

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 ) COMPLAINT  
situated, )  
 ) Index No.  
Plaintiff, )  
v., )  
 )  
Feisal Abdul Rauf, and )  
Cordoba House/Park51, )  
Cordoba Initiative, Soho )  
Properties, and all other aliases )  
known and unknown )

Defendants.

**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.

### **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 on-going, 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 INFLICTION 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

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(Pro Hac Vice Application to be Submitted)

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