

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

VINCENT FORRAS, on behalf of himself and all others
of and in the City of New York, County of New York,
similarly situated,

Plaintiff,

-against-

FEISAL ABDUL RAUF, and CORDOBA HOUSE/PARK
51, CORDOBA INITIATIVE, SOHO PROPERTIES, and
all other aliases known and unknown,

Defendants.

Index
#111970/2010

**NOTICE OF
MOTION TO
DISMISS**

SIRS:

PLEASE TAKE NOTICE that upon the annexed affirmation of Adam Leitman Bailey, P.C., duly affirmed the 7th day of October, 2010, the annexed Memorandum of Law, and all the pleadings and proceedings heretofore had herein, the undersigned will move this Court at Room 130 at the courthouse thereof at 60 Centre Street, New York, New York 10007, on the 4th day of November, 2010 at 9:30 in the forenoon of that day or as soon thereafter as counsel can be heard for an Order dismissing the Complaint pursuant to CPLR 3211(a)(7) and CPLR 3211(a)(2) on the grounds that the Complaint fails to state a cause of action and this court lacks subject matter jurisdiction over this action because neither this court nor any other court may, consistent with the First Amendment to the United States Constitution, entertain a suit for any relief whatsoever against the construction of a religious house of prayer where the basis for the objection to that house of prayer is Plaintiff's objection to the religious beliefs of

Defendants and for such other and further relief as to the Court seems just and proper in the premises.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR 2214(b), answering papers if any must be served on the undersigned no later than seven (7) days before the Motion is noticed to be heard.

Dated: New York, New York
October 7, 2010

Yours, etc.,
Adam Leitman Bailey, P.C.
by



Adam Leitman Bailey
120 Broadway, 17th Floor
New York, New York 10271
212-825-0365

TO:
Vincent Forras
pro se
257 Church Street, Suite 1
New York, NY 10013
(no telephone number designated)

Larry Klayman, Esq.
Attorney for Plaintiff, pro hac vice
General Counsel
Freedom Watch, Inc.
2000 Pennsylvania Avenue, N.W.
Suite 345
Washington, DC 20006
(310) 595-0800

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

VINCENT FORRAS, on behalf of himself and all others
of and in the City of New York, County of New York,
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Plaintiff,

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51, CORDOBA INITIATIVE, SOHO PROPERTIES, and
all other aliases known and unknown,

Defendants.

Index
#111970/2010

**AFFIRMATION
IN SUPPORT
OF MOTION
TO DISMISS**

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss:

ADAM LEITMAN BAILEY, being an attorney duly licensed to practice law in the
Courts of the State of New York, affirms the following to be true under penalties of
perjury:

1. I am the principal of Adam Leitman Bailey, P.C., the attorneys for Defendants
and make this Affirmation in support of Defendants' motion in all respects based
upon my personal knowledge of the experiences I relate herein and based upon
information and belief, based on the contents of the file I maintain in this office.

INTRODUCTION

2. I am an American and profoundly proud to be a citizen of the greatest, most
diversely embracing nation the planet Earth has ever had in all of its recorded
history.

3. I am a Jew and profoundly proud to adhere to the nation that brought to Western Civilization the commands to love one's neighbor as oneself and not to oppress the foreigner for we were once strangers in another land.
4. I am an attorney and cherish my sworn duty to protect the oppressed and to see that all inhabitants of this land are rendered equal justice under law, regardless of from where they or their ancestors hale, regardless of what deity they choose to worship or not, regardless of their pigmentation, regardless of any characteristic they hold save only the characteristic of being a person who seeks to contribute to society and leave it in some small corner more improved than it was first found to be.
5. I personally have an office located in a building with windows overlooking Ground Zero. My office is physically closer to Ground Zero than the Mosque that is the center of this controversy is proposed to be.
6. On September 11, 2001, I was in another office, a few blocks south of my present one when New York and my beloved nation were under attack and I personally fled the island of Manhattan, prepared to jump into the East River and swim to safety should it prove necessary. I carry the scars of that day on my psyche.
7. But in the days following that great day of infamy, our airwaves were filled with a profound message, showing a huge diversity of our population, many of them voices thick with foreign accents, speaking the words, "I am an American."
8. And I saw Muslim Americans shocked and horrified by the atrocities rained down upon innocent people in a desecration of the name they hold most sacred,

the holy name of Allah, in an atrocity purporting to be in the name of the Quran while, in truth perverting the teachings of one of the monuments of Western civilization.

9. And these truths I know in my most fundamental being:
10. As a lawyer I cannot tolerate the destruction of the American Constitution at the hands of those who had been pledged to defend it. I will not let the right to prayer in the manner one chooses be silenced by shouts of rage; I will not let the right to the free exercise of religion be confined by narrowness of vision; and I will not let the right to erect a house of prayer be torn down by blind bigotry.
11. Ground Zero is a scar upon the landscape of New York City not only because of the loss of 3,000 innocent lives, sacrificed at the altar of international fanaticism, but because it allows bigotry like that of Plaintiff in this suit to flourish in the rich mud of ignorance and religious intolerance. The diversity of America is not its weakness, but its strength. When in the days following an analogous atrocity in 1941 our people marshaled their will and marched off, nobody was an American of this type or that. We were all united under a single banner pledged to eradicate the very kind of religious intolerance we see in Plaintiff, represented in those years by the Third Reich and those aligned with it.
12. This is a battle for our Constitution. The stakes are nothing less. And in fighting for our First Amendment, my firm and I raise our banner to fight for that right thought so important by our Founders that it should be placed very first in our great charter of freedom, the Bill of Rights. So fundamental is the

right of freedom of religion, that in that charter, it is placed as the first of the First, where the Amendment begins with the solemn words, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." So fundamental to Americanism is this right that it even precedes the Amendment's other freedoms, those of speech, the press, and assembly.

13. It is therefore out of the most profound personal feelings as well as professional duty that I offer this Affirmation in support of the motion to dismiss this atrocity of a lawsuit.

FORMAL MATTERS

14. Annexed hereto as Exhibit 1 are the Summons and Verified Complaint in this matter.

15. Annexed hereto as Exhibit 2 is the Verified Answer in this matter.

16. By this motion, on behalf of Defendants, I seek an Order dismissing the Complaint for failing to state a cause of action, pursuant to CPLR 3211(a)(7) and because this Court and indeed all courts of the United States of America lack the subject matter jurisdiction to entertain a suit of this nature, pursuant to CPLR 3211(a)(2).

17. I hereby incorporate by reference the entirety of Defendants' accompanying Memorandum of Law.

18. In that Memorandum, I respectfully set forth a number of points for the Court's consideration:


- a. The First and Fourteenth Amendments guarantee to Defendants the right to the free exercise of their religion. This cannot be impinged by this court merely because somebody else finds that religion distasteful. The right to build a house of prayer is intrinsic in that free exercise.
- b. There can be no tort based upon one person disliking another person's religious choices. Such is also forbidden by the First Amendment.
- c. Religious bigotry cannot be the basis for a supposed cause of action predicated on private nuisance.
- d. Religious bigotry cannot be the basis for a supposed cause of action predicated on public nuisance.
- e. The proposed construction of a mosque cannot constitute intentional infliction of emotional distress.
- f. The proposed construction of a mosque cannot constitute negligent infliction of emotional distress.
- g. There can be no claim for assault when the claimant is entirely safe unless he chooses to place himself at a time and place where he chooses to provoke an assault upon him.
- h. A religious leader has no fiduciary obligations to a stranger to his flock.
- i. No injunction can lie, either preliminary or permanent because Plaintiff fails to make out even a single element requisite to the granting of an injunction in New York.

- j. Where a complaint fails to state any set of facts that could support any cause of action, the complaint must be dismissed.
- k. No class action lies where the grievances of the supposed class are so disparate as to make it impossible to find a responsible representative.
- l. An ordinary member of the citizenry has no standing to bring an action to stop a project which has only generalized impact on his life, if any.
- m. Where a lawsuit is brought as nothing but a publicity stunt and it has no conceivably valid cause of action, sanctions should be imposed on Plaintiff and his attorney.

19. For all of these reasons, I respectfully ask the court to dismiss the Complaint without further ado.

WHEREFORE, it is respectfully requested that the motion be in all respects granted together with such other and further relief as to the Court seems just and proper in the premises.

Dated: New York, New York
October 7, 2010



ADAM LEITMAN BAILEY

SENDER

SUPREME COURT - STATE OF NEW YORK
OFFICE OF THE COUNTY CLERK - NEW YORK COUNTY
CIVIL INDEX INQUIRY

DATE: 09/29/2010
TIME: 11:23:18

INVALID ENTRY

INDEX NO: 111970
INDEX DATE: 09092010

SEQ: 0001

RSI DATE: 00000000
NOI DATE: 00000000
RY DATE: 00000000
ORG DATE: 00000000

FEE:
FEE:
FEE:

CALENDAR:

FEE: Y

PLAINTIFF NAME: PORRAS VINCENT
DEFENDANT NAME: RAUF FEISAL ABDUL
CASE TYPE: OTHER

NEXT INDEX NUMBER: 000000 /

F2=PRINT F3=EXIT F5=VIEW NEXT F12=EXIT MAIN

[Print in **black** ink all areas in bold letters. This summons **must** be served with a complaint.]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Ⓜ

Vincent Ferraro on behalf of himself and all
others of and in the City of New York, County of
New York, similarly situated

SUMMONS

10111970

Index Number

[your name(s)]

Plaintiff(s)

- against -

FEISAL ABDOL RAUF and Corcora House
Part 51 Corcora Institute, School for the Allies

Date Index Number purchased

200

[name(s) of party being sued]

Defendant(s)

To the Person(s) Named as Defendant(s) above:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the complaint of the plaintiff(s) herein and to serve a copy of your answer on the plaintiff(s) at the address indicated below within 20 days after service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the Summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgment will be entered against you by default for the relief demanded in the complaint.

Dated: _____, 200__
[date of summons]

[sign your name]

[print your name]

FILED
Vincent Ferraro
257 Church Street
Room 1
New York, NY 10013
[your address(es), telephone number(s)]

COUNTY CLERK'S OFFICE
NEW YORK

SEP 09 2008

Defendant(s) FEISAL ABDOL RAUF

51 Park Pl New York, NY 10007

[address(es) of defendant(s)]

Venue: Plaintiff(s) designate(s) New York County as the place of trial. The basis of this designation is: [check box that applies]

Plaintiff(s) residence in New York County

Defendant(s) residence in New York County

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

16111970

Vincent Forras, on behalf of)
himself and all others of and in)
the City of New York, County of)
~~Chautauque~~ ^{New York} similarly situated,) COMPLAINT

Plaintiff,)
v.,)
Index No.

Feisal Abdul Rauf, and)
Cordoba House/Park51, Cordoba)
Initiative, Soho Properties, and)
all other aliases known and)
unknown)

Defendants.)

FILED
SEP 09 2014
COUNTY CLERK'S OFFICE
NEW YORK

FACTS COMMON TO ALLEGATIONS

The Lead Plaintiff, Vincent Forras, and other members of the class similarly situated as set forth below, complain of the Defendants on behalf of himself and these other members of the class of the City of New York, County of New York, similarly situated, and alleges as follows:

1. Defendant Feisel Abdul Rauf (hereafter "Feisel") is an individual and on information and belief, at all times mentioned herein resides in the City of New York, State of New York.
2. Defendant Cordoba House/Park51 is an entity whose true and correct form is unknown to the Lead Plaintiff at this time. On information and belief, at all

times mentioned herein Cordoba House/Park51's principal place of business is and was located at 51 Park Place, in the city of New York, State of New York.

3. Defendant Cordoba Initiative is an entity whose true and correct form is not fully known to the Lead Plaintiff and other members of the class at this time. On information and belief, at all times mentioned herein Cordoba Initiative's principal place of business is and was located at 475 Riverside Drive, Suite 248 in the City of New York, State of New York.

4. Defendant Soho Properties is an entity whose true and correct form is not fully known to the Lead Plaintiff and other members of the class at this time. On information and belief, at all times mentioned herein Soho Properties' principal place of business is and was located at 552 Broadway, Suite #6N, in the city of New York, State of New York.

5. Hereafter, Defendant Feisel Abdul Rauf, Defendant Cordoba House, Defendant Cordoba Initiative, and Defendant Soho Properties are collectively referred to as "Ground Zero Mosque" or "Defendants" as appropriate.

6. At all times hereinafter mentioned Lead Plaintiff and other members of the class as plead below, are owners, renters and frequent, both personally and professionally, real estate and business premises and public areas in and around the Ground Zero Mosque. Lead Plaintiff is located, resides and does business at 257 Church Street, Suite 1, New York, New York 10013, in the area of Ground Zero. Lead Plaintiff and other members of the class are primarily "first responders" who helped save hundreds if not thousands of persons during the

horrific September 11, 2001, attacks on the World Trade Center which became known as "Ground Zero."

7. Upon information and belief, Lead Plaintiff and other members of the class allege that at all times hereinafter Defendants Feisal and the Cordoba House were and are the owners or beneficiaries of the owners, in fee of certain realty located in the City and County of New York, State of New York. Defendants' realty is close to the premises and/or business locations and areas frequented by the Plaintiffs.

8. In the alternative, Defendants Feisal and Cordoba House are the front persons and in charge of operations for interests tied to terrorism, which interests own, occupy and/or control, in whole or in part, the subject premises of Defendants.

9. On information and belief, Defendants Feisal and Cordoba House are believers in radical Islam and its jihad against America and American interests.

10. On information and belief, the Islamic Center of North America (ISNA), the terrorist organization Hamas, and the equally extreme terrorist organization the Muslim Brotherhood, among others, have ties and affiliations with the Defendants Feisal and Cordoba House.

9. Defendant Feisal is the author of a book called "What's Right with Islam Is What's Right with America." In Islamic countries such as Malaysia for example, this book was published under the title: "A Call to Prayer from the World Trade Center Rubble: Islamic Dawa in the Heart of America Post-9/11." A "special, non-commercial

edition” of this book was later produced, with Defendant Feisal’s cooperation, by two American tentacles of the Muslim Brotherhood: the ISNA and the International Institute of Islamic Thought.

11. The ISNA has been tied to and investigated for promotion of terrorist organizations such as Hamas, the Muslim Brotherhood’s ruthless Palestinian branch, which is pledged by charter to the destruction of American, as well as Israeli, interests. The Justice Department has named ISNA as unindicted co-conspirator in a terrorism-financing case before the U.S. District Court for the Northern District of Texas involving the channeling of tens of millions of dollars to Hamas through a bogus charity called the Holy Land Foundation for Relief and Development.

12. It is believed that ISNA was behind the re-publication of Defendant Feisal’s book “Call to Prayer from the World Trade Center Rubble.”

13. At least one of Defendant Feisal’s donors was also a generous contributor to the now shut-down terrorist funding organization, “the Holy Land Foundation.”

14. In addition, Defendant Feisal regards a Qatar-based Islamic scholar named “Qaradawi” as a guide and a mentor, and has referred to him in the past as “the most well-known legal authority in the whole Muslim world.” Qaradawi regards the United States as the enemy of Islam. He has urged that Muslims “fight the American military if we can, and if we cannot, we should fight the U.S. economically and politically.” In 2004, Qaradawi issued a *fatwa* (an edict based on Islamic law) calling for Muslims to kill Americans in Iraq.

15. With regard to the September 11, 2001, terror attacks at Ground Zero, Defendant Feisal has stated in interviews that "United States' policies were an accessory to the crime that happened." This underscores Feisal's terrorist sympathies and intent, at a minimum.

16. It is common knowledge that terrorists and terrorist organizations aim to disrupt the normal way of life and to instill fear in the general population in order to advance their objectives. In fact the City of New York is a center for and a symbol of American culture, economy and lifestyle, and has been the target of numerous terrorist attacks, particularly in the area in and around Ground Zero. In addition to two heinous attacks on the World Trade Center, there have been several other attacks, and planned attacks, which fortunately have been thwarted.

17. More specifically, Ground Zero and the location of the Twin Towers have been the target of at least two major terrorist attacks, one of which left nearly 3,000 Americans and other innocents dead.

18. The Mayor of New York Michael Bloomberg and President Obama have both acknowledged the importance of and risks inherent to the Ground Zero location and the threat that is posed to the individuals working or residing in or frequenting and visiting this heavily populated area by moving the trial of the know Al-Qaeda terrorist and September 11, 2001, mastermind Khalid Sheikh Mohammad from that venue to a less populated and less disruptive location for fear of likely further terrorist attacks and demonstrations. This trial was also relocated because of the prohibitive cost of providing security to this area, known

for terrorist attacks. In fact, it is well known and accepted within the intelligence community that Al-Qaeda and other terrorist organizations like and do return to the “scene” of prior terror attacks, to show that they can continue their campaign with impunity, thereby instilling greater terror and severe emotional distress on the populace. That is why the World Trade Center was attacked more than once and why assets and persons at Ground Zero are likely to be attacked again. It is also why the Ground Zero Mosque funders and Defendant Feisal want to put an Islamic Center specifically at that location—in order to show the world that “they” can do it again, and to perpetrate continuing and heightened psychological terror on the victims and others, such as the Lead Plaintiff and the other members of the class, who as first responders have suffered trauma and severe physical ailments, and nightmares, and are thus prone to psychological terror and extreme emotional distress being meted out by Defendants and those terror groups and interests acting in concert with them. Incredibly and outrageously, just yesterday, September 9, 2010, on the eve of the commemoration of September 11, 2001, Defendant Feisel threatened on CNN that if the Ground Zero Mosque is not built, there will be more terrorism leveled against Plaintiffs, New Yorkers and the Western world. This underscores what is intended by the Ground Zero Mosque and the other Defendants.

CLASS ALLEGATIONS

19. The above entitled action is brought on behalf of the Lead Plaintiff and on behalf of each and all other persons similarly situated who are residents, renters,

do business and frequent or visit the area in and around Ground Zero, and on behalf of all persons and individuals who directly or indirectly participated in heroic and selfless acts of patriotism during September 11, 2001, and its aftermath by risking their own lives to protect other Americans and victims of the terror attacks on that fateful day by among other things, remaining at the site of the attacks to assist the victims of the attacks, by selflessly entering collapsing buildings which were on fire and assisting in pulling victims from the rubble, exposing themselves to numerous hazardous chemicals and toxins to save lives and recover victims' hallowed human remains.

20. The above described class is so numerous and consists of individuals working, residing, frequenting, visiting and traveling within New York City currently and at the time of the September 11, 2001 terrorist attacks, that joinder of all members, whether otherwise required or permitted, is impracticable. The Lead Plaintiff and other members of the class have been traumatized and injured as a result of the terrorist attacks of September 11, 2001 on the Twin Towers and other structures of the World Trade Center in New York City, and this harm is ongoing, as set forth herein. Lead Plaintiff Vincent Forras was a first responder to Ground Zero in New York City at Ground Zero on September 11, 2001.

21. As a first responder to the September 11, 2001, terrorist attacks, Lead Plaintiff Forras and the other class members including residents of the City of New York and other first responders and individuals working in and visiting the vicinity have since the September 11, 2001, experienced numerous physical and

physiological conditions related to the trauma and dangers associated with the September 11, 2001 attacks. These symptoms and illnesses include but are not limited to: reactive airway disease, severe asthma, chronic bronchitis, severe sleep apnea, sinusitis, polyps in the sinuses including nasal burning/bleeding, GERD, leukemia, Hodgkin's disease, throat and esophageal cancer, thyroid cancer, esophagus and stomach polyps due to exposure of toxins, sarcoidosis, irregular heartbeat, Post Traumatic Stress Disorder, back and neck pain, heart and respiratory ailments, severe night terrors and various sleep related illnesses including anxieties due to the trauma of the September 11, 2001 terrorist attacks. Plaintiffs have been forced to live with their symptoms and tolerate the effects of the trauma they endured during the periods following the September 11, 2001 attacks.

22. Building a \$100 million Islamic center at Ground Zero, the site where nearly 3,000 Americans and other persons were killed by jihadists on September 11, 2001, is a monument of the jihadist's victory over American ideals of freedom and democracy, a desecration of the terrible sacrifice made by those innocents attacked, and the noble sacrifice made by those who acted to preserve our constitutionally guaranteed, republican form of government in the wake of that attack. The emotional, mental and physical pain resulting from Defendants' actions in planning and taking concrete steps to build the Ground Zero Mosque are intolerable to Lead Plaintiff Forras and the class of Plaintiffs who not only themselves were seriously harmed and will live a much shorter life span with

great pain, suffering and inconvenience, but who also have lost loved ones, friends, and family in the September 11, 2001 terrorist attacks.

23. There are questions of law or fact common to Lead Plaintiff and the class which predominate over any questions affecting only individual members in that the class complains of the nuisance and the emotional distress caused to them by the Defendants and Defendants' conduct. Plaintiffs' symptoms and illnesses have significantly increased since Defendants sought to erect an Islamic Center and Mosque on or near Ground Zero. Since learning that there will be a Mosque erected in the vicinity of the September 11, 2001, attacks, Plaintiff Forras, among other Plaintiffs in the class, have been severely distressed by anxiety and fear of additional terrorist attacks in an area that has been a prime target for terrorist attacks and in an area in which Lead Plaintiff and other members of the class live, work, frequent and/or travel. In addition, Plaintiff Forras' and the other members of the class's residence, business location, property, property value and rights to ingress and egress to his property and the area of Ground Zero, where they also do business, are directly and negatively affected by the traffic and additional severe security threats associated with building a Ground Zero Mosque which has direct links to the terrorist groups and/or donors to terrorist organizations that have already launched successful attacks in that area in the past.

24. Not only is Defendants' project a nuisance, a terror risk and a conscious and/or negligent desire to inflict additional psychological terrorism and emotional distress, it will significantly increase cost of security for the neighborhood and the

City of New York and will significantly reduce Plaintiffs' property values, enjoyment and use of business premises and the use and enjoyment of their property and the public areas in and around Ground Zero.

25. The claims of the Lead Plaintiff and members of the class are typical of the claims of the above described class in that the class of Plaintiffs are individuals who reside, frequent for business and personal use, and rent or own property in the area near Ground Zero, frequent and use the areas in and around Ground Zero and who are negatively affected by the activities of Defendants and who have suffered from emotional and physical trauma caused by Defendants' actions; the class of Plaintiffs' interests are aligned with that of Lead Plaintiff Forras who will fairly and adequately protect the interests of the class in that Lead Plaintiff Forras will seek to bar Defendants from continuing to inflict emotional distress upon the class of Plaintiffs and will seek to remove the nuisance that causes Plaintiffs' injuries.

26. A class action is superior to other available methods for the fair and efficient adjudication of the controversy because there are too many class members as it will be costly and inefficient for each member to file a separate suit. In addition, filing separate lawsuits will only burden the court system and is not in the interest of judicial economy.

NUISANCE CAUSE OF ACTION

27. Lead Plaintiff and other members of the class hereby refer to and incorporate herein by reference Paragraphs 1 through 26, inclusive, of this Complaint, as though fully set forth.

28. Defendants' actions and use of their property have substantially interfered with Plaintiffs' normal and protected use of Plaintiffs' private property, rentals, personal and business use of the area in and around Ground Zero and the City of New York.

29. Defendants' actions and use of their property intentionally and unreasonably interfered with Plaintiffs' normal and protected use of their property and property rights and personal and business use of the areas in and around Ground Zero and the City of New York and the economic utility of protecting the rights of the class of Plaintiffs is higher than the minor harm inflicted to Defendants who, notwithstanding their ties to terrorist interests, can in principle build the Mosque at a different location – subject to U.S. law enforcement. In addition, the nature and frequency of harm caused by Defendants' actions and property is continuing in nature.

30. Defendants' conduct falls below generally accepted standards.

31. Defendants' actions are inherently dangerous and Defendants should be found strictly liable in that they knowingly increase the threat of terrorist attacks in a highly targeted area by bringing to the neighborhood elements linked with known terror organizations. Their actions are also intended to mete out on-going psychological terror and emotional distress.

32. Lead Plaintiff and other members of the class allege that the conduct of Defendants mentioned in this complaint was and is malicious, oppressive and done for the purpose of injuring Plaintiffs, or with a reckless disregard of the consequences to Plaintiffs, and justifies the award of punitive and exemplary damages in a sum to be ascertained by the trier of fact.

**CAUSE OF ACTION FOR INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**

33. Lead Plaintiff and other members of the class hereby refer to and incorporate herein by reference Paragraphs 1 through 32, inclusive, of this Complaint, as though fully set forth.

34. Defendants acted intentionally and recklessly in designating the use of their property for an Islamic Center and a Mosque when they knew the emotional trauma and damage this would result to Lead Plaintiff and other members of the class and when they knew that over 70% of the citizens of the United States are against dedicating a property near Ground Zero as a Mosque. There is no reason to erect a Mosque at Ground Zero other than to have a staging area for other terror attacks, or appear to create a perceived threat of other terror attacks and to inflict psychological terror on Plaintiffs, who have had to live through several other terror attacks in the area and have themselves been seriously injured and have been forced to witness the death and destruction of their friends, family and countrymen and have as a result suffered severe on-going trauma and physical ailments which Defendants' actions have exacerbated.

35. Defendants' conduct as described in this Complaint was and is extreme and outrageous.

36. Defendants' conduct as described in this Complaint has caused Plaintiffs severe emotional and physical distress and severe physical symptoms as pled herein.

37. Plaintiffs allege that the conduct of Defendants named in this complaint was and is malicious, oppressive and done for the purpose of injuring Plaintiffs or with a reckless disregard of the consequences to Plaintiffs, and justifies the award of punitive and exemplary damages in a sum to be ascertained by the trier of fact.

CAUSE OF ACTION FOR NEGLIGENT INFLECTION OF

EMOTIONAL DISTRESS

38. Lead Plaintiff and other members of the class hereby refer to and incorporate herein by reference Paragraphs 1 through 37, inclusive, of this Complaint, as though fully set forth.

39. At all times herein mentioned Lead Plaintiff and other members of the class were lawfully present in City of New York, and in particular in and around Ground Zero, as they were and are primarily first responders like Lead Plaintiff Forras, both during the September 11 terrorist attacks and during the period Defendants undertook their actions described in this Complaint.

40. As a result of Defendants' actions, Lead Plaintiff and other members of the class were and remain shocked, anxiety-ridden, alarmed, frightened and "terrorized" at the prospect of reoccurrence of similar terrorist attacks in the area

of Ground Zero. Defendants' actions caused and are continuing to cause Plaintiffs severe on-going trauma and other serious mental and physical symptoms and ailments and exacerbated their known conditions, ailments and disabilities.

41. As a result of the trauma and severe emotional distress caused by Defendants to Lead Plaintiff Forras and other members of the class, Lead Plaintiff has fainted and lost consciousness, as a result of fright and shock, he has fallen, and suffered numerous other heightened physical and emotional injuries, and worsening of symptoms mentioned in this Complaint. Other members of the class have experienced similar if not identical severe emotional and physical symptoms, which are increasing daily.

42. Defendants' actions and decisions to erect a Mosque at or near the site of a terrorist attack where nearly 3,000 Americans lost their lives as a result of radical Islamic terrorists' actions is careless, negligent, and unlawful in that as a result of Defendants' ties to terrorist organizations, Defendants have increased the access of terrorists and the likelihood of attacks on Ground Zero. Defendants, given their professed role as clergy, and as professed people of faith, and as citizens of the City of New York and property owners, owe a duty of care to Lead Plaintiff and other members of the class, particularly under these unique circumstances. Indeed, as professed clergy, Defendants are tax exempt and thus are in effect financially supported and subsidized by the people of New York, to which they owe a duty of care as a result.

43. As a direct, proximate, and natural result of Defendants' negligence, the injuries suffered by Plaintiff caused Plaintiff Forras severe and permanent injury to his nervous system and severe emotional distress and mental disturbance, including subsequent neurosis, mental and emotional disturbances, as well as the physical symptoms set forth herein and the exacerbation of Plaintiff's other mental, physical and emotional conditions. Since the wrongful acts of Defendants, which are on-going, Lead Plaintiff has been severely nervous, irritable, suffered intense migraines, back pains, neck pains and other severe physical ailments and is unable to perform many of his necessary daily activities and has had to use other persons to perform such duties, all to Plaintiff's damage.

44. Since the inception of Defendants' actions as described in this Complaint Lead Plaintiff has submitted himself to the care of several psychiatrists, psychologists, and other medical professionals for treatment of physical and emotional injuries caused by Defendants' actions.

45. Since the inception of Defendants' actions as described in this Complaint Lead Plaintiff and other members of the class have been unable to engage in normal activities. As a result, Plaintiffs have been financially, physically and medically harmed.

46. Lead Plaintiff and other members of the class are and remain in the zone of danger as Lead Plaintiff and other members of the class would suffer and continue to suffer additional severe emotional and physical injuries or death as a

result of terrorist attacks at Ground Zero, and the psychological terror meted out by Defendants' on-going actions.

47. Plaintiffs have suffered subsequent physical manifestations of their emotional distress as described above and Plaintiff's emotional and physical ailments have worsened as a result of Defendants' actions.

48. Defendants' conduct as described in this Complaint have caused Lead Plaintiffs and other members of the class severe emotional and physical distress and injuries.

CAUSE OF ACTION FOR ASSAULT

49. Lead Plaintiff and other members of the class hereby refer to and incorporate herein by reference Paragraphs 1 through 48, inclusive, of this Complaint, as though fully set forth.

50. Lead Plaintiff and other members of the class allege that Defendants' actions and decisions to erect a Mosque near the site of a terrorist attack where nearly 3,000 Americans lost their lives as a result of radical Islamic terrorists' acts (particularly in light of Defendants' ties to terrorist groups and the fact that Ground Zero is a prime target for terrorist attacks as demonstrated by at least two other attacks on Ground Zero), intentionally, violently, and without just cause or provocation assaulted Lead Plaintiff and other members of the class.

51. The acts or circumstances of Defendants' actions are such that they have caused Lead Plaintiff and other members of the class reasonable apprehension of immediate bodily harm and/or death.

52. As a direct and proximate result of Defendants' assault Lead Plaintiff and other members of the class have suffered damages in the form of severe and permanent injury to their nervous system and severe emotional distress and mental disturbance, including subsequent neurosis, as well as the physical symptoms including among other things, intense migraines, back pains, neck pains and other severe physical ailments and the exacerbation of Plaintiff's other mental, physical and emotional conditions, as well as the other medical symptoms set forth in this Complaint, all to Plaintiffs' damage in a sum to be determined at trial.

53. As a further direct and proximate result of the assault described above, Plaintiffs have been disabled such that Lead Plaintiff and other members of the class have been unable engage in normal activities. As a result, Plaintiffs have been financially, physically and medically harmed.

54. As a further direct and proximate result of Defendant's assault, Lead Plaintiff and other members of the class have been unable to work for a period of several weeks and at full capacity thereafter, all to Plaintiffs' further damages to be proven at trial, in the amount that Plaintiffs would have earned during the time that Plaintiffs were unable to work.

55. As a further direct and proximate result of Defendants' assault, Lead Plaintiff and other members of the class were required to employ physicians, surgeons, nurses, and other health care professionals to treat Plaintiffs' injuries and they were required to purchase medicines, drugs, and orthopedic devices

during the course of Plaintiffs' treatment, all to Plaintiffs' further damage in a sum to be proven at trial. Plaintiffs are informed and believe, and allege, that it will be necessary for Plaintiffs to incur additional medical expenses in a sum or sums now unknown to Plaintiffs at this time. Plaintiffs request the permission of the Court to amend this Complaint when such sum or sums have been determined.

56. As a further direct and proximate result of Defendants' assault, Lead Plaintiffs and other members of the class suffered great physical pain and mental suffering, and will continue to suffer great physical pain and mental suffering permanently in the future, to Plaintiffs' further damage in a sum of to be determined at trial.

WHEREFORE, the Plaintiffs demand:


1. Judgment against the Defendants in an amount exceeding the jurisdictional limits of this court, with costs, and in an aggregate amount in excess of \$150,000,000.
2. An award of punitive and exemplary damages in a sum to be ascertained by the trier of fact, and in an aggregate amount in excess of \$200,000,000;
3. That the Defendants, during the pendency of this action and perpetually thereafter, be enjoined from continuing their nuisance to the Lead Plaintiff and other members of the class, as well as continuing to mete out emotional distress by the building and construction of the Ground Zero Mosque.

4. That the Lead Plaintiff and other members of the class have such other, further relief as may be just and proper under the circumstances, together with the costs and disbursements of this action.

5. An award of attorneys' fees together with the costs and disbursements of the above entitled action, and for such other, further relief as to this Court may seem just, proper, and equitable.

6. Lead Plaintiff and other members of the class demand trial by jury of all issue so triable.

Respectfully submitted,

By: Vincent Forass 
For Himself and the Class
Pro Se

State of New York
County of New York

Sworn to before me this
9th day of Sept 2010



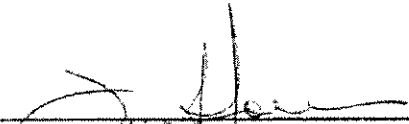
JASMINE J. VADEN
Notary Public, State of New York
Reg. No. 01A 36132291
Qualified in New York County
Commission Expires Aug. 18, 2013

Larry Klayman, Esq.
General Counsel
FREEDOM WATCH, INC.
2000 Pennsylvania Avenue, N.W.
Suite 345
Washington, D.C. 20006
Tel: 310-595-0800
Email - ickklayman@yahoo.com
(Pro Hac Vice Application to be Submitted)
Counsel to Mr. Forras and the Class

VERIFICATION

Vincent Ferras, being duly sworn, deposes and says:

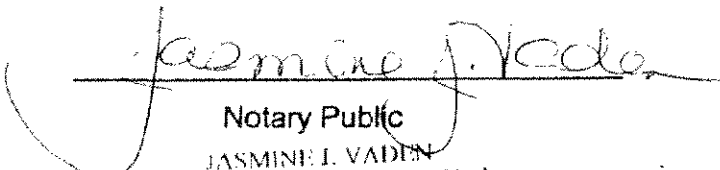
I am the plaintiff in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The same are true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters I believe them to be true.



[sign your name in front of a Notary]
VINCENT FERRAS

[print your name]

Sworn to before me this
9th day of Sept, 2002010



Notary Public
JASMINE J. VADEN
Notary Public, State of New York
Reg. No. 04VA6132291
Qualified in New York County
Commission Expires Aug. 18, 2013

COUNTY CLERK, NEW YORK COUNTY

Application for INDEX NUMBER pursuant to Section 8019,
C.P.L.R.

FEE \$210.00

INDEX NUMBER
Do not write in this space

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TITLE OF ACTION OR PROCEEDING

CHECK ONE

<input type="checkbox"/>	COMMERCIAL ACTION	<input type="checkbox"/>	NOT COMMERCIAL ACTION
<input type="checkbox"/>	CONSUMER CREDIT TRANSACTION	<input type="checkbox"/>	NOT CONSUMER CREDIT TRANSACTION
<input type="checkbox"/>	THIRD PARTY ACTION	<input type="checkbox"/>	NOT THIRD PARTY ACTION

**IF THIRD PARTY ACTION
MAIN INDEX NO. _____**

Name and address of
Attorney for Plaintiff
or Petitioner.
Telephone No.

Name and address of
Attorney for Defendant
or Respondent.
Telephone No.

A. Nature and object of action or
Nature of special proceeding

B. Application for Index Number filed by: Plaintiff [] Defendant []

C. Was a previous Third Party Action filed Yes [] No []
Date filed _____

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

VINCENT FORRAS, on behalf of himself and all others
of and in the City of New York, County of New York,
similarly situated,

Plaintiff,

against

FEISAL ABDUL RAUF, and CORDOBA HOUSE/PARK
51, CORDOBA INITIATIVE, SOHO PROPERTIES, and
all other aliases known and unknown,

Defendants.

Index
#111970/2010

VERIFIED
ANSWER

Defendants, by their attorneys, Adam Leitman Bailey, P.C., answering
Plaintiff's complaint, respectfully avers:

1. Generally denies that there is a class for which Plaintiff is a proper representative.
2. Denies each and every allegation in paragraphs 2, 3, 4, 8, the first paragraph 9, 10, 14, 15, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 34, 35, 36, 37, 41, 42, 43, 46, 48, 50, 51, 52, 53, 54, 55, and 56 of Plaintiff's complaint.
3. Denies sufficient knowledge or information so as to form a belief as to each and every allegation in paragraphs 6, the second paragraph 9, 11, 12, 13, 16, 18, 19, 20, 21, 39, 40, 44, 45, and 47 of Plaintiff's complaint.
4. Denies paragraph 5 of Plaintiff's complaint insofar as answering defendants deny that any of the referenced persons and entities are properly described as defendants.

5. Neither denies nor admits the allegations of paragraph 7 of Plaintiff's complaint as the matters set forth in that paragraph are too vague to defendants to be able to frame a response.
6. Denies and admits as hereinbefore denied and admitted each and every allegation of paragraphs 27, 33, 38, and 49 of Plaintiff's complaint.

AS AND FOR AN AFFIRMATIVE DEFENSE

7. Pursuant to the First and Fourteenth Amendments of the Constitution of the United States of America and 42 U.S.C. §1983 this court and every court in the United States of America lacks the subject matter jurisdiction to grant any relief, whether in law or equity, against the erection or maintenance of a religious institutional building predicated upon it being a religious institutional building.

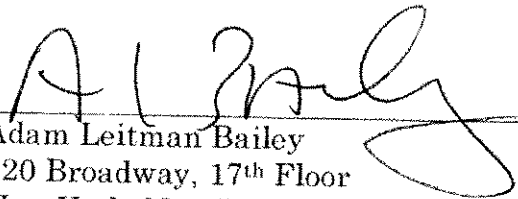
AS AND FOR A COUNTERCLAIM

8. The purported causes of action by the Plaintiff in this suit knowingly advance a claim that is unwarranted under existing law, with knowledge that they cannot be supported by good faith argument for an extension, modification, or reversal of existing law.
9. Defendants are damaged by the advancement of such claims and such damages shall continue to accrue in a sum not less than \$50,000.
10. By reason of the foregoing, Defendants are entitled to an award of \$50,000 for the wholly frivolous actions of the Plaintiff herein.

WHEREFORE, Defendants demand judgment dismissing the complaint together with interests and costs and an award of sanctions on the counterclaim in the sum of \$50,000.00 together with interest and costs.

Dated: New York, New York
October 6, 2010

Yours, etc.,
Adam Leitman Bailey, P.C.
by


Adam Leitman Bailey
120 Broadway, 17th Floor
New York, New York 10271
212-825-0365

TO:
Vincent Forras
pro se
257 Church Street, Suite 1
New York, NY 10013
(no telephone number designated)

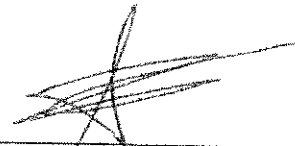
Larry Klayman, Esq.
Attorney for Plaintiff, pro hac vice
General Counsel
Freedom Watch, Inc.
2000 Pennsylvania Avenue, N.W.
Suite 345
Washington, DC 20006
(310) 595-0800

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

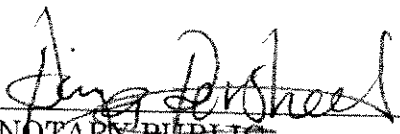
SHARIF EL-GAMAL, being duly sworn, deposes and says, that he is President of SOHO PROPERTIES, a Defendant in the foregoing Answer; that he has read the foregoing Answer ; that he knows the contents thereof and that, to his knowledge, the Answer is true, except as to matters stated therein to be alleged upon information and belief, and, as to those matters, he believes it to be true.

Dated: October 6, 2010



SHARIF EL-GAMAL

Sworn to before me this
6th day of October, 2010



NOTARY PUBLIC

DIVYA PERSHAD
Notary Public, State of New York
No. 01PE6209755
Qualified in Nassau County
Commission Expires 08/03/2013

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

VINCENT FORRAS, on behalf of himself and all others
of and in the City of New York, County of New York,
similarly situated,

Plaintiff,

-against-

FEISAL ABDUL RAUF, and CORDOBA HOUSE/PARK
51, CORDOBA INITIATIVE, SOHO PROPERTIES, and
all other aliases known and unknown,

Defendants.

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#111970/2010

NOTICE OF
MOTION TO
DISMISS

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: October 7, 2010

Signature:



Print Signer's Name: Adam Leitman Bailey

ADAM LEITMAN BAILEY, P.C.
Office and Post Office Address
120 Broadway, 17th Floor
New York, New York 10271
(212) 825-0365