

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

04 0444

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DOLLY M. E. FILARTIGA and
JOEL FILARTIGA,

Plaintiffs,

v.

AMERICO NORBERTO PEÑA-IRALA,

Defendant.

-----X

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ FEB 02 1984 ★
BROOKLYN OFFICE

SIFTON, J.
POHORILSKY M.

Dolly M. E. Filartiga and Joel Filartiga, for their Complaint, allege as follows:

PRELIMINARY STATEMENT

1. This is an action upon a money judgment, brought pursuant to Federal Rule of Civil Procedure 69(a) and New York Civil Practice Law and Rules 5014, filed in this Court on February 3, 1984.

JURISDICTION

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1350.

PARTIES

3. Plaintiff Dolly M. E. Filartiga is a citizen of the United States and a resident of Brooklyn, New York.
4. Plaintiff Dr. Joel Filartiga is a citizen and resident of Paraguay.
5. Americo Norberto Peña-Irala is a citizen and resident of Paraguay.

STATEMENT OF FACTS

6. Plaintiffs commenced the action, Filartiga v. Peña-Irala, Case No. 79-CV-917 (E.D.N.Y. 1979), on April 6, 1979 for damages arising out of the violation of human

rights for the wrongful torture and murder of Joel Filartiga, under the treaties of the United States, the law of nations and the laws of the states of the United States.

7. This Court awarded plaintiff Dolly M. E. Filartiga judgment in the amount of \$5,175,000 and awarded plaintiff Joel Filartiga judgment in the amount of \$5,210,364, a total judgment of \$10,385,364 (the "Judgment"), for plaintiffs by memorandum and order dated January 10, 1984. Filartiga v. Peña-Irala, 577 F. Supp. 860 (E.D.N.Y. 1984).
8. The Judgment was filed on February 3, 1984. A copy of the Judgment is attached hereto as Exhibit A.
9. No payment on the Judgment has been made.

FIRST CAUSE OF ACTION

10. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1-9 above as if fully set forth herein.
11. Plaintiffs and defendants are the original parties to the action Filartiga v. Peña-Irala, 79-CV-917 (E.D.N.Y. 1979).
12. More than ten years have elapsed since the Judgment was first docketed.
13. Plaintiffs have been unable to collect on the Judgment.

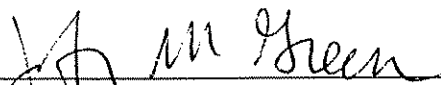
REQUEST FOR RELIEF

For the foregoing reasons, plaintiffs pray that this Court:

1. Enter a renewed judgment in the amount of \$5,175,000 for plaintiff Dolly M. E. Filartiga and enter a renewal judgment in the amount of \$5,210,364 for plaintiff Joel Filartiga for a total renewal judgment of \$10,385,364, plus accrued interest, and
2. Award plaintiffs such other and further relief as this Court deems reasonable and proper.

Dated: New York, New York
January 29, 2004

Respectfully submitted,



Jennifer M. Green, JG 3169
Center for Constitutional Rights
666 Broadway, 7th floor
New York, New York 10012
(212) 614-6431

Attorney for plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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U. S. DISTRICT COURT ED. N.Y.

★ FEB - 3 1984 ★

TIM: A.M. _____
P.M. _____
JUDGMENT

CV 79-917 (EHN)

-----x
DOLLY M.E. FILARTIGA and JOEL
FILARTIGA,

Plaintiffs,

-against-

AMERICO NORBERTO PENA - IRALA,

Defendant.
-----x

M'FILED

A memorandum and order of Honorable Eugene H. Nickerson, United States District Judge, having been filed on January 12, 1984, directing that judgment be entered for plaintiff Dolly M.E. Filartiga in the amount of \$5,175,000.00 and for plaintiff Joel Filartiga in the amount of \$5,210,364.00, for a total judgment of \$10,385,364.00, it is

ORDERED and ADJUDGED that judgment is entered for plaintiff Dolly M.E. Filartiga in the amount of \$5,175,000.00 and for plaintiff Joel Filartiga in the amount of \$5,210,364.00, for a total judgment of \$10,385,364.00.

Robert C. Heinemann
Robert C. Heinemann
Clerk of Court

Dated: Brooklyn, New York
February 2, 1984

A TRUE COPY
ATTEST
DATED 10/17/2003
ROBERT C. HEINEMANN
BY [Signature] CLERK
DEPUTY CLERK

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