

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

)	
	)	FIRST
	)	COMPLAINT FOR
	)	TORTURE,
	)	CRUEL,
	)	INHUMAN, DEGRADING TREATMENT,
	)	INTENTIONAL
	)	INFLICTION OF EMOTIONAL
	)	DISTRESS, NEGLIGENCE, AND
	)	WRONGFUL DEATH
)	
VATHSALA DEVI)	
)	
and SEETHARAM SIVAM)	
)	
PLAINTIFFS,)	
	)	JURY TRIAL DEMANDED
)	
v.)	
)	
SHAVENDRA SILVA,)	
)	
DEFENDANT.)	

INTRODUCTION

Ethnic conflict has plagued Sri Lanka, a small island nation off the coast of India, since the country gained independence from Great Britain in 1948. The island is composed predominantly of two ethnic communities: the Sinhalese majority and the Tamil minority. After the end of colonial rule, the Sinhalese rose to power and manipulated ethno-religious nationalism for political gain at the expense of the Tamil minority. The government passed laws to privilege the Sinhalese in education and employment, declared Sinhalese the national language, and

enshrined Buddhism in governance. In effect, the government created an unofficial apartheid regime that kept Tamils from achieving parity in any aspect of Sri Lankan public or private life.

For two decades after independence, Tamils peacefully sought equality under the law. Civil war officially began in 1983 after state-sponsored attacks—now infamously known as “Black July”—resulted in the deaths of over 3,000 innocent Tamils. With government support, attackers bombed Tamil homes, looted businesses, raped, tortured, and killed Tamil women, and destroyed religious structures and other cultural landmarks. Confronted, however, by state violence and exclusion, some Tamils resorted to armed struggle to create a separate homeland for Tamils in the North and East. This armed struggle was eventually led by the Liberation Tigers of Tamil Eelam (LTTE). The Sri Lankan government and the LTTE committed widespread violations of international law throughout the conflict.

Before or during 2008, the Sri Lankan government outlined a strategy for the intentional destruction of non-military objects and persons in Tamil areas to make these areas unlivable and for the intentional targeting of unarmed Tamil civilians. Pursuant to this policy and practice, the Sri Lankan government intentionally shelled high-density civilian areas and committed acts of torture, sexual violence, and extrajudicial killings against the Tamil people.

In September 2008, Sri Lankan military and security forces began a brutal campaign against the northern region. Sri Lankan forces, including those under the command and control of the defendant in this action, conducted ground, aerial, and naval assaults against the predominantly civilian Tamil population. With the defendant’s practical assistance or encouragement and knowledge, or alternatively under the command and control of the defendant, Sri Lankan forces heavily shelled scores of unarmed civilians, including one of the victims on whose behalf Plaintiffs are suing. They also subjected to torture and extrajudicial execution the

LTTE cadres who chose to surrender, including one of the victims on whose behalf Plaintiffs are suing. By the spring of 2009, Sri Lankan forces killed up to 40,000 Tamil civilians and tortured and executed the surrendering militants. Despite condemnation by leading human rights institutions, including the United Nations, the International Crisis Group, Human Rights Watch, and Amnesty International, Sri Lanka has neither investigated nor prosecuted any individual for the killings of Tamils.

This is a civil action for declaratory relief and compensatory and punitive damages for torts in violation of international and domestic law. Plaintiffs VATHSALA DEVI and SEETHARAM SIVAM, through their undersigned attorney, hereby file this Complaint against Defendant SHAVENDRA SILVA, in his individual capacity as a commander in the armed forces of Sri Lanka for his role in the torture and wrongful death of a hors de combat detained under his command and for his role in the fatal shelling of civilians taking no active part in hostilities.

Plaintiffs allege that SILVA conspired with, aided and abetted and alternatively exercised command and control over the perpetrators of torture, extrajudicial execution and fatal shelling of civilians. The perpetrators belonged to military, security, or paramilitary forces that were directed by and operated with SILVA's express, implicit, or delegated authorization and practical assistance or encouragement. Moreover, SILVA had knowledge of these acts, or had information at the time that should have enabled him to conclude such attacks were occurring or were going to occur, and in these instances he either failed to prevent or stop the attack or waived any punishment for the perpetrators. The Plaintiffs state claims arising under the Torture Victim Protection Act of 1991, Pub. L. 102-256, 106 Stat. 73 (Mar. 12, 1992), and customary international law, which are actionable under the Alien Tort Claims Act, 28 U.S.C. § 1350

(2006).

This action seeks declaratory relief as well as compensatory and punitive damages for torture; cruel, inhuman or degrading treatment; arbitrary detention; summary execution; forced disappearance; and crimes against humanity as violations of international, Sri Lankan, and domestic law, including the Alien Tort Claims Act, 28 U.S.C. § 1350, and Torture Victim Protection Act of 1991, Pub. L. 102–256, 106 Stat. 73 (Mar. 12, 1992).

This action also seeks declaratory relief as well as compensatory and punitive damages for assault and battery; false imprisonment; wrongful death; and intentional infliction of emotional distress as violations of state law.

SUBJECT MATTER JURISDICTION

1. The Plaintiffs state claims arising under the Torture Victim Protection Act of 1991, Pub. L. 102–256, 106 Stat. 73 (Mar. 12, 1992), and customary international law, which are actionable under the Alien Tort Claims Act, 28 U.S.C. § 1350 (2006).

2. This Court has subject matter jurisdiction over Plaintiffs’ claims under 28 U.S.C. §§ 1331, 1350, and 1367.

3. Twenty-eight U.S.C. § 1350 provides for federal jurisdiction for any “civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.”

4. This Court has subject matter jurisdiction under 28 U.S.C. § 1331. Because this lawsuit alleges violations of federal statutes and regulations, it raises questions of federal law. This Court enjoys subject matter jurisdiction over this action because Plaintiffs’ claims arise under the Torture Victim Protection Act of 1991, Pub. L. 102–256, 106 Stat. 73 (Mar. 12, 1992)

and because Plaintiffs' claims arise under universal norms of customary international law and federal common law cognizable under the Alien Tort Claims Act, 28 U.S.C. § 1350.

5. Supplemental jurisdiction under 28 U.S.C. § 1367 exists as to those claims that are so related to the federal claims that they form part of the same case or controversy.

6. The following laws, agreements, resolutions, and treaties form the basis of Plaintiffs' causes of action:

- a. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85; 23 I.L.M. 1027 (entered into force in the United States Nov. 20, 1994 through 18 U.S.C. § 2340);
- b. Convention on the Elimination of all Forms of Racial Discrimination, 1966 U.S.T. 521, 660 U.N.S.T. 195 (Mar. 7, 1966);
- c. International Covenant on Civil and Political Rights, S. Exec. Doc. E, 95-2, 999 U.N.S.T. 171 (Dec. 16, 1966);
- d. Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 6 U.S.T. 3114 (Aug. 12, 1949); Geneva Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 6 U.S.T. 3217 (Aug. 12, 1949); Geneva Convention (III) Relative to the Treatment of Prisoners of War, 6 U.S.T. 3316 (Aug. 12, 1949); Geneva Convention (IV) Relative to the Protection of Civilians Persons in Times of War 6 U.S.T. 3516 (Aug. 12, 1949).
- e. United Nations Charter, 59 Stat. 1031, 3 Bevans 1153 (1945);

f. Laws of the United States and the State of New York, including but not limited to common law principles of wrongful death, battery, assault, and intentional infliction of emotional distress.

7. SILVA committed torts in violation of the law of nations, as codified in the aforementioned international treaties, declarations, laws and resolutions.

8. This Court has the authority to grant injunctive relief, declaratory relief, damages, and other related relief pursuant to § 1331 and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. A substantial, actual, and continuing controversy exists between the parties.

PERSONAL JURISDICTION AND VENUE

9. Personal jurisdiction and venue are proper in this Court under 18 U.S.C. § 1965(a) and 28 U.S.C. § 1391 because Defendant is presently in the jurisdictional territory of the District Court for the Southern District of New York. Furthermore, Defendant, by and through his conduct and contacts within the forum, has purposefully availed himself of this forum.

PARTIES

10. Plaintiff VATHSALA DEVI (hereinafter “DEVI”) is the legal representative of her husband, Thurairajasingham Devi (a.k.a. Colonel Ramesh), under applicable law. During the conflict in Sri Lanka, Thurairajasingham Devi was a member of an armed group. On or about May 18, 2009, Thurairajasingham Devi negotiated his surrender to the Sri Lanka Army and reported to a pre-determined location to surrender into the custody of SHAVENDRA SILVA. However, members of the Sri Lankan Army, acting under the command and control of SHAVENDRA SILVA arrested, tortured and killed Thurairajasingham Devi.

11. Plaintiff SEETHARAM SIVAM (hereinafter “SIVAM”) is the legal representative of his father, Siththar Sivam, under applicable law. Siththar Sivam was injured in his home in shelling in the village of Suthanphirapuram, in the northern district of Puthukkudiyiruppu, on or about February 3, 2009. Shortly thereafter, he was taken to Puthukkudiyiruppu Hospital (hereinafter “PTK Hospital”). Sri Lankan forces shelled PTK Hospital on February 7, 2009, and Siththar Sivam was killed in this shelling upon reason or belief. During this time, members of the Sri Lankan Army acting under the command and control of SHAVENDRA SILVA were advancing through Puthukkudiyiruppu District, and were shelling the region as they proceeded with ground and artillery forces.

12. Defendant SHAVENDRA SILVA (hereinafter “SILVA”) is a Sri Lankan Army Brigadier and, at the time of the actions complained of herein, was the commander of the 58th Division of the Sri Lankan Army. At all relevant times, SILVA had the actual authority and practical ability to exert control over subordinates in the security forces. SILVA is Sri Lanka’s Acting Permanent Representative to the United Nations, and previously served as Sri Lanka’s Deputy Permanent Representative to the United Nations.

STATEMENT OF FACTS

13. This is an action for compensatory and punitive damages, declaratory judgment, and injunctive relief for torture; cruel, inhuman, or degrading treatment; intentional infliction of emotional distress; wrongful death and the continuing consequences of such actions inflicted by Defendant in violation of the laws of the United States, the State of New York, and international law.

14. At all relevant times in 2009, SILVA had a duty under customary international law and Sri Lankan law to ensure the protection of civilians, to prevent violations of international and Sri Lankan law by government forces, and to ensure that all persons under his command were trained in, and complied with, the laws of war, as well as international and Sri Lankan law, including the prohibitions against extrajudicial killings, intentional targeting of civilians, and crimes against humanity.

15. At all relevant times in 2009, SILVA was under a duty to investigate, prevent and punish violations of international and Sri Lankan law committed by members of the armed forces under his command.

16. The extrajudicial killings described herein were part of a pattern and practice of widespread, systematic attacks against the Tamil civilian population of Sri Lanka.

17. At all relevant times, SILVA knew, had reason to know, or should have known of the pattern and practice of widespread, systematic attacks against the civilian population by subordinates under his command, including the abuses committed against Plaintiffs and Plaintiff's Decedents.

18. SILVA knew, had reason to know, or should have known that government forces had employed targeted, deadly force against Sri Lanka's civilian population in 2009.

19. SILVA failed or refused to take all measures to investigate and prevent these abuses, or to punish personnel under his command for committing such abuses.

20. At all times relevant hereto, SILVA exercised command and control over, conspired with, ratified, and/or aided and abetted subordinates in the armed forces or persons or groups acting in coordination with the armed forces or under their control to commit acts of

extrajudicial killing, crimes against humanity, and the other wrongful acts alleged herein, and to cover up these abuses.

21. At all times relevant hereto, SILVA's acts and omissions described above, and the acts committed by his subordinates against the Plaintiffs and Plaintiffs' Decedents, were committed under actual or apparent authority, or color of law, of the government of Sri Lanka.

22. At all times relevant hereto, the armed forces or persons or groups acting in coordination with the armed forces or under their control in the regions described hereto were acting as agents of SILVA.

EXTRAJUDICIAL EXECUTION OF HORS DE COMBAT

23. Plaintiff VATHSALA DEVI is the widow of Thurairajasingham Devi and the mother of their three (3) children. The eldest child is a daughter named T. Merkala (born November 2, 1999), the middle child is a son named Pirathaban (born May 22, 2002), and the youngest child is a daughter named Kali Chudar (born June 8, 2008).

24. On April 28, 2009, DEVI and her children left their home and traveled to Batticaloa in Eastern Sri Lanka and, thereafter, traveled to South Africa where they currently reside.

25. DEVI last spoke to her husband on May 15, 2009 while he was still in Sri Lanka, and she and her family were in South Africa. In that final conversation, he said that he would join his family in South Africa some time in the future.

26. Thurairajasingham Devi, the Plaintiff's late husband, was born on September 18, 1964. During the armed conflict in Sri Lanka, Thurairajasingham Devi was a member of the separatist group, the LTTE. On or about May 18, 2009, Thurairajasingham Devi surrendered to

the Sri Lankan army, per the Sri Lankan Government's instructions, and was then extrajudicially executed.

27. Plaintiff has not heard or received any personal information about her husband's whereabouts subsequent to May 15, 2009.

28. Through theories of command responsibility, aiding and abetting and/or conspiracy, the Defendant is liable for the extrajudicial killing of Plaintiff's husband. SILVA intentionally and fraudulently invoked international humanitarian law protections to induce by deception the surrender of Thuraijasingham Devi, who came into the custody of SILVA and was then tortured and executed in violation of customary international law.

29. On or about May 17, 2009, Sri Lankan government official Palitha T.B. Kohona communicated through intermediaries that Thuraijasingham Devi would be safe if he slowly walked to the Sri Lankan Army in Vellumullivaikaal with a white flag.

30. These intermediaries include, among other people, Marie Colvin (British Journalist for British Newspaper Sunday Times), Rohan Chandra Nehru (Tamil National Alliance Minister of Parliament in Sri Lanka), members of the International Committee of the Red Cross, and members of the United Nations staff in Sri Lanka.

31. According to the United Nations "Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka" released in April 2011 (hereinafter referred to as the "U.N. Report"), Thuraijasingham Devi had prepared to unconditionally surrender to SILVA on May 18, 2009.

32. On or about May 18, 2009 at some time after 0815 hours, Thuraijasingham Devi, accompanied by approximately 12-40 people, surrendered by white flag to the Sri Lanka Army in Vellumullivaikaal.

33. On May 18, 2009, the territory of Vellumullivaikaal and surrounding areas were exclusively or primarily under SILVA's effective control and military command of the 58th Division.

34. On or about late fall of 2009, videos surfaced showing Plaintiff's late husband. The videos depict uniformed members of the Sri Lankan military interviewing a prisoner who identifies himself as Col. Ramesh, Thurairajasingham Devi's pseudonym.

35. The numerous videos show Thurairajasingham Devi in the custody of Sri Lankan soldiers, and upon information and belief, they were taped on or around May 18, 2009. In the videos, the interrogators question Thurairajasingham Devi in English. Thurairajasingham Devi responds that he understands only a little of their questioning, and that he is sincerely responding to the questions he understands. He also requests translation in Tamil as the interrogators were threatening to attack him with a baton. The leaked video abruptly ends at the 34th second, suggesting that the interrogation continued.

36. A photograph which surfaced on April 27, 2011 depicts the bloodied body of Thurairajasingham Devi, dressed in the same clothes as in the interrogation video. The Plaintiff has confirmed the identity of the body as that of her husband.

37. The U.N. Report also confirms that the Sri Lankan Army and the persons and units under the control of SILVA are responsible for numerous violations of international law, including torture and extrajudicial executions. In pertinent part it states:

“The Panel's account of the allegations associated with the final stages of the war thus reveal five core categories of potential serious violations committed by the Government of Sri Lanka:

. . .

(d) *Human rights violations suffered by victims and survivors of the conflict. . . .*

Screening for suspected LTTE took place without any transparency or external scrutiny. Some suspected LTTE cadres were executed and others disappeared. Photos and footage of naked female cadre indicate that they may have been raped

or sexually assaulted. Torture during interrogation continued. Suspected LTTE were removed to separate camps where they were held for years, outside the scrutiny of the ICRC, the Sri Lankan Human Rights Commission or other agencies.

U.N. Report, Conclusions, pages 49-50, ¶176.

38. The current and former U.N. Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions independently concluded that members of the Sri Lankan Army extrajudicially executed Tamil prisoners of war. Their conclusion is based on the findings of independent forensic experts who analyzed video footage of these executions.

39. SILVA, as commander of the 58th Division that exercised control over the territory in which Thurairajasingham Devi surrendered, was responsible for the treatment of Thurairajasingham Devi and for directing the operations of the units or persons mentioned in the paragraphs above. He was responsible for ensuring that all members of the Sri Lankan armed forces or other security or law enforcement personnel who were operating within his territory or under his command respected and complied with the rules of international law governing the conduct of warfare and to ensure that the rights of persons detained by those forces would be respected.

INTENTIONAL SHELLING OF PERSONS TAKING NO PART IN HOSTILITIES

40. Plaintiff SEETHARAM SIVAM is the son of Siththar Sivam and is a Legal Permanent Resident in the State of New York.

41. In February 2009, Siththar Sivam was a retired postmaster living in Suthanphirapuram, a village in the district of Puthukkudiyiruppu. During February 2009, the Sri Lankan Army, under the command or control of SILVA, was using ground troops and heavy artillery in its advance against Puthukkudiyiruppu.

42. Siththar Sivam was cooking lunch on or about the afternoon of February 3, 2009 in his home in Suthanphirapuram when his house was shelled by the Sri Lankan Army's artillery. His leg was severely wounded in this shelling.

43. He was immediately taken to Suthanphirapuram Hospital for treatment. Due to the severity of his injury, it was believed that his leg needed to be amputated. On or about February 4, 2009, he was transferred to Udayarkattu Hospital, which had better facilities.

44. Udayarkattu Hospital did not have the resources necessary to perform the amputation, and thus, on or about February 5, 2009, Siththar Sivam was transferred to Puthukkudiyiruppu Hospital ("PTK Hospital").

45. On February 7, 2009, the Sri Lankan Army shelled PTK Hospital, killing Siththar Sivam, along with 9 others.

46. Siththar Sivam was injured and then indiscriminately killed under color of law by members of the Sri Lankan armed forces or security forces under the command and control of SILVA.

47. SILVA, as commander of the 58th Division that exercised control over the territory in which Siththar Sivam was wounded and then killed, was responsible for treatment of civilians in this territory and for directing the operations of the units or persons in this region. He was responsible for ensuring that all members of the Sri Lankan armed forces or other security or law enforcement personnel who were operating within his territory or under his command respected and complied with the rules of international law governing the conduct of warfare and to ensure that persons not participating in hostilities, like Siththar Sivam, would not be targeted, injured or killed.

FIRST CLAIM FOR RELIEF

(Torture)

48. Plaintiffs DEVI and SIVAM incorporate paragraphs 1 through 47 as though set forth at length.

49. The acts described herein constitute torture, defined under Article I of the Convention Against Torture as “any act by which severe pain and suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as . . . intimidating him or other persons, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

50. The acts described herein placed Plaintiff DEVI’s family in great fear for their lives and caused Plaintiff DEVI and Plaintiff SIVAM to suffer severe and continuing physical and mental pain and suffering.

51. SILVA, acting in his individual capacity, knowingly and intentionally directed, aided and abetted, encouraged, participated in, and/or conspired to commit acts of torture. SILVA knew, had reason to know, or should have known that his subordinates were committing torture. These acts include, but are not limited to: acts of mental and physical intimidation; preventing the delivery of humanitarian aid and medical attention; forcing Plaintiff DEVI’s husband to remain in unsanitary conditions; holding Plaintiff DEVI’s husband captive for several days; subjecting Plaintiff DEVI’s husband to torture; forcing Plaintiff SIVAM’s father to suffer severe pain while awaiting medical treatment; forcing Plaintiff

SIVAM's father to be transported to three (3) hospitals in search of adequate care and treatment.

52. By failing to rectify Plaintiffs' Decedents' situations, Defendant exacerbated and/or continued Plaintiffs' mental and physical suffering.

53. Defendant deliberately and intentionally inflicted the acts described herein.

54. The conduct alleged is actionable under the Alien Tort Claims Act, 28 U.S.C. § 1350, and the Torture Victims Protection Act of 1991, Pub. L. 102-256, 106 Stat. 73 (Mar. 12, 1992); the common law of the United States; and the laws of New York. The torture has proximately caused cognizable damage to the Plaintiffs in an amount to be determined at trial.

SECOND CLAIM FOR RELIEF

(Cruel, Inhuman, or Degrading Treatment)

55. Plaintiffs DEVI and SIVAM incorporate paragraphs 1 through 54 as though set forth at length.

56. The acts described herein had the intent and the effect of grossly humiliating and debasing Plaintiff DEVI's husband, forcing him to act against his will and conscience, inciting fear and anguish, breaking physical and moral resistance, and/or forcing Plaintiff DEVI's family to leave their homes and country into exile. These acts constitute cruel, inhuman, or degrading treatment in violation of customary international law, the common law of the United States, and the laws of New York.

57. The acts described herein had the intent and effect of gravely injuring Plaintiff SIVAM's father, causing him to experience severe physical pain and suffering. Defendant's knowing and willful actions against the population, including the intentional shelling against

civilian homes and the restrictions against humanitarian aid reaching this region, had the intended effect of preventing Plaintiff SIVAM's father from receiving urgent medical attention. These acts constitute cruel, inhuman, or degrading treatment in violation of customary international law, the common law of the United States, and the laws of New York.

THIRD CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress)

58. Plaintiffs DEVI and SIVAM incorporate paragraphs 1 through 57 as though set forth at length.

59. The acts described herein constitute outrageous conduct against the Decedents. These acts terrorized the Decedents' families, including the Plaintiffs.

60. Defendant intentionally and willfully caused the forced relocation; torture; cruel, inhuman, and degrading treatment; assault and battery; negligence; expropriation of property; and intimidation and obstruction of justice. Such outrageous conduct violates normal standards of decency and was without privilege or justification.

61. Defendant's outrageous conduct caused the Plaintiffs severe emotional distress.

62. Defendant's outrageous conduct constitutes the intentional infliction of emotional distress and is actionable under the laws of New York and the United States.

FOURTH CLAIM FOR RELIEF

(Wrongful Death/Extrajudicial Killing)

63. Plaintiffs incorporate paragraphs 1 through 62 as though set forth at length.

64. Defendant intentionally and willfully caused Plaintiff DEVI's husband to surrender to armed forces under his command, and then tortured and executed him. The Defendant intended to cause Plaintiff DEVI to suffer emotional distress, or in the alternative, Defendant engaged in the conduct with reckless disregard of the high probability of causing Plaintiff DEVI's husband's wrongful death or extrajudicial killing and causing Plaintiff DEVI to suffer emotional distress.

65. Defendant intentionally and willfully caused Plaintiff SIVAM's father's initial injury in his home in Suthanphirapuram and his subsequent death in PTK Hospital. The Defendant intentionally shelled areas protected under international law, including homes of persons not participating in hostilities and hospitals; in the alternative, Defendant knew, had reason to know, or should have known that the conduct of his subordinates had the high probability of causing Plaintiff SIVAM's father's wrongful death and causing Plaintiff SIVAM to suffer emotional distress.

66. As a direct and legal result of Defendant's wrongful acts, Plaintiffs suffered and will continue to suffer extreme and severe mental anguish and emotional distress.

67. Defendant's conduct constitutes wrongful death and is actionable under the laws of New York and the United States.

68. The killing of the decedents is actionable under the Alien Tort Claims Act, 28 U.S.C. § 1350, and the Torture Victims Protection Act of 1991, Pub. L. 102-256, 106 Stat. 73 (Mar. 12, 1992); the common law of the United States; and the laws of New York. The Defendant's conduct has proximately caused cognizable damage to the Plaintiffs in an amount to be determined at trial.

DAMAGES AND RELIEF

69. As a proximate result of Defendant's actions, Plaintiffs suffered extreme anguish, pain and grief, and were made to experience emotional distress.

70. As a proximate result of Defendant's actions, Plaintiffs have been damaged in an amount to be determined at trial.

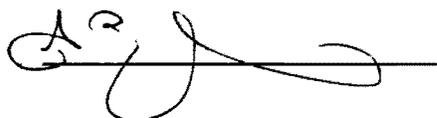
PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- i. For compensatory damages according to proof;
- ii. For punitive and exemplary damages according to proof;
- iii. For reasonable attorneys' fees and costs of suit, according to proof;
- iv. For injunctive and declaratory relief; and
- v. For such other and further relief as the court may deem just and proper.

A jury trial is demanded on all issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. B. Beydoun', written over a horizontal line.

ATTORNEY FOR PLAINTIFFS

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