

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ESTATE OF ESTHER KLIEMAN)
by and through its Administrator,)
AARON KESNER)
)
and)
)
NACHMAN KLIEMAN)
)
and)
)
RUANNE KLIEMAN)
)
and)
)
DOV KLIEMAN)
)
and)
)
YOSEF KLIEMAN)
)
and)
)
GAVRIEL KLIEMAN)
)
Plaintiffs,)
v.)
)
THE PALESTINIAN AUTHORITY (a.k.a.)
"THE PALESTINIAN INTERIM SELF-)
GOVERNMENT AUTHORITY"))
1320 18th Street, N.W.)
Suite 200)
Washington, DC 20036)
)
and)
)
THE PALESTINIAN LIBERATION)
ORGANIZATION (a.k.a. "PLO"))
1320 18th Street, N.W.)
Suite 200)
Washington, DC 20036)
)
and)

FATAH)
c/o The Palestinian Authority and PLO)
1320 18th Street, N.W.)
Suite 200)
Washington, DC 20036)
and)
AL AQSA MARTYRS BRIGADE (a.k.a.)
“MARTYRS OF AL AQSA”)
c/o The Palestinian Authority and PLO)
1320 18th Street, N.W.)
Suite 200)
Washington, DC 20036)
and)
TANZIM)
c/o The Palestinian Authority and PLO)
1320 18th Street, N.W.)
Suite 200)
Washington, DC 20036)
and)
FORCE 17)
c/o The Palestinian Authority and PLO)
1320 18th Street, N.W.)
Suite 200)
Washington, DC 20036)
and)
YASSER ARAFAT)
c/o The Palestinian Authority)
1320 18th Street, N.W.)
Suite 200)
Washington, DC 20036)
and)
MARWAN BARGHOUTI)
c/o Israel Prison Authority)
Jerusalem, ISRAEL)

and)
)
 TAMER RASSAM SALIM RIMAWI)
 c/o Israel Prison Authority)
 Jerusalem, ISRAEL)
)
 and)
)
 HUSSAM ABDUL-KADER AHMAD)
 HALABI a/k/a ABU ARAV)
 c/o Israel Prison Authority)
 Jerusalem, ISRAEL)
)
 and)
)
 AHMED HAMAD RUSHDIE)
 HADIB a/k/a AHMED BARGHOUTI)
 c/o Israel Prison Authority)
 Jerusalem, ISRAEL)
)
 and)
)
 ANNAN AZIZ SALIM HASHASH)
 West Bank, ISRAEL)
)
)
 _____)

COMPLAINT

INTRODUCTION

1. This action is brought pursuant to federal counterterrorism statutes, Antiterrorism Act of 1991, 18 U.S.C. §§2331 *et seq.*, and supplemental causes of action by the Estate, survivors and heirs of Esther KLIEMAN, a United States citizen, who was murdered by the terrorist acts of the Defendants by machine-gun fire on March 24, 2002 near Neve Tzuf, Israel, for damages directly and proximately caused by the Defendants to Plaintiffs, and each of them, by reason of acts of unlawful international terrorism, as defined in 18 U.S.C. §2331, and by

reason of related unlawful tortious behavior and conduct entitling the Plaintiffs, and each of them, to an award of damages as shall be proven at the trial of the within action.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter and over Defendants pursuant to 18 U.S.C. §2333 and §2334 and the rules of supplemental jurisdiction.

3. The District Court for the District of Columbia is the proper venue pursuant to 18 U.S.C. §2334(a) since Defendants' the Palestinian Authority ("PA") and the Palestine Liberation Organization ("PLO"), maintain offices, agents, representatives, and conduct business in this District.

PARTIES

4. Plaintiff The ESTATE OF ESTHER KLIEMAN, a Cook County, Illinois estate, is represented in this action by Aaron Kesner, duly appointed by said court as the Administrator of said Estate.

5. Plaintiffs Nachman KLIEMAN and Ruanne KLIEMAN at all times relevant hereto are and were the natural parents of the deceased, Esther KLIEMAN. Nachman KLIEMAN and Ruanne KLIEMAN are citizens of the United States of America and of the State of Israel and are presently domiciled in Israel.

6. Plaintiffs Dov KLIEMAN, Yosef KLIEMAN and Gavriel KLIEMAN are the siblings of Esther KLIEMAN. Dov KLIEMAN, Yosef KLIEMAN and Gavriel KLIEMAN are each citizens of the United States of America and of the State of Israel and are each presently domiciled in Israel.

8. Defendant THE PALESTINIAN AUTHORITY, also known as THE PALESTINIAN INTERIM SELF-GOVERNMENT, and the PALESTINIAN NATIONAL AUTHORITY

(hereinafter “PA”) is and at all times relevant hereto was, a legal person as defined in 18 U.S.C. §2331(3), established by and existing under and by virtue of international instruments, customary international law and local law, in *de jure* and *de facto* control of territories in the Gaza Strip and in the West Bank. The PA maintains offices and has designated agents in, and can be sued in, the United States District Court situated in the District of Columbia, United States of America. The PA is not a nation-state or official foreign government immune from prosecution in the United States of America, notwithstanding the role which the PA plays on behalf of the Palestinian people residing in the Palestinian territories which lie between the countries of Israel, Lebanon, Syria, Jordan, Egypt and the Mediterranean Sea (“the Palestinian territories”).

9. Defendant THE PALESTINE LIBERATION ORGANIZATION (hereinafter “PLO”) is, and at all times relevant hereto was, a legal person as defined in 18 U.S.C. §2331(3), in *de jure* and *de facto* control of defendant PA, and its agencies and instrumentalities, by virtue of being party to and beneficiary of the international instruments by which defendant PA was established. The PLO maintains offices and designated agents in, and can be sued in the United States District Court situated in the District of Columbia, United States of America. The PLO is an organization which is not a nation-state or official foreign government immune from prosecution in the United States of America, notwithstanding the role which the PLO has heretofore played and/or currently plays on behalf of the Palestinian people residing in the Palestinian territories.

10. Defendant AL AQSA MARTYRS BRIGADE also known as MARTYRS OF AL AQSA (hereinafter “AL AQSA”) is a legal person as defined in 18 U.S.C. §2331(3), which is based in and operates from the Palestinian territories controlled by Defendants PA and PLO, and which by its very nature and proclamations dedicated to terrorism and the murdering of Israeli

and Jewish individuals through bombings, shootings and other violent means. AL AQSA is the military arm of the FATAH terrorist organization, which is led by Defendant YASSER ARAFAT in his individual and/or official capacities on behalf of the PA and/or PLO. AL AQSA was designated as a “Foreign Terrorist Organization” by the United States Department of State on March 27, 2002, and can be sued in this Court for the acts it committed, and/or for which it has publicly accepted responsibility. AL AQSA is led by Defendant MARWAN BARGHOUTI, who, upon information and belief, reported to Defendant ARAFAT until MARWAN BARGHOUTI’s imprisonment.

11. Defendant FATAH is a legal person as defined in 18 U.S.C. §2331(3), which is based in and operates from territories controlled by Defendants PA and PLO, and which by its very nature and proclamations is dedicated to terrorism and the murdering of Israeli and Jewish individuals through bombings, shootings and other violent means. FATAH is an official branch, agency and instrumentality of Defendant PLO. FATAH is led by Defendant YASSER ARAFAT in his individual and/or official capacities on behalf of the PA and/or PLO and is a faction of the PLO. FATAH is a terrorist organization funded by Defendants PA and/or PLO and can be sued in this Court for the acts it committed and/or for which it has publicly accepted responsibility.

12. Defendant TANZIM is a legal person as defined in 18 U.S.C. §2331(3), which is based in and operates from territories controlled by Defendants PA and PLO, and which is by its very nature and proclamations dedicated to terrorism and the murdering of Israeli and Jewish individuals through bombings, shootings and other violent means. TANZIM functions as the guard and military force, and is ultimately led and controlled by Defendant YASSER ARAFAT in his individual and/or official capacities on behalf of the PA and/or PLO and is an arm thereof.

TANZIM is a terrorist organization, is funded by Defendants PA and/or PLO, and can be sued in this Court for the acts it committed and/or for which it has publicly accepted responsibility.

13. Defendant FORCE 17 is a legal person as defined in 18 U.S.C. §2331 (3) which is based in and operates from territories controlled by Defendants PA and PLO, and which by its very nature and proclamations is a terrorist organization dedicated to the murdering of Israeli and Jewish individuals through bombings, shootings and other violent means. FORCE 17 functions as the guard and military force, and is ultimately led and controlled by Defendant YASSER ARAFAT in his individual and/or official capacities on behalf of the PA and/or the PLO, and is a faction of the PA and/or PLO. FORCE 17 is a terrorist organization funded by Defendants PA and/or PLO and can be sued in this Court for the acts it committed and/or for which it has publicly accepted responsibility.

14. Defendant YASSER ARAFAT (hereinafter “ARAFAT”) is a legal person as defined in 18 U.S.C. 2331(3) and is the duly elected or designated Chairman, or President, of Defendants PA and PLO. By virtue of these positions, ARAFAT is in *de jure and de facto* control of Defendants PA, PLO and their various agencies and instrumentalities. ARAFAT is also the head and leader of Defendants FATAH, AL AQSA, TANZIM and FORCE 17, all of which are instrumentalities of PLO and/or PA. Defendant ARAFAT has a long history and record of committing, causing or directing to be committed, murders and attacks upon Israelis and Jewish people. Prior to the acts complained of herein, ARAFAT purported, on behalf of the PA and PLO, to renounce terrorism, pursuant to the Oslo Accords. He negotiated, from time to time, on behalf of the Palestinian people, PA and/or PLO various peace agreements with representatives of the government of the State of Israel. He withdrew from negotiations sponsored by US President William Jefferson Clinton in the summer of 2000, and thereafter caused or created the

second Intifada, a series of violent, terrorist, murderous and brutal attacks upon the State of Israel and her people. With intent and design, and knowing that as the duly designed or elected leader, Chairman and President of the Palestinian people, Palestinian Authority and Palestine Liberation Organization, the Palestinian people would follow his leadership, and would engage in acts of murder, terrorism, maiming, suicide bombings and other illegal and unconscionable acts, and with said intent and design he encouraged, caused, sanctioned or otherwise took steps to cause acts of murder and terrorism upon Israel, the Israeli people and the Jewish people. He encouraged, caused, sanctioned or otherwise took steps to cause acts of murder and terrorism by his distribution of monies intended for the humanitarian needs of the Palestinian people, and causing or directing or permitting said funds to be paid to terrorists, murderers and suicide bombers and to their families as rewards for the acts of these murders. He failed to act to prevent acts of violence, terrorism, murder and brutality against Israel, the Israeli people, and Jewish people. He caused, directed, encouraged and permitted, or failed to prevent the act of murder against the deceased, Esther KLIEMAN, who was murdered by one or more people acting in concert with, or under the direction or authority of the PA, the PLO, AL AQSA, FORCE 17, TANZIM, ARAFAT and various other Defendants named herein.

15. Defendants MARWAN BARGHOUTI, TAMER RASSAM SALIM RIMAWI (hereinafter “RIMAWI”), HUSSAM ABDUL-KADER AHMED HALABI a/k/a ABU ARAV (hereinafter “HUSSAM”), AHMED HAMAD RUSHDIE HADIB a/k/a AHMED BARGHOUTI (hereinafter “HADIB”) and ANAN AZIS SALIM HASHASH (hereinafter “HASHASH”) are and at all times relevant hereto were, leaders, members, operatives and trained agents of AL AQSA, FATAH, TANZIM and/or FORCE 17, acting on behalf of, as agents and representatives

of, and/or in the name of, the PA and/or PLO and/or Defendant ARAFAT acting in his individual, various and/or official capacity on behalf of the PA and/or PLO.

16. Defendants RIMAWI, HUSSAM, HASHASH and HADIB are the individual actors who directly carried out and participated in the attack on Esther KLIEMAN. Defendant HUSSAM has plead guilty to murdering Miss KLIEMAN and has been sentenced to three life terms, plus thirty years for causing her death. DEFENDANTS RIMAWI and HADIB have been arrested and indicted for ESTHER KLIEMAN's murder. Upon information and belief it is believed that Defendant HASHASH is still at large and in hiding in areas under the control of the PA and/or PLO and/or Defendant Arafat, who has failed or refused to cause his arrest so that he may be brought to justice.

STATEMENT OF FACTS

17. At all times relevant hereto, Defendants PA and PLO were in *de jure* and *de facto* control of territories in the Gaza Strip and the West Bank.

18. At all times relevant hereto, Defendants AL AQSA, FATAH, TANZIM, and FORCE 17 and its operatives and agents maintained and operated a leadership command, organizational hierarchy and operational infrastructure including, *inter alia*, training facilities and depots for the storage of weapons and explosives in territories controlled by Defendants PA, PLO and/or ARAFAT.

19. At all times relevant hereto, defendant ARAFAT was *de jure* and *de facto* in control of Defendants PA, PLO, FATAH, AL AQSA, TANZIM, and FORCE 17 as its leader, duly elected or designated Chairman, President, and otherwise held himself out to the Palestinian people and the world as same.

20. At all times relevant hereto, Defendants MARWAN BARGHOUTI, RIMAWI, HUSSAM, HADIB and HASHASH were leaders and/or members of Defendants FATAH, AL AQSA, TANZIM and/or FORCE 17 and were collectively organized as a cell, or cells, or groups acting separately and in concert with one another and with Defendants Arafat, the PLO and/or the PA for the illegal purposes of carrying out terrorist activities, including, but not limited to, the committing of violence upon, and murdering, Israelis and the Jewish people (hereinafter “The Terrorist Cells”).

21. The Terrorist Cells were subordinate to, and received instructions, weapons, money and material support from commanders and leaders of Defendants FATAH, AL AQSA, TANZIM, FORCE 17, PA and/or PLO including, but not limited to, defendant ARAFAT, all of whom operated from the Palestinian territories controlled by Defendants PA, PLO and ARAFAT.

22. At an unknown date or dates prior to March 24, 2002, Defendants FATAH, AL AQSA, TANZIM, FORCE 17, MARWAN BARGHOUTI, RIMAWI, HUSSAM, HADIB, HASHASH and other known and unknown persons illegally and with evil intent conspired, planned and made preparations to carry out a machine-gun attack on an armored Israeli bus.

23. On March 24, 2002, on the Abud bypass road, near the village of Umm Safah, north of Ramallah, in the State of Israel or in territories administered or controlled by the State of Israel, RIMAWI, HUSSAM, HASHASH, agents of Defendants ARAFAT, FATAH, AL AQSA, TANZIM, FORCE 17, MARWAN BARGHOUTI and HADIB, without provocation and without legal justification, positioned themselves upon a ridge that overlooked the Abud bypass road.

24. Defendants RIMAWI, HUSSAM and HASHASH were driven to the ridge by HADIB. While HUSSAM and HASHASH waited nearby, RIMAWI opened fire with a

Kalachnikov Automatic rifle provided to him by Defendants FORCE 17 and/or other Defendants on an Egged public transport bus on Route 468 (hereinafter “the shooting attack”).

25. Esther KLIEMAN was struck in the heart and killed by bullets fired by RIMAWI in the incident.

26. On November 26, 2002 HUSSAM was arrested for his participation in the shooting attack. On January 30, 2003, HUSSAM was indicted for the premeditated murder and intentional death of Esther KLIEMAN.

27. Defendants RIMAWI, HUSSAM and HASHASH then fled the scene on foot and fled to Kroat Beni Zid. They then contacted Defendant HADIB, who drove his vehicle to Kroat Beni Zid where he picked up Defendants RIMAWI, HUSSAM and HASHASH and drove to Beit Rama.

28. On April 1, 2003, an Israeli court, upon an admission of guilt, convicted defendant HUSSAM of membership in defendant FORCE 17 and of taking the life of Esther KLIEMAN. HUSSAM was sentenced to three consecutive life terms with an additional thirty-year term for additional charges.

29. Defendant HUSSAM’s admission and conviction estops him from denying the essential allegations of this Complaint, pursuant to 18 U.S.C. §2333(c).

30. Defendants RIMAWI and HADIB have been arrested and indicted for their participation in the attack upon Esther KLIEMAN. They are currently standing on trial for these charges.

31. Defendant HASHASH is currently at large in the territory controlled by Defendant PA. An Israeli court has issued a warrant for his arrest on charges relating to the murder of Esther KLIEMAN. Upon information and belief, the Israeli Justice Ministry submitted to

defendant PA a request for his arrest and extradition to Israel. Defendants ARAFAT, PA and PLO, in furtherance of their conspiracy, scheme, design and intent to murder, maim and to commit acts of violence and terrorism upon Israel, Israelis and the Jewish people, have failed and refused to honor this judicial request and said Defendants continue to harbor, shelter and conceal defendant HASHASH, illegally and in violation of their agreements with the State of Israel regarding terrorism, terrorists and criminals, thereby unlawfully preventing him from being brought to justice.

32. Immediately following the shooting attack, Defendant AL AQSA, an arm and instrumentality of the Defendants named herein, publicly and proudly claimed responsibility for this terrorist act of murder committed upon Esther KLIEMAN, an innocent person who was traveling on a public bus in order to meet her life's commitment to the teaching of young people.

33. Defendants PA, PLO and ARAFAT, and each and all of the Defendants named herein, directly or by virtue of their positions, are authorized and responsible, under international instruments, customary international law and local law applying in the West Bank and Gaza, to exercise law enforcement powers and to maintain public order and security in the territories under their control and responsibility.

34. At all times relevant hereto, Defendants PA and PLO, by and through their representatives, officials, employees and agents operated, maintained, managed, supervised and controlled various police forces, militias, paramilitary forces, intelligence services, law enforcement personnel, jails and penal institutions in the territories under their control.

35. At all times relevant hereto, defendant ARAFAT, acting individually and by and through Defendants PA and PLO and their officials, employees and agents operated, maintained, managed, supervised and controlled various police forces, militias, paramilitary forces,

intelligence services, law enforcement personnel, jails and penal institutions in the territories under their control.

36. During the period relevant hereto, Defendants FATAH, AL AQSA, TANZIM, and FORCE 17 operating from territories controlled by Defendants PA, PLO and ARAFAT, advocated, encouraged, solicited, facilitated, incited for, sponsored, organized, planned and executed acts of violence, murder and terrorism against civilians and other innocent persons living, working, traveling or otherwise being in Israel, Gaza and the West Bank. During the period relevant hereto, Defendants FATAH, AL AQSA, TANZIM, FORCE 17 and the other Defendants carried out scores of terrorist attacks, murdering hundreds of innocent Israeli civilians and injuring thousands more, including by not limited to, the murder of ESTHER KLIEMAN.

37. Among the more than 900 hundred of civilians murdered and thousands wounded by FATAH, AL AQSA, TANZIM, FORCE 17 and others acting on behalf of the PA, PLO and/or ARAFAT were and are many United States citizens.

38. During the period relevant hereto, the government of the United States, the Congress of the United States and the government of the State of Israel, as well as others in the international community have repeatedly demanded from Defendants ARAFAT, PA and PLO that they take effective measures to prevent every terrorist attack by Defendants AL AQSA, FATAH, TANZIM, FORCE 17 and other terrorist organizations and groups operating within the Palestinian territories, including, but not limited to: criminalizing the existence of and membership in AL AQSA, TANZIM and FORCE 17; the apprehension, prosecution and imprisonment of AL AQSA's leadership and members; the closure of AL AQSA, TANZIM and FORCE 17 offices and facilities; the seizure of AL AQSA, FATAH, TANZIM and FORCE 17

property and resources including funds, weapons and explosives, and; prosecuting AL AQSA, FATAH, TANZIM, FORCE 17 and other individuals and groups who encourage, promote and and cause the incitement to commit violence, terrorism and murder.

39. Defendants ARAFAT, PA and PLO refused and/or ignored American and Israeli demands and requests to take effective measures to prevent further terrorist attacks by Defendants AL AQSA, FATAH, TANZIM and FORCE 17.

40. On the contrary, at all times relevant hereto, defendant ARAFAT and Defendants PA and PLO, by and through their officials, employees and agents acting within the scope and course of their employment and agency, pursuant to authorization and instructions of Defendants ARAFAT, PA and PLO and in furtherance of the goals and purposes of Defendants ARAFAT, PA and PLO, provided Defendants AL AQSA, FATAH, TANZIM, FORCE 17, MARWAN BARGHOUTI, HADIB, RIMAWI, HUSSAM and HASHASH, with weapons, instrumentalities, permission, training, and funding for their terrorist activities and further provided the terrorists with safe haven and a base of operations, by permitting and/or encouraging Defendants AL AQSA, FATAH , TANZIM and FORCE 17 to operate freely and conduct activities in the territory under their control or in which they maintained a police presence, and to advocate, encourage, solicit, facilitate, incite for, sponsor, organize, plan and execute acts of violence, murder and terrorism against innocent civilians in Israel, Gaza and the West Bank.

41. Moreover, during the period relevant hereto, the State of Israel submitted to defendant PA multitudes of requests to surrender for prosecution members of defendant AL AQSA, TANZIM, FATAH and FORCE 17 suspected or charged with terrorist murders, including individuals suspected of murdering United States citizens.

42. Defendants ARAFAT, PA and PLO have consistently refused these requests for the surrender of terrorist suspects, and at all times relevant hereto, provided shelter and safe haven to dozens of members of AL AQSA, FATAH, TANZIM, FORCE 17 including, but not limited to, RIMAWI, HUSSAM, HADIB and HASHASH, and other terrorists and terrorist groups suspected of or charged with the terrorist murders, including the murders of American citizens, and specifically including the murder of Esther KLIEMAN.

43. Moreover, upon information and belief, during the period relevant hereto, several members of defendant AL AQSA, FATAH, FORCE 17 and other terrorist groups suspected of or charged with terrorist murders, including murders of U.S. citizens, whose surrender was requested by Israel, were provided salaries, rewards, and employment by defendant PA as policemen and/or security officials in the various police, security and intelligence forces under the control of the PA, thereby making each of the Defendants co-conspirators and/or accessories before and/or after the fact of murder.

44. In addition, Defendants ARAFAT, PA and PLO, at all times relevant hereto, by and through their officials, employees and agents acting with the scope and course of their employment and agency, pursuant to the prior authorization and encouragement, permission and/or instructions of the Defendants ARAFAT, PA and PLO and in furtherance of the goals and purposes of Defendants ARAFAT, PA and PLO, granted material and financial support to the members of AL AQSA, FATAH TANZIM, FORCE 17 who had been captured or killed while carrying out acts of terrorist violence against civilians in Israel, Gaza and the West Bank, thereby providing Defendants AL AQSA, FATAH, TANZIM and FORCE 17 and its members with strong financial incentives, reward and compensation for the specific purpose of encouraging, permitting and rewarding the commission of and continuance of acts of violence, murder and

terrorism against such victims thereby making each of the Defendants co-conspirators and/or accessories before and/or after the fact of murder..

45. Moreover, Defendants ARAFAT, PA and PLO and their officials, employees and agents, upon information and belief, illegally misappropriated money directed and earmarked for humanitarian relief for the Palestinian people, diverting said monies for their personal benefit and use and/or to fund and provide safe haven, a base of operations, shelter and other financial and material support to the members of AL AQSA, FATAH, TANZIM and FORCE 17 for the carrying out of terrorist activities against civilians in Israel, Gaza and the West Bank.

46. At all times relevant hereto Defendants ARAFAT, PA and PLO and their officials, employees and agents knew that Defendants AL AQSA, FATAH, TANZIM and FORCE 17 had committed hundreds of serious offenses against the United States, including the murder of U.S. citizens and that Defendants AL AQSA, FATAH, TANZIM, FORCE 17 and their individual terrorist members planned to continue committing such offenses, yet Defendants ARAFAT, PA and PLO openly and consistently sheltered and received, relieved, comforted, paid, rewarded and assisted Defendants AL AQSA, FATAH TANZIM and FORCE 17 and their operatives, agents, representatives and members within the meaning of 18 U.S.C §3, in order to hinder and prevent their apprehension, trial and punishment.

47. At all times relevant hereto Defendants ARAFAT, PA and PLO and their officials, employees and agents knew that Defendants AL AQSA, FATAH, TANZIM and FORCE 17 had committed hundreds of serious offenses against the United States, including, the murder of U.S. citizens, and that Defendants AL AQSA, FATAH, TANZIM and FORCE 17 planned and still plan to continue committing such offenses, yet Defendants ARAFAT, PA and PLO openly and consistently provided Defendants AL AQSA, FATAH, TANZIM and FORCE 17 and their

members with safe haven, a base of operations, shelter, financial support, encouragement, permission and other material support and resources within the meaning of 18 U.S.C. §2339A.

48. Additionally, Defendants ARAFAT, PA and PLO and their officials, employees and agents solicited, encouraged, permitted and advised Defendants AL AQSA, FATAH, TANZIM, FORCE 17, RIMAWI, HUSSAM, HASHASH and HADIB to commit the acts attributed to those Defendants herein and aided, abetted, authorized, ratified, encouraged, permitted and participated in those acts.

49. The acts and omissions of Defendants ARAFAT, PA and PLO described herein were committed by and through their officials, employees and agents acting within the scope and course of their employment and agency, with the authorization and ratification, and pursuant to the instructions of Defendants ARAFAT, PA and PLO, and in furtherance of the goals, directives, policies and purposes of Defendants PA, PLO and ARAFAT, who acted and acts in various official and individual capacities at all times mentioned herein.

COUNT ONE
AGAINST ALL DEFENDANTS ON BEHALF OF ALL PLAINTIFFS
INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C §2333

50. The proceeding paragraphs are incorporated by reference as though fully set forth herein.

51. Defendants acts constitute a violation of the criminal laws of the United States and of the several States, or would constitute criminal violations if committed within the jurisdiction of the United States and of the several States.

52. The acts of Defendants AL AQSA, FATAH, TANZIM, FORCE 17, RIMAWI, HUSSAM, HASHASH and HADIB, acting on behalf of, in concert and conspiracy with, and at

the encouragement, behest and/or permission of Defendants ARAFAT, PA and/or PLO constitute, *inter alia*, without limitation violations of 18 U.S.C. §2332 (Homicide of a U.S. National Outside the United States).

53. The acts of Defendants PA, PLO, ARAFAT, MARWAN BARGHOUTI, and, HADIB, and if committed within the jurisdiction of the United States, would constitute, *inter alia*, without limitation, violations of 18 U.S.C. §2339A (Providing Material Support to Terrorists) and 18 U.S.C. §3 (Accessory After the Fact).

54. The acts of AL AQSA, FATAH, TANZIM, FORCE 17, MARWAN BARGHOUTI, HADIB, RIMAWI, HUSSAM and HASHASH “appear to be intended to intimidate or coerce a civilian population,” and “to influence the policy of a government by intimidation or coercion,” within the meaning of 18 U.S.C. §2331, in light of the openly declared goals, policies and purposes of these Defendants and of Defendants ARAFAT, PA and/or PLO.

55. The acts of Defendants ARAFAT, PA and PLO “appear to be intended to intimidate or coerce a civilian population,” and “to influence the policy of a government by intimidation or coercion”, with the meaning of 18 U.S.C. §2331, because at all times relevant hereto, these Defendants, themselves and through their respective representatives, spokesmen and organs: repeatedly praised, lauded and supported Defendants AL AQSA, FATAH, TANZIM and FORCE 17 and the AL AQSA, FATAH, TANZIM and FORCE 17 organizations and operatives who have engaged in acts of terrorism, murder and violence against civilians and Israeli targets; praised, advocated , encouraged, solicited and incited for such terrorist acts; and threatened and encouraged the further occurrence of such terrorist acts as part of their conspiracy, scheme, plan and design to murder, maim and terrorize the people of Israel and the Jewish people.

56. Defendants' acts were dangerous to human life, by their nature and as evidenced by their consequences.

57. Defendants' acts occurred outside the territorial jurisdiction of the United States.

58. Defendants' actions constitute acts of international terrorism as defined in 18 U.S.C. §§ 2331 and 2333. Defendants' behavior also constitutes conspiring to aid and abet, and actual aiding and abetting acts of international terrorism.

59. By reason and solely as a result of the acts of international terrorism and the aiding and abetting of acts of international terrorism committed by Defendants, and each of them, Esther KLIEMAN was murdered, thereby causing the decedent and Plaintiffs Nachman KLIEMAN, Ruanne KLIEMAN, Dov KLIEMAN, Yosef KLIEMAN and Gavriel KLIEMAN severe and permanent injury, including, but not limited to, mental anguish, pain and suffering; loss of pecuniary support; loss of income; emotional distress; loss of society and companionship and loss of solatium, thereby entitling each of them to damages to the maximum extent allowed by laws as shall be proved at the trial of this action.

60. For the reasons stated above, Defendants are jointly and severally liable to Plaintiffs, the Estate of Esther KLIEMAN, Nachman KLIEMAN, Ruanne KLIEMAN, Dov KLIEMAN, Yosef KLIEMAN and Gavriel KLIEMAN.

WHEREFORE, Plaintiffs, and each of them individually and on behalf of the estate and heirs of Esther KLIEMAN, demands that judgment be entered, jointly and severally, against Defendants in the amount of **ONE HUNDRED EIGHTY MILLION (\$180,000,000.00) DOLLARS**, and costs expended, including attorney's fees, said amount to be trebled, in accordance with 28 U.S.C. 2333(a).

COUNT TWO
AGAINST ALL DEFENDANTS ON BEHALF OF ALL PLAINTIFFS
NEGLIGENCE

61. The preceding paragraphs are incorporated by reference as though fully set forth herein.

62. Pursuant to 28 U.S.C. §1367, Plaintiffs may bring supplemental causes of action.

63. Defendants' behavior described herein breached their duties to the Plaintiffs, and Defendants foresaw, or should have reasonably foreseen, that their behavior would create unreasonable risk of injury to persons such as ESTHER KLIEMAN, and the Plaintiffs.

64. The negligent acts and omissions of Defendants PA, PLO and ARAFAT described herein were committed by and through their officials, employees, agents and/or representatives acting within the scope and course of their employment and agency, with the authorization and ratification and pursuant to the instructions of Defendants PA, PLO and/or ARAFAT, and in furtherance of the goals and purposes of Defendants PA, PLO and/or ARAFAT. Defendants PA, PLO and/or ARAFAT are therefore vicariously liable for the negligent acts and omissions of their officials, employees, agents and representatives.

65. By reason and as a result of Defendants' negligent behavior described herein, ESTHER KLIEMAN was murdered, thereby causing the decedent and Plaintiffs Nachman KLIEMAN, Ruanne KLIEMAN, Dov KLIEMAN, Yosef KLIEMAN and Gavriel KLIEMAN severe and permanent injury, including, but not limited to, mental anguish, pain and suffering; loss of pecuniary support; loss of income; emotional distress; loss of society and companionship, and loss of solatium, thereby entitling each of them to damages to the maximum extent allowed by laws as shall be proved at the trial of this action.

66. For the reasons stated above, Defendants are jointly and severally liable to Plaintiffs, the Estate of Esther KLIEMAN, Nachman KLIEMAN, Ruanne KLIEMAN, Dov KLIEMAN, Yosef KLIEMAN and Gavriel KLIEMAN.

WHEREFORE, Plaintiffs, and each of them individually and on behalf of the estate and heirs of Esther KLIEMAN, demands that judgment be entered, jointly and severally, against Defendants in the amount of **ONE HUNDRED EIGHTY MILLION (\$180,000,000.00) DOLLARS**, and costs expended.

**COUNT THREE
AGAINST ALL DEFENDANTS ON BEHALF OF ALL PLAINTIFFS
GROSS NEGLIGENCE**

67. The preceding paragraphs are incorporated by reference as though fully set forth herein.

68. Pursuant to 28 U.S.C. §1367, Plaintiffs may bring supplemental causes of action.

69. Defendants' behavior described herein breached their duties to the Plaintiffs, and Defendants foresaw, or should have reasonably foreseen, that their behavior would create unreasonable risk of injury to persons such as ESTHER KLIEMAN, and the Plaintiffs.

70. The willful and wanton negligent acts and omissions of Defendants PA, PLO and ARAFAT described herein were committed by and through their officials, employees, agents and/or representatives acting within the scope and course of their employment and agency, with the authorization and ratification and pursuant to the instructions of Defendants PA, PLO and/or ARAFAT, and in furtherance of the goals and purposes of Defendants PA, PLO and/or ARAFAT. Defendants PA, PLO and/or ARAFAT are therefore vicariously liable for the willful and gross negligent acts and omissions of their officials, employees, agents and representatives.

71. By reason and as a result of Defendants' gross negligent behavior described herein, ESTHER KLIEMAN was murdered, thereby causing the decedent and Plaintiffs Nachman KLIEMAN, Ruanne KLIEMAN, Dov KLIEMAN, Yosef KLIEMAN and Gavriel KLIEMAN severe and permanent injury, including, but not limited to, mental anguish, pain and suffering; loss of pecuniary support; loss of income; emotional distress; loss of society and companionship, and loss of solatium, thereby entitling each of them to damages to the maximum extent allowed by laws as shall be proved at the trial of this action.

72. For the reasons stated above, Defendants are jointly and severally liable to Plaintiffs, the Estate of Esther KLIEMAN, Nachman KLIEMAN, Ruanne KLIEMAN, Dov KLIEMAN, Yosef KLIEMAN and Gavriel KLIEMAN.

WHEREFORE, Plaintiffs, and each of them individually and on behalf of the estate and heirs of Esther KLIEMAN, demands that judgment be entered, jointly and severally, against Defendants in the amount of **ONE HUNDRED EIGHTY MILLION (\$180,000,000.00) DOLLARS** plus punitive damages, and costs expended.

COUNT FOUR
AGAINST ALL DEFENDANTS ON BEHALF OF ALL PLAINTIFFS
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

73. The preceding paragraphs are incorporated by reference as though fully set forth herein.

74. Pursuant to 28 U.S.C. §1367, Plaintiffs may bring supplemental causes of action.

75. Defendants' conduct was willful, outrageous, was dangerous to human life and constituted a violation of applicable criminal law and all international standards of civilized human conduct and common decency.

76. Defendants' conduct was intended and did terrorize the Plaintiffs and caused them egregious emotional distress.

77. The acts and omissions of Defendants PA, PLO and ARAFAT as described herein were committed by and through their officials, employees and agents acting within the scope and course of their employment and agency, with the authorization and ratification and pursuant to the instructions of Defendants PA, PLO and ARAFAT, and in furtherance of the goals and purposes of Defendants PA, PLO and ARAFAT. Defendants PA, PLO and ARAFAT are therefore vicariously liable for the acts and omissions of their officials, employees, agents and representatives.

78. By reason and as a result of Defendants' intentional behavior described herein, ESTHER KLIEMAN was murdered, thereby causing the decedent and Plaintiffs Nachman KLIEMAN, Ruanne KLIEMAN, Dov KLIEMAN, Yosef KLIEMAN and Gavriel KLIEMAN severe and permanent injury, including, but not limited to, mental anguish, pain and suffering; loss of pecuniary support; loss of income; emotional distress; loss of society and companionship, and loss of solatium, thereby entitling each of them to damages to the maximum extent allowed by laws as shall be proved at the trial of this action.

79. For the reasons stated above, Defendants are jointly and severally liable to Plaintiffs, the Estate of Esther KLIEMAN, Nachman KLIEMAN, Ruanne KLIEMAN, Dov KLIEMAN, Yosef KLIEMAN and Gavriel KLIEMAN.

WHEREFORE, Plaintiffs, and each of them individually and on behalf of the estate and heirs of Esther KLIEMAN, demands that judgment be entered, jointly and severally, against Defendants in the amount of **ONE HUNDRED EIGHTY MILLION (\$180,000,000.00) DOLLARS**, and costs expended.

COUNT FIVE
AGAINST ALL DEFENDANTS ON BEHALF OF ALL PLAINTIFFS
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

80. The preceding paragraphs are incorporated by reference as though fully set forth herein.

81. Pursuant to 28 U.S.C. §1367, Plaintiffs may bring supplemental causes of action.

82. Defendants' conduct was willful, outrageous, grossly negligent and/or negligent and was dangerous to human life and constituted a violation of applicable criminal law and all international standards of civilized human conduct and common decency.

83. Defendants' conduct was intended and did terrorize the Plaintiffs and caused them egregious emotional distress.

84. The negligent acts and omissions of Defendants PA, PLO and ARAFAT described herein were committed by and through their officials, employees and agents acting within the scope and course of their employment and agency, with the authorization and ratification and pursuant to the instructions of Defendants PA, PLO and ARAFAT and in furtherance of the goals and purposes of Defendants PA, PLO and ARAFAT. Defendants PA, PLO and ARAFAT are therefore vicariously liable for the negligent acts and omissions of their officials, employees, agents and representatives.

85. By reason and as a result of Defendants' negligent behavior described herein, ESTHER KLIEMAN was murdered, thereby causing the decedent and Plaintiffs Nachman KLIEMAN, Ruanne KLIEMAN, Dov KLIEMAN, Yosef KLIEMAN and Gavriel KLIEMAN severe and permanent injury, including, but not limited to, mental anguish, pain and suffering; loss of pecuniary support; loss of income; emotional distress; loss of society and companionship,

and loss of solatium, thereby entitling each of them to damages to the maximum extent allowed by laws as shall be proved at the trial of this action.

86. For the reasons stated above, Defendants are jointly and severally liable to Plaintiffs, the Estate of Esther KLIEMAN, Nachman KLIEMAN, Ruanne KLIEMAN, Dov KLIEMAN, Yosef KLIEMAN and Gavriel KLIEMAN.

WHEREFORE, Plaintiffs, and each of them individually and on behalf of the estate and heirs of Esther KLIEMAN, demands that judgment be entered, jointly and severally, against Defendants in the amount of **ONE HUNDRED EIGHTY MILLION (\$180,000,000.00) DOLLARS**, and costs expended.

**COUNT SIX
AGAINST ALL DEFENDANTS ON BEHALF OF ALL PLAINTIFFS
PURSUANT TO THE ISRAELI CIVIL WRONGS ORDINANCE § 35
NEGLIGENCE**

87. The preceding paragraphs are incorporated by reference as though fully set forth herein.

88. Pursuant to 28 U.S.C. §1367, Plaintiffs may bring supplemental causes of action governed by Israeli Law.

89. Causes of action in tort in Israeli law are codified in the Civil Wrongs Ordinance (New Version – 1968)(hereinafter “CWO”). The CWO provides that any person injured or harmed by the civil wrongs enumerated in the CWO is entitled to relief from the person or liable or responsible for the wrong.

90. CWO § 12 provided that a person who participates in, assists, advises or solicits an act or omission, committed or about to be committed by another person, or who orders, authorizes or ratifies such an act or omission, is liable for such act or omission.

91. CWO §13 provides that an employer is liable for an act or omission committed by his employee, if the employer authorized or ratified the act or omission, or if the employee committed the act or omission in the course of his employment.

92. CWO § 14 provided that a person who employs an agent for the performance of an act or category of acts is liable for everything the agent does in the performance of that act or category of acts, and for the manner in which the agent performs them.

93. CWO §35 creates a “civil wrong” of Negligence.

94. CWO §35 provides that a person is liable for the “civil wrong” of Negligence when he commits a act which a reasonable and prudent person would not have committed under the same circumstances; or refrains from committing an act which a reasonable and prudent person would have committed under the same circumstances; or, in the performance of his occupation, does not use the skill or exercise the degree of caution which a reasonable person qualified to act in that occupation would have used or exercised under the same circumstances, and thereby causes damage to another person toward whom, under those circumstances he is obligated not to act as he did.

95. CWO § 36 provides that the obligation stated in §35 is toward all persons, to the extent that a reasonable person would have under the same circumstances foreseen that, in the ordinary course of events, they were liable to be injured by the act or omission.

96. Defendants ARAFAT, acting individually and in his various official capacities, PA and PLO and their officials, employees and agents acting with the scope and course of their employment and agency and with authorization committed acts which a reasonable and prudent person would not have committed under the same circumstances, within the meaning of the CWO.

97. Defendants ARAFAT, PA and PLO and their officials, employees and agents acting with the scope and course of their employment and agency and with authorization and ratification did not, in the performance of their occupations, use the skill or exercise the degree of caution which a reasonable person qualified to act in those occupations would have used or exercised under the same circumstances, within the meaning of the CWO.

98. Defendants acted negligently in connection with Esther KLIEMAN and the Plaintiffs, toward whom, in the circumstances described herein, Defendants had an obligation not to act as they did. Defendants were obligated not to act as they did because a reasonable person would, under the same circumstances, have foreseen that, in the ordinary course of events, the decedent and the Plaintiffs were liable to be injured by the Defendants' acts and omissions described herein.

99. Defendants actions constitute Negligence under the CWO and Defendants' negligent acts caused the death of Esther KLIEMAN, thereby causing the decedent, her estate, and each of the Plaintiffs severe injury and damage, including, but not limited to: death; pain and suffering; loss of pecuniary support; emotional distress; loss of consortium; loss of society and companionship and loss of solatium.

100. Defendants committed and are responsible for the civil wrong of Negligence under the CWO, and are therefore jointly and severally liable to the decedent and the Plaintiffs for their damages and injuries resulting thereof.

101. Defendants PA, PLO and ARAFAT and their officials, employees and agents solicited, advised, permitted, encouraged and failed to prevent Defendants, Al AQSA, FATAH, TANZIM, FORCE 17, MARWAN BARGHOUTI, HADIB, RIMAWI, HUSSAM and HASHASH from committing the acts attributed to those Defendants herein and aided and

abetted, authorized, ratified and participated in those acts, and all Defendants are accordingly jointly and severally liable for those acts pursuant to the CWO.

102. The negligent acts and omissions of Defendants PA, PLO and ARAFAT described herein were committed by and through their officials, employees and agents acting within the scope and course of their employment and agency, with the authorization and ratification and pursuant to the instructions of Defendants PA, PLO, and ARAFAT in furtherance of the goals and purposes of Defendants PA, PLO and ARAFAT. Defendants PA, PLO and ARAFAT are therefore vicariously liable under the CWO for the negligent acts and omissions of their officials, employees, agents and representatives and for the damages caused to the Plaintiffs.

WHEREFORE, Plaintiffs, and each of them individually and on behalf of the estate and heirs of Esther KLIEMAN, demands that judgment be entered, jointly and severally, against Defendants in the amount of **ONE HUNDRED EIGHTY MILLION (\$180,000,000.00) DOLLARS**, and costs expended.

**COUNT SEVEN
AGAINST ALL DEFENDANTS ON BEHALF OF ALL PLAINTIFFS
PURSUANT TO THE ISRAELI CIVIL WRONGS ORDINANCE §63
BREACH OF STATUTORY OBLIGATION**

103. The allegations set forth in the preceding paragraphs are incorporated by reference as though fully set forth herein.

104. CWO §63 creates a “civil wrong” for Breach of a Statutory Obligation defined as the failure to comply with an obligation imposed under any enactment, if the enactment is intended for the benefit or protection of another person, and if the breach caused that person damage of the kind or nature of damage intended by the enactment.

105. CWO §63(b) provides that for the purpose of CWO §63, an enactment is deemed to have been enacted for the benefit or protection of a specific person, if intended for the benefit or protection of that person, or for the benefit or protection of persons in general, or of persons of a category or definition to which that specific person belongs.

106. Defendants breached and failed to comply with obligations imposed upon them by numerous enactments, which were intended for the benefit and protection of persons in general, and for the benefit and protection of persons of the type, category and definition to which decedent and Plaintiffs belong, within the meaning of the CWO.

107. The statutory obligations breached by Defendants include, without limitation, the provisions of the following enactments:

- a. The Penal Code – 1977: §300 (murder); §99 (aiding a terrorist organization); §498 (provision of means for commission of a felony); §499 (criminal conspiracy); §30 (solicitation of a crime); 31 (abetting a crime); §95 (non-prevention of national security offense); §262 (non-prevention of a felony).
- b. The Terrorism Prevention Ordinance – 1948: §2 (activity in a terrorist organization); §3 (membership in a terrorist organization); §4 (provision of support to a terrorist organization).
- c. The Defense Regulations (Emergency) – 1945: Reg. 58 (use of firearms against a person); Reg. 64 (provision of shelter or resources to national security offender); Reg. 66 (abetting); Reg. 85 (membership in or provision of assistance to an illegal organization).

- d. The Agreement on the Gaza Strip and the Jericho Area of May 4, 1994 (which was enacted into local law): Article IX(2) (duty to prevent operation of irregular armed forces in the PA areas); Article IX(3) (duty to prohibit possession of weapons and explosives in PA areas); Article XVIII (duty to prevent terrorism); Annex III, Article II (duty to surrender suspects).
- e. Interim Agreement on the West Bank and the Gaza Strip of September 28, 1995 (which was enacted into local law): Article XIV (3) (duty to prevent operation of irregular armed forces in PA areas); Article XIV (4) (duty to prevent possession of weapons and explosives in PA areas); Article XV (duty to prevent acts of terrorism); Annex I, Article II (duty to act against terrorism, confiscate arms, arrest and prosecute terrorists); Annex IV, Article II (duty to surrender suspects).

108. Defendants' breach of their statutory obligations caused the death of Esther KLIEMAN and caused Plaintiffs damage of the kind and nature intended to be prevented by the statutory enactments which were breached by the Defendants, including: death; pain and suffering; mental anguish; loss of pecuniary support; emotional distress; loss of consortium; loss of society and companionship and loss of solatium.

109. Defendants committed the "civil wrong" of Breach of Statutory Obligation, CWO §63, and therefore are jointly and severally liable to the decedent, her estate and the Plaintiffs for their damages and injuries resulting thereof.

110. Additionally, Defendants PA, PLO, and ARAFAT and their officials, employees and agents solicited, advised, encouraged, permitted and took no proper actions to prevent

Defendants Al AQSA, FATAH, TANZIM, FORCE 17, MARWAN BARGHOUTI, HADIB, RIMAWI, HUSSAM and HASHASH in the commission of the breaches of statutory obligations attributed to those Defendants herein and aided and abetted, authorized, ratified and participated in those acts, and all Defendants are accordingly jointly and severally liable for those acts pursuant to the CWO.

111. Defendants PA, PLO and ARAFAT breaches of statutory obligations were committed by and through their officials, employees, agents and representatives acting within the scope and course of their employment and agency with the authorization and ratification and pursuant to PA, PLO and/or ARAFAT's instructions and in furtherance of their various goals and purposes. PA, PLO and ARAFAT are therefore each vicariously liable under the CWO for the breaches of the statutory obligations committed by their officials, employees, agents and representatives.

WHEREFORE, Plaintiffs, and each of them individually and on behalf of the estate and heirs of Esther KLIEMAN, demands that judgment be entered, jointly and severally, against Defendants in the amount of **ONE HUNDRED EIGHTY MILLION (\$180,000,000.00) DOLLARS** and for costs expended.

COUNT EIGHT
AGAINST ALL DEFENDANTS ON BEHALF OF ALL PLAINTIFFS
PURSUANT TO THE ISRALI CIVIL WRONGS ORDINANCE §23
ASSAULT

112. The allegations set forth in the preceding paragraphs are incorporated by reference as though fully set forth herein.

113. CWO §23 creates a "civil wrong" of Assault defined as the intentional use of any kind of force, directly or indirectly, against a person's body, in any manner, without that person's

consent; or in an attempt or threat, by act or gesture, to use force against a person's body, when the person making the attempt or threat can be reasonably assumed to have the intent or ability to carry out the attempt or threat.

114. Defendants AL AQSA, FATAH, TANZIM, FORCE 17, RIMAWI, HUSSAM and HASHASH intentionally used force against Esther KLIEMAN without consent or legal justification.

115. The acts of Defendants AL AQSA, FATAH, TANZIM, FORCE 17, RIMAWI, HUSSAM and HASHASH constitute the civil wrong of Assault pursuant to the CWO.

116. Defendants PA, PLO, their officials, employees and agents, ARAFAT, MARWAN BARGHOUTI, HADIB, solicited and advised Defendants AL AQSA, FATAH, TANZIM, FORCE 17, RIMAWI, HUSSAM and HASHASH to commit the assault attributed to those Defendants herein, and aided, abetted, authorized, ratified, encouraged, rewarded and participated in that assault, and all the Defendants and each of them are therefore jointly and severally liable for that assault pursuant to the CWO.

117. The acts and omissions of Defendants ARAFAT, PA and PLO described herein were committed by and through their officials, employees and agents acting within the scope and course of their employment and agency, and/or with the express authorization, ratification and encouragement and pursuant to the instructions and/or permission of Defendants ARAFAT, PA and PLO, and in furtherance of the various goals and purposes of Defendants PA, PLO and ARAFAT. Defendants ARAFAT, PA and PLO, and action of them are therefore vicariously liable under the CWO for the acts and omissions of their officials, employees and agents.

118. The deadly assault for which Defendants are liable caused the death of Esther KLIEMAN, and caused the decedent and Plaintiffs severe harm and damage, including: death;

pain and suffering; mental anguish, loss of pecuniary support; emotional distress; loss of consortium; loss of society and companionship and loss of solatium.

119. Defendants are therefore jointly and severally liable to the decedent and the Plaintiffs for their damages and injures resulting from the assault.

WHEREFORE, Plaintiffs, and each of them individually and on behalf of the estate and heirs of Esther KLIEMAN, demands that judgment be entered, jointly and severally, against Defendants in the amount of **ONE HUNDRED EIGHTY MILLION (\$180,000,000.00) DOLLARS**, and costs expended.

COUNT NINE
AGAINST ALL DEFENDANTS AS TO ALL PLAINTIFFS
PUNITIVE DAMAGES

120. The allegations set forth in the preceding paragraphs are incorporated by reference as though fully set forth herein.

121. The actions of Defendants ARAFAT, PA, PLO, AL AQSA, FATAH, TANZIM, FORCE 17, RIMAWI, HUSSAM and HASHASH, as above set forth, were intentional and malicious and in willful, wanton and reckless disregard of Esther KLIEMAN's human rights and physical well being. All of the acts of AL AQSA, FATAH and TANZIM, FORCE 17, RIMAWI, HUSSAM, HASHASH and HADIB were facilitated by funding, training, encouragement and/or support by Defendants ARAFAT, PA and PLO, as well as Defendant MARWAN BARGHOUTI.

122. The Defendants ARAFAT, PA and PLO are therefore directly and/or vicariously liable for the actions of the AL AQSA, FATAH, TANZIM, FORCE 17 members and their organizations.

123. In providing such funding, direction and training, Defendants ARAFAT, the PA and PLO, as well as MARWAN BARGHOUTI, rendered material support to those actually carrying out the acts above described. The Plaintiffs and each of them are accordingly entitled to an award of punitive damages against each and every one of said Defendants, and same is hereby requested against the Defendants, jointly and severally, in accordance with the provisions of 28 U.S.C., § 2333 making any national of the United States injured by an act of international terrorism entitled to punitive damages in the amount of threefold damages.

124. The award of punitive damages, as requested and to which the Plaintiffs are entitled, is to punish the Defendants for their conduct in supporting terrorism and the terrorist murderous acts described herein, and to send a message to them and others that the United States of America and its citizens, will not stand for, will not lie down for, and will not ignore any or all acts of terrorism, murder and/or injury such as was committed by the Defendants as more particularly described herein.

125. The Plaintiffs are accordingly entitled to Punitive Damages in the amount of \$540,000,000 each, being threefold the requested damages of \$180,000,000, as punishment against the Defendants, jointly and severally, for their gross, malicious, wanton, reckless and unlawful conduct as described herein which resulted in the tragic murder of the decedent, Esther KLIEMAN.

WHEREFORE, Plaintiffs requests judgment against the Defendants as follows:

1. Judgment against the Defendants, jointly and severally, for the damages to which Plaintiffs is entitled under the laws of the United States of America in amounts as shall be proven at trial.

2. Judgment against Defendants, jointly and severally, for threefold the damages and to which each and all of the Plaintiffs may be and are entitled under applicable law, all in an amount to be determined at trial.
3. Judgment against the Defendants, jointly and severally, for damages awarded pursuant to the laws of the State of Israel, as applied in this Court, in amounts as shall be proven at trial.
4. Judgment against the Defendants, jointly and severally, for all costs expended herein.
5. Judgment against the Defendants, jointly and severally, for reasonable attorneys' fees incurred incident hereto.
6. Interest thereon at the legal rate from date of judgment until paid in full.
7. Judgment against Defendants, jointly and severally, for any and all other relief to which Plaintiffs may be entitled.
8. A trial by jury on all issues so triable.
9. Leave of Court to amend this Complaint as the interests of justice require.

July 9, 2004

Respectfully Submitted,

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