

United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

ESTATE OF SA'AD RAHEEM JARALLAH,

VS

XE, formerly known as BLACKWATER WORLDWIDE
and BLACKWATER LODGE AND TRAINING CENTER,
INC.;

[SEE ATTACHED LIST]

SUMMONS IN A CIVIL ACTION

Case No.

09 CV 0631 H JMA

TO: (Name and Address of Defendant)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon
PLAINTIFF'S ATTORNEY

Joseph L. Oliva, Esq. (SBN 113889)
Michael S. Faircloth, Esq. (SBN 211153)
OLIVA & ASSOCIATES, ALC
11770 Bernardo Plaza Court, Suite 350
San Diego, CA 92128

Telephone: (858) 385-0491
Facsimile: (858) 385-0499

An answer to the complaint which is herewith served upon you, within TWENTY (20) days after
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by
default will be taken against you for the relief demanded in the complaint.

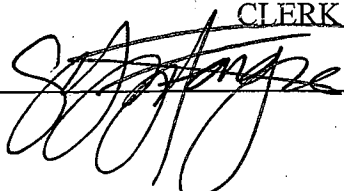
W. Samuel Hamrick, Jr.

CLERK

3/27/09

DATE

By



, Deputy Clerk

ATTACHMENT TO SUMMONS

ADDITIONAL DEFENDANTS:

FALCON;

BLACKWATER SECURITY CONSULTING, LLC;

BLACKWATER ARMOR AND TARGETS, LLC;

BLACKWATER AIRSHIPS, LLC;

BLACKWATER LOGISTICS, LLC;

RAVEN DEVELOPMENT GROUP, LLC;

GREYSTONE LIMITED TOTAL INTELLIGENCE SOLUTIONS, LLC;

THE PRINCE GROUP LLC;

EP INVESTMENTS, LLC;

U.S. TRAINING CENTER;

U.S. TRAINING CENTER SOUTHWEST;

ERIK PRINCE

CIVIL COVER SHEET

COPY

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ESTATE OF SA'AD RAHEEM JARALLAH

DEFENDANTS

XE, formerly known as BLACKWATER
WORLDWIDE a.k.a. BLACKWATER LODGE AND
TRAINING CENTER, INC.

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

[SEE ATTACHED LIST]

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF IRAQ
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT FAIRFAX, VA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

OLIVA & ASSOCIATES, ALC
11770 Bernardo Plaza Court, Suite 350
San Diego, CA 92128
(858) 385-0491

ATTORNEYS (IF KNOWN)

'09 CV 0631 H JMA

II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PT	DEF		PT	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)
28 USC Section 1350 (Alien's action for tort).
This action involves claims in tort by aliens committed in violation of the laws of nations or a treaty of the United States.

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input checked="" type="checkbox"/> 360 Other Personal Injury	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
		<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
		<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
		<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes
				<input type="checkbox"/> 890 Other Statutory Actions

VI. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)
 1 Original Proceeding
 2 Removal from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE Thomas Whelan / Larry Burns Docket Number 09cv0561W-LSP/09cv0626LAB-BLM

DATE: March 26, 2009 SIGNATURE OF ATTORNEY OF RECORD: Michael S. Faircloth, Esq.

ATTACHMENT TO CIVIL COVER SHEET

ADDITIONAL DEFENDANTS:

FALCON;

BLACKWATER SECURITY CONSULTING, LLC;

BLACKWATER ARMOR AND TARGETS, LLC;

BLACKWATER AIRSHIPS, LLC;

BLACKWATER LOGISTICS, LLC;

RAVEN DEVELOPMENT GROUP, LLC;

GREYSTONE LIMITED TOTAL INTELLIGENCE SOLUTIONS, LLC;

THE PRINCE GROUP LLC;

EP INVESTMENTS, LLC;

U.S. TRAINING CENTER;

U.S. TRAINING CENTER SOUTHWEST;

ERIK PRINCE

FILED

09 MAR 27 AM 11:39

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

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14 Attorneys for Plaintiff,
ESTATE OF SA'AD RAHEEM JARALLAH

16 UNITED STATES DISTRICT COURT
17 SOUTHERN DISTRICT OF CALIFORNIA

18 ESTATE OF SA'AD RAHEEM JARALLAH,
19 Plaintiff,
20 v.

CASE NO.
09 CV 0631 H JMA

COMPLAINT FOR:

21 XE, formerly known as BLACKWATER
WORLDWIDE and BLACKWATER LODGE
AND TRAINING CENTER, INC.;
22 FALCON;
BLACKWATER SECURITY CONSULTING,
23 LLC;
BLACKWATER ARMOR AND TARGETS,
24 LLC;
BLACKWATER AIRSHIPS, LLC;
25 BLACKWATER LOGISTICS, LLC;
RAVEN DEVELOPMENT GROUP, LLC;
26 GREYSTONE LIMITED TOTAL
INTELLIGENCE SOLUTIONS, LLC;
27 THE PRINCE GROUP LLC;
EP INVESTMENTS, LLC;
28 U.S. TRAINING CENTER;

- 1. WAR CRIMES
- 2. ASSAULT AND BATTERY
- 3. WRONGFUL DEATH
- 4. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
- 5. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
- 6. NEGLIGENT HIRING, TRAINING AND SUPERVISION
- 7. TORTIOUS SPOILIATION OF EVIDENCE

DEMAND FOR JURY TRIAL

1 U.S. TRAINING CENTER SOUTHWEST;)
2 ERIK PRINCE,)
3 _____)
4 Defendants.

4 Plaintiff ESTATE OF SA'AD RAHEEM JARALLAH hereby alleges as follows:

5 **JURISDICTION AND VENUE**

6 1. This Court has original jurisdiction over the subject matter of this action pursuant
7 to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1332 (diversity jurisdiction); 28 U.S.C.
8 § 1350 (Alien Tort Statute); and 28 U.S.C. § 1367 (supplemental jurisdiction).

9 2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(a)(3) and
10 § 1391(b)(2).

11 **THE PARTIES**

12 3. Plaintiff is the Estate of Sa'ad Raheem Jarallah. Mr. Jarallah was a 53-year old
13 school teacher at a technical institution in the City of Al Amara, Maysan province. He was
14 married with four children, the youngest of which is 12 years old. On September 9, 2007, he
15 was visiting Bagdad, on behalf of his institution, when he was killed by Xe-Blackwater
16 shooters near Al Watahba Square.

17 4. Defendant Erik Price is a resident of McLean, Virginia, with business offices at
18 1650 Tysons Boulevard, McLean, Virginia 22102, who personally and wholly owns holding
19 companies known as The Prince Group and EP Investments LLC. Mr. Price, through these
20 holding companies, owns and controls the various Xe-Blackwater entities, as well as entities
21 known as Greystone and Total Intelligence.

22 5. Defendant The Prince Group LLC is a holding company located at 1650
23 Tysons Boulevard, McLean, Virginia 22102.

24 6. Defendant EP Investments, LLC is a holding company managed by The Prince
25 Group LLC. EP Investments, LLC is located at 1650 Tysons Boulevard, McLean, Virginia
26 22102.

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28 ///

1 7. Defendant Erik Prince, acting through a web of companies operating under the
2 “Xe” or “Blackwater” or “Falcon” or “Greystone” or “Total Intelligence” names, earns
3 billions of dollars providing mercenaries (known as “shooters”) for hire. The various Xe-
4 Blackwater, Greystone and The Prince Group corporate entities were formed merely to
5 reduce legal exposures and do not operate as individual and independent companies outside
6 the control of Erik Prince. Erik Prince personally controls all the various entities.

7 8. Defendants Xe, Blackwater Worldwide, Blackwater Lodge and Training
8 Center, Inc., Blackwater Target Systems, Blackwater Security Consulting and Raven
9 Development Group are all located at 850 Puddin Ridge Road, Moyock, North Carolina
10 27958.

11 9. Defendant Greystone Ltd. and Total Intelligence Solutions LLP are companies
12 through which Erik Prince conducts his mercenary business. Greystone Ltd. and Total
13 Intelligence Solutions LLP are located at 1650 Tysons Boulevard, McLean, Virginia 22102.

14 10. Defendant U.S. Training Center, a subsidiary of Xe-Blackwater, operates U.S.
15 Training Center Southwest. This 66,000 square foot training center provides military, law
16 enforcement and private citizen firearms and specialty course training. US Training Center
17 Southwest was formed and does business in this District at 7685 Siempre Viva Road, San
18 Diego. It had previously conducted business in this District at 5590 Ruffin Road, San Diego.

19 **COMPLAINT**

20 11. This action is being brought against Xe, formerly Blackwater, in all of its
21 various corporate incarnations. These companies (including a Xe-Blackwater company
22 called Falcon that continues to operate in Iraq), are all component parts of a single private
23 company wholly owned and personally controlled by a man named Erik Prince. Prince and
24 his corporate entities earn billions of dollars selling mercenary services.

25 12. On September 9, 2007, heavily-armed Blackwater mercenaries (known in
26 Blackwater parlance as “shooters”) working in Iraq fired, without justification, on a crowd of
27 innocent Iraqi persons in and around Al Watahba Square resulting in multiple deaths and
28 injuries. Mr. Jarallah was among those killed in this massacre. This senseless slaughter on

1 September 9, 2007, was only one in a series of recent incidents in Blackwater's lengthy
2 pattern of egregious misconduct in Iraq resulting in the deaths of innocent Iraqis.

3 13. Xe-Blackwater created and fostered a culture of lawlessness amongst its
4 employees, encouraging them to act in the company's financial interests at the expense of
5 innocent human life. The September 9, 2007 shooting is one episode in a lengthy pattern of
6 egregious misconduct by Xe - Blackwater acting in Iraq, Afghanistan and around the world.
7 Xe-Blackwater created and fostered a culture of lawlessness amongst its employees,
8 encouraging them to act in the company's financial interests at the expense of human life.
9 This action seeks compensatory damages to compensate the family of Mr. Sa'ad Raheem
10 Jarallah, who was gunned down and killed by Xe-Blackwater shooters. This action seeks
11 punitive damages in an amount sufficient to punish Erik Prince and his Xe-Blackwater
12 companies for their repeated callous killing of innocents.

13 **THE XE-BLACKWATER SEPTEMBER 9, 2007 MASSACRE**

14 14. Xe-Blackwater provides armed forces to protect Department of State personnel
15 in Iraq. These mobile armed forces that accompany diplomats and others in need of
16 protection are consistently referred to by Xe-Blackwater as "shooters."

17 15. Xe - Blackwater earned more than two billion dollars from the United States.
18 The United States paid Xe - Blackwater these substantial sums based on Xe - Blackwater's
19 misrepresentations that it was a legitimate company able to conduct itself in a lawful manner.
20 But in fact, Xe - Blackwater operates extra-legally, providing heavily-armed mercenaries
21 who flout the laws of this nation and the host nation, Iraq.

22 16. On September 9, 2007, Blackwater shooters, whose identities are known to
23 Defendants and are capable of being ascertained through discovery, used excessive force
24 without justification and killed Mr. Jarallah and other civilians in and around Al Watahba
25 Square, Baghdad.

26 17. The September 9, 2007, massacre was not an isolated instance of misconduct
27 by Xe - Blackwater. Xe - Blackwater has a pattern and practice of recklessness in the use
28 of deadly force. Xe - Blackwater has created and fostered a corporate culture in which

1 excessive and unnecessary use of deadly force by its employees is not investigated or
2 punished in any way.

3 18. Xe - Blackwater routinely sends heavily-armed "shooters" into the streets of
4 Baghdad with the knowledge that some of those "shooters" are chemically influenced by
5 steroids and other judgment-altering substances.

6 19. Through their acts and omissions, Xe - Blackwater management encouraged
7 shooting innocent Iraqis. Xe - Blackwater management refused to fire or discipline
8 "shooters" who murdered innocent Iraqis. "Shooters" known to have committed "bad
9 shoots" (i.e. murder) would not even be placed on the "do not use" list. Instead, Xe -
10 Blackwater would continue to rehire and deploy "shooters" known to have killed innocents
11 for no reason.

12 20. Xe - Blackwater captured much of the illegal conduct on videotape and
13 audiotape. At times, Xe - Blackwater would even review the illegal conduct in a review
14 called a "hot wash." Xe - Blackwater, however, did not report or punish the illegal conduct
15 of its mercenaries. Instead, Xe - Blackwater intentionally destroyed the evidence of illegal
16 conduct, and encouraged the mercenaries to do the same.

17 21. Plaintiff will show at trial a litany of illegal shootings around the globe known
18 to Xe - Blackwater management.

19 22. Plaintiff will also show at trial that Xe - Blackwater hired and continues to hire
20 former military officials known to have been involved in human rights abuses in Latin
21 American and elsewhere.

22 23. Although Xe - Blackwater tries to pass itself off as a company using retired
23 American military, the company actually recruits mercenaries from the Philippines, Chile,
24 Nepal, Colombia, Ecuador, El Salvador, Honduras, Panama, Peru, Bulgaria, Poland,
25 Romania, Jordan and perhaps South Africa. Xe - Blackwater hires and deploys to Iraq
26 foreign nationals without regard for the fact that they were forbidden by the laws of their
27 country from serving as mercenaries.

28 ///

1 24. Xe - Blackwater repeatedly and routinely engages in other illegal conduct. Xe
2 - Blackwater engages in conduct that violates the laws governing the use and sale of
3 firearms.

4 25. Xe - Blackwater engages in conduct that violates the Anti-Pinkerton Act, 5
5 U.S.C. § 1803, which prohibits the United States from doing business with “[a]n individual
6 employed by the Pinkerton Detective Agency, or similar organization.” The legislative
7 history of the Act makes it clear that a “similar organization” means any mercenary or quasi-
8 mercenary organization. Xe - Blackwater constitutes such a “similar organization” and
9 therefore lacks any valid contractual relationships with the United States.

10 26. Xe- Blackwater engages in conduct that violates the terms of its putative
11 contracts with the United States.

12 27. Xe - Blackwater seriously harms the United States by its repeated and
13 consistent failure to act in accord with the laws of the United States and international law,
14 including the laws of war.

15 **DAMAGES**

16 28. Defendants are liable for killing Sa’ad Raheem Jarallah. Defendants are liable
17 for the pain and suffering caused to Mr. Jarallah, as well as the pain and suffering and loss of
18 consortium.

19 29. Defendants are liable for the physical and mental injuries caused to Plaintiff.

20 30. Plaintiff seeks compensatory and punitive damages in an amount in excess of
21 the jurisdictional amount set forth in 28 U.S.C. § 1332. Plaintiff also seeks any and all
22 additional remedies (such as attorneys’ fees) available under law and equity.

23 **COUNT ONE – WAR CRIMES**

24 31. All preceding paragraphs are hereby incorporated by reference as if fully set
25 forth herein.

26 32. Defendants’ acts were deliberate, willful, intentional, wanton, malicious and
27 oppressive and constitute war crimes.

28 33. Defendants’ acts took place during a period of armed conflict.

1 34. Defendants committed war crimes, including willful killing and willfully
2 causing great suffering or serious injury to body or health, against Plaintiff and others.

3 35. Defendants are liable for their conduct that constitutes war crimes.

4 36. Defendants' misconduct caused grave and foreseeable injuries to Plaintiff.

5 **COUNT TWO – ASSAULT AND BATTERY**

6 37. All preceding paragraphs are hereby incorporated by reference as if fully set
7 forth herein.

8 38. Defendants unlawfully intended to and did inflict immediate injury upon
9 Plaintiff.

10 39. Defendants intentionally assaulted, battered, and made other offensive
11 contacts; and aided and abetted the assaulting, battering and offensively contacting of the
12 Plaintiff.

13 40. Plaintiff did not consent to the offensive contacts. Plaintiff feared for his
14 personal safety and felt threatened by Defendants' actions.

15 41. Defendants committed the assaults and batteries.

16 42. Defendants' acts caused grave and foreseeable damages to Plaintiff.

17 **COUNT THREE – WRONGFUL DEATH**

18 43. All preceding paragraphs are hereby incorporated by reference as if fully set
19 forth herein.

20 44. Defendants' wrongful acts and omissions caused the death of Plaintiff.

21 45. Defendants set the conditions, directly and/or indirectly facilitated, ordered,
22 acquiesced, confirmed, ratified and/or conspired with others to act in the manner that led to
23 the wrongful death.

24 46. Plaintiff is the duly appointed personal representative of Sa'ad Raheem
25 Jarallah.

26 47. The death of Sa'ad Raheem Jarallah was the foreseeable result of Defendants'
27 wrongful acts and omissions.

28 ///

1 **COUNT FOUR – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

2 48. All preceding paragraphs are hereby incorporated by reference as if fully set
3 forth herein.

4 49. Defendants intentionally inflicted severe emotional distress by way of extreme
5 and outrageous conduct on Plaintiff and his family members.

6 50. Defendants set the conditions, directly and/or indirectly facilitated, ordered,
7 acquiesced, confirmed, ratified and/or conspired with others to inflict emotional distress on
8 Plaintiff.

9 51. Defendants' acts caused grave and foreseeable injuries to Plaintiff and his
10 family members.

11 **COUNT FIVE – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

12 52. All preceding paragraphs are hereby incorporated by reference as if fully set
13 forth herein.

14 53. Defendants negligently inflicted severe emotional distress on Plaintiff and his
15 family members.

16 54. Defendants breached a duty to Plaintiff and others present at the scene of the
17 killings and infliction of bodily injury.

18 55. Defendants' negligence directly and foreseeably harmed Plaintiff.

19 **COUNT SIX – NEGLIGENT HIRING, TRAINING AND SUPERVISION**

20 56. All preceding paragraphs are hereby incorporated by reference as if fully set
21 forth herein.

22 57. Defendants acted negligently and directly harmed Plaintiff by:

- 23 (a) failing to take the appropriate steps in hiring proper personnel to
- 24 perform services;
- 25 (b) failing to properly screen personnel before their hiring;
- 26 (c) failing to train personnel properly;
- 27 (d) failing to investigate allegations of wrongdoing;
- 28 (e) failing to reprimand for wrongful actions;

- 1 (f) failing to adequately monitor for and stop illegal substance abuse; and
2 (g) negligently permitting repeated lawlessness by employees.

3 Defendants' negligence directly and foreseeably harmed Plaintiff and his family
4 members.

5 **COUNT SEVEN – TORTIOUS SPOILATION OF EVIDENCE**

6 58. All preceding paragraphs are hereby incorporated by reference as if fully set
7 forth herein.

8 59. Defendants had a legal duty to preserve evidence relating to unauthorized uses
9 of force.

10 60. Defendants intentionally destroyed that evidence to prevent detection of its
11 wrongdoing.

12 61. Defendants' destruction of evidence significantly impaired Plaintiff's ability to
13 prove certain facts in this action.

14 62. Defendants' intent in destroying the evidence was to lessen the risk that they
15 would be found liable by a jury hearing this action.

16 63. Defendants' intentional destruction of evidence harmed and continues to harm
17 the Plaintiff.

18 **PRAYERS AND DAMAGES**

19 64. Plaintiff and his family members, acting when necessary through the Estate, is
20 entitled to any and all remedies available to them as a result of the conduct alleged herein,
21 including, but not limited to:

22 (a) compensatory damages for death, physical, mental and economic
23 injuries;

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1 (b) punitive damages in an amount sufficient to strip Defendants of all of
2 the revenue and profits earned from their pattern of constant misconduct and callous
3 disregard for human life; and

4 (c) any attorneys' fees and costs permitted by law.

5 DATED: March 26, 2009

OLIVA & ASSOCIATES, ALC

6
7 By:



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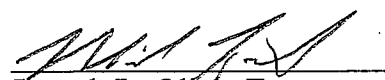
19 Attorneys for Plaintiff,
20 ESTATE OF SA'AD RAHEEM JARALLAH

21 DEMAND FOR JURY TRIAL

22 Plaintiff hereby demands a jury trial as provided by Rule 38(a) of the Federal Rule of
23 Civil Procedure.

24 OLIVA & ASSOCIATES, ALC

25
26 By:



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Michael S. Faircloth, Esq.
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mfaircloth@olivalaw.com

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BURKE O'NEIL LLC
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