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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MANOUCHER MOHAMMADI, REZA)
MOHAMMADI, SIMIN MOHAMMADI)
AND NASRIN MOHAMMADI, ON)
BEHALF OF THEMSELVES AND ON)
BEHALF OF AKBAR MOHAMMADI,)
AND DOES 1 THROUGH UNKNOWN,)
c/o Freedom Watch, Inc.)
P.O. 2789)
Washington, D.C. 20013)
And Other Class Members)

1:09-cv01289

**SECOND AMENDED CLASS
ACTION COMPLAINT UNDER
THE ALIEN TORT CLAIMS
ACT AND ANTI-TERRORISM
LAWS**

Lead Plaintiffs ,

v.

ISLAMIC REPUBLIC OF IRAN)
c/o Mohammad Khazae)
Permanent Representative of Iran)
to the United Nations)
East 46th Street)
New York, New York 10017)

and

MAHMOUD AHMADINEJAD)
c/o President's Office)
Pasteur Avenue)
Postal Office 1423-13185)
Tehran, Iran 13168-43311)

and

AYATOLLAH SAYID ALI)
HOSEYNI KHAMENEI)
c/o Mohammad Khazae)

1 Permanent Representative of Iran)
 2 to the United Nations)
 3 East 46th Street)
 4 New York, New York 10017)
 5 and)
 6 ARMY OF THE GUARDIANS OF THE)
 7 ISLAMIC REVOLUTION)
 8 c/o Mohammad Khazae)
 9 Permanent Representative of Iran)
 10 to the United Nations)
 11 East 46th Street)
 12 New York, New York 10017)
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Defendants

I. INTRODUCTION

1. This is a class action seeking damages for assault, supporting terrorism, crimes against humanity, violations of civil and human rights, torture of decedents of Lead Plaintiffs and Members of the Class, committed by Defendants and their agents, and also acting in concert with, aiding, abetting, facilitating, soliciting, directing, orchestrating and conspiring with the Defendant Army of the Guardians of the Islamic Revolution, commonly referred to as the Iranian Revolutionary Guard Corps ("IRGC"), Al Qaeda and the Taliban, and other terrorist groups, nation states and their collaborators in those atrocities, in violation of the Law of Nations, international law, the laws of the United States of America and of individual states, including but not limited to the District of Columbia, and the natural laws of man.

II. PARTIES

2. Plaintiffs, Manouchehr Mohammadi, Reza Mohammadi, Simin Mohammad and Nasrin Mohammadi ("Mohammadi" or "Lead Plaintiffs" as appropriate) were born in Iran and

1 are now citizens of the United States. They lived in Iran during the time of the crimes alleged in
 2 this complaint and they themselves were in the case of Manouchehr Mohammadi sentenced to
 3 death and imprisoned for seven years. Reza and Simin Mohammadi were imprisoned, and
 4 Nasrin Mohammadi was tortured and then threatened by the Defendants with imprisonment and
 5 death for exercising their inherent rights of free speech and other rights of man. These Plaintiffs
 6 also had their brother, Akbar Mohammadi brutally tortured, his body mutilated and then slowly
 7 killed by the Defendants, when Akbar Mohammadi fought for freedom as a student leader and
 8 then called for peaceful "Regime Change." All of these Plaintiffs currently reside in Los
 9 Angeles County and Fresno, California.
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12 3. Defendant Islamic Republic of Iran ("Iran") was established on April 1, 1979,
 13 when the former leader, Shah Mohammad Reza Pahlavi, was overthrown in a coup. Under the
 14 Supreme Leader Ayatollah Khomeini and then subsequently under the current Supreme Leader,
 15 Defendant Khamenei, the Islamic Republic of Iran has historically been a regime that has used
 16 force, fear, torture, and murder and other violations of human rights in order to prop up its
 17 autocratic regime and to ensure that the inhumane and barbaric Islamic laws of *Sharia* are
 18 imposed upon its unwilling people.
 19

20 4. Furthermore, Iran frequently defies international law and jeopardizes world
 21 peace by furthering terrorism and illegally pursuing its nuclear ambitions in its quest to acquire
 22 nuclear weapons capabilities.
 23

24 5. Defendant Mahmoud Ahmadinejad ("Ahmadinejad") is and has been the
 25 President of Iran since 2005. Prior to being "elected" as president, Ahmadinejad was a volunteer
 26 member of the *Basiji* militia movement and has been actively engaged in rousing anti-American
 27

1 and anti-Western sentiments among the Iranian people. Many persons have identified him as a
2 “ringleader” of the infamous Iranian hostage crisis which occurred during the U.S.
3 administration of President Jimmy Carter, where officials of the American Embassy in Tehran
4 were held hostage for over a year.
5

6 6. Defendant Ahmadinejad is believed to be mentally unstable if not insane, and
7 has denied publicly the established historical event of the Holocaust, which ironically he is
8 carrying out of sorts on his own people through the use of intimidation, torture and mass
9 murder. Upon information and belief, he presently resides in Tehran, Iran.
10

11 7. Defendant Ayatollah Sayyid Ali Hoseyni Khāmene’i (“Khamenei”) is the
12 highest ranking leader in Iran and is commonly referred to as the “Supreme Leader” in which
13 capacity he has served since 1989. He was the protégé of the mastermind of the 1970
14 revolutionary movement, Ayatollah Khomeini, which saw the overthrow of the Shah and led to
15 the current Islamist state in present-day Iran. Khamenei controls the Iranian military, the
16 Defendant Army of the Guardians of the Islamic Revolution ("IRGC"), and all of the other tools
17 of insidious force and subjugation of the Iranian people that enable him to keep his grip on
18 power in Iran. Upon information and belief, he presently resides in Tehran, Iran.
19

20 8. Defendant IRGC is a military group, supported and controlled by the Iranian
21 government, including Defendants Khomeini and Ahmadinejad. The IRGC was established in
22 1979, after the Islamic Revolution, and since then has engaged in a multitude of terrorist
23 activities against the Iranian people as well as against foreign military and civilian targets, at the
24 direction of Defendants Ahmadinejad and Khamenei. The IRGC was branded as a terrorist
25 group by the U.S. State Department in 2007 and continues to promote terrorist activities to this
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1 day. The group is headquartered in Tehran, Iran.

2 9. Lead Plaintiffs bring this complaint on their own behalf and on behalf of the
3 other DOE Members of the Class which include United States servicemen stationed in Iraq,
4 Afghanistan, Pakistan, and elsewhere, as well as, their families, and the survivors of deceased
5 United States Servicemen who were murdered or harmed or threatened by or as a direct and
6 proximate result of Defendants' actions as described herein.
7

8 10. The Members of the Class also include all Iranians and Iranian-Americans who
9 have had their civil and human rights violated, been assaulted, battered, tortured and even
10 murdered to keep a vicious, illegitimate and inhuman radical regime in power, all at the
11 expense of the great, courageous, pro-Western, extremely well educated and highly
12 sophisticated Persian civilization and its people who have a history of living in freedom and
13 want to be free from repression and violation of basic human rights once again.
14

15 **III. JURISDICTION AND VENUE**

16 11. The Court has subject matter jurisdiction over this case under the Alien Tort
17 Claims Act (ATCA) 28 U.S.C. § 1350 and pursuant to the Torture Victim Protection Act of
18 1991 (TVPA) 28 U.S.C. § 1350, note,§ 2(a) and 28 U.S.C. § 1331 (Federal Question
19 Jurisdiction), as well as under 28 U.S.C. § 1332 (diversity jurisdiction).
20

21 12. Plaintiffs also invoke the supplemental jurisdiction of this Court with respect to
22 claims based upon the laws of the State of California, pursuant to 28 U.S.C. § 1367. This is a
23 class action pursuant to Rule 23 of the Federal Rules of Civil Procedure and other applicable
24 federal statutes and rules.
25

26 13. Defendants Ahmadinejad and Khamenei are subject to suit in the courts of the
27

1 United States pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1602 *et seq.*,
2 because its conduct falls within the exceptions to foreign sovereign immunity set forth in 28
3 U.S.C. §§ 1605(a)(5) and 1605(a)(7).
4

5 14. The amount in controversy, both individually and collectively, well exceeds Ten
6 Trillion U.S. Dollars.

7 **IV. FACTUAL BACKGROUND**

8 15. Defendant Khamenei, currently the Supreme Leader of Iran, first rose to
9 worldwide prominence in 1979 when he was the protégé of the mastermind of the Iranian
10 Revolution, Ayatollah Khomeini, which led to the overthrow of the Shah, the hostage-taking
11 and eventual expulsion of all American and Western nationals, as well as the flight of millions of
12 Iranians from Iran and the rise of the radical and anti-western Islamic fundamentalism that has
13 become widespread throughout Iran and the rest of the region.
14

15 16. Defendant Khamenei over the past 25 years has used various worldwide terrorist
16 groups such as Hezbollah, Al Qaeda, Defendant IRGC, and others, all officially designated as
17 ‘terrorist organizations’ by the U.S. State Department, to initiate campaigns of violence against
18 the Iranian people and Western individuals, companies, and interests both in with Iran, and
19 elsewhere in the region.
20

21 17. Defendant Khamenei has been the motivating force for terrorist groups across
22 the region and has assumed the primary leadership role for such groups as his regime has
23 provided for the funding, training, equipping, and mobilizing of terrorist groups, and has helped
24 to orchestrate attacks on Western individuals, governments and interests. Defendant
25 Khamenei’s disdain for his own people and for America and her allies has been evident in his
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1 speeches over the years, particularly when he is leading "death to America" chants for his
2 religious followers. All of those Iranians, including the Members of this Class of Plaintiffs
3 herein among others disagreeing with his regime and who speak out on their opinions are
4 branded Western sympathizers and are subjected to brutal punishments, including public
5 floggings, imprisonment without charge, solitary confinement, torture, and even death. These
6 punishments are handed out without remorse or segregation, to women, children, the elderly, or
7 whoever else may be deemed to be at risk to the absolute grip on power of Khamenei.
8

9
10 18. Plaintiff Mohammadi's brother, Akbar Mohammadi ("Akbar"), was a student of
11 the University of Tehran, and was an outspoken critic of the Iranian regime during his tenure at
12 the University. In 1999, Akbar was actively involved as a leader in the student protests that
13 were taking place, that were motivated by the closure of a reformist newspaper and what was
14 perceived to be an authoritarian government usurping freedoms. The protests were non-violent,
15 but this did not stop the Iranian police and government agents from using violence and force to
16 disperse and punish the protesters.
17

18 19. During the demonstrations, Akbar was taken into custody, and locked away in
19 infamous Evin Prison in Tehran, a place notorious for its cruel imprisonment of political
20 dissidents.
21

22 20. While in prison, Akbar was subjected to repeated bouts of torture and cruel and
23 unusual forms of punishment, causing him to go deaf, and be in a constant state of agony.
24

25 21. Akbar, like many other Members of the Class herein, was placed in solitary
26 confinement for long stretches of time, subjected to extreme conditions, and brutal beatings, all
27 of which seriously damaged him both physically and psychologically. As a result of his

1 deteriorating physical condition, it was recommended by doctors that he be transferred to other
2 countries for treatment, under the laws of Iran, but this request was denied. Akbar, like many
3 other Members of the Class herein, was instead “treated” in Tehran in 2005, and lived but his
4 physical condition was constantly deteriorating. He was prescribed numerous medications,
5 which he had to take daily, but when he was readmitted into Evin prison, he was denied the use
6 of these medications, further causing him pain, more severe physical damage and emotional
7 distress.
8

9
10 22. Finally on July 31st, 2006, Akbar was murdered in Evin prison during a torture
11 session, his long grueling prison term mercilessly ended by the regime.

12 23. During Akbar's imprisonment, he had been in contact with family members
13 including the Lead Plaintiffs, and had written letters to them on a regular basis. The Lead
14 Plaintiffs were able to experience Akbar's account firsthand through visits with him and
15 communications back and forth. Lead Plaintiffs have seen the entire episode unfold from their
16 brother's days at Tehran University in 1999 to his death in July, 2006 and have been a witness
17 to the brutality that was inflicted upon their brother Akbar.
18

19 24. The Defendants were directly responsible for the torture and death of Akbar, like
20 many other Members of the Class herein, and other political prisoners at Evin and elsewhere
21 because the prison guards and other agents of the government were acting on direct orders from
22 the Defendants and were carrying out their official policies of repression, brutality, torture,
23 intimidation, and murder upon those who they deemed to be enemies of their tyrannical
24 government, such as Akbar.
25

26 25. In addition, it has recently come to light that Defendants have been directly and
27

1 proximately involved with and planned and caused the death of United State Servicemen
2 stationed in the Middle East, among whom are the Members of the Class of Plaintiffs herein.
3 Intelligence sources in Afghanistan have revealed to the media (including the Sunday Times)
4 that Defendants have built camps in Afghanistan for terror activists. Specifically, it has been
5 revealed that Defendants pay terrorist organizations a \$1,000 bounty for each American soldier
6 who is murdered and \$6,000 for each American Army vehicle that is destroyed.
7

8 26. At least five Iranian companies are sending money to Islamist terror groups in
9 Afghanistan in order to fund the fighting against Western powers, led by the United States,
10 according to a Sunday Times report, which quoted Taliban sources. The Iranian financing is so
11 large that one Taliban money-handler has claims that he alone has collected nearly \$80,000 in
12 the past six months. Afghani intelligence and Taliban officials have revealed how the money is
13 transferred from Iranian straw-men companies to Afghani rebels.
14

15 27. Another example of the callous disregard for human life and the skewed vision
16 of morality of Khamenei is evidenced by the recent execution of Atefa Sahaaleh, a 16-year old
17 mentally ill schoolgirl who was murdered for having pre-marital relations with a 51-year old
18 man. The man has yet to be charged with any crime.
19

20 28. Defendant Ahmadinejad has been the President of Iran since 2005 and recently
21 claims to have been re-elected in a fraudulent election that has been criticized worldwide for
22 being a sham, where voter fraud was rampant and corruption was the norm.
23

24 29. Defendant Ahmadinejad espouses the same worldview as Defendant Khamenei
25 and was handpicked by him for the role of the Presidency for this reason. He has carried out the
26 orders of Khamenei and added his own brutal twist, using the IRGC to commit acts of terror in
27

1 Iraq and elsewhere in an effort to harm his own people and destabilize the region and to increase
2 the authority and standing of Iran among its regional peers.

3
4 30. The Defendants have acted in concert to repress all dissent, using brutal police
5 and military tactics, and maintaining their tight grip on power through fear, repression, and
6 ultimately voter fraud and the manipulation of elections, as evidenced by the recent events that
7 have led to widespread protesting and unfortunately government crackdowns in the form of
8 more beatings, intimidation and murder, as well as a denial of freedom of the press.

9
10 **COUNT I**

11 **(Engaging in Terrorism and/or Providing Material Support to a Terrorist Organization –**
12 **Each and Every Defendant)**

13 31. Lead Plaintiffs and Members Class repeat and re-allege all of the previous
14 allegations in paragraphs 1 through 30 of this Second Amended Complaint with the same force
15 and effect, as if fully set forth herein again at length.

16
17 32. The Defendant IRGC, Al Qaeda, and Hezbollah are all terrorist organizations,
18 having been so designated by the U.S. State Department, as hereinabove alleged.

19 33. That heretofore and at the time of the occurrences herein, Defendants, acting
20 individually and in concert with Al Qaeda, and Hezbollah and other terrorist groups and nation
21 states, were engaged in terrorism and violations of human and civil rights in violation of the law
22 of nations, international law and of individual countries and states in that inter alia it engaged in
23 violent acts, or acts dangerous to human life that were intended to intimidate or coerce a civilian
24 population, and/or to influence the policy of a government and its people by intimidation or
25 coercion and genocide; and/or to affect the conduct of a states in that inter alia it engaged in
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1 violent acts, or acts dangerous to human life that were intended to intimidate or coerce a civilian
2 population, and/or to influence the policy of a government by intimidation or coercion and
3 genocide; and/or to affect the conduct of a government by mass destruction, assassination,
4 kidnapping or hostage taking, and other tortious acts as defined by 31 CFR § 594.311 and
5 Chapter 113B of Part I of Title 18 of the United States Code.
6

7 34. The Defendants have also engaged in criminal acts intended and/or calculated to
8 create a state of terror in the minds of particular persons or a group of persons or the general
9 public as defined in the League of Nations Convention (1937) and the General Assembly
10 Resolution 51/210 (1999) wherein such acts are strongly condemned.
11

12 35. In addition, Defendants have engaged in crimes against a civilian population
13 intended to cause death or serious bodily harm to civilians or non-combatants with the purpose
14 of intimidating a population in violation of UN Resolution May 17, 2005 and UN General
15 Assembly Resolution 49/60 of December 9, 1994 adopting the Declaration of Measures to
16 Eliminate International Terrorism and all other citations therein condemning terrorism which
17 are hereby incorporated by reference; and UN General Assembly Resolution 42/159 (adopted
18 December 7, 1987) and other international laws and jus cogens as set forth herein and
19 elsewhere.
20

21 36. Defendants' terrorism is a violation of the law of nations and international law.
22

23 37. Defendants' conspiring with and aiding, abetting, facilitating, soliciting and
24 giving material aid to a terrorist organization is a violation of the law of nations.
25

26 38. Defendants' actions against the Class of Plaintiffs herein and in particular
27 payments, rewards, fees, gifts or salaries to terrorists who murder United States Servicemen is a

1 violation of the law of the Unites States, laws of nations and international law.

2 39. That heretofore and at the time of the occurrences herein, Defendants, acting
3 individually and in concert with the terrorist organizations *Al Qaeda, Hezbollah, Taliban*, and
4 other terrorist groups and nation states were engaged in committing violent activities, including,
5 but not limited to coercive death threats, murder, forced disappearances, drug trafficking,
6 extortion, money laundering and kidnapping, including but not limited to the murders of the
7 Lead Plaintiffs ' decedents and United States Servicemen around the world and in the Middle
8 East.
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11 40. As heretofore alleged, Defendants, directly and by and through their agents, have
12 provided substantial support to an assortment of terrorist organizations which have then carried
13 out vicious acts against both civilians and military targets, to inflict the maximum amount of
14 damage, with little regard for human life. This includes direct or indirect payments of \$1000
15 bounty per head for the murder of United States Servicemen and \$6000 for the destruction of
16 United States Army vehicles and this support has been in the form of direct payments, training,
17 equipping, and mobilizing, and the direct result of this support has been torture, murder, and
18 crimes against humanity and genocide.
19

20 41. At all times material hereto, the Defendants knew or should have known that
21 they are providing money, guns, ammunition, war material and other forms of aid to *Al Qaeda,*
22 *Hezbollah, Taliban*, and other terrorist groups and nation states would facilitate, aid and abet the
23 commission of murders, forced disappearances, kidnapping and other crimes, including the
24 murders of the Plaintiffs decedents as well as the murder of United States Servicemen around
25 the world.
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1 42. As a result of providing financial support to *Al Qaeda, Hezbollah, Taliban*, and
2 other terrorist groups and nation states the Defendants violated the law of nations, established
3 United States laws, international laws, treaties and norms, including, but not limited to those
4 sections previously set forth including but not limited to: The Declaration on Measures to
5 Eliminate International Terrorism and citations therein incorporated by reference adopted by the
6 United Nations General Assembly on December 9, 1994 (GA Res. 49/60); The Anti Terror Act,
7 18 U.S.C. 113B; The Anti-Terrorism and Effective Death Penalty Act (“AEDPA”), Pub. L.
8 No. 104-132, 110 Stat. 1214 (1996); The Uniting and Strengthening America by Providing
9 Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (“USA PATRIOT
10 Act”), Pub. L. No. 107- 56, 115 Stat. 271 (2001); The Convention on the Prevention and
11 Punishment of the Crime of Genocide; Art. 2, Dec. 9, 1948, 78 U.N.T.S.; International
12 Convention for the Suppression of Terrorist Bombings, G.A. Res. 52-164, 1, U.N. Doc
13 A/RES/52/164; International Convention for the Suppression of the Financing of Terrorism, 39
14 I.L.M. 270 (Dec. 9, 1997); G.A. Res. 54/109, 1 UN Doc A/RES/54/109 (Dec 1, 1999) and
15 ratified by over 130 countries (The Financing Convention); United Nations Charter, 59 Stat.
16 1031, 3 Bevans 1153 (1945); (Universal Declaration of Human Rights, G.A. Res. 217A (iii),
17 U.N. Doc. A/810 (1948); International Covenant on Civil and Political Rights, G.A. Res.
18 2220A(XXI), 21 U.N. Doc., GAOR Supp. (No. 16) at 52, U.N. Doc. (A/6316 (1966); Convention
19 Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res.
20 39/46, 39 U.N. Doc., GAOR Supp. (No. 51) at 1100, U.N. doc. A/39/51 (1984); Declaration on
21 the Protection of all Persons From Being Subjected to Torture and Other Cruel, Inhuman or
22 Degrading Treatment or Punishment, G.A. Res. 3452, 30 U.N. Doc., GAOR Supp. (No. 34) at
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1 91, U.N. Doc. A/10034 (1976); Common Article 3 of the 1949 Geneva Conventions; Articles 4
2 and 13 of the 1977 Geneva Protocol II; Convention on Combating Bribery of Foreign Public
3 Officials in International Business Transactions, 37 I.L.M. 1 (Dec. 18, 1997); and other jus
4 cogens.
5

6 43. The coercive threats and/or murders of the Class of Plaintiffs' decedents and/or
7 injuries to Plaintiff(s) and United States Servicemen in Pakistan, Afganistan, Iraq and around
8 the world were a direct and proximate result of the Defendants conspiring with and providing
9 aid to a terrorist organizations, and through their individual and government acts, as
10 hereinabove alleged, jointly and severally.
11

12 44. The abuses described above were premeditated, politically-motivated acts of
13 violence committed against noncombatant civilians for the purpose of instilling fear, targeting
14 political opponents, and generally terrorizing a civilian population to further their radical and
15 perverted Islamist agenda and to retain their grip on power in Iranian government.
16

17 45. Defendants are liable to the Class of Plaintiffs in that they aided and abetted,
18 directed, ordered, requested, paid, were reckless in dealing with, participated in a joint criminal
19 enterprise with, confirmed, ratified, and/or conspired with the *Al Qaeda, Hezbollah, Taliban,*
20 and other terrorist groups and nation states in bringing about and perpetrating the acts of
21 terrorism against Lead Plaintiffs and other Members of the Class.
22

23 46. The murderous and other tortious acts of terrorism and violations of human
24 rights and other torts against the Lead Plaintiffs and other Members of the Class were made
25 possible and even advocated by the Defendants' inhuman and barbaric behavior hereinabove
26 alleged and their own individual and government official acts.
27

1 47. That the Defendants and their agents knowingly and substantially assisted *Al*
2 *Qaeda, Hezbollah, Taliban,* and other terrorist groups and nation states and their collaborators
3 to commit acts that violate clearly established international law norms, and (b) facilitated the
4 commission of international law violations by providing these terrorist groups and their
5 collaborators with the tools, money, instrumentalities, or services to commit those violations
6 with actual or constructive knowledge that those tools, instrumentalities, or services would be
7 (or only could be) used in connection with that purpose.

8
9 48. That by reason of the wrongful conduct of the Defendants, each and every one of
10 them, jointly and severally, including aid to a terrorist organizations and nation states as
11 hereinabove alleged and the consequent crimes and torts committed thereby, as hereinabove
12 alleged, Lead Plaintiffs, other Members of the Class and any of their decedents suffered
13 conscious pain, suffering and death, and the Lead Plaintiffs, and other Members of the Class
14 have suffered pecuniary and economic damages, loss of support, loss of nurture care and
15 guidance, grief, anguish, loss of society, loss of services and other mental and physical injuries,
16 and accordingly, the Lead Plaintiffs and other Members of the Class claim all damages allowed
17 by law, including compensatory and punitive damages in excess of Ten Trillion USD.
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21 **COUNT II**

22 **(Assault and Battery– Each and Every Defendant)**

23 49. Lead Plaintiffs and Members of the Class repeat and reallege all of the
24 allegations of paragraphs 1 through 48 of the Second Amended Complaint with the same force
25 and effect as if fully set forth again at length.

26 50. As a direct and proximate result of Defendants’ actions as described
27

1 hereinabove, Lead Plaintiff Mohammadi's and other Members of the Class have suffered
2 substantial damages including, but not limited to, physical harm, death, and emotional distress,
3 anxiety, fear and apprehension.
4

5 **COUNT III**

6 **(Intentional Infliction of Emotional Distress**

7 **Each and Every Defendant)**

8 51. Lead Plaintiffs and other Members of the Class repeat and reallege all of the
9 previous allegations of the Second Amended Complaint in paragraphs 1 through 50 with the
10 same force and effect as if fully set forth again herein.
11

12 52. The Defendants' actions, as described in the foregoing paragraphs, were
13 intentional, extreme, outrageous and intolerable and created a fear of serious bodily injury and
14 death. Lead Plaintiff Mohammadi's brother Akbar was murdered by the Defendants and this
15 intentional act caused enormous emotional distress up to the Plaintiffs and other Members of the
16 Class similarly situated. United States Servicemen and their families have been harmed by the
17 outrageous actions of Defendants as described hereinabove, including among other things,
18 Defendants' payment of fees to terrorists for murdering United States Servicemen and
19 Servicewomen.
20

21 53. The Defendants' conduct was the sole proximate cause of the severe and
22 continuing emotional distress that has been suffered by Lead Plaintiff Mohammadi's and other
23 Members of the Class, who have experienced similar human rights violations, torture, mayem,
24 false arrests, murder, genocide and loss of freedom. As a direct and proximate result of the
25 intentional, reckless, outrageous and intolerable conduct of the Defendants, each and every one
26 of them, jointly and severally, Lead Plaintiffs and other Members of the Class have suffered
27

1 substantial damages including, but not limited to, severe emotional distress, mental anguish,
2 intense fear and anxiety, and other physical manifestations of emotional distress, such as loss of
3 sleep, back pain, migraine headaches, heart ailments, loss of self esteem, nervousness, anxiety,
4 companionship, consortium and other manifestations of physical and emotional distress.
5 Claimed damages well exceed Ten Trillion USD for Lead Plaintiffs and other Members of the
6 Class.
7

8 **COUNT IV**

9 **(Wrongful Death**

10 **Each and Every Defendant)**

11 54. Lead Plaintiffs and other Members of the Class repeat and reallege all of the
12 previous allegations of the Second Amended Complaint in paragraphs 1 through 53 with the
13 same force and effect as if fully set forth again herein.
14

15 55. The Defendants, each and every one of them, jointly and severally, were
16 responsible for the death of Akbar Mohammadi, and death of other US Service personnel in the
17 Member Class, as Defendants Khamenei and Ahmadinejad gave specific instructions on how to
18 falsely arrest, convict, terrorize, torture, and kill Iranian citizens who did not obey orders and
19 who instead chose to peacefully assemble, a right not often recognized by the Defendants. In
20 addition, Defendants have paid money to murderers for the specific murder of United States
21 servicemen stationed in Iraq, Afghanistan, Pakistan, and elsewhere. Further, when Akbar was
22 taken into custody by Defendants or their agents, it was the Defendants who gave the orders on
23 how to treat political prisoners, including orders to torture and to maim and kill, in their plan of
24 carrying out genocide against their own citizens who questioned their radical and perverted
25 rendition of Islam. As a direct result of these orders given by the Defendants, Akbar died a
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1 premature death in Evin prison, a political prisoner, defiant to the end against an autocratic and
2 unjust regime.

3 WHEREFORE, on all counts herein, Lead Plaintiffs and other Members of Class
4 demand judgment in their favor and against the Defendants, each and every one of them, jointly
5 and severally, for compensatory damages, punitive damages, pre- and post-judgment interest,
6 attorneys' fees, costs and such other relief as this Court deems just and proper in an amount in
7 excess of Ten Trillion USD.
8

9 **JURY DEMAND**

10 Plaintiff hereby demands a trial by jury of any and all issues herein triable of right by a
11 jury.
12

13 Respectfully Submitted,

14 **FREEDOM WATCH, INC.**
15 P.O. 2789
16 Washington, D.C. 20013

17 ///
18 LARRY KLAYMAN, ESQ.
19 General Counsel and Chairman

20 Counsel for Lead Plaintiffs and Other
21 Members of the Class
22
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