors "were so closely intertwined with [Hammas's] violent terrorist activities that one can reasonably infer that [BLOM] was generally aware while it was providing banking services to those entities that it was playing a role in unlawful activities from which the . . . attacks were foreseeable." *Id.* at 860-61.

III. *KAPLAN* REQUIRES REVERSAL ON SUBSTANTIAL ASSISTANCE

The court below found that Plaintiffs failed to plausibly allege substantial assistance on the same grounds this Court overturned in *Kaplan*, noting that the now-vacated opinion "again provides a more appropriate point of reference" and citing its findings that plaintiffs did not allege "that [LCB] *knowingly and intentionally* supported Hizbollah in perpetrating [rocket attacks]," "that Hizbollah received any of those funds or that [LCB] knew or intended that Hizbollah would receive the funds," or "that [LCB] knew, prior to the attacks, about any affiliations between Hizbollah and the [subordinate entities] under whose names the LCB Accounts were held." SPA-28-29, 31-32 (quoting *Kaplan*, 405 F. Supp. 3d at 536) (emphasis added).

not "consider[] its allegations as to LCB conduct prior to 2006," including publicly available information and LCB's own suspicious conduct. *Kaplan* at 866. The error is fatal in both cases.

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This Court rejected all of these grounds, explaining that “the *Halberstam* third element, . . . concerns whether LCB aided and abetted Hizbollah by knowingly providing assistance—whether directly to Hizbollah or indirectly—and whether that assistance was substantial.” *Kaplan* at 866. Having found sufficient allegations that LCB knowingly assisted Hezbollah affiliates, the Court also found that “it is a permissible inference that LCB understood that the money in those accounts either belonged to Hizbollah, or would be received by Hizbollah, or would be paid out as directed by Hizbollah.” *Id.* The Court found “millions of dollars” sufficiently substantial (as are the banking services themselves: “Hizbollah needs banking services . . . if it is to successfully carry out terrorist attacks,” *id.* at 848).⁹ However, the “culpability” for any given amount increases with “the blameworthiness of the tortious act aided or the seriousness of the foreseeable consequences.” *Id.* at 857. It is hard to imagine a more blameworthy tortious act than terror financing or more serious foreseeable consequences than terrorist attacks and the murder of civilians.

Here, Plaintiffs sufficiently alleged that BLOM provided substantial services, including transfers worth millions of dollars, for the Three Customers and their designated transferors knowing they were Hamas-controlled entities. Sanabil “provide[d] funding to HAMAS,” ¶ 590, and even cash Sanabil actually distributed

9. Financial *assistance*—rather than “*encourag[ing]* Hamas’ violent activities,” SPA-28—is sufficient.

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in the refugee camps to recruit and gain public support “frees up other resources within the organization that may be put to violent ends,” *Holder*, 561 U.S. at 30—such as the large sums of money Hamas sent from Lebanon to its terror operatives in the Palestinian Territories. ¶ 587. The Union of Good “strengthen[s] HAMAS’ . . . military position in the West Bank and Gaza, including by [] diverting charitable donations to support HAMAS members and the families of terrorist operatives. . . .” ¶ 63 5. The Three Customers also “importantly help[] lend legitimacy to” Hamas, which “makes it easier” for Hamas “to persist, to recruit members, and to raise funds—all of which facilitate more terrorist attacks.” *Holder*, 561 U.S. at 30. *See also id.* at 31 (crediting testimony that “Hamas is able to use its overt political and charitable organizations as a financial and logistical support network for its terrorist operations”).

Finally, BLOM also helped Hamas move millions of dollars “without disclosing their source [and, here, their *use*], thereby circumventing sanctions imposed in order to hinder terrorist activity,” *Kaplan* at 866, by providing financial services to Hamas alter egos. Because sanctions prevent FTOs from moving money in their own names, they use alter egos to circumvent those sanctions, Pls. Br. at 22-26; knowingly assisting these organizations thus “circumvent[ed] existing sanctions on [Hamas] as a designated FTO.” *Kaplan* at 862. But BLOM *also* allowed Hamas to convert funds transfers into cash, further obscuring their intended use.

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For the reasons provided above and in *Kaplan*, this Court should vacate the decision below and remand this case for further proceedings.

Respectfully submitted,

/s/ Michael J. Radine
Michael J. Radine

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**APPENDIX K — PETITIONER’S POST-
ARGUMENT LETTER BRIEF, DATED, JULY 9, 2021**

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July 9, 2021

BY ECF

Ms. Catherine O’Hagan Wolfe
Clerk of the Court
United States Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Honickman, et al. v. BLOM Bank, SAL*, No. 20-575-cv

Dear Ms. O’Hagan Wolfe:

This letter-brief is submitted on behalf of Defendant-Appellee BLOM Bank, SAL (“BLOM”) pursuant to

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the Court’s Order of December 17, 2020, in which the parties to this appeal were directed to submit letter-briefs addressing how the Court’s anticipated decision in *Kaplan v. Lebanese Canadian Bank, SAL* (then *sub judice* as “*Reuvane v. Lebanese Canadian Bank, SAL*”) applies to this case. The *Kaplan* decision, issued on June 9, 2021, confirms that the District Court’s dismissal of the complaint against BLOM should be affirmed.

The Facts Alleged Against LCB in *Kaplan*

Kaplan is the second decision of this Court (the first was *Siegel v. HSBC North America Holdings, Inc.*, 933 F.3d 217 (2d Cir. 2019)) to directly address the sufficiency of a pleading that asserts an aiding-and-abetting claim under the Justice Against Sponsors of Terrorism Act, 18 U.S.C. § 2333(d)(2) (“JASTA”), and the first to address claims brought against a Lebanese bank. But that is where the similarities between these two cases end, because the allegations against the *Kaplan* defendant, Lebanese Canadian Bank, SAL (“LCB”), are “far more specific” than the allegations made here. Oral Arg. Tr. (“Tr.”) at 9.¹

Indeed, the allegations here bear no resemblance to the *Kaplan* allegations. According to the proposed Second Amended Complaint (“SAC”) and the incorporated civil forfeiture action brought against LCB by the United States in 2011 (“U.S. Forfeiture Compl.”):

1. A transcript of the December 10, 2020 oral argument is attached as Exhibit A.

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- LCB provided banking services to three “subordinate entities” of Hizbollah, Bayt al-Mal, the Yousser Company for Finance and Investment, and the Shahid (Martyrs) Foundation (the “Subordinate Entities”) and to two “individual leaders” of Hizbollah. *Kaplan v. Lebanese Canadian Bank, SAL*, 999 F.3d 842, 849 (2d Cir. 2021).
- “[F]or ‘several year[s] . . . prior’ to the” 2006 terrorist attacks at issue in *Kaplan*, Hizbollah had “‘openly, publicly, and repeatedly acknowledged’” that the Subordinate Entities “‘were integral constituent parts of Hizbollah.’” *Id.* at 864 (quoting SAC ¶ 78).
- One of the Subordinate Entities was “‘known to subsidize the families of Hizbollah suicide bombers—and indeed to provide financial reassurance to ‘prospective’ suicide bombers.’” *Id.* at 858 (citing SAC ¶ 22; emphasis added by the Court).
- When the United Nations “‘reported in 2002 that an LCB customer was engaged in money laundering for Hizbollah . . . LCB responded to that report by asserting that the report was Israeli propaganda.’” *Id.* at 866. LCB then “‘increased the permissible amount of activity that the U.N. had found constituted money laundering.’” *Id.*

Critically, unlike here, the banking services allegedly provided by LCB to its Hizbollah-affiliated customers were far from routine. In *Kaplan*, the plaintiffs alleged “‘that LCB violated banking regulations and disregarded

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its own internal policies in order to grant its known Hizbollah-affiliated Customers ‘special exceptions’ that permitted those Customers to deposit hundreds of thousands of dollars a day without complying with the requirement that the source of funds be disclosed.” *Id.* at 858 (citing SAC ¶ 82 and U.S. Forfeiture Compl. ¶ 47(g)). Those banking regulations were “meant to hinder the ability of [Foreign Terrorist Organizations (“FTOs”)] to carry out terrorist attacks.” *Id.* at 865. Accordingly, the *Kaplan* Court concluded that by pleading that LCB allowed its customers

to deposit large sums in various accounts at different LCB branches—totaling more than \$2.5 million dollars a week—without disclosing their source, thereby circumventing sanctions imposed in order to hinder terrorist activity, the SAC adequately pleaded that LCB knowingly gave the Customers assistance that both aided Hizbollah and was qualitatively and quantitatively substantial.

Id. at 866 (citation omitted).

**The *Kaplan* Decision Reaffirms *Linde*’s
Interpretation of *Halberstam***

Before concluding that the SAC pleaded an aiding-and-abetting claim under JASTA, the *Kaplan* panel analyzed the Second Circuit’s prior JASTA precedents: *Linde v. Arab Bank, PLC*, 882 F.3d 314 (2d Cir. 2018), *Siegel* and *Weiss v. National Westminster Bank PLC*,

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993 F.3d 144 (2d Cir. 2021). Notably, the *Kaplan* panel did not conclude that *Linde* departed from *Halberstam v. Welch*, 705 F.2d 472 (D.C. Cir. 1983), when it held that “aiding-and-abetting liability ‘requires *more than* the provision of material support to a terrorist organization.’” *Kaplan*, 999 F.3d at 860 (quoting *Linde*, 882 F.3d at 329) (emphasis added in *Kaplan*). To the contrary, the *Kaplan* panel reaffirmed “the principle that knowingly providing material support to an FTO, *without more*, does not as a matter of law satisfy the general awareness element” of *Halberstam*. *Id.* (citing *Linde*, 882 F.3d at 329–30) (emphasis added).

The *Kaplan* panel also reaffirmed, as the Court had held in *Linde*, that the “more” required to satisfy *Halberstam*’s general awareness element is “awareness that one is playing a role in those activities,” meaning “act[s] of international terrorism.” *Id.* at 859.² More precisely, when the *Kaplan* panel concluded that the SAC met *Halberstam*’s general awareness element, it did so because the SAC alleged that LCB’s customers “were so closely intertwined with Hizbollah’s *violent terrorist activities* that one can reasonably infer that LCB was generally aware while it was providing banking services to those entities that it was playing a role in unlawful activities from which the rocket attacks were foreseeable.” *Id.* at 860–61 (emphasis added).

2. JASTA creates secondary liability only for an “act of international terrorism.” 18 U.S.C. § 2333(d)(2). By definition, “international terrorism” requires “violent acts or acts dangerous to human life.” 18 U.S.C. § 2331(1)(A).

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Conversely, as the *Kaplan* panel noted, when the *Weiss* Court affirmed the denial of plaintiffs’ motion to amend their complaint against NatWest, it did so because the record in that case did not show that the bank “was generally aware that it was playing a role in Hamas’s *acts of terrorism*.” *Id.* at 861 (emphasis added); see *Weiss*, 993 F.3d at 166–67 (holding that “the district court did not err in denying leave to amend the complaints as futile on the ground that plaintiffs could not show that . . . NatWest was generally aware that it was playing a role in Hamas’s *acts of terrorism*”) (emphasis added).³ The *Kaplan* panel’s discussion of *Linde* and *Weiss* demonstrates that Plaintiffs’ theory of liability here—that the “general awareness” element of *Halberstam* is satisfied merely by alleging that a defendant has engaged in “conduct relating to a terrorist enterprise,” Pls.’ Br. at 41, Tr. at 4, or that it “does not require more from a pleading than allegations of knowingly funding a terrorist organization,” Tr. at 5—is incontrovertibly wrong. See *Weiss*, 993 F.3d at 166 (“whether NatWest was generally aware it was providing material assistance to Hamas—was established by evidence that NatWest was assisting Interpal is contrary to *Linde* and foreclosed by *Siegel*”).

Kaplan also holds that the third prong of *Halberstam*—whether the defendant has “knowingly and substantially assist[ed] the principal violation”—means that the defendant must “‘know[.]’ that it is providing ‘assistance,’ whether directly to the FTO or indirectly through an

3. The opinions in *Kaplan* and *Weiss* were authored by the same judge, the Honorable Amalya Kearse.

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intermediary.” *Kaplan*, 999 F.3d at 863–64 (citations omitted). Assistance that is given “innocently or inadvertently” does not meet this prong. *Id.* at 864. And inquiry notice that assistance is being provided to an FTO indirectly through an intermediary is not sufficient to meet this requirement. Although a complaint may contain “general allegations” of knowledge, plaintiffs are “required to include allegations of the facts or events they claim give rise to an inference of knowledge.” *Id.*

Kaplan* Confirms that the District Court Correctly Applied the Second Prong of *Halberstam

The *Kaplan* panel reversed Judge Daniels’ ruling that the SAC did not sufficiently allege general awareness because the SAC identified *public* information available *before* the relevant attacks that connected the Subordinate Entities to Hizbollah *and also* connected the Subordinate Entities to Hizbollah’s acts of international terrorism. Specifically, the opinion noted that:

- “[F]or ‘several year[s] . . . prior’ to” the attacks at issue, Hizbollah had “‘openly, publicly, and repeatedly acknowledged’” that the Subordinate Entities “‘were integral constituent parts of Hizbollah.’” *Kaplan*, 999 F.3d at 864.
- An English-language article in December 2004 “report[ed] that a ‘public service message’ by ‘Hizbollah’s television station, Al-Manar,’ ‘tells families of suicide bombers where to go to collect the subsidy from a martyrs’ foundation,’” one of the Subordinate Entities. *Id.* at 850.

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- Another English-language article in March 2005 reported that Shahid, the same Subordinate Entity, “supplies charitable funds for Hizbollah-affiliated suicide bombers.” *Id.* at 851.

The Complaint does not make comparable allegations about BLOM.

First, the Complaint does not contend that Hamas broadcast any affiliation with the Alleged Customers. To the contrary, the Complaint avers that Hamas *hid* its connections to Palestinian charities. *See, e.g.*, A160 ¶ 614 (Kindhearts “work[ed] secretly and independently in the camps in Lebanon, attempting to maintain a public distance from Hamas”); A147 ¶ 546 (U.S. designation of Interpal on August 22, 2003 stated that Hamas used Interpal to “hide the flow of money” to it); A147 ¶ 545 (U.S. designation of Sanabil on August 22, 2003 described Sanabil as “a cover” for Hamas, based on “credible evidence” available to the U.S. government). That secrecy is purposeful and dispositive. As explained in expert testimony relied upon by Plaintiffs in their dismissed case against NatWest, Hamas “does not publicize its association with its Palestinian sub-organizations” because “[o]therwise, they would be shut down.” Pltfs.’ Resp. to Def’t. Nat’l Westminster Bank’s Statement of Material Facts, *Weiss v. Nat’l Westminster Bank*, No. 05-cv-4622 (E.D.N.Y. Mar. 12, 2012), ECF No. 273 ¶ 330.

Second, as the District Court correctly observed, the “sources cited regarding the Three Customers and their connection to Hamas are either undated or were

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dated after the last of the attacks,” precluding a plausible inference that BLOM was generally aware of them during the relevant period. SPA20–21.⁴ The Complaint’s only evidence expressly linking any of the Alleged Customers to Hamas *before* the Attacks—Israel’s 2002 designation of Union of Good, which is not alleged to have received any funds through BLOM—is not alleged to have been public or otherwise available to BLOM.⁵ A162 ¶ 634. During oral argument in this Court, Plaintiffs’ counsel pointed to a different source—a 2001 FBI report purported to describe Sanabil as a “known front” for Hamas—but the

4. The District Court also faulted the Complaint because it does not “allege any acts or statements by BLOM or BLOM’s employees which suggest any awareness on its part of a connection between any of the Three Customers and Hamas.” SPA20. While *Kaplan* holds that the “general awareness” requirement of *Halberstam* “is less demanding than a requirement that [plaintiffs] show awareness,” *Kaplan*, 999 F.3d at 863, the District Court properly concluded that the Complaint did not allege general awareness of a connection between the Alleged Customers and Hamas. The information linking them was “either undated or [was] dated after the last of the attacks,” and the Complaint did not allege “that BLOM would otherwise have a reason to review or consider those sources in the course of its operations.” SPA20–21.

5. It was not until January 2005 that Israel enacted Financing Terror Prohibition Law 5765-2005, which for the first time required Israeli designations to be published in “Reshumot,” the official gazette of the Israeli government. *See* Aryeh Greenfield, *Terrorism and Organized Crime: Full English Translations of the Prevention of Terrorism Ordinance 5708-1948, Financing Terror Prohibition Law 5765-2005, Struggle Against Crime Organizations Law 5763-2003* (Aryeh Greenfield—A.G. Publications 2006) at 13.

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Complaint itself does not make this allegation.⁶ *See* Tr. at 6. And even if that allegation did appear in the Complaint, it is not plausible to infer that BLOM was generally aware of an assertion made in an interagency memorandum sent by the FBI to the U.S. Treasury Department where there is no claim that the memorandum was publicly available at the relevant time.

Third, and critically, the Complaint does not plausibly connect the Alleged Customers to Hamas's acts of terrorism. To the contrary, the Complaint pleads that the Alleged Customers performed charitable work in "Palestinian refugee camps in Lebanon" or "in the Beirut area" in order to "build HAMAS's support within that community." A154 ¶ 588, A161 ¶ 624. Sanabil is alleged to have "regularly distributed small sums in cash" to "hundreds (if not thousands)" of refugees for "Orphan Sponsorships," "Student Sponsorships," and to support "[n]eedy" persons and families. A159 ¶¶ 610–11; *see also* A161 ¶¶ 624, 626 (similar activities by Subul al-Khair). Consistent with this mission, the May 30, 2003 wire transfer to Sanabil attached to the Complaint states that the funds transmitted were for "HELP CONCERNING ORPHAN CHILDREN." A204.

6. The so-called "report" referenced by Plaintiffs' counsel is likely a memorandum written by the Assistant Director of the FBI's Counterterrorism Division to the Director of the U.S. Treasury Department's Office of Foreign Assets Control. *See* Pls.' Br. 52 at 32 (referring to *Boim v. Quranic Literacy Institute*, No. 00 C 2905, 2012 WL 13171764 (N.D. Ill. Aug. 31, 2012), which describes the report at *3).

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The sole exception is the U.S. designation of Union of Good in 2008, which states that the organization transferred funds to “Hamasmanged organizations in the West Bank and Gaza” that used the funds to “provid[e] payments to the families of suicide bombers.” A163 ¶ 635. Because this designation was not made until more than five years after the last Attack, it does not give rise to a plausible inference that BLOM was “generally aware” of a connection between any of the Alleged Customers and acts of international terrorism by Hamas.

Kaplan Confirms that the District Court Correctly Applied the Third Prong of *Halberstam*

The *Kaplan* panel identified three allegations in the SAC as supporting an inference that LCB “knowingly gave the Customers assistance that both aided Hizbollah and was qualitatively and quantitatively substantial,” *Kaplan*, 999 F.3d at 866:

- LCB’s dismissive response to the 2002 U.N. report “that an LCB customer was engaged in money laundering for Hizbollah” *Id.*;
- LCB’s decision to “increase[] the permissible amount of activity that the U.N. had found constituted money laundering” and its later decision to “allow[] the Five Customers . . . to conceal their sources of deposited funds totaling nearly half a million dollars per day.” *Id.* (citations omitted); and
- Hizbollah’s repeated public pronouncements that LCB’s customers “were integral parts of Hizbollah.” *Id.*

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None of the allegations about BLOM in the Complaint is comparable. There is no claim that any Alleged Customer made unreported cash deposits at BLOM, no claim that BLOM assisted an Alleged Customer in laundering money (or any other illegal or tortious activity), no claim that BLOM violated banking regulations or its own internal guidelines, and no claim that Hamas publicly described any of the three Alleged Customers as “integral parts” of its structure.

Critically, *Kaplan* underscores that to meet this prong of *Halberstam*, plaintiffs must allege “facts or events” giving rise to an inference that the defendant had “actual knowledge” it was assisting, directly or indirectly, an act of international terrorism by an FTO. *Id.* at 863–64. Thus, where a complaint alleges that the assistance was indirect, it must allege (among other things) that the defendant had “actual knowledge” of the intermediary’s connection to the FTO. *Id.* The Complaint’s claim that “Sanabil’s board members were predominantly well-known HAMAS leaders,” supported only by anachronistic references to their “current” roles or their positions with “subsequently” designated organizations, does not meet that test. A155–156 ¶¶ 591–94.

Nor does the Complaint allege a plausible basis that the alleged assistance was substantial. The Complaint asserts that BLOM facilitated the transfer of funds into the accounts of Sanabil and Subul al-Khair and that it “also facilitated thousands of small cash disbursements that helped HAMAS purchase support in its target areas.”

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A160 ¶ 613; A161 ¶ 628.⁷ *None* of those funds is alleged to have gone to violent or life-endangering terrorist activities, whether bombs, weapons, or payments to suicide bombers' survivors. Nor does the Complaint provide any plausible basis to speculate that some of the funds received by Sanabil or Subul al-Khair were transmitted to Hamas to assist acts of international terrorism; the Complaint alleges that that Sanabil made payments "individually . . . buying loyalty in periodic stipends of \$40–\$50 per quarter," that Subul al-Khair paid individuals "periodic stipends of \$30–40 per quarter," and that these payments were made to "hundreds (if not thousands) of individual dependents." A160 ¶¶ 611–12, A161 ¶ 627. *None* of this money is alleged to have funded Hamas's acts of international terrorism, directly or indirectly.

* * *

The *Kaplan* decision underscores the soundness of the District Court's legal analysis in this case. Because the allegations here fail to state an aiding-and-abetting claim under JASTA, this Court should affirm the dismissal of the Complaint against BLOM.

Respectfully submitted,

/s/ Linda C. Goldstein
Linda C. Goldstein

7. The Complaint does not allege that *any* funds went into or out of the purported Union of Good account. *See* A164 ¶ 640.

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EXHIBIT A

[1]UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

MICHAL HONICKMAN, Individually, and for the
Estate of Howard Goldstein, *et al.*,

Plaintiffs/Appellants,

v.

BLOM Bank, SAL,

Defendant/Appellee.

* * *

TRANSCRIPT OF RECORDED ORAL ARGUMENT
HEARD ON THURSDAY, DECEMBER 10, 2020

* * *

[3]The following recorded Oral Argument was held on Thursday, December 10, 2020, before The Honorable Rosemary Pooler, The Honorable Richard Wesley, and The Honorable Susan Carney, and was conducted pursuant to the Federal Rules of Civil Procedure, and transcribed after the fact, as follows:

* * *

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JUDGE POOLER: Next on our calendar is Honickman versus BLOM Bank.

MR. RADINE: Good morning, and may it please the Court. This is Michael Radine of Osen, LLC, on behalf of the plaintiffs/appellants.

I'd like to begin this morning by focusing on the district court's misstatement of the general-awareness standard set forth in *Halberstam v. Welch*, which applies to JASTA claims. The district court held that plaintiffs must allege BLOM's awareness of a role in terrorist attacks. But the lower court's decision, which relies substantially on *Kaplan v. LCB*, which is currently before this court as *Licci v. LCB*, is incorrect.

Under JASTA, a defendant must be generally aware that it is playing a role in violent or [4]life-endangering activities—it doesn't necessarily have to be violent—from which acts of international terrorism are a foreseeable risk. The standard comes from *Halberstam*, where the defendant assisted, quote, overall illegal or tortious activity, which there was a criminal enterprise in stolen goods, from which, quote, violence and killing is a foreseeable risk. Under JASTA, then, terrorist activities or life-endangering activities, as the Court in *Linde* used those phrases, means conduct relating to a terrorist enterprise, not terrorist attacks. Here, the lower court disagreed with *Halberstam*'s foreseeability framework, holding that it is, quote, not enough for plaintiffs to plausibly allege that BLOM was generally aware of its role in terrorist activities, from which terrorist attacks were a natural and foreseeable consequence.

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JUDGE WESLEY: Kind of an interesting—an interesting idea that the district court could disagree with Halberstam’s analysis, since Halberstam is specifically incorporated into the—into the JASTA framework, isn’t it?

[5]MR. RADINE: Yes. I agree, Your Honor. And, indeed, on the next page of its decision, on footnote 8, the Court mentions the passage from Halberstam I quoted a moment before and rejects it as incompatible with Linde. But Linde, of course, explicitly adopts Halberstam and does not require more from a pleading than allegations of knowingly funding a terrorist organization. Indeed, it held that whether, quote, providing routine financial services to associates of terrorist organizations is itself a violent, life-endangering act for the purposes of primary liability, much less playing a role in them for secondary liability, is a jury question. And that’s Linde at 327.

So the result is, the lower court found it dispositive that BLOM had no specific knowledge that these nominal charities engaged in any violent activities themselves, to quote the lower court. But BLOM more than plausibly knew that they were engaged in life-endangering activities and that they were Hamas fundraising institutions. You can’t—

JUDGE POOLER: Did they know that? Did they know that they were Hamas fundraising [6]institutions? Did you allege that in your complaint, and did you have any evidence to support that?

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MR. RADINE: Yes, Your Honor. This is the district court's second error. The—the allegations we presented—which this court is lenient as to the state of mind and takes allegations in their totality rather than in isolation—shows that BLOM did know that. Hamas operated openly in Lebanon and in the Palestinian refugee camps. Hamas created the three customers, as they're called. So, for instance, Sanabil, which the FBI in 2001 said was a, quote, known front or supporter for Hamas, created by Hamas as its da'wah—is the term—headquarters in Lebanon, led by Hamas leadership. And that means Hamas leadership at the time, despite BLOM's suggestion otherwise. That's in our complaint at 591.

JUDGE POOLER: So is it—is it your argument that if BLOM didn't know, they were willfully ignorant? They made themselves willfully ignorant of these facts that you allege here?

MR. RADINE: They would have had to have [7] been. It would have to be a—a decision at that point to not know what was clear, not only from Sanabil's status as a Hamas institution, but where the money was coming into Hamas. Millions of dollars are coming into Hamas from two organizations that were already designated by Israel, and then, of course, from HLF, designated by the United States in 2001, and all this money was being converted into cash. So millions of dollars are coming in from Hamas' fundraising network abroad and being pulled out in untraceable cash.

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JUDGE CARNEY: Let me ask. I mean, do the allegations support—I mean, the notion that being aware of red flags is tantamount to having an intention to further terrorist activity, doesn't Linde suggest that we need to have something more? And Siegel says that less than an intention to further that activity is inadequate to support liability under 2333.

MR. RADINE: No, Your Honor. Linde nor Siegel require intent, and Halberstam as well does not require intent. Nothing in JASTA—

JUDGE WESLEY: And Halberstam only requires general awareness and some degree of [8]foreseeability. General awareness that there's a role—that by—by participating, that somehow playing a role with regard to the terrorist organization in some particular way, and that it's foreseeable from that role that, indeed, terrorist activity might arise. They don't have to have a specific purpose and/or awareness of that it—that they're assisting terrorist activity itself, do they, under Halberstam?

MR. RADINE: No, they don't. There's no intent required, and it was not at issue there. As Your Honor said, the question is the awareness of the role in terrorist activities from which violence is foreseeable. As the supreme court found in *Holder v. Humanitarian Law Project*, support for terrorist organizations results in violence. The phrase was, facilitates more terrorist attacks.

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And that would be clear here, to BLOM moving millions of dollars into the area, which is then pulled out in cash. Cash, which they admit at Page 32 of their brief, they don't have visibility on the use for that cash; they just see it leaving the account in the [9]untraceable cash.

We know from the treasury designation, though, that Sanabil was using that cash to, quote, provide funding to Hamas, in addition to its recruiting efforts in the camps and elsewhere.

JUDGE WESLEY: In Licci you have fairly specific allegations with regard to some of the customers and their specific activities as the treasury of Hezbollah. So the customers themselves were identified. And the—and the transactions, including the ever-increasing daily cash-transaction limits, had some coordination, at least as far as your—as your complaint was in that—same law firm here—was concerned in identifying the fact that it had an appreciation that it was going beyond just being the banker for these folks. Isn't that the case? I mean, you—you had far more specific allegations in Licci than you have here, don't you?

MR. RADINE: Yeah. There are more specific allegations in Licci; there are allegations that are here that are not in Licci. For instance, here, there is the Hamas [10] fundraising network that was already designated abroad, where the money's coming in from. That particular fact is not in Licci. But here, as in there, Sanabil is designated as a fundraising organization for Hamas, as in—as is Union of Good. They're playing the same roles here. And

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that certainly would have been enough for the bank to be generally aware of the role that it's in.

They're all—the defense is essentially the same, which is that these entities call themselves charities or commercial operations, but, of course, that can't be immunizing under the statute. Providing that support to an FTO is enough, as a pleading matter, certainly, to meet JASTA.

And I see I'm over my time here.

JUDGE POOLER: Okay. Counselors—counselors, are you both aware of a case entitled Reuvane versus Lebanese Canadian Bank?

MR. RADINE: Yes, Your Honor.

JUDGE POOLER: You're aware of that, that—

MR. RADINE: Yes.

JUDGE POOLER:—that was argued last [11] November?

MR. RADINE: Yes. Also—also called Licci, that Judge Wesley referred to a moment ago.

JUDGE POOLER: Thank you.

I'm sorry, Judge Carney. Did you have a question?

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JUDGE CARNEY: No. No.

JUDGE POOLER: Okay.

Thank you. You've reserved two minutes for rebuttal.

MR. RADINE: Thank you.

JUDGE POOLER: We'll turn to the counsel for the bank.

MS. GOLDSTEIN: May it please the Court. Linda Goldstein for BLOM Bank.

The district court's decision is faithful to this court's precedence in both Linde and Siegel, and the arguments you have heard this morning are largely an invitation to rewrite those two opinions.

I will address the three main defects in plaintiffs' argument: First, the incorrect legal standard for the general-awareness prong of a JASTA claim; second, the insufficient [12]factual allegations supporting the substantial-assistance prong in this case; and, third, the contention that the allegations in the complaint are enough to allow the case to go to discovery.

First, both Linde and Siegel confirmed that the general-awareness prong of a JASTA claim requires that defendant be aware that by assisting the principal it is itself assuming a role in terrorist activities, specifically, activities that are violent or life threatening. Neither

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case held that it is enough to allege that a defendant was generally aware that it was assuming a role in financing a foreign terrorist organization from which it was foreseeable that terrorist activities would later result.

JUDGE WESLEY: Well, let me ask you a question. If there's a—if a panel of this court were to find that there's an inconsistency between Halberstam and Linde, which controls?

MS. GOLDSTEIN: There is no inconsistency between—

JUDGE WESLEY: No. Don't answer—I [13]asked you a question. If the panel of—if this panel were to find that there was an inconsistency between the two, which controls?

MS. GOLDSTEIN: Well, plainly, Your Honor—

JUDGE WESLEY: Halberstam controls, does it not?

MS. GOLDSTEIN:—JASTA says that—that—

JUDGE WESLEY: Does not—excuse me.

MS. GOLDSTEIN:—Halberstam provides the framework. And so the question is, what is the framework that Halberstam provides. And my position, Your Honor, is that Linde is fully consistent with Halberstam. And if you let me explain—

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JUDGE WESLEY: Well, don't you—doesn't it trouble you the district court found that Halberstam was wrong or that Linde was right?

MS. GOLDSTEIN: Um, I—number one, Your Honor, I don't believe that that is what the district court held.

JUDGE WESLEY: Okay.

MS. GOLDSTEIN: But if I could point out, the very first paragraph of Halberstam's legal [14]analysis at page 476 of the D.C. Circuit's opinion explains that the case addresses two separate questions: First, whether Halberstam was subject to vicarious liability for her partner's burglaries—

JUDGE WESLEY: Right.

MS. GOLDSTEIN:—and, if so, whether the scope of that liability included a murder committed by her partner during the course of one of those burglaries.

JUDGE WESLEY: Uh-huh.

MS. GOLDSTEIN: The opinion's reference to foreseeability arises only in connection with the second question and not the first. In other words, the foreseeability of the murder played no role in the Court's analysis whether Halberstam—Hamilton was subject to vicarious liability for the burglary. That first question was answered purely with reference to Hamilton's knowledge of Welch's

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property crimes at night and her role in processing the proceeds of those crimes.

By analogy, under JASTA, a defendant must be found vicariously liable for one act of international terrorism before the [15]foreseeability of other consequences can come into play. Judge Matsumoto clearly applied the correct legal standard for general awareness when she followed this court's decisions in both Linde and Siegel. It's not just one case; it's both.

If I might also point to the statute, Your Honor, the statute creates aiding-and-abetting liability for acts of international terrorism. By statutory definition, that requires violence or life-threatening activity.

Halberstam, by contrast, was a survey of common-law, aiding-and-abetting, and conspiracy liability. And the Court was clear that the analysis was meant to cover a broad range of torts, not just torts resulting in physical injury. But the—but the analysis specifically refers in numerous points to aiding-and-abetting liability for securities-fraud claims, which, obviously, would not involve violence or life-threatening activity.

So what the Courts did in Linde and again in Siegel was take that middle prong of Halberstam, which refers to illicit or tort—sorry—illegal or tortious activity and [16] replaced it with the words of JASTA, which is terrorist activity. And the sine qua non of terrorist activity is violent or life-threatening acts. And that is why Linde and Siegel both correctly applied the Halberstam framework,

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which is what the statute requires, to the particulars of a claim under JASTA for vicarious liability under the Anti-Terrorism Act.

If I might move on to substantial assistance. Substantial assistance in this part—case are particularly flimsy. The only allegations against BLOM are that it processed deposits into the accounts of Sanabil and Subul Al-Khair, and that it facilitated distribution of small cash payments to Palestinian refugee camps living in Lebanon, not in the West Bank or Israel, which is where all of the attacks are alleged to have occurred. That is what the complaint says.

There can be no speculation that the cash somehow went somewhere else. The complaint says that the cash went to those refugees in the camps in Lebanon, and there is no allegation that either Sanabil or Subul [17]Al-Khair were themselves involved in violent or life-threatening activities—

JUDGE WESLEY: Excuse me.

MS. GOLDSTEIN:—there is no allegation that any of the people that got that money engaged in violent or life-threatening activity, and there is no allegation that any of the funds transmitted to Sanabil or Subul Al-Khair made their way to Hamas.

JUDGE WESLEY: Excuse me. Excuse me. Is there—was Sanabil designated prior to—

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MS. GOLDSTEIN: No. No.

JUDGE WESLEY:—as a customer by Israel?

MS. GOLDSTEIN: No. Sanabil—Sanabil was designated by Israel—that was not public. The complaint does not allege that that was publicly available. And, in fact, I tried very hard to find it. My library staff couldn't find it anywhere other than on—on plaintiffs' counsel's website. Israel enacted a law in 2005, four years after the last of the attacks in this case, which for the first time allowed those designations to be posted on a website that banks could consult. But before 2005, they were not generally available, so [18]there's no basis to surmise—

JUDGE WESLEY: So you take—

MS. GOLDSTEIN:—that BLOM had any idea that they were there.

JUDGE WESLEY: You take umbrage with—with your opponent's indication earlier, that he—he said there was a designation of Sanabil prior, as early as 2001?

MS. GOLDSTEIN: The U.S. Government did not designate Sanabil until August 22nd—

JUDGE WESLEY: I didn't say that. I—

MS. GOLDSTEIN:—2003. That's just incorrect, Your Honor.

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JUDGE WESLEY: Okay. Very good. Thank you.

JUDGE POOLER:—to interrupt. Wasn't there—

MS. GOLDSTEIN: The Israeli designation was earlier, but that was not—that was not public.

JUDGE POOLER: Wasn't there evidence that some of the money from BLOM Bank was used to pay survivors of—of suicide bombings?

MS. GOLDSTEIN: That's not the case, Your Honor. There's no allegation of that. There's [19]no allegation that either Sanabil or Subul Al-Khair, the only two customers alleged to have received funds in the complaint, ever made such payments. And so that is one of the reasons, Your Honor, that discovery of BLOM's knowledge is really irrelevant, because there isn't even an allegation that that's what Sanabil and Subul Al-Khair did.

So when BLOM received a payment—a transfer to a Sanabil account that is expressly designated 'help for orphan children' and what Sanabil does is give money to orphan children, there's no reason for BLOM to be at all suspicious of that.

JUDGE CARNEY: Wasn't there—wasn't there one incident where the Sanabil account received extensive regular transfers from the Holy Land Foundation until September 2001, and the first terrorist attack occurred on December 1, and the Holy Land Foundation was then designated a—an SDGT on December 3? Now, putting

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those facts together, isn't it reasonable to infer—or that the bank was at least put on notice that that's what was going on in that account?

[20]MS. GOLDSTEIN: Well, number one, Your Honor, the standard is not inquiry notice; the standard is actual knowledge. The statute says—

JUDGE CARNEY: General awareness, not—

MS. GOLDSTEIN: Well, the statute requires knowingly providing substantial assistance, number one. Number two, Your Honor, the last transfer from HLF, as you indicated, was in September of 2001, and the designation took place in December of 2001. And the complaint does not allege nor am I aware that a bank has any obligation to retrospectively investigate—not a customer, because HLF was not a customer, Your Honor; HLF was a transferor to a customer. And there's no allegation that that is standard banking procedure for a bank to go back to its books and look at all of the incoming transfers that were made to all of its customers to determine if one of those customers—one of those transferors was later designated. So that's—that's not a red flag.

The essential allegations in this case, Your Honor, are substantially weaker than those [21]in Siegel, where this Court held that substantial assistance was lacking where HSBC was alleged to have provided millions of dollars to its customer, Al-Rajhi Bank. But the complaint offered at least conclusory allegations that Al-Qaeda in Iraq had received those funds.

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Here, there isn't even that, because there is no allegation in the complaint that either Sanabil or Subul Al-Khair sent any funds on to Hamas.

JUDGE WESLEY: Your—

MS. GOLDSTEIN: And the entire argument depends not even on alter-ego allegations, because the word 'alter ego' does not appear in the complaint and the word 'alias' does not appear in the complaint.

JUDGE POOLER: I'm sorry. I believe Judge Wesley has a question.

JUDGE WESLEY: No. That's all right. I don't—I don't want to interfere with counsel's argument.

Go ahead.

MS. GOLDSTEIN: I'm sorry, Your Honor.

JUDGE WESLEY: So am I.

[22]MS. GOLDSTEIN: But my point is, the complaint merely conflates the two. And if this Court—if the district court were to make an alter-ego finding, it would have to meet the legal standard based on facts alleged in the complaint. And that was not done here.

The legal standard is quite clear. Your Honor Judge Wesley recognized it in the—in the Kirschenbaum case: It has to be when one entity so dominates and controls

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another that they must be considered principal and agent, and this is shown by proving significant and repeated control over the alleged agent's day-to-day operations. And that was—that was not shown here. That defect is critical, because without that alter ego—

I'm sorry, Judge Pooler?

JUDGE POOLER: I said your time has expired. Can you just wind up?

MS. GOLDSTEIN: Yes. Yeah.

Two points, if I may, Your Honor, just to finish up on alter ego, that without that alter-ego allegation, the only substantial assistance that BLOM is alleged to have provided here is facilitating the distribution [23]of funds by Sanabil and Subul Al-Khair to refugees in camps in Lebanon, not in Israel or the West Bank. And there's no allegation that any of those funds were used to fund terrorists.

If I can quickly address—address—address the discovery issue, Your Honor. They say that they need to get discovery from BLOM to cure their defective allegations; those defects can't be cured by discovery from BLOM. The alter-ego defects, information about the relationship between Sanabil and—or, Subul Al-Khair and Hamas can't be cured by discovery from BLOM. Whether it was well known in Lebanon that Sanabil and Subul Al-Khair were associated with BLOM can't be determinant—I mean, with Hamas; pardon me—can't be determined by discovery from BLOM.

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JUDGE POOLER: Thank you. Thank you, counsel.

MS. GOLDSTEIN: Thank you, Your Honor.

JUDGE POOLER: Mr. Radine, you have two minutes for rebuttal.

MR. RADINE: Thank you, Your Honor. Just a few quick points.

[24]First, as to the money going to refugees, that's what Sanabil claims. FTOs claim charitable uses for their money; BLOM didn't have visibility on that. And, of course, it was the finding of Treasury that what Sanabil did was provide funding to Hamas.

Second of all, the reference to HLF. The argument that a bank shouldn't have to check all of its customers' accounts doesn't hold up when it's in terms of the customers who are known Hamas institutions. When an organization was openly created by Hamas, that is an account that a bank would be expected to check and see the millions of dollars coming in from HLF, an organization that was designated for, in part, paying families of suicide bombers.

Finally, as to—as to the Halberstam standard, of course, it does not require knowledge in the violence. The line is: “For Hamilton's aiding and abetting the murder, it was enough that she knew she was involved in some type of property—personal-property crime at night—whether as a fence, burglar, or armed robber made no difference—

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because violence and killing is a foreseeable risk in [25] any of those enterprises. The standard under JASTA isn't different. The phrase 'terrorist activities' is not in JASTA; that was a phrase from Linde that is referring to the overall tortious or illegal enterprise in Halberstam, from which violence is a foreseeable result.

Finally, I'd add that the Siegel case here is particularly inapposite, where the plaintiffs failed to allege that any transfers for an FTO passed through HSBC at all. HSBC held no account for an FTO or an FTO front or alter ego or what have you.

That's my time. Thank you, Your Honor.

JUDGE POOLER: Thank you both. Thank you both for lively argument. We'll reserve decision.

And I inform you that Reuvane versus Lebanese Canadian Bank was argued in November, and we may very well wind up holding this case for the decision in that case.

Thank you.

MR. RADINE: Thank you, Your Honor.

(RECORDED PROCEEDINGS CONCLUDE)

* * *

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[26]STATE OF FLORIDA

COUNTY OF SARASOTA

I, JULIA M. BINGHAM, Court Reporter, Notary Public in and for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically transcribe the foregoing recorded proceedings in the above-captioned case and that the transcript is, to the best of my ability, an accurate record of same.

I FURTHER CERTIFY that I am neither an attorney nor counsel for the parties to this cause, nor a relative or employee of any attorney or party connected with this litigation, and that I have no financial interest in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal this date, December 13th, 2020, at Sarasota, Sarasota County, Florida.

/s/ Julia M. Bingham
Julia M. Bingham, Court Reporter
Notary Public—State at Large

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**APPENDIX L — RESPONDENTS' LETTER
MOTION TO VACATE, AND EXHIBIT,
DATED AUGUST 9, 2021**

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August 9, 2021

VIA ECF

Honorable Kiyoo A. Matsumoto, U.S.D.J.
United States District Court, E.D.N.Y.
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Honickman, et al. v. BLOM Bank SAL*,
No. 1:19-cv-00008-KAM-SMG**

Dear Judge Matsumoto:

Plaintiffs respectfully submit this request for a pre-motion conference to move, pursuant to Fed. R. Civ. P. 15(a) and 60(b)(6), to vacate the judgment and for leave to file an amended complaint. Vacatur and amendment are appropriate here because the Second Circuit (1) held that the pleading standards this Court applied in

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its dismissal of the complaint for failure to state a claim were incorrect, affirming the dismissal only on a narrow ground—premised on a pleading standard not used by this Court—and (2) identified specific types of allegations that could cure Plaintiffs’ pleading deficiencies. *Honickman v. Blom Bank SAL*, No. 20-575, — F.4th —, 2021 WL 3197188 (2d Cir. July 29, 2021). Furthermore, while *Honickman* was pending, the Second Circuit also decided *Kaplan v. Lebanese Canadian Bank, SAL*, 999 F.3d 842 (2d Cir. 2021), which also identified types of allegations sufficient to plead a JASTA aiding and abetting claim.

The Court dismissed the complaint with prejudice because Plaintiffs declined the opportunity to amend at the pre-motion conference for BLOM’s motion to dismiss, which declination they confirmed at oral argument. But any such amendment at that time would have been futile—both the pleading standard for knowledge and the aiding and abetting elements under JASTA that this Court required Plaintiffs to meet were incorrect; indeed, the Circuit noted that correctly meeting the JASTA standard was difficult before *Kaplan* and *Honickman* were issued: “We acknowledge that the district court’s decision came before our opinion in *Kaplan* clarified the import of our earlier JASTA aiding-and-abetting precedents which may have generated some ambiguity as to the proper standard.” *Honickman*, 2021 WL 3197188, at *6 n.11.

Further, while the *Honickman* and *Kaplan* appellate decisions do not provide “minimum” necessary allegations for pleading JASTA aiding and abetting claims, they

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each identify types of allegations that help support such claims. As shown in the attached proposed complaint, Plaintiffs *can* provide the types of allegations that the Second Circuit has found sufficient. This Court should give Plaintiffs the opportunity to meet what the Circuit called the “correct standard.” *Id.* at *1.

I. The Second Circuit’s Assessment of the Court’s Dismissal Decision

The Second Circuit “agree[d with Plaintiffs] that the court did not apply the proper standard. . . .” *Id.* at *1. Specifically, the Second Circuit clarified that each standard this Court applied as grounds for dismissal was erroneous, including for alleging BLOM’s knowledge of its customers’ affiliations with Hamas, as well as to the general awareness and substantial assistance elements, which “form the crux of most JASTA aiding-and-abetting cases.” *Id.* at *5.

The Second Circuit affirmed the judgment solely on one ground: “We conclude that Plaintiffs’ aiding-and-abetting claim fails because the allegations do not support an inference that BLOM Bank was aware of the Three Customers’ ties with Hamas prior to the relevant attacks. . . .” *Id.* at *10. Although this Court came to the same conclusion, the Second Circuit specifically rejected the standard “the district court” applied to Plaintiffs’ knowledge allegations: “[A]s we explained in *Kaplan*, **Plaintiffs did not need to allege that BLOM Bank knew or should have known of the public sources at the**

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pleading stage. *See* 999 F.3d at 865. **Such a requirement at this juncture would be too exacting.”** *Id.* (emphasis added).

This Court’s error resulted from its reliance on the *Kaplan* lower court’s annunciation of the same, erroneous standard. In vacating *Kaplan*, the Second Circuit clarified that “[a] complaint is allowed to contain general allegations as to a defendant’s knowledge because ‘a plaintiff realistically cannot be expected to plead a defendant’s actual state of mind. . . .’” 999 F.3d at 864 (citations omitted). Accordingly, although the lower *Kaplan* court had focused on the lack of allegations “that [LCB] read or was aware of [English-language publication] sources,” it was in fact required “to accept as true the above factual allegations as to the repeated multimedia statements by Hizbollah, to consider all of the complaint’s allegations, rather than considering each in isolation, and to accept as true all permissible inferences that could be drawn from the complaint as a whole.” *Id.* at 865. This correction is critical because while Plaintiffs’ proposed complaint adds numerous allegations and cites various publications and websites in English, French and Arabic—all of which add to the “permissible inferences” of BLOM Bank’s knowledge in the relevant period—those allegations would not have satisfied the “read or was aware of” requirement previously adopted by this Court. *Honickman*, 432 F. Supp. 3d at 267.

*Appendix L***II. Plaintiffs Did Not Have a Meaningful Opportunity to Amend Before**

Plaintiffs may seek to amend their complaints post judgment to address pleading deficiencies identified in the dismissal or other case law. However, “[a]s a procedural matter, [a] party seeking to file an amended complaint post judgment must first have the judgment vacated or set aside pursuant to [Rules] 59(e) or 60(b).” *Williams v. Citigroup Inc.*, 659 F.3d 208, 213 (2d Cir. 2011) (quoting *Ruotolo v. City of New York*, 514 F.3d 184, 191 (2d Cir. 2008)). The Second Circuit has repeatedly “stated that ‘in view of the provision in rule 15(a) that leave [to amend] shall be freely given when justice so requires, it might be appropriate in a proper case to take into account the nature of the proposed amendment in deciding whether to vacate the previously entered judgment.’” *Id.* (quoting *Ruotolo*, 514 F.3d at 191) (some quotation marks omitted). See also *Nat’l Petrochemical Co. of Iran v. M/T Stolt Sheaf*, 930 F.2d 240, 244-45 (2d Cir. 1991); *Indiana Pub. Ret. Sys. v. SAIC, Inc.*, 818 F.3d 85, 92 (2d Cir. 2016) (“SAIC”).

In evaluating a post judgment motion to replead, *Williams* looked to *Foman v. Davis*, in which the Supreme Court reversed denial of a motion for post judgment amendment, explaining that “Rule 15(a) declares that leave to amend ‘shall be freely given when justice so requires’; this mandate is to be heeded. If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits.” *Foman v. Davis*, 371 U.S. 178, 182 (1962) (citation omitted). Further, “*Foman* makes

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unmistakably clear there is no such rule” that plaintiffs must replead prior to judgment. *Williams*, 659 F.3d at 214. Thus, the *Williams* court reversed the denial of vacatur and amendment despite the fact that the plaintiff never previously sought to amend the relevant claims, just as in *Foman*. See also *SAIC*, 818 F.3d at 91 (permitting amendment even though the “[p]laintiffs elected to forgo amending their complaint to replead” some of the claims until after judgment).

While repeated refusals to amend the complaint in ways that *could have cured the complaint’s deficiencies* weigh against that liberal standard, see *Metzler Inv. GmbH v. Chipotle Mexican Grill, Inc.*, 970 F.3d 133, 145-46 (2d Cir. 2020), here Plaintiffs could not have pleaded what BLOM’s employees read or which notice events constituted actual knowledge. Because these “deficiencies” were not curable until the Second Circuit clarified the pleading standard, this motion presents the first opportunity Plaintiffs have to *meaningfully* amend their complaint.

III. Plaintiffs Should Be Given the Opportunity to Meet the “Correct Standard”

In *Honickman*, the Second Circuit identified deficiencies in Plaintiffs’ complaint under the correct standard, which Plaintiffs can meet, including, among others:

- An account BLOM held for a Union of Good member organization *during the relevant period* that advertised its affiliation with, and fundraising efforts on behalf of,

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the Union of Good, and its program of sending money to the Palestinian Territories to support “jihad” to defeat Israel and the “American Jew”;

- Israeli designations were publicized in the international press during the relevant period;
- Publications showing that “at the time of the interviews in which al-Qaradawi—who chaired Union of Good—praised martyrdom and criticized the United States’ designation of Hamas, it was public knowledge that Sheikh al-Qaradawi chaired Union of Good”;
- BLOM purporting to follow the same FATF/MENAFATF rules for preventing terror financing that LCB did, *see Kaplan*, 999 F.3d at 849, including increased scrutiny of cash transactions and reviewing transferors (i.e., non-customers like HLF and Al-Aqsa Foundation) and other indicia of terror financing.
- Despite its use of “cover” abroad, HAMAS associates with its charities openly *in Lebanon*.
- The Three Customers took the suspicious step of withdrawing considerable funds in cash, which avoids the scrutiny legitimate charities are subject to.

These allegations meet the Second Circuit’s knowledge pleading standard, as well as the “closely intertwined” element the Second Circuit did not reach. *Honickman*, 2021 WL 3197188, at *10.

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Plaintiffs propose the following briefing schedule for their motion: Plaintiffs' Opening Brief by August 20, 2021, BLOM's Opposition by September 10, 2021, and Plaintiffs' Reply by September 24, 2021.

Respectfully submitted,

/s/ Michael J. Radine

Encl.

cc: All Counsel

Appendix L

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

19-cv-800008-KAM-SMG

MICHAL HONICKMAN FOR THE ESTATE OF
HOWARD GOLDSTEIN, MICHAL HONICKMAN,
EUGENE GOLDSTEIN, LORRAINE GOLDSTEIN,
RICHARD GOLDSTEIN, BARBARA GOLDSTEIN
INGARDIA, MICHAEL GOLDSTEIN, CHANA
FREEDMAN, DAVID GOLDSTEIN, MOSES
STRAUSS, PHILIP STRAUSS, BLUMA STRAUSS,
AHRON STRAUSS, ROISIE ENGELMAN, JOSEPH
STRAUSS, TZVI WEISS, LEIB WEISS, LEIB
WEISS FOR THE ESTATE OF MALKA WEISS,
YITZCHAK WEISS, YERUCHAIM WEISS,
ESTHER DEUTSCH, MATANYA NATHANSEN,
CHANA NATHANSEN, MATANYA NATHANSEN
AND CHANA NATHANSEN FOR THE ESTATE OF
TEHILLA NATHANSEN, YEHUDIT NATHANSEN,
S.N., A MINOR, HEZEKIEL TOPOROWITCH,
PEARL B. TOPOROWITCH, YEHUDA
TOPOROWITCH, DAVID TOPOROWITCH,
SHAINA CHAVA NADEL, BLUMY ROM, RIVKA
POLLACK, RACHEL POTOLSKI, OVADIA
TOPOROWITCH, TEHILLA GREINIMAN,
YISRAEL TOPOROWITCH, YITZCHAK
TOPOROWITCH, HARRY LEONARD BEER,
HARRY LEONARD BEER AS EXECUTOR OF THE
ESTATE OF ALAN BEER, HARRY LEONARD
BEER AS EXECUTOR OF THE ESTATE OF ANNA
BEER, PHYLLIS MAISEL, ESTELLE CAROLL,

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SARRI ANNE SINGER, JUDITH SINGER, ERIC M. SINGER, ROBERT SINGER, JULIE AVERBACH FOR THE ESTATE OF STEVEN AVERBACH, JULIE AVERBACH, TAMIR AVERBACH, DEVIR AVERBACH, SEAN AVERBACH, ADAM AVERBACH, MAIDA AVERBACH FOR THE ESTATE OF DAVID AVERBACH, MAIDA AVERBACH, MICHAEL AVERBACH, EILEEN SAPADIN, DANIEL ROZENSTEIN, JULIA ROZENSTEIN SCHON, ALEXANDER ROZENSTEIN, ESTHER ROZENSTEIN, JACOB STEINMETZ, DEBORAH STEINMETZ, JACOB STEINMETZ AND DEBORAH STEINMETZ FOR THE ESTATE OF AMICHAEL STEINMETZ, NAVA STEINMETZ, ORIT MAYERSON, NETANEL STEINMETZ, ANN COULTER FOR THE ESTATE OF ROBERT L. COULTER, SR., DIANNE COULTER MILLER, ROBERT L. COULTER, JR., DIANNE COULTER MILLER AND ROBERT L. COULTER, JR. FOR THE ESTATE OF JANIS RUTH COULTER, LARRY CARTER AS THE ADMINISTRATOR OF THE ESTATE OF DIANE LESLIE CARTER, LARRY CARTER, SHAUN CHOFFEL, RICHARD BLUTSTEIN AND KATHERINE BAKER FOR THE ESTATE OF BENJAMIN BLUTSTEIN, RICHARD BLUTSTEIN, KATHERINE BAKER, REBEKAH BLUTSTEIN, NEVENKA GRITZ FOR THE ESTATE OF DAVID GRITZ, NEVENKA GRITZ, NEVENKA GRITZ FOR THE ESTATE OF NORMAN GRITZ, JACQUELINE CHAMBERS AND LEVANA COHEN AS THE ADMINISTRATORS OF THE ESTATE OF ESTHER

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BABLAR, JACQUELINE CHAMBERS, LEVANA COHEN, ELI COHEN, SARAH ELYAKIM, JOSEPH COHEN, GRETA GELLER, ILANA DORFMAN, REPHAEL KITSIS AND TOVA GUTTMAN AS THE ADMINISTRATORS OF THE ESTATE OF HANNAH ROGEN, TEMIMA SPETNER, JASON KIRSCHENBAUM, ISABELLE KIRSCHENBAUM, ISABELLE KIRSCHENBAUM FOR THE ESTATE OF MARTIN KIRSCHENBAUM, JOSHUA KIRSCHENBAUM, SHOSHANA BURGETT, DAVID KIRSCHENBAUM, DANIELLE TEITELBAUM, NETANEL MILLER, CHAYA MILLER, ~~ARIE MILLER~~, AHARON MILLER, SHANI MILLER, ADIYA MILLER, ALTEA STEINHERZ, JONATHAN STEINHERZ, TEMIMA STEINHERZ, JOSEPH GINZBERG, PETER STEINHERZ, LAUREL STEINHERZ, GILA ALUF, YITZHAK ZAHAVY, JULIE ZAHAVY, TZVEE ZAHAVY and BERNICE ZAHAVY,

Plaintiffs,

v.

BLOM BANK SAL,

Defendant.

August 9, 2021

AMENDED COMPLAINT
JURY TRIAL DEMANDED

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Plaintiffs Michal Honickman for the Estate of Howard Goldstein, Michal Honickman, Eugene Goldstein, Lorraine Goldstein, Richard Goldstein, Barbara Goldstein Ingardia, Michael Goldstein, Chana Freedman, David Goldstein, Moses Strauss, Philip Strauss, Bluma Strauss, Ahron Strauss, Roisie Engelman, Joseph Strauss, Tzvi Weiss, Leib Weiss, Leib Weiss for the Estate of Malka Weiss, Yitzchak Weiss, Yeruchaim Weiss, Esther Deutsch, Matanya Nathansen, Chana Nathansen, Matanya Nathansen and Chana Nathansen for the Estate of Tehilla Nathansen, Yehudit Nathansen, S.N., a minor, Hezekiel Toporowitch, Pearl B. Toporowitch, Yehuda Toporowitch, David Toporowitch, Shaina Chava Nadel, Blumy Rom, Rivka Pollack, Rachel Potolski, Ovadia Toporowitch, Tehilla Greiniman, Yisrael Toporowitch, Yitzchak Toporowitch, Harry Leonard Beer, Harry Leonard Beer as Executor of the Estate of Alan Beer, Harry Leonard Beer as Executor of the Estate of Anna Beer, Phyllis Maisel, Estelle Carroll, Sarri Anne Singer, Judith Singer, Eric M. Singer, Robert Singer, Julie Averbach for the Estate of Steven Averbach, Julie Averbach, Tamir Averbach, Devir Averbach, Sean Averbach, Adam Averbach, Maida Averbach for the Estate of David Averbach, Maida Averbach, Michael Averbach, Eileen Sapadin, Daniel Rozenstein, Julia Rozenstein Schon, Alexander Rozenstein, Esther Rozenstein, Jacob Steinmetz, Deborah Steinmetz, Jacob Steinmetz and Deborah Steinmetz for the Estate of Amichai Steinmetz, Nava Steinmetz, Orit Mayerson, Netanel Steinmetz, Ann Coulter for the Estate of Robert L. Coulter, Sr., Dianne Coulter Miller, Robert L. Coulter, Jr., Dianne Coulter Miller and Robert L. Coulter, Jr. for the Estate of Janis

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Ruth Coulter, Larry Carter as the Administrator of the Estate of Diane Leslie Carter, Larry Carter, Shaun Choffel, Richard Blutstein and Katherine Baker for the Estate of Benjamin Blutstein, Richard Blutstein, Katherine Baker, Rebekah Blutstein, Nevenka Gritz for the Estate of David Gritz, Nevenka Gritz, Nevenka Gritz for the Estate of Norman Gritz, Jacqueline Chambers and Levana Cohen as the Administrators of the Estate of Esther Bablar, Jacqueline Chambers, Levana Cohen, Eli Cohen, Sarah Elyakim, Joseph Cohen, Greta Geller, Ilana Dorfman, Rephael Kitsis and Tova Guttman as the Administrators of the Estate of Hannah Rogen, Temima Spetner, Jason Kirschenbaum, Isabelle Kirschenbaum, Isabelle Kirschenbaum for the Estate of Martin Kirschenbaum, Joshua Kirschenbaum, Shoshana Burgett, David Kirschenbaum, Danielle Teitelbaum, Netanel Miller, Chaya Miller, ~~Arie Miller~~, Aharon Miller, Shani Miller, Adiya Miller, Altea Steinherz, Jonathan Steinherz, Temima Steinherz, Joseph Ginzberg, Peter Steinherz, Laurel Steinherz, Gila Aluf, Yitzhak Zahavy, Julie Zahavy, Tzvee Zahavy and Bernice Zahavy, by their attorneys, allege the following:

NATURE OF THE ACTION

1. This is a complaint for damages arising out of the unlawful conduct of BLOM BANK (previously known as “Banque du Liban et D’Outre Mer”)—a Lebanese bank headquartered in Beirut, Lebanon. BLOM BANK aided and abetted the Islamic Resistance Movement (“HAMAS”), a Foreign Terrorist Organization (“FTO”) (as that term is defined in 8 U.S.C. § 1189 of the

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Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”)) by knowingly providing substantial assistance to HAMAS in violation of 18 U.S.C. § 2333(d) of the Anti-Terrorism Act (“ATA”), and is civilly liable under § 2333(d) of the ATA to those American citizens (and their estates, survivors and heirs) who have been killed or injured in their person, property or business by reason of such acts of international terrorism perpetrated by HAMAS.

2. BLOM BANK knowingly—and with awareness of its important role—provided financial services to HAMAS in several related ways set forth below, by maintaining accounts for, and facilitating substantial payments on behalf of, HAMAS’s Lebanese institutions, most notably the Sanabil Association for Relief and Development (“Sanabil”), which was designated by the U.S. Department of the Treasury as a Specially Designated Global Terrorist (“SDGT”) in 2003 and the Union of Good, designated by the U.S. as an SDGT in 2008.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this civil action brought by citizens of the United States who have been killed or injured by reason of acts of international terrorism, and/or their estates, survivors, and heirs pursuant to 28 U.S.C. § 1331 and 18 U.S.C. §§ 2333(a), 2333(d), and 2338.

4. Venue is proper in this district pursuant to 18 U.S.C. § 2334(a) and 28 U.S.C. §§ 1391(b).

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5. BLOM BANK is subject to personal jurisdiction in New York pursuant to 18 U.S.C. § 2334(a), N.Y. CPLR § 302, and Fed. R. Civ. P. 4(k)(1)-(2) because it has transacted business during the relevant period and committed tortious acts within the United States during the relevant period by transferring funds through the United States for the benefit of HAMAS.

6. As set forth below, BLOM BANK purposefully used its multiple correspondent bank accounts at U.S. financial institutions, including its accounts at Bank of New York, Citibank NA and American Express Bank Ltd. in New York to provide financial services to HAMAS, including facilitating the transfer of millions of U.S. dollars through the United States on HAMAS's behalf or for HAMAS's benefit.

THE PARTIES**A. The Plaintiffs**

7. The Second Intifada (“al-Quds” or “al-Aqsa Intifada”), which broke out in Israel and the Palestinian Territories in September 2000, was a key turning point in HAMAS's history.

8. In the initial weeks of the Second Intifada, large demonstrations were organized in several Palestinian cities. On October 12, 2000, a Palestinian mob in Ramallah attacked two off-duty Israeli reservists, lynched them, and celebrated their deaths—with much of the scene captured on camera.

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9. Soon thereafter, HAMAS, Palestinian Islamic Jihad (“PIJ”), the Popular Front for the Liberation of Palestine (“PFLP”) and the Palestinian Authority’s ruling faction, Fatah, all launched attacks on Israeli civilian centers, military installations, vehicles, and civilians through suicide bombings, drive-by shootings, and rocket launchings, which resulted in the death and injury of hundreds of individuals, including numerous American citizens.

10. From September 2000 forward, support by the Palestinian public for HAMAS grew steadily.

11. It won elections at Palestinian universities, trade unions, and later in municipal elections.

12. For approximately the next four years after the outbreak of the violent conflict, HAMAS launched hundreds of terrorist attacks targeting civilians that have resulted in the deaths and injury of hundreds of civilians, including numerous American citizens.

**THE SHOOTING ATTACK ON
ROUTE #60—JUNE 20, 2003**

13. On June 20, 2003, Ahmad Najjar and Farah Hamad, two HAMAS terrorists, perpetrated a shooting attack on Route #60 near the Yabroud underpass, killing one person and seriously injuring three others.

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The Goldstein Family

14. Howard Goldstein was a citizen of the United States and a resident of the State of Israel when he died.

15. He was murdered on June 20, 2003, while driving his car with his parents on Route #60 in Israel.

16. Howard was driving his parents and his wife from Eli to Jerusalem where they had stayed the previous night following the wedding of Howard's son, plaintiff David Goldstein. Howard and his wife and parents were traveling for a weekend in Jerusalem to further celebrate David's wedding (which had taken place the previous night).

17. While Howard was driving, Howard's father, plaintiff Eugene Goldstein, was seated in the front passenger seat and Howard's mother, plaintiff Lorraine Goldstein, was seated behind her husband. Howard's wife, plaintiff Michal Goldstein (now Michal Honickman), was seated in the rear seat of the car, on the driver's side, behind Howard.

18. At some point, as Howard was driving, Eugene noticed two individuals on the side of the road near the Yabroud underpass. As the Goldsteins' car approached, the men turned and began rapidly firing their guns at the Goldsteins' vehicle.

19. Howard was struck by at least one bullet and ultimately succumbed to his injuries while driving and slumped over the steering wheel.

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20. At some point in time, while Howard was slumped over the steering wheel, Eugene grabbed the steering wheel and maintained control of the car until it crashed and rolled over, approximately eight miles south of where the HAMAS gunmen had opened fire.

21. Plaintiff Michal Honickman, formerly known as Mindy Goldstein, is a citizen of the United States and a resident of the State of Nevada. She is the widow of Howard Goldstein.

22. Plaintiff Michal Honickman brings this action both individually and as the legal representative of the Estate of Howard Goldstein.

23. As a result of the attack, Michal was injured when glass fragments from the vehicle's windows struck her body, including her left eye. She also sustained hairline fractures of her ribs, bruising, and physical trauma when the vehicle eventually crashed and rolled over.

24. Michal has sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress having been present during the attack, and witnessed the death of her husband, whom she had to bury and mourn with her children, while her in-laws were hospitalized, all in the context of what had been, prior to that point, a joyous family occasion celebrating her son David's wedding.

25. As a result of Howard's death, plaintiff Michal Honickman experienced emotional pain and suffering, loss

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of her husband's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

26. Plaintiff Eugene Goldstein is a citizen of the United States and a resident of the State of Florida. He is the father of Howard Goldstein.

27. Plaintiff Lorraine Goldstein is a citizen of the United States and a resident of the State of Florida. She is the mother of Howard Goldstein.

28. Eugene suffered multiple gunshot wounds in the attack.

29. His shoulder blade was fractured, and his lungs were punctured. Shrapnel was lodged in his lung, liver and kidneys. A bullet remains stuck between his heart and his lungs.

30. These injuries, which caused Eugene immense pain, were life threatening. Indeed, it was highly improbable that Eugene would survive them.

31. Eugene's injuries necessitated insertion of a trocar, a metal cylinder used to drain blood from his chest and facilitate insertion of a chest tube to maintain suction and permit healing of the lung. Insertions of a trocar and chest tube are extremely painful.

32. Eugene was unable to see Lorraine for approximately five days after the attack and did not have

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specific information about her condition. His uncertainty about Lorraine's condition caused him immense anxiety.

33. As a result of the attack, Eugene still has several bullet fragments lodged in his chest. He must undergo an x-ray every three months to monitor their condition.

34. As a result of the attack, Eugene has difficulty falling and remaining asleep. He constantly replays the image of the attack in his mind.

35. He blames himself for taking his wife to attend his grandson's wedding.

36. Lorraine was shot multiple times and severely injured in the attack.

37. She suffered a bullet fragment injury from a bullet that clipped the tip of her nose and her left upper lip and lodged in her mouth. The fragment necessitated intubation and emergency surgery, during which the fragment was removed from an area less than an inch from the carotid sheath, which contains the carotid artery and the internal jugular vein. Disruption of either of them would have resulted in her death.

38. At one point during her hospital stay, Lorraine was placed on life support.

39. Lorraine's chewing muscles were severely and permanently damaged, and she could not eat solid food for approximately one year.

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40. She required physiotherapy that encompassed use of a ratchet-like device designed to force her jaws open. It was very painful.

41. Lorraine still requires physical therapy because the scar tissue in her jaw prevents her from fully opening it. She still suffers from pain and headaches.

42. She requires bridges (partials) because she lost her teeth as a result of the attack, and extensive periodontal and dental work.

43. She was also struck by bullets that entered her body through her left shoulder and right lower neck. The resulting wounds caused her excruciating pain at the time.

44. She must also deal with the harmful effects of shrapnel that lodged throughout her body, especially in her back. She also suffered a shattered nose and septum as well as various lacerations.

45. Lorraine had difficulty sleeping because she thought about Howard's death.

46. Eugene and Lorraine remained in Jerusalem at Hadassah Hospital for approximately 10 days and were unable to return home when they were discharged from the hospital because the airline did not give Eugene permission to fly due to the poor condition of his lungs.

47. As a result of the attack, plaintiffs Eugene Goldstein and Lorraine Goldstein have sustained severe

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physical injuries and experienced severe mental anguish and extreme emotional distress.

48. As a result of Howard's death, plaintiffs Eugene Goldstein and Lorraine Goldstein have experienced emotional pain and suffering, loss of their son's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

49. The Goldstein family in New York received notice of the attack from two cousins, one of whom saw images of the attack on the internet and sent an instant message to the immediate family.

50. The Goldstein family sat in horror as they watched images of the attack on the Cable News Network (CNN) shortly after the attack occurred. The video broadcast showed Howard, Eugene and Lorraine being pulled from the wreckage of the car Howard had been driving.

51. Lorraine's face and hair were covered with blood.

52. Plaintiff Richard Goldstein is a citizen of the United States and a resident of the State of New York. He is a son of plaintiffs Eugene Goldstein and Lorraine Goldstein and a brother of Howard Goldstein.

53. After learning of the attack, plaintiff Richard Goldstein telephoned his sister, plaintiff Barbara Goldstein Ingardia, at work and asked her to return home immediately. When she arrived, her extended family was

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present. They shared the tragic news that their parents and brother had been attacked. Barbara then made plans to fly to Israel to care for her parents.

54. As a result of the attack, plaintiff Richard Goldstein has experienced severe mental anguish and extreme emotional distress caused by the life-threatening injuries to both of his parents.

55. As a result of Howard's death, Richard Goldstein has experienced emotional pain and suffering, loss of his brother's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

56. Plaintiff Barbara Goldstein Ingardia is a citizen of the United States and a resident of the State of New York. She is the daughter of plaintiffs Eugene Goldstein and Lorraine Goldstein and the sister of Howard Goldstein.

57. Barbara left her job and her immediate family behind and traveled to Israel to care for her parents in Israel during their recovery and to mourn the loss of her brother.

58. In addition to grappling with the devastating emotional consequences of her brother's death, she was forced to deal with the uncertainty of her mother's recovery due to her severe injuries and age.

59. Barbara blames herself for encouraging her parents to attend the wedding.

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60. As a result of the attack, plaintiff Barbara Goldstein Ingardia has experienced severe mental anguish and extreme emotional distress caused by the life-threatening injuries to both of her parents.

61. As a result of Howard's death, Barbara Goldstein Ingardia has experienced emotional pain and suffering, loss of her brother's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

62. Plaintiff Michael Goldstein is a citizen of the United States and a resident of the State of Florida. He is a son of plaintiffs Eugene Goldstein and Lorraine Goldstein and a brother of Howard Goldstein.

63. As a result of the attack, plaintiff Michael Goldstein has experienced severe mental anguish and extreme emotional distress caused by the life-threatening injuries to both of his parents.

64. As a result of Howard's death, Michael Goldstein has experienced emotional pain and suffering, loss of his brother's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

65. Plaintiff Chana Freedman is a citizen of the United States and a resident of the State of New York. She is the daughter of Howard Goldstein and plaintiff Michal Goldstein.

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66. Chana and her husband were eating lunch at a mall in Jerusalem when they learned that her father and grandparents had been involved in what they believed to be an automobile accident.

67. Chana's husband received a telephone call from his father informing the couple to go directly to Hadassah Hospital.

68. When Chana and her husband arrived at Hadassah Hospital, a social worker informed them that Chana's father had died in the terrorist attack.

69. Chana informed her brother, David and his wife, who had just been married, of the attack when they arrived at the hospital.

70. As a result of Howard's death, plaintiff Chana Freedman has experienced emotional pain and suffering, loss of her father's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

71. Plaintiff David Goldstein is a citizen of the United States and a resident of the State of Israel. He is the son of Howard Goldstein and plaintiff Michal Goldstein.

72. At the time of the attack, David was at a Jerusalem hotel awaiting his family's arrival for weekend wedding celebrations when he was notified that something had happened to his parents and his grandparents, and that they had been taken to Hadassah Hospital.

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73. Upon his arrival at the hospital, David learned that his father had been killed in the attack, and that his mother and grandparents had been injured.

74. Prior to the attack, David frequently spoke to his father, including on the morning of his father's death.

75. As a result of Howard's death, plaintiff David Goldstein has experienced emotional pain and suffering, loss of his father's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

**THE JERUSALEM EGGED BUS #2
BOMBING—AUGUST 19, 2003**

76. On August 19, 2003, Ra'ed Abdul Hamid Misk, a HAMAS suicide bomber, detonated explosives on Egged Bus #2.

77. Twenty-three people were killed and over 130 others were injured in the attack.

The Strauss Family

78. Plaintiff Moses Strauss is a citizen of the United States and a resident of the State of New Jersey.

79. Moses was studying in Israel in 2003 and was planning to return to the United States in April 2004.

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80. At around 9:00 pm on August 19, 2003, he boarded Egged Bus #2 in Jerusalem after praying at the Kotel (also known as the “Western Wall” or “Wailing Wall”).

81. Approximately 15 minutes into the bus ride, Moses heard a deafening boom when Misk detonated the explosives on the bus.

82. Moses fell forward as a result of the explosion. His eyeglasses, jacket, hat and cell phone flew off his body.

83. As Moses regained his bearings and realized what had occurred, he witnessed people screaming and crying, and he saw blood and body parts all around him.

84. His clothes were covered with blood, and his hearing was severely impaired.

85. To exit the bus, Moses stepped over bodies, and in a state of shock made his way toward his apartment. As he reached the corner near his apartment, he saw a friend, and they went into his friend’s apartment and telephoned Moses’s father, plaintiff Philip Strauss, to tell him Moses had been in an attack, but was alive. After making the telephone call, the friend drove Moses to Hadassah Hospital.

86. As a result of the explosion, Moses’s body ached, especially his right ear and hand. After arriving at the hospital, he underwent numerous tests, and doctors removed the shrapnel from his ear and hand.

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87. Days after the attack, Moses still experienced agonizing pain in his ear, and his hearing loss did not improve.

88. After the attack, Moses returned to the United States without completing his studies in Israel.

89. Moses was examined by medical specialists in both Israel and the United States. Both physicians confirmed that he would require surgery on his ear.

90. In the winter of 2004, Moses underwent ear surgery in the United States. His ear is still not completely healed, and he has been told that his condition will never improve. An ear specialist continues to monitor his condition.

91. Moses continues to relive the attack, the images of the attack replaying in his mind daily.

92. As a result of the attack, plaintiff Moses Strauss has sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress.

93. Plaintiff Philip Strauss is a citizen of the United States and a resident of the State of New York. He is the father of plaintiff Moses Strauss.

94. Plaintiff Bluma Strauss is a citizen of the United States and a resident of the State of New York. She is the mother of plaintiff Moses Strauss.

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95. After hearing of the attack, Bluma attempted unsuccessfully to reach Moses on his cell phone. When she tried to reach him at his apartment, someone else answered the telephone and said that her son was not there. Bluma grew increasingly concerned.

96. Upon learning that her son was injured in the bombing, Bluma's distress grew.

97. As a result of the attack, plaintiffs Philip Strauss and Bluma Strauss have experienced severe mental anguish and extreme emotional distress.

98. Plaintiff Ahron Strauss is a citizen of the United States and a resident of the State of New Jersey. He is a brother of plaintiff Moses Strauss.

99. Plaintiff Roisie Engelman is a citizen of the United States and a resident of the State of New Jersey. She is the sister of plaintiff Moses Strauss.

100. Roisie Engelman was on vacation when she received a telephone call advising her that there had been a bombing in Israel. Roisie attempted to contact Moses on his cellular telephone but was unable to reach him. She also telephoned her other brother, Ahron, attempting to locate Moses or her parents.

101. When Roisie finally received the news that Moses had been injured in the bus bombing, she was very concerned and extremely anxious.

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102. Plaintiff Joseph Strauss is a citizen of the United States and a resident of the State of New Jersey. He is a brother of plaintiff Moses Strauss.

103. Joseph learned of the attack while watching the news on an airplane. He was aware that the bombing had occurred near the neighborhood where Moses lived. Upon arriving in California, Joseph spoke to his parents and learned of Moses's condition. During the plane flight, Joseph experienced great anxiety because he was uncertain if his brother had been present at the bombing.

104. Ahron Strauss, Roisie Engelman and Joseph Strauss experienced great anxiety after learning of the attack that caused the injuries that Moses sustained.

105. As a result of the attack, plaintiffs Ahron Strauss, Roisie Engelman and Joseph Strauss have experienced severe mental anguish and extreme emotional distress.

The Weiss Family

106. Plaintiff Tzvi Weiss is a citizen of the United States and a resident of the State of New Jersey.

107. Tzvi was in Israel studying at a rabbinical college in 2003 and was planning to return to the United States on August 21, 2003.

108. On the evening of August 19, 2003, Tzvi boarded Egged Bus #2 in Jerusalem after visiting the Kotel,

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Judaism's holiest site, to pray. He was on his way to a friend's wedding.

109. As the bus arrived at Shmuel Hanavi Street, he heard a terrible explosion. Everything went black, and he could not hear anything but a deafening ringing in his ears.

110. In the panicked aftermath of the explosion, Tzvi jumped out of a window of the bus and began to run, stumbling over dead bodies and body parts as he fled the scene.

111. Tzvi was covered with blood, and his hand had been cut. His body was shaking from the shock of the experience, and he had a constant terrible ringing in his ears.

112. Once he got his bearings, Tzvi telephoned one of his brothers, plaintiff Yitzchak Weiss, and waited for him to arrive to accompany him to the hospital.

113. An ambulance transported Tzvi to Bikur Cholim Hospital where he underwent medical tests.

114. Both of his eardrums had been completely torn, and his hearing in his left ear was severely impaired. He continued to experience severe pain in his hand and was unable to bend his fingers.

115. Tzvi decided to return home to the United States to be near his family while he began recovering

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from the injuries and the effects of having been a victim of a terrorist attack. He returned to the United States the following day and visited an ear specialist within hours of his arrival. He underwent tests and was advised to have surgery on his left ear to attempt to regain some of his hearing loss in that ear. Tzvi obtained a second opinion from another doctor who agreed with the diagnosis.

116. After a number of examinations by the initial physician, and after treatment with antibiotics, Tzvi underwent surgery on his left ear. After the surgery, the incessant ringing in his ears became louder and worse than before.

117. Tzvi also visited another physician for treatment of the severe pain in his hand. He was told the injuries might require surgery.

118. Tzvi continued to visit doctors on numerous occasions to assess his ears, and underwent many tests, but the agonizing ringing continued. Eventually, it was determined that the surgery on Tzvi's left ear had not been successful. Tzvi suffered numerous panic attacks because of his injuries and the symptoms that continued to affect him.

119. As a result of the injuries that he sustained in the attack, combined with the memories of the attack itself, Tzvi's mental health deteriorated. The suffering that Tzvi has endured as a result of the injuries he sustained in the attack is ongoing and relentless. It has negatively impacted every aspect of his life.

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120. Tzvi enrolled in rabbinical college upon his return to the United States, but the injuries and their symptoms prevented him from concentrating on his schoolwork, and he could no longer realize the academic success that he had achieved prior to the attack.

121. As a result of the attack, plaintiff Tzvi Weiss has sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress.

122. Plaintiff Leib Weiss is a citizen of the United States and a resident of the State of New York. He is the father of plaintiff Tzvi Weiss.

123. Malka Weiss was a citizen of the United States and a resident of the State of New York when she died in 2018. She was the mother of plaintiff Tzvi Weiss.

124. Plaintiff Leib Weiss brings this action both individually and as the legal representative of the Estate of Malka Weiss.

125. Leib Weiss and Malka Weiss experienced great anxiety after learning of the attack that injured Tzvi and observing the suffering that he has endured as a result of his injuries.

126. As a result of the attack, plaintiffs Leib Weiss and Malka Weiss (before her death) have experienced severe mental anguish and extreme emotional distress.

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127. Plaintiff Yitzchak Weiss is a citizen of the United States and a resident of the State of Israel. He is a brother of plaintiff Tzvi Weiss.

128. Plaintiff Yeruchaim Weiss is a citizen of the United States and a resident of the State of Israel. He is a brother of plaintiff Tzvi Weiss.

129. Plaintiff Esther Deutsch is a citizen of the United States and a resident of the State of New York. She is the sister of plaintiff Tzvi Weiss.

130. Yitzchak Weiss, Yeruchaim Weiss and Esther Deutsch experienced great anxiety after learning of the attack that injured Tzvi and observing the suffering that he has endured as a result of his injuries.

131. As a result of the attack, plaintiffs Yitzchak Weiss, Yeruchaim Weiss and Esther Deutsch have experienced severe mental anguish and extreme emotional distress.

The Nathansen/Toporowitch Family

132. Tehilla Nathansen was a citizen of the United States and a resident of the State of Israel when she died.

133. Tehilla was three (3) years old and sitting on her mother's lap when she was murdered in the suicide bomb attack on August 19, 2003.

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134. The Nathansen family had boarded the bus at the Kotel in Jerusalem, where they had just completed their prayers.

135. Plaintiff Matanya Nathansen is a citizen and resident of the State of Israel. He is the father of Tehilla Nathansen.

136. Plaintiff Chana Nathansen is a citizen of the United States and a resident of the State of Israel. She is the mother of Tehilla Nathansen.

137. Plaintiffs Matanya Nathansen and Chana Nathansen bring this action individually, on behalf of the Estate of Tehilla Nathansen, and on behalf of their minor daughter, S.N.

138. As a result of the explosion, Matanya suffered fractures in both feet and in his collar bone, and sustained injuries to his lungs, eye and finger. He is now hearing impaired and can no longer walk properly.

139. As a result of the attack, plaintiff Matanya Nathansen has sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress from the injuries he sustained, from witnessing and experiencing first-hand the death of his 3-year-old daughter, Tehilla, as well as the severe injuries sustained by his wife and young daughters (all of whom are U.S. citizens).

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140. Chana was severely injured in the explosion that killed Tehilla, was taken to Hadassah Hospital, and remained there for 12 days.

141. Although Chana repeatedly asked about Tehilla's whereabouts, she did not learn until the next day that she had been killed. That uncertainty was torture for Chana.

142. Chana's spleen was torn, and her ribs were broken.

143. She had seven ball bearings that caused holes in her chest, leg and arm that had to be removed from her body.

144. She has undergone numerous surgeries.

145. Shrapnel lodged throughout her body, including her eye.

146. Chana's hip was crushed, necessitating a hip replacement. She still experiences pain in that area.

147. Her hearing is impaired, and she suffers from tinnitus.

148. Chana cannot walk long distances, and she has a limited range of movement.

149. She feels indescribable pain at losing Tehilla and seeing her daughter Yehudit injured and her daughter S.N. severely injured.

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150. Chana has undergone psychological counseling.

151. As a result of the attack, plaintiff Chana Nathansen has sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress from the injuries she sustained, from witnessing and experiencing first-hand the death of her 3-year-old daughter, Tehilla, and witnessing the severe injuries sustained by her daughters, plaintiff S.N., a minor, and plaintiff Yehudit Nathansen.

152. Plaintiff Yehudit Nathansen is a citizen of the United States and a resident of the State of Israel. She is a daughter of plaintiffs Chana Nathansen and Matanya Nathansen, and the sister of Tehilla Nathansen and plaintiff S.N.

153. At the time of the explosion, Yehudit was sitting with her aunt, a few seats away from her parents.

154. Yehudit incurred cuts on her neck and waist from the explosion and was treated at Bikur Cholim Hospital in Jerusalem.

155. She hears constant noise in her ears, which makes her tense.

156. Yehudit suffered nightmares, sadness and guilt and underwent psychological counseling.

157. As a result of the attack, plaintiff Yehudit Nathansen has sustained physical injuries and experienced

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severe mental anguish and extreme emotional distress due to her own injuries and from witnessing and experiencing first-hand the death of her 3-year-old sister, Tehilla, as well as the severe injuries sustained by her mother, father, and baby sister.

158. Plaintiff S.N., a minor, is a citizen of the United States and a resident of the State of Israel. She is a daughter of plaintiffs Chana Nathansen and Matanya Nathansen, and the sister of Tehilla Nathansen and plaintiff Yehudit Nathansen.

159. S.N. was sitting on Chana's lap at the time of the explosion. She was 5 months old at the time. As a result of the explosion, S.N. sustained burns all over her face, and her eardrums were ruptured.

160. She suffered bilateral lung contusions and a fracture of her left femur and right leg and hip, deep lacerations in her arm that have left permanent scars, and scars on her face and legs.

161. S.N. also had multiple shrapnel and metal pellets lodged in her body, including in her eyes, and a laceration of the bone of her left forearm and in her left wrist. She has pain in her upper left arm.

162. She is hearing impaired and suffers from tinnitus.

163. She underwent psychological counseling.

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164. As a result of the attack, plaintiff S.N. has sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress.

165. Plaintiff Hezekial Toporowitch is a citizen of the United States and a resident of the State of Israel. He is the father of plaintiff Chana Nathansen and the grandfather of the three Nathansen girls.

166. Plaintiff Pearl B. Toporowitch is a citizen of the United States and a resident of the State of Israel. She is the mother of plaintiff Chana Nathansen and the grandmother of the three Nathansen girls.

167. In the middle of the night, Hezekial and Pearl were notified by telephone of the bombing that had killed their granddaughter, Tehilla, and crippled their daughter, Chana. That night they traveled to Jerusalem. Pearl attempted to obtain further details about the condition of her son-in-law and her granddaughters.

168. In the aftermath of the bombing, Chana, Matanya, and their children were transferred to different hospitals thereby complicating the family's efforts to locate them.

169. Hezekial was supposed to travel to the central morgue in Holon to attempt to identify his granddaughter's body but was in too much shock to do so. He was initially told to identify the bodies of two granddaughters since S.N. had not yet been identified at the hospital and was thought to be deceased.

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170. As a result of the attack, plaintiff Hezekial Toporowitch has experienced severe mental anguish and extreme emotional distress from experiencing the death of his 3-year-old granddaughter, Tehilla, as well as the severe injuries sustained by his daughter, and injuries sustained by his granddaughters and son-in-law.

171. As a result of the attack, plaintiff Pearl B. Toporowitch has experienced severe mental anguish and extreme emotional distress from experiencing the death of her 3-year-old granddaughter, Tehilla, as well as the severe injuries sustained by her daughter, and injuries sustained by her granddaughters and son-in-law.

172. Plaintiff Yehuda Toporowitch is a citizen of the United States and a resident of the State of New Jersey. He is a brother of plaintiff Chana Nathansen and an uncle of the three Nathansen girls.

173. In the middle of the night Yehuda was notified by telephone of the bombing that had killed his niece and crippled his sister.

174. He had been working at a resort when he received the telephone call, and quickly rushed to a nearby television where graphic images of the bombsite were being broadcast by Israeli television.

175. Yehuda rushed home, traveled with his parents to the Tel Aviv area, and stopped at the home of one of his sisters. He took a taxicab to the central morgue and attempted to identify Tehilla's remains but could not

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positively identify them because of the nature and extent of Tehilla's injuries.

176. Yehuda then made arrangements for necessary DNA testing, which ultimately confirmed his niece's identity.

177. As a result of the attack, plaintiff Yehuda Toporowitch has experienced severe mental anguish and extreme emotional distress from the death of his 3-year-old niece, Tehilla, and the attempt to identify her remains. He has also experienced severe mental anguish and extreme emotional distress as a result of the severe injuries sustained by his sister and other niece and injuries to his brother-in-law.

178. Plaintiff David Toporowitch is a citizen of the United States and a resident of the State of Israel. He is a brother of plaintiff Chana Nathansen and an uncle of the three Nathansen girls.

179. David was not present when his parents were notified by telephone of the bombing that killed his niece and crippled his sister. Instead, he had to piece together the events by himself after his family had already left for Jerusalem.

180. Like the rest of his immediate family, David visited his sister and niece in the hospital and experienced the shock and severe mental anguish and extreme emotional distress resulting from the emotional trauma of burying his young niece and dealing with the pain and loss experienced by his sister.

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181. As a result of the attack, plaintiff David Toporowitch has experienced severe mental anguish and extreme emotional distress from experiencing the death of his 3-year-old niece, Tehilla, as well as the severe injuries sustained by his sister and other niece.

182. Plaintiff Shaina Chava Nadel is a citizen of the United States and a resident of the State of Israel. She is a sister of plaintiff Chana Nathansen and an aunt of the three Nathansen girls.

183. Like the rest of her immediate family, Shaina visited her sister and niece in the hospital and experienced the shock and mental anguish resulting from the emotional trauma of burying her young niece and dealing with the pain and loss experienced by her sister.

184. As a result of the attack, plaintiff Shaina Chava Nadel has experienced severe mental anguish and extreme emotional distress from experiencing the death of her 3-year-old niece, Tehilla, as well as the severe injuries sustained by her sister and other niece and injuries to her brother-in-law.

185. Plaintiff Blumy Rom is a citizen of the United States and a resident of the State of Israel. She is a sister of plaintiff Chana Nathansen and an aunt of the three Nathansen girls.

186. Like the rest of her immediate family, Blumy visited her sister and niece in the hospital and experienced the shock and mental distress resulting from the emotional

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trauma of burying her young niece, Tehilla, and dealing with the pain and loss experienced by her younger sister.

187. As a result of the attack, plaintiff Blumy Rom has experienced severe mental anguish and extreme emotional distress from experiencing the death of her 3-year-old niece, Tehilla, as well as the severe injuries sustained by her sister and other niece and injuries to her brother-in-law.

188. Plaintiff Rivka Pollack is a citizen of the United States and a resident of the State of Israel. She is a sister of plaintiff Chana Nathansen and an aunt of the three Nathansen girls.

189. Like the rest of her immediate family, Rivka visited her sister and niece in the hospital and experienced severe mental anguish and extreme emotional distress from burying her young niece and dealing with the pain and loss experienced by her older sister and injuries to her brother-in-law.

190. She stayed with her baby niece S.N., caring for her during the two weeks that she was hospitalized and for two months after her discharge from the hospital. Having to change the dressings on her niece's wounds, care for her various injuries, and take her to doctors, has deeply affected her.

191. As a result of the attack, plaintiff Rivka Pollack has experienced severe mental anguish and extreme emotional distress from experiencing the death of her

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3-year-old niece, Tehilla, as well as the severe injuries incurred by her sister, other niece and brother-in-law.

192. Plaintiff Rachel Potolski is a citizen of the United States and a resident of the State of Israel. She is a sister of plaintiff Chana Nathansen and an aunt of the three Nathansen girls.

193. Like the rest of her immediate family, Rachel experienced the shock and mental distress resulting from the emotional trauma of burying her young niece, Tehilla, and dealing with the pain and loss experienced by her younger sister.

194. As a result of the attack, plaintiff Rachel Potolski has experienced severe mental anguish and extreme emotional distress from experiencing the death of her 3-year-old niece, Tehilla, as well as the severe injuries incurred by her sister, other niece and brother-in-law.

195. Plaintiff Ovadia Toporowitch is a citizen of the United States and a resident of the State of Israel. He is a brother of plaintiff Chana Nathansen and an uncle of the three Nathansen girls.

196. Like the rest of his immediate family, Ovadia experienced the shock and mental distress resulting from the emotional trauma of burying his young niece, Tehilla, and dealing with the pain and loss experienced by his younger sister.

197. As a result of the attack, plaintiff Ovadia Toporowitch has experienced severe mental anguish and

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extreme emotional distress from experiencing the death of his 3-year-old niece, Tehilla, as well as the severe injuries incurred by his sister, other niece and brother-in-law.

198. Plaintiff Tehilla Greiniman is a citizen of the United States and a resident of the State of Israel. She is a sister of plaintiff Chana Nathansen and an aunt of the three Nathansen girls.

199. Like the rest of her immediate family, Tehilla experienced the shock and mental distress resulting from the emotional trauma of burying her young niece, Tehilla, and dealing with the pain and loss experienced by her younger sister.

200. As a result of the attack, plaintiff Tehilla Greiniman has experienced severe mental anguish and extreme emotional distress from experiencing the death of her 3-year-old niece, Tehilla, as well as the severe injuries incurred by her sister, other niece and brother-in-law.

201. Plaintiff Yisrael Toporowitch is a citizen of the United States and a resident of the State of Israel. He is a brother of plaintiff Chana Nathansen and an uncle of the three Nathansen girls.

202. Like the rest of his immediate family, Yisrael experienced the shock and mental distress resulting from the emotional trauma of burying his young niece, Tehilla, and dealing with the pain and loss experienced by his younger sister.

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203. As a result of the attack, plaintiff Yisrael Toporowitch has experienced severe mental anguish and extreme emotional distress from experiencing the death of his 3-year-old niece, Tehilla, as well as the severe injuries incurred by his sister, other niece and brother-in-law.

204. Plaintiff Yitzchak Toporowitch is a citizen of the United States and a resident of the State of Israel. He is a brother of plaintiff Chana Nathansen and an uncle of the three Nathansen girls.

205. Like the rest of his immediate family, Yitzchak experienced the shock and mental distress resulting from the emotional trauma of burying his young niece, Tehilla, and dealing with the pain and loss experienced by his younger sister.

206. As a result of the attack, plaintiff Yitzchak Toporowitch has experienced severe mental anguish and extreme emotional distress from experiencing the death of his 3-year-old niece, Tehilla, as well as the severe injuries incurred by his sister, other niece and brother-in-law.

**THE JAFFA ROAD BUS #14A
BOMBING—JUNE 11, 2003**

207. At approximately 5:30 p.m. on June 11, 2003, Abd el-Mu'ati Shabana, a HAMAS suicide bomber dressed as an ultra-Orthodox Jew, boarded Egged Bus #14A at the Mahane Yehuda market. A short while later, as the bus drove down Jaffa Road near the Davidka Square, Shabana detonated his bomb, destroying the bus and

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killing 17 people and injuring over 100 more, including dozens of bystanders.

The Beer Family

208. Alan Beer was a citizen of the United States when he died.

209. Alan was on the bus returning from a condolence call to his friend's family when Shabana detonated his explosives and killed him.

210. Alan's friend, to whom he had paid the condolence call, learned of the bus bombing and telephoned plaintiff Harry Leonard Beer, Alan's brother, in Cleveland, Ohio. Harry quickly telephoned his sister, plaintiff Phyllis Maisel, whose son happened to have been in the area of the bombing earlier. Harry then telephoned his other sister, plaintiff Estelle Carroll, and informed her of the terrorist attack.

211. After speaking with her brother, Phyllis asked her son to return to the crime scene and identify Alan's body. Thereafter, Alan's mother, Anna Beer, Harry Leonard Beer and Estelle Carroll flew to Israel to attend Alan's funeral.

212. Plaintiff Harry Leonard Beer is a citizen of the United States and a resident of the State of Ohio. He is the brother of Alan Beer.

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213. Anna Beer was a citizen of the United States and a resident of the State of Ohio when she died in 2016. She was the mother of Alan Beer.

214. Plaintiff Harry Leonard Beer brings this action in his individual capacity, as the executor of the Estate of Alan Beer, and as the executor of the Estate of Anna Beer.

215. As a result of Alan's death, plaintiff Harry Leonard Beer has experienced emotional pain and suffering, loss of his brother's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

216. Plaintiff Estelle Carroll is a citizen of the United States and a resident of the State of Virginia. She is a sister of Alan Beer.

217. Plaintiff Phyllis Maisel is a citizen of the United States and a resident of the State of Israel. She is a sister of Alan Beer.

218. As a result of Alan's death, plaintiffs Estelle Carroll and Phyllis Maisel have experienced emotional pain and suffering, loss of their brother's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

219. As a result of Alan's death, (before her death) Anna Beer experienced emotional pain and suffering, loss of her youngest child's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

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The Singer Family

220. Plaintiff Sarri Anne Singer is a citizen of the United States and a resident of the State of New Jersey.

221. On June 11, 2003, Sarri boarded Bus #14A in Jerusalem to meet a friend for dinner. The bus was filled with rush hour commuters. Eventually she was able to take a seat near the window.

222. Shortly thereafter, Shabana detonated his bomb only two to three seats away from where Sarri was seated, killing everyone sitting and standing near her and causing the roof of the bus to fall in.

223. When the explosives were detonated, Sarri felt a shockwave across her face.

224. Sarri was struck with shrapnel from the explosion that entered her shoulder and broke her clavicle.

225. After the blast, she was unable to open her left eye, and her right eye was extremely restricted.

226. Sarri was unable to hear because of a loud ringing in her ears, and her eardrums ruptured.

227. Barely walking, Sarri was taken to an ambulance.

228. She incurred wounds to her face and legs resulting in scarring. She underwent physical therapy and additional surgery.

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229. Shrapnel lodged in Sarri's gums, moving her teeth and necessitating dental work.

230. As a result of the attack, plaintiff Sarri Anne Singer has sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress.

231. Plaintiff Judith Singer is a citizen of the United States and a resident of the State of New Jersey. She is the mother of plaintiff Sarri Anne Singer.

232. Judith learned of the attack when her son telephoned her at work.

233. As a result of the attack, plaintiff Judith Singer has experienced severe mental anguish and extreme emotional distress.

234. Plaintiff Eric M. Singer is a citizen of the United States and a resident of the State of New Jersey. He is the brother of plaintiff Sarri Anne Singer.

235. Eric first learned of the attack when he received an emergency phone call from his father while Eric was having lunch in a restaurant. After speaking with his mother and notifying his office, Eric and his father flew that night to Israel to be with Sarri.

236. As a result of the attack, plaintiff Eric M. Singer has experienced severe mental anguish and extreme emotional distress.

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237. Plaintiff Robert Singer is a citizen of the United States and a resident of the State of New Jersey. He is the father of plaintiff Sarri Anne Singer.

238. After learning of the attack, Robert traveled to Israel to be with his daughter.

239. As a result of the attack, plaintiff Robert Singer has experienced severe mental anguish and extreme emotional distress.

**THE COMMUTER BUS #6
BOMBING—MAY 18, 2003**

240. On May 18, 2003, Basem Takruri, a HAMAS suicide bomber, boarded Bus #6, a commuter bus heading for Jerusalem, and detonated his explosives.

241. Seven people ranging in age from 35 to 68, were killed by the explosion, and 20 others were injured.

The Averbach Family

242. Steven Averbach was a citizen of the United States and a resident of the State of Israel when he died.

243. Steven died in 2010 as a result of injuries sustained during the suicide bombing that occurred on May 18, 2003. He was 44 years old.

244. At the time of the attack Steven resided near Tel Aviv, Israel. He was a married father of four sons

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ranging in age from 2 to 13 at the time. Steven and his wife, Julie, were married in 1994 and have two sons together, Sean Averbach and Adam Averbach.

245. Steven's older sons, Tamir and Devir are from a prior marriage.

246. On May 18, 2003, Steven boarded the commuter bus heading for Jerusalem and took a seat facing the back.

247. As the bus pulled away from the stop, it suddenly stopped, and the bus driver allowed another passenger to get on.

248. Steven caught a glimpse of him and saw that he was wearing a heavy coat in warm weather that covered bulges underneath it. He also saw what looked like a trigger mechanism in his right hand.

249. Having worked in the anti-terrorist division in the Israeli Army and the Israeli Police, knowing that Israeli buses do not usually pick up passengers after they have begun to leave the station, seeing the tension on the faces of the people on the bus, and taking into account Takruri's aforementioned suspicious characteristics, Steven immediately recognized that a terrorist attack was imminent.

250. Steven grabbed the gun he carried and turned toward Takruri, who detonated the explosives.

251. Steven absorbed a substantial amount of the impact of the explosion and multiple pieces of shrapnel.

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252. Steven sustained a critical wound when a ball bearing originally packed together with the bomber's explosives penetrated through the skin and muscles of his neck and lodged between his C3 and C4 vertebrae. The ball bearing lodged in his spinal canal causing severe compression damage to his spinal cord. The object was eventually removed during surgery, but not before it had caused severe damage to his spinal cord that rendered him a quadriplegic.

253. Following surgery, Steve was moved to intensive care where he stayed for five weeks. He almost died there several times because of an extremely high fever and from the blast injury to his lungs. He subsequently underwent numerous operations to his back, groin and gastric intestines. He also had a tracheotomy and had a gastric feeding tube inserted as a result of the damage caused by the tracheotomy.

254. Steven was forced to return to the Intensive Care Unit at least twice with complications.

255. Steven was paralyzed from his neck down.

256. On more than one occasion, Steven pleaded with his doctors and family members to take him off of life support.

257. He was completely dependent on the 24-hour care provided to him and had no foreseeable hope of recovery.

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258. Steven lived in constant pain. He battled depression and took antidepressants.

259. As a result of the attack, Steven Averbach sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress from May 18, 2003 until his death.

260. Plaintiff Julie Averbach is a citizen and resident of the State of Israel. She is the widow of Steven Averbach, and the mother of plaintiffs Sean Averbach and Adam Averbach.

261. Plaintiff Julie Averbach brings this action both individually and as the legal representative of the Estate of Steven Averbach.

262. As a result of the injuries Steven sustained, Julie had to relocate her family to be closer to the rehabilitation center where Steven resided for nearly a year. Steven moved home from the rehabilitation center in July 2004 but required continuous 24-hour care. Following the attack, Julie was, in most respects, a single parent and could not enjoy the normal companionship, day-to-day assistance and mutual support that she had previously received from her husband.

263. Julie underwent psychological counseling after the attack.

264. As a result of the suffering that Steven experienced following the attack and his death that resulted from the injuries sustained in the attack, plaintiff

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Julie Averbach has experienced emotional pain and suffering, loss of her husband's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

265. Plaintiff Tamir Averbach is a citizen of the United States and a resident of the State of New Jersey. He is a son of Steven Averbach and Steven's first wife.

266. After the attack, Tamir underwent psychological counseling for approximately one year.

267. As a result of the suffering that Steven experienced following the attack and his death that resulted from the injuries sustained in the attack, plaintiff Tamir Averbach has experienced emotional pain and suffering, loss of his father's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

268. Plaintiff Devir Averbach is a citizen of the United States and a resident of the State of New Jersey. He is a son of Steven Averbach and Steven's first wife.

269. After the attack, Devir experienced difficulty making friends, his grades declined, he cried, and he felt angry. He also underwent psychological counseling.

270. Tamir and Devir witnessed their father's relentless and painful suffering and repeated surgeries and brushes with death. They remember what it was like before the attack, when he was an able-bodied man.

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271. As a result of the suffering that Steven experienced following the attack and his death that resulted from the injuries sustained in the attack, plaintiff Devir Averbach has experienced emotional pain and suffering, loss of his father's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

272. Plaintiff Sean Averbach is a citizen of the United States and a resident of the State of Israel. He is a son of Steven Averbach and Julie Averbach.

273. As a result of the brutal attack on his father, he has been emotionally traumatized and has lost the sense of protection and safety he once enjoyed from his father. Due to the severity of his father's injuries, ordinary companionship and simple pleasures of traveling with or playing sports with his father were denied to him.

274. As a result of the suffering that Steven experienced following the attack and his death that resulted from the injuries sustained in the attack, plaintiff Sean Averbach has experienced emotional pain and suffering, loss of his father's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

275. Plaintiff Adam Averbach is a citizen of the United States and a resident of the State of Israel. He is a son of Steven Averbach and Julie Averbach.

276. As a result of the brutal attack on his father he has been emotionally traumatized and does not remember

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a time when his father was capable of using his arms and legs. Due to the severity of his father's injuries, ordinary companionship and simple pleasures of walking together, playing sports together, or driving in a car with his father were denied to him.

277. As a result of the suffering that Steven experienced following the attack and his death that resulted from the injuries sustained in the attack, plaintiff Adam Averbach has experienced emotional pain and suffering, loss of his father's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

278. David Averbach was a United States citizen and resident of the State of New Jersey when he died in 2013. He was the father of Steven Averbach.

279. Plaintiff Maida Averbach is a citizen of the United States and a resident of the State of New Jersey. She is the mother of Steven Averbach.

280. Plaintiff Maida Averbach brings this action both individually and as the legal representative of the Estate of David Averbach.

281. Maida Averbach and David Averbach had returned home late on May 17, 2003, from a dinner honoring David. Soon thereafter, Maida switched on Fox News and learned that a bus had been bombed in Jerusalem on Sunday morning in Israel. Maida recognized her son's body leaning out of a stretcher on the news

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footage but decided not to inform her husband until the next morning.

282. After a sleepless night, Maida received a telephone call on Sunday morning at 5:50 a.m. from her daughter-in-law and a social worker from Hadassah Hospital. They explained that Steven had been grievously wounded by the explosion and a ball bearing had lodged between his C3 and C4 vertebrae.

283. As a respected surgeon with many years of experience, David immediately understood the severity of his son's injuries.

284. At the time of the attack, David Averbach and Maida Averbach had partially retired from their jobs so that they could spend more time with Steven and his children.

285. Following the attack, Steven's constant inability to use his hands and legs, his inevitable battle with depression and the emotional effect it has had on Steven's four children were a constant source of anguish to both of his parents.

286. As a result of the suffering that Steven experienced following the attack and his death that resulted from the injuries sustained in the attack, (before he died) David Averbach experienced emotional pain and suffering, loss of his son's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

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287. Plaintiff Maida Averbach experienced severe mental anguish and extreme emotional distress as a result of the terrorist attack from the moment she saw her son's body on television in the early morning hours of May 18, 2003.

288. As a result of the suffering that Steven experienced following the attack and his death that resulted from the injuries sustained in the attack, plaintiff Maida Averbach has experienced emotional pain and suffering, loss of her son's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

289. Plaintiff Michael Averbach is a citizen of the United States and a resident of the State of New Jersey. He is the brother of Steven Averbach.

290. Michael Averbach has always looked up to his brother and admired him. The injuries that his brother sustained, as well as his subsequent death, have been a severe emotional blow to Michael.

291. Since the date of the attack, Michael flew to Israel repeatedly, often at his brother's request, simply to sit by Steven's bedside and talk.

292. As a result of the suffering that Steven experienced following the attack and his death that resulted from the injuries sustained in the attack, plaintiff Michael Averbach has experienced emotional pain and suffering, loss of his brother's society, companionship,

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comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

293. Plaintiff Eileen Sapadin is a citizen of the United States and a resident of the State of New Jersey. She is the sister of Steven Averbach.

294. Eileen was staying at her parents' home with her husband and three of her four children on the morning her mother received notification of the attack.

295. Eileen has experienced tremendous emotional pain and sadness as a result of the severity of the injuries that Steve sustained as a result of the attack, as well as his subsequent death.

296. After the attack, she suffered from anxiety and depression, had trouble sleeping, and cried every day.

297. Since the attack, she lost more than thirty pounds and has suffered physical exacerbations of a colitis condition that was in remission prior to the attack that severely injured her brother, and subsequently resulted in his death.

298. As a result of the suffering that Steven experienced following the attack and his death that resulted from the injuries sustained in the attack, plaintiff Eileen Sapadin has experienced emotional pain and suffering, loss of her brother's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

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**THE MIKE'S PLACE BOMBING
IN TEL AVIV—APRIL 30, 2003**

299. On April 30, 2003, Asif Muhammad Hanif, a HAMAS suicide bomber, entered Mike's Place, a popular bar situated on the seashore a few hundred meters from the American Embassy in Tel Aviv, and detonated his explosives,¹ killing three people and injuring more than 50 others.

300. Hanif, 22, was a British citizen who entered Israel through Jordan.

The Rozenstein Family

301. Plaintiff Daniel Rozenstein is a citizen of the United States and a resident of the State of Florida.

302. Daniel was seated inside the bar and decided to step outside when he crossed paths with Hanif in the entryway just as he detonated his explosives.

303. As a result of the attack, Daniel suffered second degree burns over his entire body.

304. After three days in the hospital, Daniel slipped into a coma that lasted eight days. He was placed on a respirator and other life supports for two weeks. He

1. There were actually two bombers, both British nationals sent by HAMAS, but the explosive belt on one of the terrorists failed to detonate.

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remained in the hospital for one and a half months, followed by eight months of treatment as an outpatient.

305. As a result of the bombing, he sustained severe hearing loss. He has also suffered a permanent loss of balance, is often dizzy, and frequently experiences black outs.

306. Daniel's right hand no longer functions properly as it is covered in scar tissue. Much of the rest of his body is also covered by scar tissue, including his back.

307. He also suffers from memory loss, nightmares and post-traumatic stress disorder ("PTSD"). He has also sustained a traumatic brain injury ("TBI") and undergone psychological counseling.

308. As a result of the attack, plaintiff Daniel Rozenstein has sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress.

309. Plaintiff Julia Rozenstein Schon is a citizen of the United States and a resident of the State of Florida. She is the sister of plaintiff Daniel Rozenstein.

310. On the night of the bombing, Julia received a telephone call from the father of Daniel's girlfriend. She was told there had been an attack and that no one was certain of Daniel's condition.

311. When Julia first saw Daniel, she did not recognize him because his body was horribly burned, and

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his face and ears were swollen beyond recognition. She spent many days in the hospital and was there when her brother slipped into a coma.

312. Julia still suffers nightmares and is traumatized by the attack. Even now, she calls her brother compulsively to be certain that he is not in danger.

313. As a result of the attack, plaintiff Julia Rozenstein Schon has experienced severe mental anguish and extreme emotional distress.

314. Plaintiff Alexander Rozenstein is a citizen of the United States and a resident of the State of Israel. He is the father of plaintiff Daniel Rozenstein.

315. As a result of the attack, plaintiff Alexander Rozenstein has experienced severe mental anguish and extreme emotional distress.

316. Plaintiff Esther Rozenstein is a citizen of the United States and a resident of the State of Florida. She is the mother of plaintiff Daniel Rozenstein.

317. As a result of the attack, plaintiff Esther Rozenstein has experienced severe mental anguish and extreme emotional distress.

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**THE SHOOTING ATTACK ON ROUTE #60—
JANUARY 29, 2003**

318. On January 29, 2003, Farah Hamad and Yasser Hamad, two HAMAS terrorists, perpetrated a shooting attack on Route #60, seriously injuring one person.

The Steinmetz Family

319. Plaintiff Jacob Steinmetz is a citizen of the United States and a resident of the State of Israel.

320. Plaintiff Deborah Steinmetz is a citizen of the United States and a resident of the State of Israel. She is the wife of plaintiff Jacob Steinmetz.

321. On January 29, 2003, Jacob was driving their car on Route #60. Deborah sat in the front passenger seat of the car. As their car made a turn, two masked men began shooting at the car. The entire driver's side of the car was riddled with bullets.

322. Two bullets hit Jacob. One shot passed through the car seat and lodged in his leg. The other shot entered his arm and passed through his elbow.

323. After arriving at the hospital and over the next few days, Jacob underwent a number of operations.

324. Four metal spikes were surgically inserted into his bone in order to restrain his arm. The spikes remained there for three months and severely restricted his arm's mobility. Additional plastic surgeries were performed.

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Jacob received a skin graft from his leg to cover the opening in his elbow.

325. In 2003, Jacob underwent a complete elbow replacement that included the placement of a large metal hinge.

326. Presently, the use of Jacob's arm is greatly limited.

327. As a result of the attack, plaintiff Jacob Steinmetz has sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress.

328. As a result of being in the car that terrorists targeted, plaintiff Deborah Steinmetz has experienced great anxiety and severe mental anguish and extreme emotional distress.

329. Amichai Steinmetz was a citizen of the United States when he died. He is the son of plaintiffs Jacob Steinmetz and Deborah Steinmetz.

330. In 2009, Amichai Steinmetz went missing while on a trip to India. In December 2015, an Israeli court declared Amichai Steinmetz dead.

331. Following the attack and prior to his declaration of death in 2015, Amichai Steinmetz experienced severe mental anguish and extreme emotional distress as a result of the attack.

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332. Plaintiffs Jacob Steinmetz and Deborah Steinmetz bring this action both individually and on behalf of the Estate of Amichai Steinmetz.

333. Plaintiff Nava Steinmetz is a citizen of the United States and a resident of the State of Israel. She is a daughter of plaintiffs Jacob Steinmetz and Deborah Steinmetz.

334. Plaintiff Orit Mayerson is a citizen of the United States and a resident of the State of Israel. She is a daughter of plaintiffs Jacob Steinmetz and Deborah Steinmetz.

335. Plaintiff Netanel Steinmetz is a citizen of the United States and a resident of the State of Israel. He is the son of plaintiffs Jacob Steinmetz and Deborah Steinmetz.

336. As a result of the attack, plaintiffs Nava Steinmetz, Orit Mayerson and Netanel Steinmetz have experienced severe mental anguish and extreme emotional distress.

**THE HEBREW UNIVERSITY CAFETERIA
BOMBING—JULY 31, 2002**

337. On the afternoon of July 31, 2002, approximately 100 people were eating lunch in the Frank Sinatra cafeteria on the Hebrew University Mount Scopus campus in Jerusalem. A bomb planted inside the cafeteria exploded, killing nine people, five of them Americans, and injuring as many as 70 others.

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338. HAMAS planned and perpetrated the attack.

339. Mohammad Odeh, a HAMAS operative, who worked at Hebrew University as a painter for an Israeli contractor, set off the bomb.

The Coulter Family

340. Janis Ruth Coulter was a citizen of the United States when she died.

341. Janis was in the cafeteria when the bomb exploded, killing her and injuring her friend who was eating lunch with her.

342. Janis was the assistant director of the Hebrew University's Rothenberg International School's Office of Academic Affairs in New York.

343. She had arrived in Israel just one day before the bombing to accompany a group of 19 American students who were scheduled to attend classes at the university.

344. Robert L. Coulter, Sr. was a citizen of the United States and a resident of the State of Massachusetts when he died in 2018. He was the father of Janis Ruth Coulter.

345. Robert L. Coulter, Sr.'s widow, Ann Coulter, brings this action on behalf of the Estate of Robert Coulter, Sr.

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346. Robert L. Coulter, Sr. was watching television news that morning in the United States when he saw a “news flash” about a bombing at Hebrew University. Thinking he saw Janis’s head lying in an unsealed body bag, he called his other daughter, plaintiff Dianne Coulter Miller. Dianne called Janis’s boss in New York and both Robert L. Coulter, Sr. and his daughter desperately tried to reach Janis on her cell phone without success.

347. Plaintiff Dianne Coulter Miller is a citizen of the United States and a resident of the State of Massachusetts. She is the sister of Janis Ruth Coulter.

348. Plaintiff Robert L. Coulter, Jr. is a citizen of the United States and a resident of the State of Massachusetts. He is the brother of Janis Ruth Coulter.

349. Plaintiffs Dianne Coulter Miller and Robert L. Coulter, Jr. bring actions individually and as the legal representatives of the Estate of Janis Ruth Coulter.

350. Robert L. Coulter, Jr. had heard about the bombing on the radio on the way to work but did not make the connection with Janis’s visit to Israel. His father called him at work about the possibility that Janis was at the cafeteria, whereupon he drove immediately to his father’s house.

351. Initially, Janis was identified only through the numbers on her medical alert bracelet. Eventually, the family retrieved Janis’s dental records and faxed them to Israel where, later that evening, her death was confirmed.

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352. As a result of Janis's death, (before his own death in 2018) plaintiff Robert L. Coulter, Sr. experienced emotional pain and suffering, loss of his daughter's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

353. As a result of Janis's death, plaintiff Dianne Coulter Miller has experienced emotional pain and suffering, loss of her sister's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

354. As a result of Janis's death, plaintiff Robert L. Coulter, Jr. has experienced emotional pain and suffering, loss of his sister's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

The Carter Family

355. Diane Leslie Carter was a citizen of the United States when she died.

356. She was eating lunch in the cafeteria when the bomb exploded.

357. Diane was killed by the bomb blast.

358. In 1990, Diane had moved to Israel, where she worked as a librarian and archivist in the National Library on the Givat Ram campus of Hebrew University in Jerusalem.

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359. Plaintiff Larry Carter is a citizen of the United States and a resident of the State of North Carolina. He is the father of Diane Leslie Carter.

360. Plaintiff Larry Carter brings this action both individually and as the Administrator of the Estate of Diane Leslie Carter.

361. Larry learned of his daughter's death from a journalist who called his home. After conferring with his ex-wife, Diane's mother, Larry was able to confirm that his daughter was, in fact, killed in the bombing.

362. Plaintiff Shaun Choffel is a citizen of the United States and a resident of the State of Virginia. She is the sister of Diane Leslie Carter.

363. Both Larry and Shaun learned that Diane had been buried in Israel only moments before the funeral was scheduled to begin. Neither of them had the opportunity to say goodbye to Diane.

364. As a result of Diane's death, plaintiff Larry Carter has experienced emotional pain and suffering, loss of his daughter's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

365. As a result of Diane's death, plaintiff Shaun Choffel has experienced emotional pain and suffering, loss of her sister's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

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The Blutstein Family

366. Benjamin Blutstein was a citizen of the United States when he died.

367. He was killed by the bomb blast.

368. Benjamin had come to Israel for a two-year study program at the Pardes Institute in Jerusalem to become a teacher.

369. Benjamin was scheduled to fly home to visit his family in Pennsylvania the day after he was murdered by HAMAS terrorists. Instead, two days after the attack, Benjamin's body was flown home and buried in his parents' hometown of Harrisburg, Pennsylvania.

370. Plaintiff Richard Blutstein is a citizen of the United States and a resident of the State of Pennsylvania. He is the father of Benjamin Blutstein.

371. Plaintiff Katherine Baker is a citizen of the United States and a resident of the State of Pennsylvania. She is the mother of Benjamin Blutstein.

372. Plaintiffs Richard Blutstein and Katherine Baker bring this action both individually and on behalf of the Estate of Benjamin Blutstein.

373. Plaintiff Rebekah Blutstein is a citizen of the United States and a resident of the State of Pennsylvania. She is the sister of Benjamin Blutstein.

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374. Richard first heard about the attack while watching Fox News early in the morning. He then called Benjamin's cell phone and heard a recording. Shortly thereafter he contacted friends in Israel to ascertain if Benjamin had been injured in the attack. After a friend made a positive identification, Richard received a call confirming Benjamin's death.

375. Katherine learned that her son had been killed in the attack when she received a call from a representative of the American Embassy. She was too overwhelmed with emotion to call her husband. Richard received the call from a neighbor, who was with Katherine. Katherine then composed herself enough to inform her daughter, Rebekah.

376. As a result of Benjamin's death, plaintiff Richard Blutstein has experienced emotional pain and suffering, loss of his son's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

377. As a result of Benjamin's death, plaintiff Katherine Baker has experienced emotional pain and suffering, loss of her son's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

378. Although Rebekah's father had informed her about the attack, Rebekah learned that her brother had died when her mother telephoned her.

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379. As a result of Benjamin's death, plaintiff Rebekah Blutstein has experienced emotional pain and suffering, loss of her brother's society, companionship, comfort, protection, advice and counsel, and severe mental anguish and extreme emotional distress.

The Gritz Family

380. David Gritz was a citizen of the United States when he died.

381. He was killed by the bomb blast.

382. He had come to Israel for the first time with the help of a scholarship from the Hartman Institute to study philosophy and write his doctorate.

383. He died after being in Israel for only two weeks.

384. Norman Gritz was a citizen of the United States and a resident of France when he died in 2005. He was the father of David Gritz.

385. Plaintiff Nevenka Gritz is a citizen and resident of France. She is the mother of David Gritz, who was an only child.

386. Plaintiff Nevenka Gritz brings this action individually and on behalf of the Estate of David Gritz and the Estate of Norman Gritz.

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387. Nevenka and Norman were in New York on the day their son was murdered. Friends informed them that television reports had indicated that a bombing had taken place at Hebrew University. Nevenka and her husband attempted to reach their son by phone, and then called the Israeli consulate in the hopes of getting more information. Eventually, confirmation came from the Israeli consulate that David's body had been identified.

388. As a result of David's death, (prior to his death) Norman Gritz experienced emotional pain and suffering, loss of his only child's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

389. As a result of David's death, plaintiff Nevenka Gritz has experienced emotional pain and suffering, loss of her only child's society, companionship, comfort, advice and counsel, and severe mental anguish and extreme emotional distress.

THE SHEFFIELD CLUB BOMBING—MAY 7, 2002

390. On the night of May 7, 2002, Muhammad Muammar, a HAMAS suicide bomber, entered the third floor of a building in Rishon Letzion's new industrial area that housed the Sheffield Club (social club) and detonated a bomb.

391. Fifteen people were killed in the attack, and more than 50 others were injured.

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The Bablar Family

392. Esther Bablar was a citizen of the United States when she died.

393. Although Esther initially survived the attack, she died of her injuries the following morning.

394. Plaintiff Jacqueline Chambers is a citizen of the United States and a resident of the State of Florida. She is a daughter of Esther Bablar.

395. Plaintiff Levana Cohen is a citizen of the United States and a resident of the State of Florida. She is a daughter of Esther Bablar.

396. Plaintiffs Jacqueline Chambers and Levana Cohen bring actions both individually and on behalf of the Estate of Esther Bablar.

397. Esther had spent the month before the bombing in Florida with her youngest daughter, Levana, who had just given birth to Esther's grandchild. The day before the attack she had been in New York visiting her other daughter, Jacqueline.

398. On the day of the attack, a member of the Bablar family in Israel contacted Esther's sister, Sarah Elyakim, in New York and told her the tragic news. Eventually Esther's daughters were notified, and they quickly made arrangements to fly to Israel with their aunt and uncle.

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399. As a result of Esther's death, plaintiff Jacqueline Chambers has experienced emotional pain and suffering, and the loss of her mother's society, companionship, comfort, protection, attention, advice and counsel, and severe mental anguish and extreme emotional distress.

400. As a result of Esther's death, plaintiff Levana Cohen has experienced emotional pain and suffering, and the loss of her mother's society, companionship, comfort, protection, attention, advice and counsel, and severe mental anguish and extreme emotional distress.

401. Plaintiff Eli Cohen is a citizen of the United States and a resident of the State of New York. He is the son of Esther Bablar. He is being represented by his legal guardian, plaintiff Jacqueline Chambers.

402. As a result of Esther's death, plaintiff Eli Cohen has experienced emotional pain and suffering, and the loss of his mother's society, companionship, comfort, protection, attention, advice and counsel, and severe mental anguish and extreme emotional distress.

403. Plaintiff Sarah Elyakim is a citizen of the United States and a resident of the State of New York. She is the sister of Esther Bablar.

404. As a result of Esther's death, plaintiff Sarah Elyakim has experienced emotional pain and suffering and the loss of her sister's companionship, advice and counsel, and severe mental anguish and extreme emotional distress.

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405. Plaintiff Joseph Cohen is a citizen of the United States and a resident of the State of New York. He is the brother of Esther Bablar.

406. As a result of Esther's death, plaintiff Joseph Cohen has experienced emotional pain and suffering and the loss of his sister's companionship, advice and counsel, and severe mental anguish and extreme emotional distress.

**THE PASSOVER MASSACRE AT THE PARK
HOTEL IN NETENAYA—MARCH 27, 2002**

407. On March 27, 2002, Abd al-Baset Odeh, a HAMAS suicide bomber, blew himself up near the dining area within the Park Hotel in Netanya. It was the night of the Jewish holiday of Passover, and the hotel dining room was filled with hundreds of people celebrating the Passover Seder with their families and friends.

408. Thirty people were killed, and 140 others were injured.

The Rogen Family

409. Hannah Rogen was a citizen of the United States when she died.

410. Hannah was severely wounded in the attack and died of her wounds six days later, on April 2, 2002.

411. Hannah was a Holocaust survivor who immigrated to the United States after World War II. She

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was attending the Passover Seder at the invitation of a childhood friend, Yulia Talmi, who was also killed in the attack.

412. Greta Geller is the great niece of Hannah Rogen. She, along with Ilana Dorfman, Rephael Kitsis, and Tova Guttman, bring this action as the court-appointed administrators of the Estate of Hannah Rogen.

**THE BEN YEHUDA STREET BOMBINGS—
DECEMBER 1, 2001**

413. In the late evening of December 1, 2001, Nabil Halabiya and Osama Bahar, two HAMAS suicide bombers, blew themselves up in a pedestrian mall in Jerusalem as part of a coordinated double suicide bombing. A large quantity of nails was packed with each of the bombs. Eleven people were killed, and 188 others were injured.

414. After the two suicide bombings, HAMAS terrorists detonated a car bomb near the site of the first two attacks.

The Spetner Family

415. Plaintiff Temima Spetner is a citizen of the United States and a resident of the State of Missouri.

416. On December 1, 2001, Temima was walking down the pedestrian mall in Jerusalem when one of the suicide bombers detonated his explosives approximately 10 yards from where she was standing. Temima was hit

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by shrapnel on her arms and fingers. While bleeding heavily, and with clothing soaked in blood, Temima began running up the walkway and fell. Someone came to her aid and attempted to stop the bleeding until ambulances arrived at the scene.

417. As a result of the attack, the femoral artery of Temima's right leg was severed. She was transported to the hospital where doctors operated on her to stop the bleeding. The following day it was determined that Temima's intestines had been punctured by shrapnel, and she underwent another operation to repair her intestines and remove most of the shrapnel. Temima remained in the hospital for ten days.

418. There is significant scarring on Temima's thigh and the lower part of her abdomen. She continues to experience numbness in her right leg and is highly sensitive to pain in that leg.

419. Temima has also experienced psychological trauma as a result of the attack.

420. As a result of the attack, plaintiff Temima Spetner has sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress.

The Kirschenbaum Family

421. Plaintiff Jason Kirschenbaum is a citizen of the United States and a resident of the State of New York.

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422. Jason Kirschenbaum was on Ben Yehuda Street in Jerusalem on December 1, 2001 when the double suicide bombing took place.

423. As a result of the first explosion, Jason was thrown to the ground. As he stood up, the second suicide bomber detonated his explosives and Jason was thrown in another direction.

424. When he got up the second time, he felt numb. Jason saw his left arm dangling back and forth and held it because he thought it might fall off. When he began running up the street for help, he felt a sharp pain in his leg and back.

425. Jason was taken to Shaare Zedek Hospital in Jerusalem where he underwent two operations. Surgeons removed 8 metal bolts from his arm, leg and back.

426. Jason had to undergo several months of physical therapy for the injuries to his arm, leg and back. He still has scarring where he was branded by the bolts that penetrated his skin.

427. As a result of the attack, plaintiff Jason Kirschenbaum has sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress.

428. Plaintiff Isabelle Kirschenbaum is a citizen of the United States and a resident of the State of New York. She is the mother of plaintiff Jason Kirschenbaum.

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429. Martin Kirschenbaum was a citizen of the United States and a resident of the State of New York when he died in 2008. He was the father of plaintiff Jason Kirschenbaum.

430. Plaintiff Isabelle Kirschenbaum brings this action both individually and as the representative of the Estate of Martin Kirschenbaum.

431. Isabelle first learned of the double suicide bombing while watching CNN. After numerous telephone conversations, she ultimately received a telephone call confirming that Jason had been injured in the attack.

432. As a result of the attack, plaintiff Isabelle Kirschenbaum has experienced severe mental anguish and extreme emotional distress.

433. Martin Kirschenbaum learned of the attack when he and Isabelle Kirschenbaum received the telephone call confirming that Jason had been injured in the attack.

434. As a result of the attack, (before his death) Martin Kirschenbaum experienced severe mental anguish and extreme emotional distress.

435. Plaintiff Joshua Kirschenbaum is a citizen of the United States and a resident of the State of New York. He is a brother of plaintiff Jason Kirschenbaum.

436. Joshua Kirschenbaum was in Tel Aviv at the time of the attack. Martin and Isabelle telephoned Joshua

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to advise him that his brother Jason had been injured in the attack in Jerusalem. Hours later, he finally located his brother in the emergency room at Shaare Zedek Hospital in Jerusalem.

437. As a result of the attack, plaintiff Joshua Kirschenbaum has experienced severe mental anguish and extreme emotional distress.

438. Plaintiff Shoshana Burgett is a citizen of the United States and a resident of the State of New York. She is a sister of plaintiff Jason Kirschenbaum.

439. As a result of the attack, plaintiff Shoshana Burgett has experienced severe mental anguish and extreme emotional distress.

440. Plaintiff David Kirschenbaum is a citizen of the United States and a resident of the State of New York. He is a brother of plaintiff Jason Kirschenbaum.

441. As a result of the attack, plaintiff David Kirschenbaum has experienced severe mental anguish and extreme emotional distress.

442. Plaintiff Danielle Teitelbaum is a citizen of the United States and a resident of the State of New Jersey. She is a sister of plaintiff Jason Kirschenbaum.

443. As a result of the attack, plaintiff Danielle Teitelbaum has experienced severe mental anguish and extreme emotional distress.

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The Miller Family

444. Plaintiff Netanel Miller is a citizen of the United States and a resident of the State of Israel.

445. On the evening of December 1, 2001, Netanel was with friends enjoying ice cream at the pedestrian mall in Jerusalem when one of the HAMAS suicide bombers detonated his explosives a few feet away from him. Netanel had his back to the bomber, and he was thrown to the ground as a result of the explosion.

446. A nut from the bomb lodged in the upper part of Netanel's leg. Other nuts hit him in the back, resulting in burns. His hand and knee were also injured.

447. Netanel, in shock and unaware of the severity of his injuries, attempted to walk home, limping on his injured leg. After walking approximately 30 feet, Netanel collapsed on the sidewalk. Only then did Netanel become aware of how much he was bleeding from the wounds he had sustained in his leg. His attempts to use pressure to stop the bleeding were unsuccessful.

448. Some people stopped to help him, and Netanel handed them his cellular phone, asking them to call his parents, Arie and Chaya Miller. Netanel spoke to his father, who had been an Army medic. Arie asked Netanel specific questions about his condition and insisted Netanel seek medical help.

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449. Ultimately, Netanel was taken to Shaare Zedek Hospital by ambulance. Since Netanel had lost a great deal of blood, he was given a blood transfusion.

450. Arie came to the hospital. Chaya arrived an hour or so later after she found someone to stay with her other children at her home.

451. Netanel was admitted to the hospital and remained there for two days.

452. Netanel endured the pain in his leg for nearly two years.

453. The pain in Netanel's leg became so severe that he had to undergo surgery, and the nut that was still lodged in his leg was finally removed.

454. It is still painful for Netanel to hike, an activity that he has always enjoyed.

455. Netanel had flashbacks as a result of the attack and underwent psychological counseling.

456. As a result of the attack, plaintiff Netanel Miller has sustained severe physical injuries and experienced severe mental anguish and extreme emotional distress.

457. Plaintiff Chaya Miller is a citizen of the United States and a resident of the State of Israel. She is the mother of plaintiff Netanel Miller.

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~~458.~~ Plaintiff Arie Miller is a citizen and resident of the State of Israel. He is the father of plaintiff Netanel Miller.

~~459.~~458. Upon learning that ~~their~~her son Netanel had been injured in the bombing and knowing he has suffered greatly as a result of those injuries, ~~plaintiffs~~plaintiff Chaya Miller and Arie Miller experienced great concern and anxiety.

~~460.~~459. As a result of the attack, ~~plaintiffs~~plaintiff Chaya Miller and Arie Miller ~~have~~has experienced severe mental anguish and extreme emotional distress.

~~461.~~460. Plaintiff Aharon Miller is a citizen of the United States and a resident of the State of Israel. He is the brother of plaintiff Netanel Miller.

~~462.~~461. Plaintiff Shani Miller is a citizen of the United States and a resident of the State of Israel. She is a sister of plaintiff Netanel Miller.

~~463.~~462. Plaintiff Adiya Miller is a citizen of the United States and a resident of the State of Israel. She is a sister of plaintiff Netanel Miller.

~~464.~~463. As a result of the attack, plaintiffs Aharon Miller, Shani Miller, and Adiya Miller have experienced severe mental anguish and extreme emotional distress.

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The Steinherz Family

~~465.~~464. Plaintiff Altea Steinherz is a citizen of the United States and a resident of the State of Israel.

~~466.~~465. Plaintiff Jonathan Steinherz is a citizen of the United States and a resident of the State of Israel. He was the husband of plaintiff Altea Steinherz at the time of the attack.

~~467.~~466. On December 1, 2001, Altea Steinherz was nine months pregnant. Altea and Jonathan were at a restaurant in Jerusalem when they heard a bomb explode nearby.

~~468.~~467. Altea wanted to get home to her daughter who was with a babysitter at the time, but she knew that bombings in Israel were frequently followed by a second bomb intended to kill or injure people fleeing from the first bomb.

~~469.~~468. A short time later Altea and Jonathan heard another bomb explode. Believing the bombing was now over, they began to walk home.

~~470.~~469. While walking in the street, they saw a crazed-looking man run past them. Altea thought that he might have been the bomber and insisted that the couple turn around, away from the direction from which the man had come.

~~471.~~470. As they began to run, Altea fell twice, and she broke her left arm as a result of one of the falls.

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~~472-471.~~ She experienced severe pain in her arm after the attack and continued to experience pain for many years afterward.

~~473-472.~~ Altea was afraid that, as a result of her falls, her pregnancy might have terminated.

~~474-473.~~ Until her son, Yitzhak, was born 11 days later, Altea and Jonathan feared for the condition of their unborn child.

~~475-474.~~ Altea became less self-confident and more fearful generally. She had sleeping difficulties and underwent psychological counseling.

~~476-475.~~ Jonathan felt tremendous anxiety and stress, had significant difficulty sleeping, and underwent psychological counseling.

~~477-476.~~ As a result of the attack, plaintiff Altea Steinherz sustained physical injuries and experienced severe mental anguish and extreme emotional distress.

~~478-477.~~ As a result of the attack, plaintiff Jonathan Steinherz experienced severe mental anguish and extreme emotional distress.

~~479-478.~~ Plaintiff Temima Steinherz is a citizen of the United States and a resident of the State of Israel. She is the daughter of plaintiffs Altea Steinherz and Jonathan Steinherz.

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~~480.~~479. As a result of the attack, plaintiff Temima Steinherz has experienced severe mental anguish and extreme emotional distress.

~~481.~~480. Plaintiff Joseph Ginzberg is a citizen of the United States and a resident of the State of New York. He is the father of plaintiff Altea Steinherz.

~~482.~~481. As a result of the attack, plaintiff Joseph Ginzberg has experienced severe mental anguish and extreme emotional distress.

~~483.~~482. Plaintiff Peter Steinherz is a citizen of the United States and a resident of the State of New York. He is the father of plaintiff Jonathan Steinherz.

~~484.~~483. Plaintiff Laurel Steinherz is a citizen of the United States and a resident of the State of New York. She is the mother of plaintiff Jonathan Steinherz.

~~485.~~484. As a result of the attack, plaintiffs Peter Steinherz and Laurel Steinherz have experienced severe mental anguish and extreme emotional distress.

**PATT JUNCTION BUS # 32A
BOMBING—JUNE 18, 2002**

~~486.~~485. At approximately 7:50 a.m. on June 18, 2002, Muhamad al-Ghoul, a HAMAS terrorist, boarded Bus #32A in the Gilo neighborhood of Jerusalem. Almost immediately, he detonated the large bomb which he carried in a bag stuffed with ball bearings. The blast

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destroyed the front half of the bus, packed with people on their way to work and a group of schoolchildren. Nineteen people were killed, and 74 others were injured.

The Aluf Family

~~487.~~486. Boaz Aluf was a citizen of the State of Israel when he died.

~~488.~~487. Plaintiff Gila Aluf is a citizen of the United States and a resident of the State of Israel. She is the widow of Boaz Aluf.

~~489.~~488. On the morning of June 18, 2002, Boaz was going to work in the computer department of Jerusalem's Bank Tefahot and was on Bus #32A when al-Ghoul detonated the bomb.

~~490.~~489. As a result of Boaz's death, plaintiff Gila Aluf has experienced emotional pain and suffering, and the loss of her husband's society, companionship, comfort, protection, attention, advice and counsel, and severe mental anguish and extreme emotional distress.

THE ARIEL BOMBING—OCTOBER 27, 2002

~~491.~~490. On October 27, 2002, Muhammad Kazid Faysal al-Bustami, a HAMAS suicide bomber, detonated his explosives at a gas station outside of the West Bank town of Ariel, killing three Israeli soldiers and injuring 15 other people.

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The Zahavy Family

~~492-491.~~ Plaintiff Yitzhak Zahavy is a citizen of the United States and a resident of the State of Israel.

~~493-492.~~ On October 27, 2002, Yitzhak was waiting with his platoon for a transport pickup at a gas station at the entrance to the town of Ariel.

~~494-493.~~ Al-Bustami emerged and stood approximately 50 meters from Yitzhak.

~~495-494.~~ Three of Yitzhak's fellow soldiers were killed as they (and Yitzhak) unsuccessfully attempted to stop al-Bustami before he detonated his explosives.

~~496-495.~~ Yitzhak suffered shrapnel injuries to his leg and was taken to Meir Hospital.

~~497-496.~~ The emotional effects of the attack continue to affect Yitzhak to the present day.

~~498-497.~~ As a result of the attack, plaintiff Yitzhak Zahavy has sustained physical injuries and experienced severe mental anguish and extreme emotional distress.

~~499-498.~~ Plaintiff Julie Zahavy is a citizen of the United States and a resident of the State of Israel. She is the wife of plaintiff Yitzhak Zahavy.

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~~500.499.~~ As a result of the attack, plaintiff Julie Zahavy has experienced severe mental anguish and extreme emotional distress.

~~501.500.~~ Plaintiff Tzvee Zahavy is a citizen of the United States and a resident of the State of New Jersey. He is the father of plaintiff Yitzhak Zahavy.

~~502.501.~~ Plaintiff Bernice Zahavy is a citizen of the United States and a resident of the State of New Jersey. She is the mother of plaintiff Yitzhak Zahavy.

~~503.502.~~ As a result of the attack, plaintiffs Tzvee Zahavy and Bernice Zahavy have experienced severe mental anguish and extreme emotional distress.

B. The Defendant

~~504.503.~~ Defendant BLOM BANK is a banking corporation organized under the laws of Lebanon and headquartered in Beirut, Lebanon.

~~505.504.~~ BLOM BANK was established in 1951 as Banque du Liban et D'Outre Mer. In 2000, it changed its name to BLOM BANK. By 2016, BLOM BANK was Lebanon's largest bank by market capitalization, with revenue of \$2.35 billion and total assets of \$29.52 billion. It has over 4,000 employees.

~~506.505.~~ In 1962, Dr. Naaman Azhari was appointed as General Manager of BLOM BANK S.A.L. In 1971, Dr. Azhari was appointed as Chairman of the bank. Dr.

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Azhari occupied the two positions until 2007, when he was appointed as Chairman of BLOM BANK Group. His son, Saad Azhari, has subsequently served as Chairman of the Board and General Manager of BLOM BANK. Saad Azhari also serves as the Vice-President of the Association of Banks in Lebanon (“ABL”), a cooperative association of approximately 65 banks in Lebanon.²

~~507-506.~~ During the relevant period (1998-2004), BLOM BANK conducted business in the United States and in New York through correspondent bank accounts at Bank of New York, Citibank and American Express Bank.

FACTUAL ALLEGATIONS**I. THE ISLAMIC RESISTANCE MOVEMENT (HAMAS)****A. HAMAS’s Founding**

~~508-507.~~ Several prominent terrorist organizations operate in Palestinian-controlled territory, most notably the Islamic Resistance Movement (“HAMAS”), a radical Islamist terrorist organization committed to the globalization of Islam through violent “jihad” (holy war).

2. The association includes, *inter alia*, Bank Saderat and al-Bilad Islamic Bank, both of which were designated SDGTs by the U.S. Treasury Department. Although Bank Saderat was designated in 2007, its membership in ABL was not suspended until 2014.

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~~509~~508. HAMAS³ was established in the Gaza Strip on December 10, 1987, shortly following the outbreak of the First Intifada.⁴ HAMAS announced its founding in an “official” communique on December 14, 1987.

~~510~~509. It represented the culmination of approximately 15 years of preparation and organization building, led by Ahmed Yassin (also known as “Sheikh Yassin”), the unrivaled leader of what had been the Muslim Brotherhood Movement in the Gaza Strip.⁵

~~511~~510. Although Yassin had been confined to a wheelchair throughout his adult life, he worked unceasingly for the establishment of HAMAS in the Gaza Strip. When HAMAS was established in Yassin’s home in 1987, the Islamic Resistance Movement already had a defined ideology and a group of pre-existing institutions in Gaza, such as *Al-Mujama Al-Islami* (the Islamic Center) founded in 1973, *Al-Jam’iya Al-Islamiya*

3. HAMAS is an acronym of the Arabic “*Harakat al-Muqawama al-Islamiya*”—Islamic Resistance Movement—but its name also means, in Arabic, enthusiasm, courage, zeal for battle.

4. The term “First Intifada,” as used herein, relates to the violent conflict that broke out in December 1987 between the Palestinians and Israel.

5. The Muslim Brotherhood Movement was established in Egypt in 1928 by Hassan al-Banna, and was dedicated to the goal of fighting Western influences on Muslim society; ensuring the adherence of Muslims to Islamic law (Shari’a); and following the rectification of Muslim society, to eventually establish an Islamic state that would expand its rule over the world by means of jihad and a call to join Islam.

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(the Islamic Society) founded in 1976, and the Islamic University of Gaza, that were the flagship institutions of the Brotherhood's civilian social framework—the *da'wa*.⁶

~~512~~.511. On December 10, 1987, after violence broke out in the Jabalia Refugee Camp, Sheikh Yassin invited six of the leaders of the Muslim Brotherhood in Gaza to his home.

~~513~~.512. There the group decided on the establishment of HAMAS, an organization that would combine terror against Israel with the *da'wa* (social welfare activities), through organizations such as *Al-Mujama Al-Islami* and *Al-Jam'iya Al-Islamiya*. The seven participants of that group are considered by HAMAS to be its founding fathers.

~~514~~.513. In an interview reported in the *Filisteen al-Muslima* newspaper in January 1998, Dr. Ibrahim al-Yazuri, one of the original founding fathers of HAMAS, offered a telling description of HAMAS's philosophy regarding charitable giving:

Everyone knows that the Islamic Resistance Movement, HAMAS, is a Palestinian Jihad movement that strives for the liberation of all Palestine, from the (Mediterranean) sea to the river (Jordan), from the north to the south, from the tyrannical Israeli occupation, and this is the

6. The word "*da'wa*," whose basic meaning in Arabic is "the call to the believers to shelter beneath the faith—return to the faith," is used herein to refer to "the civilian infrastructure of Hamas."

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main part of its concern. Social work is carried out in support of this aim, and it is considered to be part of the HAMAS movement's strategy . . . The HAMAS movement is concerned about its individuals and its elements, especially those who engage in the blessed jihad against the hateful Israeli occupation, since they are subjected to detention or martyrdom. The movement takes care of their families and their children and provides them with as much material and moral support as it can. This is one of the fundamental truths of Islamic work and thus represents the duties of the Islamic state . . . The movement provides this aid through the support and assistance it gives to the zakat (Islamic alms-giving) committees and the Islamic associations and institutions in the Gaza Strip.

514. HAMAS has a unified leadership structure that oversees the organization's complementary political, social and "military" components. Notwithstanding HAMAS's outward division into various subordinate entities such as social welfare organizations, student clubs, religious institutions and political operations, these entities are integral, constituent parts of HAMAS itself, and to the extent that these entities have putatively separate legal personalities or corporate forms, that was (and is) aimed at assisting HAMAS to conduct its criminal and terrorist activities using different names and aliases to avoid reprisal.

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515. In *United States v. El-Mezain*, 664 F.3d 467, 485-86 (5th Cir. 2011), the Fifth Circuit explained how “ Hamas operates political, military, and social branches to serve its overall goal to destroy Israel” through “violent jihad”:

Hamas’s social wing serves this purpose in multiple ways. It provides social services like education and medical care to the needy through the operation of schools and hospitals. But it also builds grassroots support for Hamas and its violent activities through these same means. The social wing is crucial to Hamas’s success because, through its operation of schools, hospitals, and sporting facilities, it helps Hamas win the “hearts and minds” of Palestinians while promoting its anti-Israel agenda and indoctrinating the populace in its ideology. The social wing also supports the families of Hamas prisoners and suicide bombers, thereby providing incentives for bombing, and it launders money for all of Hamas’s activities. Therefore, aid to Hamas’s social wing critically assists Hamas’s goals while also freeing resources for Hamas to devote to its military and political activities. (Emphasis added.)

B. HAMAS Rejected the Oslo Accords

515-516. In December 1992, as a result of increased terrorist activity perpetrated by HAMAS, the government of Israel decided to deport over 350 HAMAS operatives

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to Marj al-Zuhur in Lebanon. The location became a training camp for the operatives, and an incubator of radicalism. This later became known as the “*Marj al-Zuhur* Deportation.”

~~516~~517. The *Marj al-Zuhur* Deportation was a formative moment in the history of HAMAS, assigning it almost mythical status. It established HAMAS’s status as a leading Palestinian political organization and brought it to prominence in the Arab and international arenas. HAMAS members who were deported to *Marj al-Zuhur* have a special place in the movement’s history, and quickly became the most iconic members of HAMAS and the leadership of the HAMAS *da’wa*.

~~517~~518. The international community condemned the deportations, and at the end of 1993, the Israeli Supreme Court ultimately determined that the Government of Israel was compelled to accept the return of the *Marj al-Zuhur* deportees.

~~518~~519. On September 13, 1993, President Clinton hosted the signing ceremony in Washington, D.C. for the so-called “Oslo Accords” presented by Palestine Liberation Organization (“PLO”) Chairman Yasser Arafat and Israeli Prime Minister Yitzhak Rabin and his foreign minister, Shimon Peres.

~~519~~520. The Oslo Accords had several significant aspects, including the withdrawal of Israeli forces from parts of the West Bank and Gaza, and the creation of the Palestinian National Authority (“PA”), headed by Arafat. Under the agreement, the newly-formed PA

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would perform the services previously provided by Israel, including education, health, social welfare, taxation and tourism.

~~520~~521. The agreement also included Letters of Mutual Recognition, whereby the Israeli government recognized the PLO as the legitimate representative of the Palestinian people, while the PLO recognized Israel's existence and purportedly renounced terrorism, violence, and the desire for the destruction of Israel.

~~521~~522. The Oslo Accords were not, however, universally accepted by the Palestinian factions. HAMAS, which historically did not accept the secular PLO as the sole official representative of the Palestinian people, rejected the agreement for its recognition of Israel's right to exist. The Oslo Accords contradicted HAMAS's most valued tenet—the destruction of the State of Israel and the creation of an Islamic state in its place.

~~522~~523. Accordingly, HAMAS pursued a three-pronged strategy in the early 1990s.

~~523~~524. First, it upgraded its terror apparatus by perfecting its bomb-making skills and improving the capabilities of its military wing, the *Izz al-Din al-Qassam* Brigades (herein, the “Qassam Brigades”).

~~524~~525. Second, it intensified its efforts to systematically gain control of pre-existing *zakat*⁷

7. *Zakat* is a form of alms-giving treated in Islam as a religious obligation, second in importance to prayer.

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committees and other religious and social institutions that would ultimately compete with the PA for the “hearts and minds” of the Palestinian public in Gaza, the West Bank and even the Palestinian refugee camps in Jordan and Lebanon.

~~525-526.~~ Third, it accelerated the development of its world-wide fundraising network. While HAMAS enjoyed support from wealthy patrons in the Persian Gulf even in its prior incarnation as Sheikh Yassin’s Muslim Brotherhood branch in Gaza, the Oslo Accords galvanized its supporters in Europe, Africa and even the United States.

~~526-527.~~ Sanabil Association for Relief and Development, Subul al-Khair and the Islamic Welfare Association (Lebanon) were all *da’wa* institutions in Lebanon tasked by HAMAS to extend HAMAS’s reach into the Palestinian refugee camps where the organization was competing both with its long-time Palestinian nemesis, Fatah, and the growing power and appeal of Hezbollah.

~~527-528.~~ HAMAS fundraisers and other operatives located abroad are key members of the HAMAS *da’wa*, closely tied to *da’wa* and Qassam Brigades operatives on the ground in the West Bank and the Gaza Strip, as well as to HAMAS political leaders in Lebanon, Turkey, Qatar and elsewhere in the Middle East.

~~528-529.~~ HAMAS’s fundraising activities became the subject of public knowledge not long after it was formed. In 1994, *The New York Times* reported:

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HAMAS funding of all its activities is estimated by the Israelis at about \$30 million a year. It comes from money collected by associations operating largely abroad but with ties to the international Muslim Brotherhood network. Money is also collected from Islamic and Arab communities in the United States and in Britain, the Netherlands and other Western European locations.

~~529~~530. Similarly, in 1996, *The New York Times* reported:

Israeli, Palestinian and Western intelligence officials say Jordan is a major conduit for much of the HAMAS budget, estimated at \$70 million a year, nearly all of it for the social service network of mosques, hospitals, schools and other institutions that form the movement's political base in the West Bank and Gaza Strip.

. . . Jordan, intelligence officials say, is a major path through which money reaches the HAMAS network of mosques and charities. Jordanian intelligence reports indicate that much of the money is coming from the Persian Gulf emirates and Saudi Arabia.

~~530~~531. A *Washington Post* article in 2001 reported that, “[a]ccording to [Sheikh] Yassin, [HAMAS] distributes \$2 million to \$3 million in monthly handouts to the relatives of Palestinian suicide bombers; ‘martyrs’ who have been killed by Israelis; and prisoners in Israeli jails.”

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~~531.~~532. During this time, emboldened by increased support and intensified zeal, HAMAS broadened its operations from kidnapping and executing people suspected of cooperating with Israel to murdering civilians in Israel. In 1994 alone, HAMAS carried out three separate suicide bombings of buses in Israel, killing 35 people.

533. The U.S. Department of Justice summarized HAMAS's *da'wa* and its role in the organization's terrorism:

While Hamas thus engages in many different activities, it is one organization. The social and charitable elements of Hamas are inexorably intertwined with the terrorist elements in the organization's overall mission. For example, Hamas' charitable network helps it maintain popular support, to compete with the Palestinian Authority, and to recruit activists, including individuals for its deadly terrorist attacks. In addition, Hamas' charitable associations serve in part as a screen for its covert activities, providing a benign cover through which money can be transferred from overseas into Hamas-controlled institutions. The overseas funds flowing into Hamas' social and charitable infrastructure free other resources for use in terrorist operations.⁸

8. # Final Brief for Appellees, *Holy Land Foundation v. Ashcroft*, No. 02-5307, 2003 WL 25586055 (D.C. Cir. Jan. 24, 2003).

*Appendix L***C. The U.S. Government Designated Hamas**

~~532~~534. On January 23, 1995, President Clinton issued Executive Order No. 12947 designating HAMAS as a “Specially Designated Terrorist” (“SDT”). President Clinton found that “grave acts of violence committed by foreign terrorists that threaten to disrupt the Middle East peace process constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.”

~~533~~535. Executive Order No. 12947 blocks all property and interests in property of the terrorist organizations and persons designated in the Order, including HAMAS. This designation made it illegal for any United States person or entity to engage in any unlicensed transactions or dealings involving the property or interests of HAMAS. HAMAS’s designation as an SDT organization has remained in place since January 24, 1995.

~~534~~536. HAMAS continued its terrorist activities, bombing a bus in Jerusalem on February 25, 1996. HAMAS claimed responsibility for the bombing, which killed 26 people and injured 80. Six of the victims were U.S. citizens. That year, under heavy pressure from Israel and the PLO under the leadership of Yasser Arafat, the recently-established Palestinian Authority very publicly took steps against HAMAS as a result of a wave of HAMAS terrorist attacks. Over the coming years, the PA would, from time to time, attempt to take measures against the *zakat* committees and charitable societies run by HAMAS. Closures and arrests, however, were always temporary.

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~~535~~537. On October 8, 1997, by publication in the Federal Register, the United States Secretary of State designated HAMAS as a Foreign Terrorist Organization pursuant to Section 219 of the Immigration and Nationality Act and the AEDPA. As a result of this designation, it became illegal for any person within the United States or subject to its jurisdiction to provide material support or resources to HAMAS.

~~536~~538. The designation of HAMAS as an FTO has been renewed every two years since 1997.

539. From the time HAMAS was designated an FTO (and indeed in the years preceding its designation), it has openly, proudly, publicly, and repeatedly acknowledged and taken credit for carrying out terrorist attacks against civilians in Israel.

540. HAMAS takes credit for attacks on its websites, in international media, and elsewhere, as the largest and most prolifically lethal terrorist group operating in Israel and the Palestinian territories.

541. HAMAS has been designated a terrorist organization by the European Union, the Organization of American States, Canada, Japan, and Israel.

~~537~~542. On October 31, 2001, after the September 11, 2001, terrorist attacks on the United States, President Bush issued Executive Order No. 13224, declaring a national emergency with respect to the “grave acts of terrorism . . . and the continuing and immediate threat of

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further attacks on United States nationals or the United States.” Executive Order No. 13224 designated HAMAS as a Specially Designated Global Terrorist (“SDGT”). Executive Order No. 13224 blocked all property and interests in property of the SDGTs, including HAMAS. HAMAS’s designation as an SDGT organization has remained in place since October 31, 2001.

D. HAMAS’s ~~European~~Global Fundraising Network

543. As noted above, HAMAS was an outgrowth of the Palestinian branch of the Muslim Brotherhood.

544. After HAMAS’s founding, the Muslim Brotherhood directed its worldwide chapters to establish so-called “Palestine Committees” to support Hamas from abroad. As such, Hamas became a focal point of the Muslim Brotherhood’s fundraising and political efforts in North America, Europe, the Middle East and Africa.

545. Prior to the outbreak of the Second Intifada, although HAMAS’s international network of fundraising organizations—the so-called “Palestine Committees”—worked closely together and periodically laundered money through one another, they functioned as largely separate entities with a few key HAMAS operatives at the helm of each organization.

546. As discussed below, this organization structure was modified after the outbreak of the Second Intifada when HAMAS’s leadership decided to exploit the

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humanitarian suffering it was responsible for creating to raise even larger sums of money for HAMAS. It did so by bringing together its disparate fundraising organizations under the unified banner of the Charity Coalition or “Union of Good” and using the enormously famous and popular Sheikh Yusuf al-Qaradawi as its “brand ambassador.”

547. However, in the 1990s, the “Palestine Committees” were first established and began building up the fundraising infrastructure for HAMAS in Europe and the United States.

~~538~~-548. The Comité de Bienfaisance et de Secours aux Palestiniens (“CBSP”), HAMAS’s primary fundraiser in France, was founded in 1990 and registered there as a non-profit organization.

549. It was one of the Muslim Brotherhood’s first “Palestine Committees.”

~~539~~-550. The Israeli government declared CBSP an illegal organization on May 6, 1997, because of its affiliation with HAMAS and the support it gave to HAMAS-affiliated institutions, and subsequently designated it a terrorist organization on January 17, 1998. The Israeli designation of CBSP as an illegal organization associated with HAMAS was widely reported by news agencies (see below).

~~540~~-551. Interpal, HAMAS’s most important fundraising organization in the United Kingdom, was formally registered as a charity with the U.K. Charity

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Commission on August 11, 1994, under the name “Palestinian Relief and Development Fund.”

~~541.~~552. As early as 1995, published reports in Israel linked Interpal to HAMAS.

~~542.~~553. ~~The~~Like CBSP, the Israeli government declared Interpal an illegal organization on May 6, 1997 because of its affiliation with HAMAS and the support it gave to HAMAS-affiliated institutions and subsequently declared it a terrorist organization on January 17, 1998. The Israeli designation of Interpal as an illegal organization associated with HAMAS was widely reported by news agencies (see below).

554. Moreover, a detailed article on March 15, 1996, in *The New York Times* titled “ROOTS OF TERROR: A special report. Alms and Arms: Tactics in a Holy War,” described how HAMAS’s da’wa system works and how it raised money abroad, noting: “Israeli officials say that among the key Hamas fund-raising operations are the Holy Land Foundation of Richardson, Texas and the London-based Palestine and Lebanon Relief Fund, known, for its telex address, as Interpal.”

555. Similarly, a July 8, 1996, article in *U.S. News & World Report* detailed Saudi Arabian funding of HAMAS, reporting:

From a spacious headquarters in a warehouse near Jidda Port, the International Islamic Relief Organization coordinates a multimillion-

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dollar campaign to fund communal and social work among refugees and the poor throughout Africa, Asia and the Middle East.

But according to Western intelligence sources, the relief organization does much more than that: They believe that the IIRO, one of the largest nongovernmental organizations in Saudi Arabia, is a major clearinghouse for an estimated \$ 20 million a year in Saudi financial aid to Islamic extremists in Gaza and the West Bank. It's all a high-risk gamble for the kingdom. Allowing the raising of money for foreign groups that support religious extremism and terror, say these intelligence sources, could spark even greater dissent against the Saudi government.

Dangerous liaisons. Much of the aid sent to the West Bank and Gaza, report these sources, is given as unsupervised cash grants. The funds are first transferred to London and Amman bank accounts of Islamic welfare organizations such as the Palestine and Lebanon Relief Fund (PLRF) and the Palestinian Relief and Development Fund (Interpal). At least some of that money, say the sources, winds up financing Hamas activities, from funding the families of suicide bombers to bankrolling the suicide units.

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Farid Y. Gurashi, the general secretary of the IIRO, denies that his organization sends support to any political group, “even if it’s a good cause.” But, adds the American-educated Gurashi, “it would be silly and unacceptable to say we cannot help Palestinians.”

According to a copy of a document obtained by U.S. News, officials of a Hamas fundraising group in the West Bank and Gaza were instructed to send letters of thanks to the executives of the IIRO and another Saudi organization, the World Association of Muslim Youth, for “charity for this year.” (Emphasis added.)

556. On August 7, 1997, *The Guardian* (UK) reported that an official Israeli government told the newspaper “the charity, Interpal, was controlled by Hamas, a militant Islamist organisation which Israel believes carried out the suicide-bombing of a Jerusalem market last week.” Ibrahim Hewitt, an Interpal trustee, was interviewed by *The Guardian* and “said it was possible that some of Interpal’s beneficiaries in the Palestinian territories had been established by Hamas, but argued that Hamas runs a social welfare and religious network separate from its military wing, Izz el-Deen al-Qassam. ‘It’s like the difference between Sinn Fein and the IRA,’ Mr. Hewitt said.”

557. But, as shown below, these evasions have been repeatedly exposed. More importantly, these charity groups operate openly in Lebanon as FTO affiliates in

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order to reap the political and operational benefits of the funds they distribute.

558. The Al-Aqsa Foundation, one of HAMAS's leading fundraising organizations and also an early "Palestine Committee," established branch offices in Holland, Belgium, Denmark, Sweden, Yemen, South Africa, and Pakistan. It was founded in July 1991 in Germany (Al-Aqsa e.V.), where it was headquartered, and which served as its main branch until at least 2002.

559. On May 6, 1997, Israel outlawed the Al-Aqsa Foundation (including its German headquarters).

560. On May 21, 1997, *Agence France Presse* reported that "Israel has banned five foreign-based fundraising groups from carrying out activities in the country or the occupied territories on grounds they help finance armed Palestinian militants," and that the five groups included the "**Palestine Development Fund** [Interpall], also based in Britain, **the Al-Aqsa Foundation in Germany** and **the Holy Land Fund in the United States.**" It also noted that Israeli intelligence officials accused the five foundations of supporting the Islamic Resistance Movement (HAMAS), the biggest Palestinian group still waging an armed struggle against Israel. . . ." (Emphasis added.)

561. On June 21, 1997, the *Associated Press* reported:

The Israeli government has outlawed a Texas-based Muslim charity on grounds that the

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group has given financial support to the militant Palestinian movement Hamas, a newspaper reported Saturday.

The Israeli Foreign Ministry provided a copy of the decree to The Dallas Morning News along with a statement saying the order stemmed from [the] determination about Hamas links to the Holy Land Foundation for Relief and Development.

The group, based in Richardson, Texas, and three other Islamic groups “have become part of the communications and economic infrastructure of Hamas,” the statement said.

The decree, issued May 6, authorizes the Israeli government to seize the group’s assets and any of its money found in Israel.

562. On August 7, 1997, the Associated Press published an article reported on the Al-Aqsa Foundation’s response claiming that “it is a humanitarian aid organization and has no political ties.” The article also quoted an unnamed Israeli official stating that: “Hamas had set up offices in London, Paris and Aachen, which collected donations of more than dlrs 10 million a year” and that “[i]n addition to Al-Aqsa in Germany, the others were identified as the Palestinian Relief and Welfare Fund in London, and the Companie Benificent De Solidarite Avec Palestine (CBSP) in France.”

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563. On August 8, 1997, *The Jerusalem Post* reported:

Israel is asking Britain, France, and Germany to close down major fundraising operations run by Hamas in Europe.

An Israeli official said Hamas set up offices in London, Paris, and Aachen, which collected donations of more than \$ 10 million a year.

The official identified the fundraising organizations as the Palestinian Relief and Welfare Fund in London, the Company Benificent De Solidarite Avec Palestine, and Al-Aksa, which coordinates fundraising from Austria, Switzerland, Belgium, and the Netherlands.

A fourth Hamas fundraising organization is the Holy Land Foundation of Richardson, Texas—but the US has passed as yet unimplemented legislation to crack down on organizations like Hamas, the official said.

564. On January 19, 1998, Israel declared the Al-Aqsa Foundation a terrorist organization.

565. In 2001, the security service for the German State of Nordrhein-Westfalen concluded in its annual published report that “there are indications that the [Al-Aqsa Foundation] is integrated into the financial

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infrastructure of Hamas and supports the extremist activities of Hamas under the guise of humanitarian aid for Palestine.”

566. One June 9, 2002, the German daily newspaper *Die Welt* reported on the ongoing controversy concerning the Al-Aqsa Foundation and its connections to Hamas in an article titled: “Suspicion confirmed: German donations for the terror against Israel.”

567. In July 2002, the German government closed the offices of the Al-Aqsa Foundation located in Germany.

568. According to the closure order, “AL-AQSA e.V. advocates, supports and calls for violence as means to achieve political, religious or other goals by awakening or at least strengthening the willingness of third parties to use violence as a political, religious or other means.”

569. On August 5, 2002, the Associated Press reported that “German authorities shut down an organization they said posed as a charity to collect money for the radical Islamic movement Hamas . . . ” and that “[i]nvestigators seized \$296,000 from accounts of the Al-Aqsa organization in the western cities of Aachen and Cologne. . . .”⁹

570. On August 6, 2002, *Newsday* (NY) reported:

9. The German government’s actions were of course widely reported in the German press, including two articles on August 5, 2002, in the *Frankfurter Allgemeine*.

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German authorities shut down an Arab charity yesterday accused of collecting money for the militant Palestinian organization Hamas, the interior ministry said.

Investigators seized the equivalent of \$296,000 from accounts of the Al-Aqsa organization in the cities of Aachen and Cologne, Interior Minister Otto Schily told reporters. No one was arrested, but numerous documents were seized.

Schily said Al-Aqsa raised money for families of suicide bombers who carried out deadly attacks against Israelis. The funds were transferred to “social and humanitarian organizations in the partially autonomous Palestinian territories which are connected with the organizational structure of Hamas or its associates,” Schily said.

Mahmoud Amr, 45, chairman of Al-Aqsa, denied the organization was funneling money to Hamas. (Emphasis added.)

571. According to the article, “[a]mong it’s [sic] activities, Al-Aqsa calls for donations to support ‘martyr families,’ which authorities interpreted as support for the families of suicide bombers, [German Interior Minister Otto] Schily said.”

572. It also quoted Schily as stating that: “Organizations that support such horrific attacks must

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be shut down. We tolerate neither terrorist activities in Germany nor organizations that support attacks in foreign countries.”

573. On August 16, 2002, the *Associated Press* reported that police in two German cities carried out new raids against the Al-Aqsa Foundation and despite denials from the organization, “Interior Minister Otto Schily has said documents found in the group’s headquarters support the government’s belief that the charity was assisting Hamas, which has claimed responsibility for many of the suicide attacks in Israel.”

574. On August 20, 2002, *The Wall Street Journal* reported on Germany’s actions against the Al-Aqsa Foundation in an article titled “Report on al Qaeda Prompts German Ban of Islamic Group.” The article notes that the Al-Aqsa Foundation “raises money for the ostensibly humanitarian activities of Islamic militant group Hamas in the Palestinian territories, but al Aqsa also is accused of sending money to the families of suicide bombers.”

575. Following Germany’s ban of the Al-Aqsa Foundation in August 2002, the General Intelligence and Security Service of the Netherlands (AIVD) intensified its own investigation into the Dutch branch of the organization and published its findings in its annual report for 2002, noting that: “Al Aqsa raises funds in the Netherlands for benefit of Palestinian organizations and is associated with the support the radical Islamic Palestinian organization Hamas. Unlike Israel and the United States,

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in Europe only the military wing of Hamas, the al Qassam Brigade, is designated as a terrorist organization. In the past, personnel and administrative ties between Al Aqsa Germany and Al Aqsa Netherlands were detected. Investigation by the AIVD now has [further] indicators. It has been found that funds collected here by the Al Aqsa foundation have been used for violent activities in the Middle East.”

576. On April 3, 2003, the Netherland Ministry of Finance and Ministry of Foreign Affairs froze the accounts of the Al-Aqsa Foundation in the Netherlands citing its connection to HAMAS.

577. The Dutch government concluded that:

The differentiation between social and terroristic activities of Hamas can no longer be upheld. Hamas, to which the named fundraising organizations are connected has to be viewed as an organization facilitating charitable services as well as terrorist acts, whereby these activities mutually complement each other.

The Association Al-Aqsa maintains or maintained contacts with institutions raising funds in favor of Hamas. The association maintains or maintained contacts to Al-Aqsa in Germany (prohibited in mid-2002), Al-Aqsa in Denmark (assets frozen at the end of 2002), Al-Aqsa in Belgium, as well as to institutions raising funds for Hamas in Great Britain, Italy, Switzerland, Sweden and France.

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These fundraising institutions, including the Dutch Al-Aqsa, are carrying out a joint international action to raise funds for Hamas under the name of “Union of the Good” (in Arabic: Ittilaf Al-Khair). In the past, the head of the Union of the Good located in Qatar has approved suicide attacks for religious reasons.

578. On April 9, 2003, the Dutch daily newspaper *Trouw* (“True”) reported on the government’s actions against the Al-Aqsa Foundation:

Minister of Foreign Affairs De Hoop Scheffer has frozen the funds of a Rotterdam foundation that is used by Dutch Muslims to send money to the Palestinians. According to the minister, the Al Aqsa Foundation supports terrorists. The measure, published in the Government Gazette, takes effect today. Furthermore, it is now prohibited to donate money to Al Aqsa. Banks are no longer allowed to provide financial services to the foundation.

It was already known that Al Aqsa is transferring money to the Palestinian organization Hamas, responsible for suicide attacks in Israel and the Palestinian territories. Al Aqsa leaflets state that money can be deposited in a “martyrs’ fund.” Hamas is also concerned with social services. Until now, the Dutch government took the position that Al Aqsa could not be brought down, because it could not be established

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that euros collected here in the Palestinian Territories were used for bombs and not for beds.

Germany already banned the establishment of Al Aqsa in Aachen, after which the General Intelligence and Security Service intensified its investigation and now says it has hard evidence that money from Rotterdam is used directly for violent actions. It is still unknown whether Al Aqsa will also face criminal charges.

579. On May 29, 2003, the U.S. Treasury Department designated all branches of the Al-Aqsa Foundation as an SDGT pursuant to Executive Order 13224.¹⁰

580. The U.S. Treasury Press Release announcing Al-Aqsa's designation stated:

Al Aqsa is a critical part of HAMAS' terrorist support infrastructure. Through its headquarters in Germany and branch offices in the Netherlands, Denmark, Belgium, Sweden, Pakistan, South Africa, Yemen and elsewhere, Al Aqsa funnels money collected for charitable purposes to HAMAS terrorists.

10. See <https://www.treasury.gov/press-center/press-releases/Pages/js439.aspx> (incorporated by reference into the complaint).

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Other nations, including the Netherlands, Germany, Denmark, Britain, Luxembourg and Switzerland, have also taken action against the Al-Aqsa Foundation.

The AL-AQSA FOUNDATION, until recently headquartered in Germany, uses humanitarian relief as cover to provide support to the Hamas terrorist organization. Mahmoud Amr, the Director of the AL-AQSA FOUNDATION in Germany, is an active figure in Hamas. The AL-AQSA FOUNDATION also is known to maintain branch offices in The Netherlands, Denmark, Belgium, Sweden, Pakistan, South Africa, Yemen and elsewhere. **AL-AQSA FOUNDATION offices are included in lists of organizations that contributed to the Hamas-affiliated Charity Coalition in 2001 and 2002.** (Emphasis added.)

~~543~~.581. On August 22, 2003, following the deadly suicide bombing aboard Bus #2 in Jerusalem on August 19, 2003, in which Tehilla Nathansen was killed and multiple members of her family severely injured, the U.S. Treasury Department designated five HAMAS-related institutions and six senior HAMAS leaders as SDGTs.

~~544~~.582. The five HAMAS-related charities that were designated as SDGTs were:

1. Comité de Bienfaisance et de Secours aux Palestiniens (“CBSP”), of France.

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2. Association de Secours Palestinien (“ASP”), of Switzerland (an organization affiliated with CBSP).
3. Palestinian Relief and Development Fund, or Interpal, headquartered in the United Kingdom.
4. Palestinian Association in Austria (“PVOE”).
5. Sanabil Association for Relief and Development based in Lebanon.

~~545-583.~~ 545-583. The U.S. Treasury Press Release announcing the designations of these five entities stated:

The United States government has credible evidence that the following five organizations are part of a web of charities raising funds on behalf of HAMAS and using humanitarians [sic] purposes as a cover for acts that support HAMAS. Funds are generated by, and flow through, these organizations on behalf of HAMAS.

~~546-584.~~ 546-584. According to the U.S. Treasury Department, “Interpal, headquartered in the UK, has been a principal charity utilized to hide the flow of money to HAMAS. Reporting indicates it is the conduit through which money flows to HAMAS from other charities, e.g., the Al Aqsa Foundation (designated under EO 13224 on May 29th) and oversees the activities of other charities. . . .

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Reporting indicates that Interpal is the fundraising coordinator of HAMAS. This role is of the type that includes supervising activities of charities, developing new charities in targeted areas, instructing how funds should be transferred from one charity to another, and even determining public relations policy.”

~~547.585.~~ According to the U.S. Treasury Department, “CBSP and ASP are primary fundraisers for HAMAS in France and Switzerland, respectively. Founded in France in the late 80s/early 90s, CBSP acts in collaboration with more than a dozen humanitarian organizations based in different towns in the West Bank and Gaza and in Palestinian refugee camps in Jordan and Lebanon. ASP, a subsidiary of CBSP, was founded in Switzerland in 1994. The group has collected large amounts of money from mosques and Islamic centers, which it then transfers to sub-organizations of HAMAS. Khalid Al-Shuli is the president of CBSP and ASP.”

~~548.586.~~ According to the U.S. Treasury Department, “PVOE is controlled by the leader of HAMAS in Austria. The money is targeted to support members of HAMAS and is funneled through other charities in Lebanon, the West Bank and Gaza or other areas of the Middle East in order to ensure the transfer of funds is undetected and reaches its intended recipients. PVOE is part of the HAMAS network of charitable organizations that includes the Al Aqsa Foundation.”

~~549.1.~~ ~~The Al-Aqsa Foundation, one of HAMAS’s leading fundraising organizations, had branch offices~~

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~~in Holland, Belgium, Denmark, Sweden, Yemen, South Africa, and Pakistan. It was founded in July 1991 in Germany (Al-Aqsa e.V.), where it was headquartered, and which served as its main branch until at least 2002.~~

~~550. On May 6, 1997, Israel outlawed the Al-Aqsa Foundation (including its German headquarters). On January 19, 1998, Israel declared it a terrorist organization.~~

~~551.1. In July 2002, the German government closed the offices of the Al-Aqsa Foundation located in Germany.~~

~~552.1. According to the closure order, "AL-AQSA e.V. advocates, supports and calls for violence as means to achieve political, religious or other goals by awakening or at least strengthening the willingness of third parties to use violence as a political, religious or other means."~~

~~553. On May 29, 2003, the U.S. Treasury Department designated all branches of the Al-~~

~~Aqsa Foundation as an SDGT pursuant to Executive Order 13224.~~

~~554.1. The U.S. Treasury Press Release announcing Al-Aqsa's designation stated:~~

~~Al Aqsa is a critical part of HAMAS' terrorist support infrastructure. Through its headquarters in Germany and branch offices in the Netherlands, Denmark, Belgium,~~

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~~Sweden, Pakistan, South Africa, Yemen and elsewhere, Al-Aqsa funnels money collected for charitable purposes to HAMAS terrorists.~~

~~Other nations, including the Netherlands, Germany, Denmark, Britain, Luxembourg and Switzerland, have also taken action against the Al-Aqsa Foundation.~~

E. HAMAS in the United States—The Holy Land Foundation

~~555-587.~~ In October 1993, less than one month after the public signing of the Oslo Accords, approximately 20 members of the so-called “Palestine Committee” in the United States gathered together in Philadelphia, Pennsylvania to discuss how to help HAMAS oppose the Oslo Accords.

~~556-588.~~ The Federal Bureau of Investigation (“FBI”) learned of the Philadelphia meeting and obtained a warrant from the Foreign Intelligence Surveillance Court to monitor the meeting, which lasted approximately three days.

~~557-589.~~ During the meeting, the participants discussed the problems that the Oslo Accords presented for those opposed to co-existence with Israel, and attendees were admonished not to mention “HAMAS,” but rather to refer to it as “Samah,” which is HAMAS spelled backwards.

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~~558-590.~~ Attendees agreed that they must operate under an ostensible banner of apolitical humanitarian exercise in order to continue supporting HAMAS's vital social recruitment effort by financially supporting institutions, organizations and programs in the West Bank and Gaza aligned with HAMAS.

~~559-591.~~ Attendees identified several charitable societies and *zakat* committees as "ours."

~~560-592.~~ The Holy Land Foundation ("HLF") emerged from the Philadelphia meeting as the preeminent HAMAS fundraising organization in the United States.

~~561-593.~~ However, neither the HLF nor the U.S.-based Palestinian Committee worked in isolation on behalf of HAMAS.

~~562-594.~~ While HLF was a vital member of HAMAS's international network of organizations dedicated to financing HAMAS's agenda, it also worked in conjunction with organizations in Europe and throughout the world to funnel money to the same closed network of HAMAS-controlled charitable societies and *zakat* committees in the West Bank and Gaza.

~~563-595.~~ The HLF had offices in Texas, California, New Jersey and Illinois, and quickly became the crown jewel in HAMAS's global fundraising network. HLF paid for Jamil Hamami, HAMAS's leader in the West Bank, to take at least 6 trips to the United States between September 1990 and November 1991 so that he could

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appear as a guest speaker at HLF fundraising events. It also paid for another HAMAS leader, Sheikh Mohammad Siam, to travel to the United States and appear at fundraisers. These trips followed a decision by then HAMAS Political Bureau head Mousa Abu Marzook to designate HLF as HAMAS's primary fund-raising entity in the United States.

~~564-596.~~ Since 1995, when it first became illegal to provide financial support to HAMAS, HLF provided over \$12,400,000 in funding to HAMAS through various HAMAS-affiliated committees and organizations located in Palestinian-controlled areas and elsewhere. In the year 2000 alone, HLF raised over \$13 million. An FBI investigation "determined that a majority of the funds collected by the [HLF] are used to support HAMAS activities in the Middle East."

~~565-597.~~ This is unsurprising given the close familial relationships between HLF officers and known HAMAS leaders in the Middle East. Shukri Abu Baker, the CEO of HLF, was the brother of HAMAS leader Jamal Issa. HLF's co-founder, Ghassan Elashi, was related by marriage to Mousa Abu Marzook, while former HLF Chairman Mohammed el-Mezain was Marzook's cousin. HLF member Mufid Abdelqader was a cousin of Khalid Mishal, who would later become HAMAS's external (and supreme) leader. Both Mishal and Marzook were designated SDGTs by the Treasury Department in 2003. Marzook was also designated an SDT in 1995.

598. On March 15, 1996, a feature article in *The New York Times* detailed the financing of HAMAS by so-called

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charitable organizations. The article specifically discussed Israeli government claims that Richardson, Texas-based HLF was a “key fundraising operation” for HAMAS and discussed HAMAS’s social infrastructure.

599. The April 8, 1996, edition of the *Dallas Morning News* contained an article titled: “Paper Trail Leads to Hamas; Two Organizations Based in Richardson Deny They Promote Agenda of Anti-Israeli Terrorists.” The article reported that:

Leaders of the local groups denied affiliation with Hamas. Sharing a stage with Hamas speakers doesn’t mean they approve of Hamas terrorism or provide support for it, they say.

“We have never raised money for Hamas or tried to recruit members for Hamas,” said Shukri Abu Baker, executive director of the Holy Land Foundation for Relief and Development.

Public records, materials from the two groups and interviews over seven months show a pattern of personal, financial and philosophical ties between Hamas and the two nonprofit groups. . . .

Last month, the Israeli government closed the Jerusalem office of the Holy Land Foundation because of alleged ties to Hamas. Officials also closed the headquarters of an Islamic school partly funded by the Holy Land Foundation

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and arrested its director for allegedly being a Hamas activist.

Mousa Abu Marzook, the political leader of Hamas, provided more than 10 percent of all donations to the Holy Land Foundation in 1992, according to Internal Revenue Service records. Mr. Marzook's wife is a cousin of Ghassan El-Ashi, a Holy Land Foundation board member, and. . . . The Israeli government alleges that Mr. Marzook is actually the military leader of Hamas and thus is involved in planning and financing the group's terrorist operations.

600. On May 20, 1996, *The Jerusalem Post* reported on proceedings in the High Court of Justice resulting in a decree by the Israeli government shutting down the HLF's Jerusalem office and authorizing confiscation of all of its property.

601. On May 6, 1997, the government of Israel designated HLF a HAMAS organization and declared that HLF "deals in the practice of transferring monies to families of HAMAS activists, who carried out deadly attacks, or who were jailed in the wake of these attacks. . . ." It was subsequently designated a terrorist organization by Israel on January 17, 1998.

602. On January 26, 2001, the high-circulation Palestinian newspaper *Al-Hayat* reported that HLF was paying \$700 to martyrs' families and \$2,000 to married martyrs' families during the Second Intifada.

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~~566.603.~~ According to a November 5, 2001, memorandum written by the Assistant Director of the FBI's Counterterrorism Division, Dale Watson (the "2001 FBI Watson Memo"):

[E]vidence strongly suggests that the [HLF] has provided crucial financial support for families of HAMAS suicide bombers, as well as the Palestinians who adhere to the HAMAS movement. It is believed that by providing these annuities to families of HAMAS members, the [HLF] assists HAMAS by providing a constant flow of suicide volunteers and buttresses a terrorist infrastructure heavily reliant on moral support of the Palestinian populace. According to [an informant], in the words of Shukri Abu Baker, [HLF's] mission is to support the families of the martyrs.

604. The U.S. Treasury Department designated HLF as an SDGT on December 4, 2001.

605. The U.S. Treasury Press Release announcing HLF's designation stated, inter alia:

- The Holy Land Foundation for Relief and Development, headquartered in Richardson, Texas, raises millions of dollars annually that is used by HAMAS. Last year, Holy Land raised over \$13 million.
- Holy Land supports HAMAS activities

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through direct fund transfers to its offices in the West Bank and Gaza that are affiliated with HAMAS and transfers of funds to Islamic charity committees (“*zakat* committees”) and other charitable organizations that are part of HAMAS or controlled by HAMAS members.

- Mousa Mohamed Abu Marzook, a political leader of HAMAS, provided substantial funds to the Holy Land Foundation in the early 1990s. In 1994, Marzook (who was named a Specially Designated Terrorist by the Treasury Department in 1995) designated the Holy Land Foundation as the primary fund-raising entity for HAMAS in the United States.

606. The French daily newspaper *Le Figaro* reported on the U.S. designation of HLF on December 5, 2001, identifying the organization as accused of funding HAMAS.

567-607. In 2004, HLF and several of its directors were indicted on criminal charges that HLF was illegally supporting HAMAS.

568-608. In 2008, a jury found HLF and five of its former directors guilty of transferring more than \$12 million to HAMAS.

569-609. The convictions were affirmed in 2011 by

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the U.S. Court of Appeals for the Fifth Circuit.

F. HAMAS in Lebanon

~~570-610.~~ Although estimates vary, during the relevant period Palestinian refugees in Lebanon numbered approximately 300,000 and constituted the second-largest Palestinian diaspora community.

~~571-611.~~ Since its inception in 1982, Hezbollah has made steady political inroads within this community.

~~572-612.~~ For example, Hezbollah has provided residents of the Shatila refugee camp with potable water and ~~supplies~~supplied diesel for the rundown power generators.

~~573-613.~~ However, as a fanatical Shi'a organization, there are intrinsic limits on Hezbollah's ability to co-opt and speak for Palestinian refugees in Lebanon, who are overwhelmingly Sunni.¹¹

614. Moreover, Palestinian refugees in Lebanon have a separate (lower) status than Lebanese nationals. The vast majority of them cannot obtain Lebanese citizenship and they have been consigned to refugee camps and at least during the relevant period, could not easily relocate.

11. In 1999, the CIA estimated that there were over 350,000 Palestinians in Lebanon (more than 200,000 living in refugee camps). For various domestic political reasons, Lebanon never afforded citizenship to Palestinian refugees.

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615. In December 1992, the Israeli government temporarily deported approximately 415 HAMAS and Palestine Islamic Jihad (PIJ) members to Marj al-Zuhur, Lebanon.

616. The Marj al-Zuhur Deportation was important to the development of HAMAS because it allowed senior HAMAS operatives from Gaza and the West Bank to meet together (in Lebanon) and establish direct contact with the HAMAS leadership abroad, which was taking its initial steps at that time. (Previously, it was extremely challenging for HAMAS leaders outside the Gaza Strip to communicate with or meet with each other due to Israeli surveillance.)

617. The deportation also assisted in unifying the HAMAS leadership from different areas and allowed it to establish contact with Hezbollah, from which HAMAS learned and adopted terrorist methods such as the use of suicide terrorists against Israel.

574-618. In 1994, HAMAS established Sanabil Association for Relief and Development, with the unofficial goal of competing with Hezbollah's social welfare infrastructure and recruiting members for its Izz al-din al-Qassam Brigades, the terror apparatus of Hamas.

575-619. Immediately after Israel launched its "Grapes of Wrath" operation in southern Lebanon in 1996 to end rocket attacks on Northern Israel by Hezbollah, Sanabil distributed more than \$100,000 to the inhabitants of the southern regions who had taken refuge in Sidon as part of its initial effort to compete with Hezbollah.

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576.620. In late 1999, the Syrian regime authorized HAMAS's political bureau in Damascus and Beirut, represented by Mousa Abu Marzook and Khalid Mishal, to take over the Lebanese Muslim Brotherhood's networks (which had long been publicly active) in the Palestinian refugee camps. (Syria effectively occupied most of Lebanon at that time.)

577.621. This provided the Syrian regime a way to further exert control over HAMAS's leadership outside the Palestinian Territories and served as a means for the Syrian leadership to promote Islamists in Lebanon who were primarily focused on attacking Israel rather than settling internal scores within the fractured Palestinian community.

622. As summarized in a 1999 report by the International Policy Institute for Counter-Terrorism in Israel:

The "Islamic Jihad" and Hamas maintain a propaganda and political presence in Lebanon alongside of which they also carry out military activities. The founding of these organizations in Lebanon, while cooperating with the Iranians and the Hizbollah, was made possible by the approval of Syria, which controls what takes place in Lebanon. . . .

Lebanon is an important arena for these organizations. They perceive Lebanon as an additional important arena from which

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operational activities in Israel and the “territories” can be conducted, with the assistance of friendly organizations, mainly the Hizbollah. The presence of a large population of Palestinian refugees, the position of Lebanon as an important communication and financial center in the Arab world and the freedom prevailing there (in comparison to Syria) make it also a more convenient political, organizational and propaganda center for these organizations.

623. The International Policy Institute for Counter-Terrorism in Israel also reported in 1999 that: “In addition to political ties, Iran also provides Hamas with military assistance. The movement’s activists train on a regular basis at the camps of Hizbollah and the Guardians of the Revolution in Lebanon, as well as in Iran. This includes training for suicide attacks. Several Iranian-trained militants succeeded in infiltrating back into the Territories under Palestinian Authority control. Israel has arrested Hamas activists who admitted that they were trained by Iranian instructors in the Beka’a Valley, in Lebanon, and in Iran. The training included the use of light weapons, photography and sabotage.”

578:624. The emerging presence of HAMAS in the Palestinian refugee camps was widely publicized in the Lebanese press, and for Syria, it provided a way to hamper the progress of the even more radical (anti-Shi’a and anti-Syrian) Salafist jihadist groups that were developing in Lebanon.

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625. The U.S. Department of State Patterns of Global Terrorism reported in 1998 that

“Syria grants a wide variety of terrorist groups—including HAMAS, the PFLP-GC, and the PIJ—basing privileges or refuge in areas of Lebanon’s Beka’a Valley under Syrian control.”

626. The U.S. Department of State Patterns of Global Terrorism reported in 1999 that:

“The lack of effective government control in parts of Beirut, the Bekaa Valley, and southern Lebanon enabled numerous terrorist groups to operate with impunity, as they had in previous years. Hizballah, HAMAS, the PIJ, the Popular Front for the Liberation of Palestine-General Command (PFLP-GC), and other Palestinian groups used camps in Lebanon for training and operational planning.”

627. The U.S. Department of State’s Patterns of Global Terrorism Report for 2000 also confirmed that HAMAS had been granted “basing privileges” by the Syrian regime for training and other activities in the Bekaa Valley.

628. Prior to 2000, HAMAS’s Beirut office was headed by Mustafa Liddawi and was allowed to openly recruit Palestinian refugees in Lebanon. HAMAS was granted virtually unrestricted access to the country’s

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refugee camps, the entrances to which had long been tightly controlled by Syrian and Lebanese security forces, particularly Ain al-Hilweh on the outskirts of Sidon.

629. Liddawi's role was soon supplanted by Osama Hamdan who ran HAMAS's operations in Beirut during the Second Intifada and acted as the organization's public spokesman, including appearing on Western news channels like CNN to defend HAMAS's suicide bombing campaign.

630. A May 20, 2000, article published by the Washington Institute for Near East Policy titled "Palestinian Refugees in Lebanon: New Source of Cross-Border Tension?" noted that:

Hamas and PIJ are the most active in the refugee camps, although the Lebanese group Hizballah and extremist splinter factions such as Usbat al-Ansar and al-Jamal Islamiya are also active. . . . Although in the past Hamas collaboration with Hizballah was limited, lately the two have developed closer ties. This relationship extends from the training of Hamas operatives in Iran to cooperative recruitment efforts in the refugee camps. . . .

The fostering of improved relations between Hamas, PIJ, and the Iranians (through Hizballah) has dramatically increased the groups' penetration of the camps, expanding their influence and their ability to mobilize

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there. . . . Although Hizballah may want to keep a low profile on Israel's northern border for some time, these Palestinian groups can provide a willing and increasingly better-trained proxy to continue the fight. Moreover, these groups can lay claim to a legitimacy Hizballah no longer has: although Israel has withdrawn from Lebanon, the refugees have had no relief for their predicament. . . .

Hizballah is furthermore actively exporting its experience to Islamist groups in the West Bank and Gaza. Reportedly, the group recently issued a joint statement with Hamas calling for the "Lebanonization" of the territories—an imperative not only to continue violent activities, but to switch from terrorist to guerilla tactics. In May 2000, the Hamas monthly Falastin al-Muslima made this call explicitly. And the Hamas website reported this quote from the semi-official Palestinian newspaper al-Hayat al-Jadida: "O Lebanese joy, spread your delicious disease among us!"

631. Violence in the Palestinian refugee camps was a constant occurrence. For example, in July 2002, the Lebanese army deployed tanks and armored vehicles to close the entrances to Ain al-Hilweh camp after gunman killed three Lebanese intelligence agents. Also, in June 2002, thousands of Palestinians from the Sidon refugee camp protested U.S. support for Israel and burned American flags. In 2004, Jihad Mustafa Asaad, a former

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Fatah member was found dead in his home in the same camp. In a separate incident that year a bomb exploded in front of the house of a Fatah official in one of the Palestinian refugee camps.

~~579.632.~~ In the Palestinian refugee camps in southern Lebanon, HAMAS and Palestinian Islamic Jihad ~~compete~~competed with secular parties for political hegemony and influence. Their main opponent ~~is~~was the biggest PLO faction, Fatah.

~~580.633.~~ Fatah is the largest, oldest and best organized of the political movements and has offices and representatives in most camps in Lebanon, especially in the camps to the south. The organization was, at least during the 1990s, also better funded and therefore able to underwrite social welfare programs, which propelled HAMAS's need to obtain more funding than those of its political rivals.

~~581.634.~~ To secure the support of the Palestinian community in Lebanon, HAMAS deliberately focused most of their criticism on the PLO's leaders.

~~582.635.~~ HAMAS leaders in Lebanon publicly accused the Palestinian Authority of encouraging refugees to settle permanently in the country and give up their "right of return" to Palestine.

~~583.636.~~ In 1998, HAMAS helped create a "Palestinian Ulema League" which was intended as an umbrella group for Palestinian Islamic factions in

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Lebanon that wanted to challenge what they saw as the PLO's discredited leadership.

~~584.637.~~ Thus, during the Camp David peace negotiations of July 2000 that preceded the Second Intifada, the Palestinian Ulema League published *fatwas* (religious edicts) forbidding Palestinians to leave Lebanese territory if a regional settlement was reached that called for Palestinian refugees to emigrate to Europe or elsewhere.

~~585.638.~~ ~~Thus, on~~ On a smaller scale than it operated in the Palestinian Territories, HAMAS pursued the same tactics and goals in Lebanon, using a combination of propaganda, social welfare and cash grants and a commitment to violence to energize and gain the loyalty of the Palestinians of Lebanon.

639. As noted above, at the time, Syria also permitted new Hamas recruits to undergo training at Hezbollah and PFLP-GC camps in the Bekaa Valley, an area controlled by the Syrian military.

640. Iranian and Hezbollah instructors in the camps trained hundreds of Hamas operatives in military tactics, explosives manufacturing, hostage-taking, communications, and intelligence gathering.

~~586.641.~~ For its part, Lebanon (which was largely controlled by Syria) turned a blind eye to HAMAS's activities, including ~~its~~ HAMAS's substantial financial activity in Lebanon.

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642. In fact, the Syrian regime used Lebanon as a major conduit for financial support to HAMAS, including Iranian support for the organization.

643. Lebanese banks, such as Defendant BLOM BANK, became important transit points for HAMAS funds that not only funded the recruitment and training of HAMAS operatives in Lebanon but also financed terrorist operations in the Palestinian Territories.

644. For example, senior HAMAS activist Jamal al-Tawil, who was one of the Movement's most important operatives in the Ramallah area, was arrested by Israel in 2002 and later told his interrogators that he received \$12,000 per month from HAMAS's leadership in Lebanon.

~~587.~~645. Other notorious HAMAS operatives in the Palestinian Territories ranging from Abbas al-Sayed (mastermind of the Park Hotel suicide bombing in Netanya) to Jamal Mansur, one of HAMAS's senior operatives in Nablus to Sheikh Ahmed Yassin himself, received funds transfers from representatives of HAMAS's bureau in Lebanon.

646. On December 9, 2001, Agence France Presse reported on a HAMAS demonstration in the Ain el-Helweh refugee camp near Sidon, headlined by HAMAS leader and spokesman, Osama Hamdan.

647. On January 25, 2002, Agence France Presse reported on a HAMAS demonstration in southern Lebanon also headlined by HAMAS leader and spokesman, Osama Hamdan.

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648. On August 12, 2003, the *Los Angeles Times* reported that “[i]n Lebanon, a Hamas spokesman said the group had shut its Damascus office and relocated some representatives out of the country to save face for Syria. But the spokesman said the closure had not significantly affected Hamas operations. The Hamas office in Lebanon, where Syria exerts strong political influence, continues to do lobbying and media relations work, he said. ‘There’s no big effect on Hamas. We’re still doing our work,’ said Usama Hamdan, the group’s Beirut spokesman.”

649. Indeed, the Lebanese Penal Code considers “resistance” organizations such as Hezbollah and HAMAS legitimate.

650. In sum, during the relevant period (and still today) HAMAS operated openly and brazenly in Lebanon. To the extent it downplayed its association with its own social welfare institutions in Lebanon, it did so for *external* consumption only—to prevent authorities (particularly in major currency centers like the U.S. and Europe) from cracking down on the influx of funds through the international financial system. On the ground in Lebanon itself, however, it and its social welfare institutions operated openly and used their affiliation to gain public support and recruit and retain adherents to the Movement.

651. As stated above, Hezbollah, for example, openly acknowledged that it controlled the purportedly charitable “Martyrs Foundation.”

*Appendix L***II. BLOM BANK'S INTERNAL COMPLIANCE AND DUE DILIGENCE POLICIES**

652. At all relevant times, including during the relevant period, defendant BLOM had actual knowledge that terrorist organizations such as HAMAS require access to funds, including wire transfers and untraceable, portable cash, and other banking services in order to operate and in order to plan, prepare for and carry out terrorist attacks, and that providing these services to HAMAS-affiliated entities would enable HAMAS to plan, prepare for and carry out terrorist attacks and/or enhance HAMAS's ability to plan, prepare for and carry out such attacks. This is because defendant BLOM was aware of, *inter alia*, the rules promulgated by the inter-governmental Financial Action Task Force ("FATF") and by the Middle East and North Africa Financial Action Task Force ("MENAFATF") (which Lebanon has adopted), requiring banks to know their customers, perform due diligence and not provide banking services to terrorist organizations, and that the FATF and MENAFATF rules are and were intended to prevent terrorist organizations such as HAMAS from conducting banking activities, including wire transfers, and thereby limit their ability to operate and to carry out terrorist attacks.

653. In October 2001, FATF issued eight Special Recommendations on steps countries should take to address terrorist financing. These included, *inter alia*, strengthening customer identification measures on international and domestic wire transfers and ensuring that entities, in particular non-profit organizations ("NPOs"), cannot be misused to finance terrorism.

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654. FATF also has identified the receipt of cash deposits by NPOs and international money transfers from other non-profit organizations to be one typology potentially indicating a “network of organisations for channeling terrorist funds.”

655. Similarly, in October 2001, the Basel Committee on Banking Supervision issued its report on “Customer due diligence for banks.”¹²

Certain key elements should be included by banks in the design of KYC programmes. Such essential elements should start from the banks’ risk management and control procedures and should include (1) customer acceptance policy, (2) customer identification, (3) on-going monitoring of high risk accounts and (4) risk management. Banks should not only establish the identity of their customers, but should also monitor account activity to determine those transactions that do not conform with the normal or expected transactions for that customer or type of account.

656. The Basel Committee also provided additional guidelines for higher risk accounts:

There should be intensified monitoring for higher risk accounts. Every bank should set

12. The Basel Committee (which is related to the Bank for International Settlement, a consortium of central banks) issues the industry-standard and highly influential “Basel Accords” policy recommendations.

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key indicators for such accounts, taking note of the background of the customer, such as the country of origin and source of funds, the type of transactions involved, and other risk factors. For higher risk accounts:

- Banks should ensure that they have adequate management information systems to provide managers and compliance officers with timely information needed **to identify, analyse and effectively monitor higher risk customer accounts.** The types of reports that may be needed include reports of missing account opening documentation, transactions made through a customer account that are unusual, and aggregations of a customer's total relationship with the bank.
- Senior management in charge of private banking business should know the personal circumstances of the bank's high risk customers **and be alert to sources of third party information.** Significant transactions by these customers should be approved by a senior manager. (Emphasis added.)

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657. BLOM's AML/CFT policies have likewise included enhanced due diligence for charities and NPOs, including continuous monitoring.

658. For instance, in recent years, BLOM has acknowledged the need "to avoid the misuse of NPOs in financial crimes including in terrorism financing" and has established "detailed policies and procedures for conducting business with NPOs." These include ensuring the NPO is not "used as a vehicle for terrorism financing" or that the relationship would not "breach international sanctions," and "continuous monitoring."

659. Likewise, its current policies, still echoing FATF's 2001 recommendations, acknowledge that that NPOs and NGOs "have been of a concern since they have been misused by terrorists and criminals as vehicles for raising and laundering funds destined for terrorism. In order to avoid the abuse of NPOs and NGOs in F[inancial] C[rimes] specifically in terrorism financing, BLOM has set detailed policies and procedures for conducting business with NPOs and NGOs. In this context, NPOs and NGOs are considered high risk customers."

660. Thus, NPOs are subject to enhanced due diligence; but presumably even more so where they are openly affiliated with terrorist groups.

661. Reviewing a suspicious account in that context would involve a transactional review, including a review of prior transactions. During such review, for instance, BLOM would have noticed that Sanabil was receiving

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vast sums from an entity (HLF) recently designated as an SDGT by the United States for supporting HAMAS terrorism; it also would have been particularly sensitive to transactions from groups like the Al-Aqsa Foundation.¹³

662. Sanabil's and Subul al-Khair's regular large cash withdrawals (whether performed in single large withdrawals or many smaller ones) also would have gained BLOM's attention.

663. Between 1998 and 2001, BLOM deposited over \$2 million USD from HLF to Sanabil's account(s), including \$1 million in 2000, a vast amount for a nominal charity operating near a small city like Sidon. Lebanon's per capita Gross National Income was \$4,600 in 2000 (in the United States in 2000, it was nearly \$36,000); but the equivalent figures were lower still for Sidon and much lower in the Palestinian refugee camps, making the amounts received by Sanabil remarkable (and very noticeable) for the branch.

664. MENAFATF has also confirmed that "[c]ash . . . remains the raw material of most criminal activity. In many cases, even when the proceeds of a crime are initially generated in electronic form . . . criminals choose to withdraw the funds from a bank account in cash, transport

13. Lebanese charities on average receive less than 25% of their funding from international donors. Local private funding, government funding, personal donations, membership fees and service fees typically make up the bulk of their revenues, but this was not the case with respect to the HAMAS fundraising accounts detailed herein.

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it to another country, and pay it into another account in order to break an audit trail.”

665. MENAFATF has also acknowledged that transporting cash is associated with, *inter alia*, “the financing of terrorism.”

666. MENAFATF has further confirmed that “[t]he principal benefit is often said to be that cash is anonymous and leaves no audit trail. The anonymity of cash is often quoted as one of the main reasons for its use in the criminal economy and there is no doubt that, up to a certain level, this is the case. Demonstrating the provenance of small amounts of cash can be problematical for law enforcement officials.”

667. Indeed, BLOM itself did not know the ultimate purposes or uses of the large cash withdrawals Sanabil and Subul al-Khair made from their BLOM accounts.

668. During the relevant period, BLOM BANK purported to have an Anti-Money Laundering/Combating Financing of Terrorism (“AML/CFT”) Compliance Officer in place together with procedures to comply with Know-Your-Customer (“KYC”) policies and internal reporting procedures for identifying suspicious transactions. It also purportedly maintained internal controls to forestall and/or prevent money laundering (including via compliance officers, its compliance unit, and Internal Audit functions). One of the bank’s stated policy goals was to make certain that suspicious transactions were reported to the Compliance Officer at Head Office tasked

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with determining whether a report was to be made to the Lebanese authorities.

669. During the relevant period, BLOM BANK's purported KYC policies required the bank to learn the true identity of their clients and that of the beneficial owners of accounts at the bank, when operations were being carried out through proxies or individuals acting on behalf of other individuals, institutions, or companies.

670. BLOM BANK's purported KYC policies were also intended to identify signals revealing the existence of money laundering operations and establish due diligence principles to help the bank detect suspicious operations.

671. BLOM BANK also committed to having procedures in place to monitor customers' transactions and the Compliance Unit at the Head Office was supposed to generate daily and quarterly reports as part of this transaction monitoring.

672. Similarly, bank employees were instructed to flag any transaction which did not fit within a customer's transaction profile and those anomalies were to be reviewed by the AML Compliance Officer at the branch and the branch manager.

673. BLOM BANK thus had actual knowledge that terrorist organizations such as HAMAS require wire transfers and other banking services in order to plan, prepare for, and carry out terrorist attacks, and the Bank understood that providing such banking services to HAMAS would enhance the terrorist organization's

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ability to recruit and sustain its operatives and perpetrate terrorist attacks.

674. In fact, during the relevant period (and still today), as noted above, both Hezbollah and HAMAS operate openly and “legally” in Lebanon—with Hezbollah as the dominant political and military force in the country. Thus, the bank’s compliance infrastructure would certainly have identified the risk posed by its HAMAS fundraising customers and understood the international rules prohibiting providing banking services to terrorist organizations, perhaps even more acutely than a bank operating a far less high-risk jurisdiction.

675. During the relevant period, it was common knowledge in Lebanon that FTOs operate through purported “charitable” institutions. For instance, Hezbollah has openly, publicly, and repeatedly acknowledged and publicized that the “charitable” institution, the Martyrs Foundation, belongs to and is a part of Hezbollah, including on its official websites, in official press releases issued by Hezbollah, on Hezbollah’s official television station, *Al-Manar*, on Hezbollah’s official radio station, *Al-Nour*, and in numerous press conferences and news media interviews conducted by senior Hezbollah officials.

676. The Martyrs Foundation’s affiliation with Hezbollah was not only widely known in Lebanon. For example, as early as October 1991, *The Independent* newspaper (published in London) reported that the Martyrs Foundation supplies stipends to the families of Hezbollah terrorists.

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677. A November 7, 1993, article in *The New York Times* reported:

On the grass-roots level, Hamas leaders hope to maintain their movement's influence, which has been built through a growing network of social service organizations aided by financing from Saudi Arabia, other gulf Arab states and Iran. Hamas has used Islamic welfare groups to win support, especially in the impoverished Gaza Strip, where it has filled gaps left by inadequate Government services.

678. Similarly, as noted above, on March 15, 1996, a feature article in *The New York Times* detailed the financing of HAMAS by so-called charitable organizations: "Most of Hamas's estimated \$70 million annual budget goes to support a network of hundreds of mosques, schools, orphanages, clinics and hospitals that permeates virtually every village, town and refugee camp on the West Bank and Gaza Strip. But these social services provide both a cover and a recruiting ground for young terrorists. One of the important uses of charitable donations to Hamas is to provide lifetime annuities to the families of suicide bombers."

679. A March 7, 1996, article in the French daily newspaper *Nouvel Obs* titled "Who can stop the killers of Hamas?" reported that HAMAS is not only a terrorist organization, but also and mostly a nebula of associations, schools, orphanages, and clinics that involve close to one million dollars per year.

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680. On December 1, 1996, the *Associated Press* ran a story titled, “From Gaza Alleys to Turkish Slums, Helping Hand Key to Success.” The article reported:

The Islamic Society is part of a sprawling network of charities and social institutions with ties to the Islamic Resistance Movement, better known as Hamas, whose gunmen and suicide bombers have staged repeated attacks inside Israel.

But before any Hamas activist picked up a gun, its affiliated social service groups were building popular support, mixing charity, Islamic consciousness and politics.

681. On September 17, 1997, the UK-based *Mideast Mirror* published an article titled “How to break the deadlock: Armed resistance, plus Arab pressure on U.S.”

682. The article quotes the Arabic press regarding Gulf State sources of funding for HAMAS:

According to al-Hayat’s sources, only some \$ 10 million dollars is raised annually by Palestinian Islamist charities in the Gulf, most of which is paid directly to visiting fund-raising delegations or the charities’ bank accounts in Jordan, or via Palestinian support groups based in the U.S. or Britain.

Gulf-based charities also say they make a point of ensuring that recipients are recognized by

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the Jordanian religious affairs ministry or the PA's Jerusalem-based religious affairs department. They include the Zakat (alms) Committees in Hebron, Jerusalem, Tulkarem, Kalkilya and Gaza, which fund schools, Koran teaching classes and orphanages, provide cash or food aid to the families of martyrs, and run self-help schemes for needy families. Gulf funding also sustains the Islamic Charitable Society in Hebron, Jerusalem's Makassed Hospital, and the Wafa Society in Gaza which looks after the elderly.

Gulf donors also insist that they have always dealt openly with such organizations, which Israel accuses of constituting the "infrastructure" of Hamas. "We used to work with these organizations in broad daylight in the days of direct Israeli occupation, and continued dealing with them under the PA, though regrettably the pressures increased with the advent of the PA," *al-Hayat* quotes one aid worker as saying.

As for higher educational institutions, the main recipient of Gulf aid is Gaza Islamic University, which has long been described as a "Hamas stronghold."

683. Thus, although Hezbollah, HAMAS and other FTOs used charitable fronts in Western countries to avoid detection from authorities, their social networks operated openly in the Middle East, including *in Lebanon*.

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684. As the FBI's Watson Memo affirmed, the civilian population that received the services provided by HAMAS's social welfare network understood that those "social services are being provided by HAMAS." That is the whole point.

685. BLOM had actual knowledge that the accounts at the bank identified herein were raising funds for the benefit HAMAS and that HAMAS would use the funds (at least in part) to further its operations, including its violent campaign of terror against Israel.

H.III. BLOM BANK'S HAMAS CUSTOMERS**A. Sanabil Association for Relief and Development—HAMAS's *Da'wa* Headquarters in Lebanon**

588-686. The Sanabil Association for Relief and Development ("Sanabil"), based in Sidon, Lebanon, was HAMAS's *da'wa* headquarters in Lebanon until late 2003., functioning like Hamas's *zakat* committees in the Palestinian Territories. Between 1998 and 2001, it received millions of dollars in support from HAMAS's fundraising network, including designated organizations such as HLF, Interpal, CBSP and the Al-Aqsa Foundation, and then channeled those funds to the Palestinian refugee camps in Lebanon to build HAMAS's support within that community.

687. According to the 2001 FBI Watson Memo, "Sanabil also has ties to The Palestine Relief Fund (a.k.a.

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Interpal), a United Kingdom based organization, which the GOI [Government of Israel] has identified as belonging to the HAMAS organization. . . .”

688. Like HAMAS’s other “*zakat*” or social welfare institutions, the FBI’s Watson Memo concluded that “[Government of Israel] analysis, as well as open-source reporting, has identified that the civilian population is aware that the services being provided by the *zakat* committees, whether it’s the distribution of food, medical services or other social services, are being provided by HAMAS.”¹⁴

589-689. On August 23, 2003, the Lebanese newspaper *Al-Saffir* published a report stating that in August 2001, following an order given by a HAMAS political leader (whose name was not mentioned), Sanabil opened offices in all of the Palestinian refugee camps in Lebanon in order to increase its activity.

590-690. Sanabil was designated by the U.S. Treasury Department as an SDGT on August 22, 2003, for its affiliation with FTO HAMAS. According to the Treasury Department:

The Sanabil Association for Relief and Development (Sanabil), based in Sidon, Lebanon, receives large quantities of funds

14. For a summary of the FBI’s findings, see *Boim v. Quranic Literacy Inst.*, No. 00-cv-2905, 2012 WL 13171764, *6 (N.D. Ill. Aug. 31, 2012).

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raised by major HAMAS-affiliated charities in Europe and the Middle East and, in turn, provides funding to HAMAS. For example, Sanabil has received funding from the Al Aqsa Foundation (designated as an SDGT under EO 13224 in May 2003); the Holy Land Foundation for Relief and Development (designated as an SDGT under EO 13224 in December 2001), and Interpal (designated as an SDGT under EO 13224 as part of this tranche). HAMAS recruits permanent members from the religious and the poor by extending charity to them from organizations such as Sanabil.

At the request of a HAMAS political leader, Sanabil began opening offices in all of the Palestinian refugee camps in Lebanon in August of 2001 in order to increase the foundation's role inside the camps. After starting by providing basic necessities the charity eventually began asking poor families within the camps to fill out application forms, particularly those who had worked with the Islamic Movement (Al-Haraka al-Islamiyya) and HAMAS. As a result of these efforts, Sanabil has increased its scope of influence within the camps.¹⁵

691. Unsurprisingly HAMAS's purpose in establishing its *da'wa* offices in Lebanon through Sanabil

15. "U.S. Designates Five Charities Funding Hamas and Six Senior Hamas Leaders as Terrorist Entities," *U.S. Department of the Treasury Press Release*, August 22, 2003.

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was in large part to improve its standing in the Palestinian refugee camps and reward its adherents while recruiting and paying new operatives, some of whom would go on to train in the Bekaa Valley. However, because Sanabil took in large donations from HAMAS fundraisers in the U.S., Britain, Germany, and France and withdrew large sums from its BLOM Bank account *in cash*, it is likely that HAMAS diverted a substantial amount of money for other purposes and in any event, once these funds were withdrawn from BLOM Bank they became untraceable.

692. Given that the organization was established by HAMAS and acted as a HAMAS alter-ego in Lebanon, Sanabil's board members were, unsurprisingly, predominantly well-known HAMAS leaders in Lebanon: at the time.

~~591:693.~~ For example, HAMAS's current senior leader in Lebanon, Ahmed Muhammad Abd al-Hadi, served on Sanabil's board of trustees during the relevant period (over the years he was also HAMAS's deputy representative and spokesman in Lebanon, servng openly as a Hamas operative during the relevant period).

~~592:694.~~ Abdallah Atawat served as Sanabil's Deputy Chairman of the Board of Trustees during the relevant period and as a board member of the Welfare Association for Palestinian and Lebanese Families (subsequently designated by the U.S. Treasury Department as an SDGT). Atawat is regarded as one of HAMAS's principal fundraisers in Lebanon both currently and during the relevant period.

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~~593-695.~~ 593-695. ~~Id~~ Eid Yihya al-Mari was General Manager and Secretary of Sanabil's Board of Trustees during the relevant period. He also served as coordinator of the Union of Good in Lebanon (subsequently designated by the U.S. Treasury Department as an SDGT), and was closely associated with Sheikh al-Qaradawi, discussed below.

~~594-696.~~ 594-696. Other members of the HAMAS leadership in Lebanon who served as trustees of Sanabil during the relevant period included Mashhur Abd al-Halim, who served as the Palestinian relations representative of HAMAS in Lebanon, and Ziyad Qamr, a HAMAS political official.

~~595-697.~~ 595-697. During the relevant period (1999-2003) Sanabil held account # 12-02-44037-728529-1 at Defendant BLOM BANK in Sidon, Lebanon.

~~596-698.~~ 596-698. To illustrate, between 1998 and 2001, HLF transferred over \$2 million U.S. dollars through BLOM BANK's correspondent bank accounts in New York to Sanabil's bank account(s) at BLOM BANK in Lebanon.

~~597-699.~~ 597-699. In 2000, HLF transferred over \$1 million through BLOM BANK's correspondent bank accounts in New York to Sanabil's bank account(s) at BLOM BANK in Lebanon.

~~598-700.~~ 598-700. In 2001, HLF transferred over \$350,000 through BLOM BANK's correspondent bank accounts in New York to Sanabil's bank account(s) at BLOM BANK in Lebanon.

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599.701. The table below provides some sense of the magnitude of the payments:

3/1/2000	\$47,095.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
3/21/2000	\$90,174.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
4/5/2000	\$48,811.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
5/26/2000	\$29,054.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON

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7/7/2000	\$24,319.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
7/28/2000	\$11,072.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
9/18/2000	\$58,349.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
10/25/2000	\$20,000.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON

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11/8/2000	\$20,567.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
11/14/2000	\$20,000.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
11/20/2000	\$50,000.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
12/7/2000	\$50,000.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON

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12/22/2000	\$123,000.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
12/26/2000	\$12,000.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
1/16/2001	\$41,082.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
2/2/2001	\$33,500.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON

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3/8/2001	\$110,691.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
4/4/2001	\$31,619.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
4/23/2001	\$4,139.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
5/9/2001	\$31,225.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON

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6/14/2001	\$32,871.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON
9/7/2001	\$30,285.00	HOLYLAND FOUNDATION GENERAL	SANABIL ASSOCIATION FOR RELIEF AND DEVELOPMENT SIDON LEBANON

~~600.702.~~ For example, on October 22, 1999, HLF transferred \$40,000 to Sanabil's account # 12-02-44037-728529-1 at Defendant BLOM BANK using BLOM BANK's correspondent account at Bank of New York. See **Exhibit A.**

~~601.703.~~ On October 25, 2000, HLF transferred \$20,000 to Sanabil's account # 12-02-44037-728529-1 at Defendant BLOM BANK using BLOM BANK's correspondent account at Citibank. See **Exhibit B.**

~~602.704.~~ On October 19, 2000, HLF transferred \$31,254 to Sanabil's account # 12-02-44037-728529-1 at Defendant BLOM BANK using BLOM BANK's correspondent account at Northern Trust International Banking and American Express Bank in New York. See **Exhibit C.**

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~~603~~.705. As described below, KindHearts succeeded to HLF's fundraising for HAMAS after HLF was designated in December 2001. KindHearts sent an additional \$250,000 to Sanabil's accounts between July 2002 and July 2003. Even after HLF's designation and the public outcry about its support for HAMAS, BLOM BANK continued to maintain Sanabil's account #12-02-44037-728529-1 and process U.S. dollar-denominated transfers for KindHearts into the same account into which it had deposited HLF's funds.

~~604~~.706. The Al-Aqsa Foundation transferred *at least* \$50,000 into Sanabil's accounts at Defendant BLOM BANK between April–May 2003, using BLOM BANK's correspondent account at the Bank of New York. *See **Exhibit D***.

~~605~~.707. Significantly, the second Al-Aqsa Foundation transfer in **Exhibit D** was sent to BLOM BANK even though Al-Aqsa Foundation had been designated by Israel in 1997, banned in Germany in 2002 and designated as and SDGT by the U.S. Treasury on May 23~~29~~, 2003.

~~606~~.708. Between 1999 and 2003, Defendant BLOM BANK also processed fund transfers through its New York correspondent banks for CBSP and Interpal in amounts estimated to exceed \$1 million.

~~607~~.709. During this time period Sanabil served as Interpal's "official" representative in Lebanon.

~~608~~.710. The U.S. government identified Sanabil as an unindicted co-conspirator in the HLF prosecution,

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calling it a “part of the Global HAMAS financing mechanism.”

~~609~~.711. In 2003, following a ruling from the Lebanese judiciary, the Sanabil organization center in the town of Sidon closed. Its closure—attributed to its links to HAMAS—was reported in the Lebanese press.

610. ~~For example, an August 27, 2004 article in *The Daily Star* in Lebanon reported that Sanabil “had sponsored 1,200 Palestinian families and spent around \$800,000 on orphans and \$55,000 on needy patients[.]” The same article reported that “[f]rom 1997-2000, Al-Sanabil’s annual budget grew to \$700,000, according to Al-Sanabil’s former officials.”~~

~~611~~.712. Records seized from HLF show that Sanabil regularly distributed small sums in cash from its accounts to hundreds (if not thousands) of individual dependents in the Palestinian refugee camps under the stated categories of “Orphan Sponsorships,” “Student Sponsorships,” “Needy Sponsorships” and “Family Sponsorships.”

713. The Sanabil was therefore withdrawing large sums of cash from its BLOM BANK account that were untraceable.

~~612~~.714. According to Sanabil, the purported beneficiaries of these cash payments were provided “membership ID numbers” and paid small amounts individually. According to the U.S. government, these payments were made in a the manner of an old-style

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political machine, buying loyalty in periodic stipends of \$40-50 per quarter, and helping HAMAS recruit “permanent members.”

~~613~~.715. Defendant BLOM BANK therefore not only facilitated large infusions of funds from prominent HAMAS fundraising organizations around the world; it also facilitated thousands of small untraceable cash disbursements that helped HAMAS purchase support in its target areas or put to other uses, such as HAMAS’s training of operatives in Lebanon or transfers of cash to its operatives in the Palestinian Territories.

~~614~~.716. After Sanabil closed, a U.S.-based Non-Governmental Organization called KindHearts began working secretly and independently in the camps in Lebanon, attempting to maintain a public distance from HAMAS to avoid drawing attention to its affiliation with the terrorist organization. According to the U.S. Treasury Department:

Between July and December 2002, KindHearts sent more than \$100,000 USD to the Lebanon-based SDGT Sanabil, according to information available to the U.S. Financial investigation revealed that between February 2003 and July 2003, KindHearts transferred over \$150,000 USD to Sanabil. KindHearts deposited the funds into the same account used by HLF when it was providing funds to the HAMAS-affiliated Sanabil, according to FBI analysis.

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~~615.717.~~ Just as KindHearts stepped into the shoes of Sanabil in Sidon when Sanabil closed in 2003, KindHearts took over HLF's fundraising for HAMAS after HLF was designated in December 2001. KindHearts was founded in January 2002 and incorporated as a non-profit in Toledo, Ohio. Mohammed El-Mezain, HAMAS's leader in the United States, was brought in as a fundraising specialist. El-Mezain had previously worked as a fundraiser for HLF.

~~616.718.~~ Omar Shahin was the Arizona representative of HLF and later of KindHearts.

~~617.719.~~ Once incorporated as a charitable organization, KindHearts quickly raised \$2.9 million in 2002, \$3.9 million in 2003, and \$5 million in 2004.

~~618.720.~~ According to the Treasury Department, during a September 2003 fundraising event, Osama Hamdan, HAMAS leader in Lebanon at the time, called a KindHearts official to thank him for KindHeart's support. During the fundraiser, one of the speakers urged support for HAMAS and Hezbollah.

~~619.721.~~ According to the U.S. Department of the Treasury, KindHearts sent \$250,000 to Sanabil between July 2002 and July 2003.

~~620.722.~~ KindHeart's assets were frozen by the Treasury Department on February 19, 2006.

621. KindHearts board chair Dr. Hatem Elhady told the *Toledo Blade*, that "[w]e did not just give money. We

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~~gave it for specific projects, and we saw the results, and we have the receipts.”~~

B. Subul Al-Khair

~~622.723.~~ Subul al-Khair is a small HAMAS institution founded in Beirut, Lebanon in 1998.

724. HAMAS’s purpose in establishing Subul al-Khair as one of its *da’wa* offices in Lebanon was to help service HAMAS’s recruitment efforts in the Beirut area as opposed to southern Lebanon.

~~623.725.~~ Subul al-Khair was identified as an unindicted co-conspirator in HLF’s criminal trial.

~~624.726.~~ Defendant BLOM BANK maintained an account for Subul al-Khair at its Rawsheh branch in Beirut (Account No. 0227534) and deposited multiple transfers sent by HLF to Subul al-Khair during the relevant period.

~~625.727.~~ Ostensibly, Subul al-Khair functioned much like Sanabil, but was more focused on HAMAS supporters in the Beirut area.

~~626.728.~~ Records seized from HLF show that HLF sent Subul al-Khair over \$500,000 between 1999 and 2001.

~~627.729.~~ Subul al-Khair also regularly distributed ~~withdrew significant sums of cash from BLOM Bank purportedly in order to distribute small sums in cash from its accounts to individual~~ under the categories ~~rubric~~ of “Orphan Sponsorships” and “Student Sponsorships.”

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~~628-730.~~ Some cash beneficiaries were provided “membership ID numbers” and were paid small amounts individually in a manner of an old-style political machine, buying loyalty in periodic stipends of \$30-40 per quarter, but ultimately the organization’s cash withdrawals were (and remain) untraceable.

~~629-731.~~ Defendant BLOM BANK therefore not only facilitated large infusions of funds from prominent HAMAS fundraising organizations through Subul al-Khair; it also facilitated vast numbers of small cash disbursements that helped HAMAS purchase support in its target areas.

C. “Union Of Good”

~~630-732.~~ The Union of Good (also known as the Charity Coalition or *I’tilaf Al-Khayr* in Arabic) was established in October 2000, at the beginning of the Second Intifada, as the umbrella organization for HAMAS’s global fundraising activity.

~~631-733.~~ Comprising more than 50 separate organizations—several of which have been designated SDGTs by the U.S. Treasury Department, including Interpal and CBSP (two major HAMAS fundraising organizations in Europe)—the Union of Good originally ~~began as a limited 101-day fundraising drive for emergency aid at the outset of what was later called the Second Intifada, chaired by Sheikh Yusuf al-Qaradawi, the Muslim Brotherhood’s spiritual leader. According to~~

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Al-Qaradawi, “[t]he martyr operations [sic] is the greatest of all sorts of Jihad in the Cause of Allah.” was conceived of and initially operated as a onetime fundraising campaign to support the Second Intifada—the so-called “101 Days Campaign”—but it ultimately developed into a permanent structure.

734. Sheikh al-In 2001, the Union of Good created an Arabic language website for the 101 Days Campaign, with English and French versions, each soliciting donations.

735. At the same time, Hamas’s fundraising organization in the United Kingdom, Interpal, also created additional pages to its own website (www.interpal.org) to raise funds for the Union of Good and its “101 Days Campaign.” In 2001, Interpal’s “International Donations” page listed the Holy Land Foundation as the designated donation point in the United States and provided its website and banking information:

[101 Days Campaign](#) | [Campaign Background](#) | [Press Release](#) | [Basic Philosophy](#) | [Aims of the Campaign](#)
[Achieving the Objectives](#) | [Organisations & Chapters](#) | [Supervisory Board](#) | [How to Join the Campaign](#)
[Donation Form](#) | [E-mail Us](#) | [Internal Home Page](#) | [Campaign Home Page](#) | [International Donations](#)

International Donations

Arab Countries	European Countries	USA	South Africa
--------------------------------	------------------------------------	---------------------	------------------------------

USA

Holy Land Foundation
 USA
<http://www.hlf.org>
 E-mail: hlf@hlf.org
 Account Name: Holy Land Foundation
 Bank Name: Bank One, Texas
 Account Number: 1070001258
 Routing Number: 111000614

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736. As of at least August 1, 2001, the official website of HAMAS's political bureau at that time—www.palestine-info.net—posted an advertisement on its home page with a hyperlink to the Union of Good's 101 Days Campaign website:



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737. In December 2001, the U.S. government designated the Holy Land Foundation as Specially Designated Global Terrorist for its role in financing Hamas.

738. Accordingly, by February 2002, Interpal's "International Donations" webpage replaced the Holy Land Foundation and listed the Global Relief Foundation

16. <https://web.archive.org/web/20010801150122/http://www.palestine-info.net/arabic/index.shtml>.

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as the designated donation point in the United States and provided its website and banking information (that notably still listed a bank account for the Holy Land Foundation).

739. In October 2002, the U.S. government designated the Global Relief Foundation for providing support to Osama Bin Laden, Al Qaeda “and other known terrorist groups.”

740. From its inception, Sheikh Yusuf al-Qaradawi, the Muslim Brotherhood’s spiritual leader served as the chairman of the Union of Good.¹⁷

741. Sheikh Yusuf al-Qaradawi was and remains one of the most recognized and famous people in the Arab and Muslim world and as illustrated below his image is iconic.¹⁸

17. Even an obscure Virginia news website called “World Tribune” published an article on July 4, 2002, that noted Israeli military seizures of records showing that the Saudi Committee for the Support of the Intifada al Quds “transferred money to a network of charities linked to Hamas. They include Al Salah Association in Gaza City, the Islamic Association in Hebron and the Coalition of Benevolence. The coalition is headed by Yusef Qardawi, an Egyptian born Sheik who now lives in Qatar.”

18. The photograph below was taken in 2013 in Gaza where Sheikh al-Qaradawi was hosted by HAMAS leader Ismail Haniyah and other senior leaders of the organization. His image on the billboard rests above that of HAMAS’s founder and deceased spiritual leader, Ahmed Yassin.

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742. When the Union of Good created its initial websites, Sheikh al-Qaradawi's widely recognized image appeared prominently on the homepage. For example, the English language homepage for www.101days.org in July 2001:

743. Born in 1926 in Egypt, Sheikh al-Qaradawi was an adherent of the teachings of Hassan al-Banna, the founder of the Muslim Brotherhood and was imprisoned for lengthy periods in Egyptian jails.

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قال رب انفقوا مما رزقناكم في سبيل الله فقال ربنا انفقنا وما كنا بمنفقين بل كذبوا كذبا كبيرا

انفاق الخير

Allah SWT says in the Holy Qur'an: "The parable of those who spend their wealth in the way of Allah is that of a grain of corn: it grows seven ears, and each ear hath a hundred grains: Allah giveth manifold increase to whom he pleaseth: and Allah careeth for all and Allah He knoweth all things." (Sūrat Al-Baqarah, Ayat 261).

Pūtafu al-Khayr Union for Good

101 Days Campaign

In solidarity with the people of Palestine to ease the effects of the blockade imposed by the occupying forces and in support of their steadfastness.

حملة "مائة يوم ويوم" للتخفيف الحاصل عن الشعب الفلسطيني وذلك تم تصموده

تستطيع الجهود المباركة من هذه الحملة أن يخلصوا لنا من زخرات إسرائيل ومن صدقاتهم الظالمة التي من ربح أو فاقدهم أو من وهداهم سواء... العفو يوسف القرضاوي

المساهمة في الحملة انطقا هنا

A coalition of Islamic Arab and international organisations working together in support of Palestine, and created over by His Eminence Sheikh Dr. Yusuf Al-Qaradawi.

تشارك في حملة التضامن الإسلامية والعربية الدولية برأسها سماحة الشيخ الدكتور يوسف القرضاوي

English Türkiye Français عربي

744. In 1961, he emigrated from Egypt to Qatar (where he lives to this day). In 1977, al-Qaradawi established a faculty for Shari'a Studies at Qatar University, and also established an institute for the research in the Sunna. These institutions gave him added authority in connection with the legal rulings that he gave.

745. Sheikh al-Qaradawi was (and is) one of the most recognizable figures in the Arab and Muslim world. During the years before, during and after the Second Intifada, he was best known for his weekly television program on the Al Jazeera satellite channel called "Sharia and Life" ("al-Shari'a wa al-Hayāh"), on which he analyzed numerous topics through the lens of Islamic thought.

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746. He is (and during the relevant period was) one of Muslim world's most prominent public supporters of HAMAS and its campaign of violence against Israel.

747. The Al Jazeera hosted program reached approximately 60 million viewers during its height before its end in 2013.

748. Sheikh al-Qaradawi was also one of the first Islamic scholars to launch his own website and was also a co-founder of the popular Muslim Brotherhood website IslamOnline.net, which features a larger number of his fatwas. He has written over 120 books and has gained even greater eminence throughout the Muslim world by serving as the chairman of numerous Islamic organizations and operating on a variety of media platforms. For example, for many years he headed the Dublin-based European Council for Fatwa and Research, an influential European Muslim institution that issues fatwas for Europe's practicing Muslims.

749. Al-Qaradawi has long stated that "[t]he martyr operations [sic] is the greatest of all sorts of Jihad in the Cause of Allah."

750. Even before the Second Intifada erupted in 2000, Sheikh al-Qaradawi was a leading voice in Arab and Islamic politics endorsing violence against Israel, publicly asserting for example, that: "There should be no dialogue with these people [Israelis] except with swords." See *Leading Muslim Cleric Under Fire for Meeting Israeli Chief Rabbi*, AP Worldstream, January 7, 1998,

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quoting a January 6, 1998, article by al-Qaradawi in the Arab newspaper *Al-Shaab*.

632.751. Sheikh al-Qaradawi issued a Muslim religious edict (*fatwa*) that gave HAMAS and other terrorist groups religious approval authorizing suicide bombing attacks (including by women) against Israel.

752. During 2001, on his *Shariah and Life* broadcast on Al Jazeera, Sheikh al-Qaradawi was asked what could be done to show the Palestinian people that there were people standing by them. He replied:

No doubt there are steps that need to be taken at the official and popular level . . . There is another thing: Financial Jihad. Our brethren are struggling for money. They are sacrificing themselves. They are giving martyrs every day. Thank God this means that the Umma is giving martyrs. Women cry for joy at the death of the martyrs . . . We should give aid to our brethren to reinforce their steadfastness, to try and overcome the blockade enforced on them.

753. Later in the interview, Sheikh al-Qaradawi answered further questions about the duties of Muslims regarding the conflict with Israel, and he said:

We should resist and resist with what we have. We do not have nuclear weapons . . . I am surprised at any Muslim who calls these acts “suicide acts.” These are martyrdom,

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commando and heroic acts. We should hail those who carry out these acts and bless them and call on God to take them to live in Paradise. They are there, God willing, because of their intentions, works, efforts and Jihad.

754. In an interview the Egyptian newspaper, Al-Ahram Al-Arabi on February 3, 2001, al-Qaradawi explained his ruling:

He who commits suicide kills himself for his own benefit, while he who commits martyrdom sacrifices himself for the sake of his religion and his nation. While someone who commits suicide has lost hope with himself and with the spirit of Allah, the Mujahid is full of hope with regard to Allah's spirit and mercy. He fights his enemy and the enemy of Allah with this new weapon, which destiny has put in the hands of the weak, so that they would fight against the evil of the strong and arrogant. The Mujahid becomes a 'human bomb' that blows up at a specific place and time, in the midst of the enemies of Allah and the homeland, leaving them helpless in the face of the brave Shahid who . . . sold his soul to Allah, and sought the Shahada [Martyrdom] for the sake of Allah.

755. In an April 25, 2001, interview with a Qatari newspaper, Al-Raya, al-Qaradawi further explained that suicide bombings against targets in Israel "are the supreme form of Jihad for the sake of Allah, and a type

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of terrorism that is allowed by the Shari'a." He cited a Koranic verse stating that one must be prepared to "spread fear among one's enemies and the enemies of Allah," and added that "the term 'suicide operations' is an incorrect and misleading term, because these are heroic operations of martyrdom, and have nothing to do with suicide. The mentality of those who carry them out has nothing to do with the mentality of someone who commits suicide."¹⁹

756. On June 2, 2001, Agence France Presse reported that Sheikh al-Qaradawi criticized Sheikh Tantawi for disapproving of suicide bombing, quoting him as saying on May 12, 2001: "These martyr operations led by the Palestinian fighters against Israel spring from resistance and all Muslims who kill to defend their land, honour and religion are martyrs."

757. In an op-ed in the Guardian on August 28, 2001, Faisal Bodi wrote: "The world's most quoted independent Islamic jurist, Sheikh Yusuf al-Qaradawi, calls the [suicide] bombs 'commendable' and 'among the greatest form of holy struggle against oppression.'"

758. On September 16, 2001, al-Qaradawi appeared on Al-Jazeera Television in Qatar to discuss the September 11, 2001, attacks on the World Trade Center and Pentagon.

19. Also quoted in Michael Slackman, "Islamic Debate Surrounds Mideast Suicide Bombers," *The Los Angeles Times*, May 27, 2001. The Associated Press reported that same day that al-Qaradawi had publicly stated that a suicide bombing "is one of the greatest means of struggle."

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Striking a note of “moderation” he distinguished the September 11th attacks from those targeting civilians in Israel:

We must differentiate between two types of terror: the terror of those defending their homeland and their rights . . . This kind of terror is legitimate. The Palestinian factions defending their land, such as Fatah, Hamas, or Islamic Jihad, are not terrorists. [It is] a Jihad for the sake of Allah . . .

Even if the US is guilty, in that it supports this Israeli terror, I say that this does not mean that we may attack civilians in the US, because the civilians are not guilty. We should fight the American military if we can, and if we cannot, we should fight the US economically and politically.

759. The Associate Press reported on February 26, 2002, that “Youssef al-Qaradawi, a highly respected Egyptian clergyman, said suicide bombings—themselves a matter of debate among Muslims—are the best form of jihad and that ‘what applies to men also applies to women.’”

760. In March 2002, in a Hamas journal published in Britain called Filasteen al-Muslama, al-Qaradawi stated that the participation of women in suicide terrorist attacks is not only permitted but even desirable, and that it is permitted for a woman to deviate from the rules that obligate her in daily life, from the point of view of

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preserving her modesty, to carry out the suicide attack (for example, in his ruling, al-Qaradawi permits women to travel for the purpose of carrying out the suicide attacks without being escorted by a male relative, and is even lenient in regard to covering her head and wearing a veil).

761. In a May 4, 2002, article published in *Akhbar al-Khaleej* (UAE), al-Qaradawi's lecture (given in the UAE) outlined his view that that collecting money for the mujahideen (jihad fighters, or "Muslim holy warriors") was not a donation or a gift, but "a duty necessitated by the sacrifices they made for the Muslim nation."

762. On June 13, 2003, al-Qaradawi appeared on Qatar Television to discuss, among other things, the Bush Administration's efforts to restart negotiations between the Palestinian Authority and Israel. Al-Qaradawi stated:

The Intifada expresses an assertive and proud people, a heroic people, a people that is unperturbed by death. A people that wants to live free, in honor, or die martyred. It is inconceivable that this people will die, despite the attempts of the Zionist entity state and of its strategic ally, the U.S. As much as they try to kill the Intifada and crush the resistance, they will not succeed. . . .

I say to [PA Prime Minister] Mahmoud Abbas, to [PA Security Minister] Muhammad Dahlan, and to the ministers who support them, that the day Hamas and [Islamic] Jihad, Al-Aqsa

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Martyrs Brigades, and the Mujahideen cease to exist, nothing will remain to negotiate about or to cling to. You will stand in your nakedness. No one will support you. What pushed the Zionists and the Americans to present the road map is the [defeat] they suffered as a result of the martyrdom operations that shook their foundations, undermined their existence, and sowed fear in their hearts.

633-763. In a July 7, 2004, interview for BBC's "Newsnight," al-Qaradawi, referring to the suicide attacks, said: "I consider this type of martyrdom operation as an evidence of God's justice."

764. Other prominent trustees of the Union of Good included three prominent Lebanese figures: Sheikh Dr. Feisal Mawlawi, Sheikh Dr. Marwan Qabbani and Ahmad al-Zayn.

765. Sheikh Mawlawi was a co-founder of the European Council for Fatwa and Research with Sheikh al-Qaradawi and served as a member of the Guidance Office of the World Muslim Brotherhood.

766. In 1997 he participated in a convention marking the tenth anniversary of the founding of Hamas and he also published a fatwa on the www.islam-online.net website permitting the perpetration of suicide bombing attacks, asserting that: "*istishhad* is not suicide and should not be seen as unfit and endangering the life of the perpetrator . . . regarding the Palestinians . . . I believe

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that those actions are a duty performed in self-defense and [represent] active opposition to violence and injustice.”

767. Ahmad al-Zayn was a judge in the Shar’ia (Muslim religious) court in Sidon, Lebanon.

768. The board of trustees of the Union of Good also included Abd Al-Majid Al-Zindani, one of the spiritual leaders of Al-Qaeda and the alleged coordinator of the October 2000 suicide attack in Aden harbor on the USS Cole.

~~634.~~769. The 101-day fundraising drive was so successful that the Union of Good was converted into a permanent institution. It quickly became the preeminent Muslim Brotherhood fundraising mechanism in the world, raising (at least) tens of millions of dollars for HAMAS.

~~635.~~770. On February 25, 2002, the Union of Good was designated by Israel in an order of the Minister of Defense of the State of Israel, based on its being “part of the Hamas organization or supporting it and strengthening its infrastructure.”

~~636.~~771. The Union of Good was designated by the U.S. Treasury Department as an SDGT on November 12, 2008. According to the Treasury Department:

Union of Good acts as a broker for HAMAS by facilitating financial transfers between a web of charitable organizations—including several organizations previously designated under E.O.

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13224 for providing support to HAMAS—and HAMAS-controlled organizations in the West Bank and Gaza. **The primary purpose of this activity is to strengthen HAMAS’ political and military position in the West Bank and Gaza, including by: (i) diverting charitable donations to support HAMAS members and the families of terrorist operatives; and (ii) dispensing social welfare and other charitable services on behalf of HAMAS.**

Funds raised by the Union of Good affiliates have been transferred to HAMAS-managed organizations in the West Bank and Gaza. In addition to providing cover for HAMAS financial transfers, some of the funds transferred by the Union of Good have compensated HAMAS terrorists by providing payments to the families of suicide bombers. One of them, the Al-Salah Society, previously identified as a key support node for HAMAS, was designated in August 2007 under E.O. 13224. The Society employed a number of members of the HAMAS military wing and supported HAMAS-affiliated combatants during the first Intifada.

~~637. Significantly, Al-Qaradawi is neither an obscure or shadowy figure. On the contrary, he had his own weekly long-running television program on Al-Jazeera and has very publicly issued an Islamic religious edict (*fatwa*) authorizing suicide bombing attacks against Israel.~~

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~~638~~.772. In fact As noted above, on April 14, 2002, al-Qaradawi appeared on Al-Jazeera extolling “jihad and martyrdom” against Israelis and denouncing the U.S. designation of HAMAS and other terrorist organizations.

~~639~~.773. HAMAS often relies on Al-Qaradawi’s legal rulings in matters of current import and often turns to him to obtain legal rulings, which are published from time to time in HAMAS’s official newspapers (such as *Filastin al-Muslima*).

~~640~~.774. HAMAS leaders have also served openly in the Union of Good’s executive leadership. For example, the Secretary General of the Union of Good, Essam Salih Mustafa Yussuf, also acted as the Vice-Chairman of Interpal while serving on the HAMAS executive committee under then-HAMAS leader Khalid Mishal.

775. The Union of Good As noted above, when it first began its fundraising drive in 2001, the Union of Good collected funds through HAMAS’s existing network of fundraising organizations such the Holy Land Foundation and Interpal.

776. In Lebanon, the Union of Good collected donations through the Zakat Fund,²⁰ which maintained account no. ~~3496473~~41149 at BLOM BANK’s Verdun Branch (at least as of February 5, 2001, and likely earlier).

20. Unlike Sanabil and Subul Al-Khair, the Zakat Fund was not itself an alter-ego and creation of HAMAS. However, the Union of Good and its “101 Days Campaign” were formed at the direction of HAMAS’s leadership and the funds raised by the Zakat Fund as part of the “101 Days Campaign” were earmarked for HAMAS.

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إلى ائتلاف الخير في لبنان

السلام عليكم ورحمة الله وبركاته، وبعد



بدايةً أشكر لكم مساعيكم لدعم صمود المرابطين في أرض الإسراء والمعراج. ونخص بالذكر المساهمين والقائمين على ائتلاف الخير في لبنان لما قاموا به من جهود ولما ساهموا به من دعم مادي لإتجاح حملة الجسد الواحد لإتقاذ الشعب الفلسطيني ودعم صموده، وذلك بما جادت به نفوس أهل لبنان الخيرة

أن لوقوف الطيبين أمثالكم من أبناء الأمة في نواحي المعمورة أبلغ الأثر في دعم إخوانهم في فلسطين في مواجهة سياسة الحصار والتجويع والتشريد. ولقد كان لمشروع خدمة المجتمع الذي نفذته الائتلاف لتشغيل العاطلين عن العمل ليكسبوا رزقهم من عرق جبينهم بدلاً من انتظار المساعدات نتائج إيجابية على العمال وأسراهم وعلى محيطهم من تجار وغيرهم لذا نكرر لكم الشكر امتثالاً لقول رسول الله صلى الله عليه وسلم **لا يشكر الله من لا يشكر الناس** وندعوكم للمزيد من الدعم وجزاكم الله خيراً والسلام عليكم ورحمة الله وبركاته

الداعي لكم بالخير د. يوسف القرضاوي

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777. On its website²¹ (at least as of June 6, 2002), the Zakat Fund described its fundraising efforts on behalf of the Union of Good and posted a message from Sheikh al-Qaradawi:

778. On the same page the Zakat Fund explained that:

21. https://web.archive.org/web/20030822062152if_/http://www.zakat.org.lb:80/board37.html.

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The Union of Good, which was established in the Arab and Islamic world to support the struggling Palestinian people, the families of its martyrs, and its religious, endowment, scientific, social, health, welfare, and humanitarian institutions, is the best work to support the jihad of the people of Palestine until the liberation of their land and country from the foreign Jewish occupation and the liberation of Jerusalem and all of Palestine.

779. During the relevant period, the Zakat Fund’s website also listed many of the organizations in the Palestinian Territories who received donations from its Union of Good Campaign account(s). They consisted of HAMAS’s da’wa institutions,²² including the Islamic Society of Gaza (founded by HAMAS’s spiritual leader, Sheikh Ahmed Yassin), the Muslim Youth Association in Hebron, al-Tadamun Society Nablus, Nablus Zakat Committee, Islamic University of Gaza and the Al Salah Association (designated an SDGT in 2007)—all of which had been publicly identified in the media as belonging to HAMAS²³ and all of which were closely tied either to

22. One institution listed, Al Ihsan in Gaza, is a core organization belonging to Palestinian Islamic Jihad.

23. Articles identifying the **Islamic Society of Gaza** as part of HAMAS include: *The New York Times*, “In Gaza, Peace Meets Pathology” (November 27, 1994); *Financial Times*, “Fundamentalists Split Palestinian Unity” (September 9, 1988); *Le Monde*, “Peace threatened by Palestinian Kamikazes” (April 11, 1995); *The Guardian* (August 29, 1997); *Knight Ridder*, “ Hamas wedding a political event” (July 23, 1999). Another article

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HAMAS's Qassam Brigades or to programs to pay the families of HAMAS "martyrs" and operatives in Israeli prisons.

780. According to a July 26, 2002, article in Lebanon's *Al-Liwaa* ("The Flag") daily newspaper, the Mufti of Sidon and the South, Sheikh Muhammad Salim Jalal al-Din, presided over an event honoring the Union of Good and the success of its 101 Days Campaign.

781. Jalal al-Din is reported to have addressed the audience and stating:

discussed the closure of HAMAS institutions such as the **Muslim Youth Association in Hebron**: See, e.g., *Atlanta Journal and Constitution*, " Hamas' support is from more than just its military function" (March 10, 1996). Articles identifying the **Islamic University of Gaza** as part of HAMAS include: *The New York Times*, "Brotherhood of Anger—A special report; Palestinian Religious Militants: Why Their Ranks Are Growing" (November 8, 1994); *Miami Herald*, "Thriving On Rage And Misery Hamas Feeds The Poor—And Kills Israelis," (November 27, 1994); *Nouvel Obs*, "Who can stop the killers of Hamas?" (March 7, 1996); *Newsday*, "We Have to Keep Our Eyes on the Prize in Israel" (March 13, 1996); *United Press International*, "Palestinian police attack Islamic University" (March 28, 2000); *Pittsburgh Post-Gazette*, "Gaza Protests Spur Crackdown; Palestinian Security Forces Open Fire As Rioting Spreads" (October 9, 2001). Articles identifying **Al Salah** as part of HAMAS include: *Associated Press* (March 2, 2001); *Reuters*, "Hamas feeds struggle against Israel with charity" (January 8, 2001); Salon.com, "Economic chaos—and a looming humanitarian crisis—undermine both the Palestinian Authority and the intifada" (July 19, 2002).

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I look at the committee of the “Union of Good” in Lebanon, saluting those who responded to the call of good and did their best to collect cash donations for the benefit of the people of Palestine, who stand up to the enemy entrenched in its arsenal of advanced automatic weapons, confronting it with the weapon of faith in God and in his legitimate right with valor and courage that does not fear death or what the Israeli war machine reaps.

782. According to the article, both Muhammad Raji Al-Bassat, Chairman of the Board of Directors of the Zakat Fund, and Sheikh Eid al-Mari, Director General of Sanabil Association for Relief and Development, were among those honored at the event.

783. According to the Zakat Fund website (at least as of January 30, 2003), the Union of Good held a “global forum” in Lebanon on September 27, 2002. According to the website:

In the opening ceremony, the Mufti of the Republic [of Lebanon], Sheikh Dr. Muhammad Rashid Qabbani called on all those who pay their money in Lebanon and the Arab and Islamic world to devote the God’s share of their money in zakat to send it to Palestine and [he] warned that the Palestinian bloody scene will be repeated in Arab and Islamic capitals if they do nothing in the face of the tyrant, the American Jew.

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784. According to the Zakat Fund website, Sheikh Qabbani spoke again at the event, this time explaining:

The Union of Good for the sake of Palestine, gentlemen, is a coalition for the sake of all Arabs and Muslims, and the coalition is unity, and if we do not unite around Palestine for the sake of all Arab and Muslim countries, then what can we unite about? He added: If we do not spend our money today for the sake of Palestine, for what can we spend our money? Our brothers in Palestine are killed by the Jews every day, the Jews are capturing their sons every day, and the Jews are destroying their homes every day. Arabs and Muslims do very little for the sake of their brothers, sons, and families in Palestine, in front of the arsenals and treasuries of Jews and the United States of America that they open to Israel every day. The Arabs and Muslims said that if they do nothing in the face of the American Jewish tyrant, the Palestinian bloody scene will be repeated in their capitals tomorrow, every day. He [Sheikh Qabbani] stressed that giving money today for the sake of Palestine, gentlemen, is jihad with money, just as giving oneself for Palestine is jihad with oneself, and God Almighty loves us jihad with money and soul as well. . . .

And he said: Gentlemen, peoples do not sell their homelands, nor give up an inch of their land, no matter how strong their enemy is, and

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the people of Palestine today, with their men, women and children, are the vanguard of the mujahideen [holy warriors] for the liberation of Palestine, and it is the model of jihad for all Arabs and Muslims, and let the United States of America and Israel know that the expressions of terrorism and the terrorists they use with their tongues will not frighten us and will not intimidate us, and our will and determination to liberate all of Palestine is greater and stronger than all their strength, capabilities and weapons of destruction, only they can kill more, and God is greater, stronger and more capable.

785. On January 6, 2003, one of HAMAS's websites reported that "the Palestinian Monetary Authority confiscated a number of checks donated by the UG / Lebanese branch on the ground that they were intended for the support of terrorism."

786. According to the Zakat Fund website (in 2003) its Union of Good campaign had raised \$1,183,845.31, much of it in cash, and "sent into Palestine in stages."

787. The Zakat Fund website made its association with HAMAS more explicit when it posted a brochure highlighting its fundraising efforts for the Palestinians. The last page of the brochure featured the iconic image of HAMAS spiritual leader, Sheikh Ahmed Yassin.

788. The caption reads: With every sunrise in Palestine . . . [followed by the phrases]: Sheiks are

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humiliated * babies are orphaned * young men are arrested * heroes are martyred.



789. As noted above, when the U.S. Treasury Department designated all branches of the Al-Aqsa Foundation as an SDGT pursuant to Executive Order 13224 on May 29, 2003, it specifically noted that the Foundation’s offices were “included in lists of organizations that contributed to the Hamas-affiliated Charity Coalition [Union of Good] in 2001 and 2002.”

790. As the Israel Security Agency summarized in 2009:

[HAMAS’s] “Da’wa” system was established on the basis of charity monies that are donated by Muslims from around the world, who regard charity an Islamic duty. In effect, Hamas uses the “Da’wa” system to advance its goals, which include: encouraging terrorism; executing the ideology of “Jihad” and the struggle against Israel; and recruiting new members to its

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ranks and to its military wing. Encouraging terrorism is done, among other methods, through the financial support that is provided to the families of the terrorists (dead, injured, and prisoners). The families receive grants and monthly allowances alongside other benefits.

The mobilization of most of the funding sources of Hamas's "Da'wa" system is conducted abroad, where dozens of assigned charitable funds constitute part of the movement's fundraising network. These charitable funds are incorporated within the "Union of Good." Over the past few years, enforcement measures had been taken against the "Union of Good," mainly by the U.S and European countries.

641:791. At some point either during or after the end of the Second Intifada, the Union of Good opened a second account (no. 349647) under the auspices of the Zakat Fund at Defendant BLOM BANK's branches located on the prestigious Verdun Streetbranch in Beirut and BLOM BANK kept the account open *at least* through February 2009, three months after the Union of Good was designated by the United States as an SDGT.

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CLAIM FOR RELIEF

**CIVIL LIABILITY UNDER 18 U.S.C. § 2333(d)
FOR AIDING AND ABETTING HAMAS,
A DESIGNATED FOREIGN TERRORIST
ORGANIZATION**

~~642.792.~~ 642.792. Plaintiffs repeat and re-allege every allegation of the foregoing paragraphs as if fully set forth herein.

~~643.793.~~ 643.793. Plaintiffs were all injured by acts of international terrorism as defined by 18 U.S.C. § 2331 that were committed, planned and authorized by HAMAS, a designated FTO at the time each act of terrorism described occurred.

~~644.794.~~ 644.794. BLOM BANK provided substantial assistance to HAMAS by transferring significant sums of money to HAMAS and its operatives and maintaining bank accounts for its key institutions in Lebanon.

~~645.795.~~ 645.795. BLOM BANK was fully aware of HAMAS's conduct, including its campaign of suicide bombings and other terrorist acts.

~~645.796.~~ 645.796. BLOM BANK understood the value and importance to HAMAS of its own role in facilitating large transfers of funds, including the cross-border transfer of U.S. dollars, from donors and co-conspirators around the world to Lebanon and making those funds easily available to HAMAS.

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~~646.797.~~ Plaintiffs allege that BLOM BANK knowingly aided and abetted HAMAS within the meaning of 18 U.S.C. § 2333(d) and within the legal framework of *Halberstam v. Welch*, 705 F.2d 472 (D.C. Cir. 1983), which Congress has found to provide “civil litigants with the broadest possible basis” for relief against those “that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.” *See* Justice Against Sponsors of Terrorism Act (“JASTA”), §2b.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that this Court:

- (a) Accept jurisdiction over this action;
- (b) Enter judgment against Defendant and in favor of plaintiffs for compensatory damages in amounts to be determined at trial;
- (c) Enter judgment against Defendant and in favor of plaintiffs for treble damages pursuant to 18 U.S.C. § 2333(a) and 2333(d);
- (d) Enter judgment against Defendant and in favor of plaintiffs for any and all costs sustained in connection with the prosecution of this action, including attorneys’ fees, pursuant to 18 U.S.C. § 2333(a); and

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(e) Grant such other and further relief as justice requires.

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated: August 9, 2021

By: /s/_____

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**APPENDIX M — DOCKET ENTRY,
FILED DECEMBER 7, 2021**

12/7/2021

SCHEDULING ORDER: The Court is in receipt of Defendant's 67 letter regarding Plaintiffs' purported misstatement of law. In order to maintain order on the docket, the Court will deem the following submissions withdrawn: 63, 64, 65, and 66. The parties will be given a second opportunity to file accurate submissions in accordance with the Court's October 6, 2021, Order, only as to the issue of *vacatur*. The parties' simultaneous submissions shall be due by **December 13, 2021**. The parties' responses, if any, shall be due **January 3, 2022**. No further submissions on this issue shall be permitted, and the parties are reminded to accurately represent any case law cited in their arguments. Ordered by Judge Kiyoko A. Matsumoto on 12/7/2021. (Rodriguez Armenta, Elena) (Entered: 12/07/2021)