

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

**FIONA HAVLISH**, in her own right and )  
as Executrix of the **ESTATE OF** )  
**DONALD G. HAVLISH, JR.**, Deceased, )  
et. al., )

Case Number: 1:02CV00305

On Behalf of Themselves and All )  
Others Similarly Situated )

Judge: James Robertson

Plaintiffs, )

Hearing date: TBD

v. )

**SHEIK USAMAH BIN-MUHAMMAD** )  
**BIN-LADEN**, a/k/a **OSAMA BIN-** )  
**LADEN**, et al., )

Defendants. )

**ORDER GRANTING MOTION FOR APPROVAL  
OF PROPOSED CLASS NOTICE**

Upon consideration of Plaintiffs' Motion for Approval of Proposed Class Notice,  
and any opposition thereto, it is hereby, this \_\_\_\_\_ day of \_\_\_\_\_, 2002

ORDERED, that Plaintiffs' Motion for Approval of Proposed Class Notice is  
GRANTED, and it is

FURTHER ORDERED that the Notice of Pendency of Class Action Against  
Terrorists and Sponsors of Terrorism proposed by Plaintiffs should be served on the class.

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United States District Judge  
Honorable James Robertson

## CLASS COUNSEL

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**Attorneys for Plaintiffs**

**IN THE UNITED STATES DISTRICT COURT  
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<b>FIONA HAVLISH</b> , in her own right and as Executrix of the <b>ESTATE OF</b> <b>DONALD G. HAVLISH, JR.</b> , Deceased, et al.,	:	
Plaintiffs,	:	<b>Case No. 1:02CV00305</b>
On Behalf of Themselves and All Others Similarly Situated,	:	<b>Judge James Robertson</b>
v.	:	
<b>SHEIK USAMAH BIN-MUHAMMAD</b> <b>BIN-LADEN</b> , a/k/a <b>OSAMA BIN-</b> <b>LADEN</b> , et al.,	:	
Defendants.	:	

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**PLAINTIFFS' MOTION FOR APPROVAL OF PROPOSED CLASS NOTICE**

Pursuant to Fed.R.Civ.P. 23(c)(2), the plaintiffs move this Court to approve their proposed "Notice of Pendency of Class Action Against Terrorists and Sponsors of Terrorism" and proposed plan for distribution of class notice by mail or publication to class members. Pursuant to L.Cv.R. 7.1(a), Plaintiffs file herewith a memorandum of points and authorities and request that it be incorporated as if fully set out in this Motion.

Respectfully submitted,

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**Attorneys for Plaintiffs**

DATED: May 9, 2002.

**CERTIFICATE OF COUNSEL PURSUANT TO L.Cv.R. 7.1(m)**

Because no counsel have yet entered their Appearance on behalf of any Defendants and because the relief sought is directed at, and affects only Defendants who are clearly not amenable to contact contemplated by LCvR 7.1(m), the requirements of LCvR 7.1(m) are not applicable to the instant Motion.

/S/ Jacob A. Stein

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**BIN-LADEN**, a/k/a **OSAMA BIN-**  
**LADEN**, et al.,

Defendants.

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**Case No. 1:02CV00305**

**Judge James Robertson**

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
PLAINTIFFS' MOTION FOR APPROVAL OF PROPOSED CLASS NOTICE**

Pursuant to L.Cv.R. 7.1(a), and in conjunction with the Plaintiffs' Motion for Class Certification, the Plaintiffs respectfully submit this Memorandum of Points and Authorities in support of their Motion for Approval of Proposed Class Notice. The Plaintiffs' proposed Notice of Pendency of Class Action Against Terrorists and Sponsors of Terrorism (hereinafter "Proposed Notice"), and its attachments, are filed herewith, and is attached as Exhibit Y to the Plaintiff's Motion for Class Certification.

## **PRELIMINARY STATEMENT**

This action brought by Plaintiffs arises out of the 3,029 deaths attributable to the terrorist attacks that occurred on September 11, 2001. Plaintiffs brought this action, and seek a Class Certification, to recover damages against those individuals, foreign States, and other entities responsible for the deaths of American and foreign citizens at the World Trade Center Towers, the Pentagon, and in Shanksville, Stoney Creek Township, Pennsylvania. The unique circumstances of the aforementioned attacks, and the fact that most of the individual members of the class that plaintiffs seek to certify are likely to be identified through reasonable effort, warrant and justify the plaintiffs' request to mail notice of this pending action to the class members. Further, to the extent individual class members cannot be identified following reasonable effort to do so, publication of notice to such unidentifiable class members is warranted. Accordingly, for all of the reasons set forth below, plaintiffs respectfully request they be granted leave to direct to the class members, by means of mailing or publication, the Proposed Notice which is filed herewith.

## **ARGUMENT**

### **I. FORM OF PROPOSED NOTICE**

The form of the Proposed Notice incorporates the required elements of Rule 23(c)(2) of the Federal Rules of Civil Procedure for class actions certified under Rule 23(b)(3), as well as the suggestions contained in the *Manual for Complex Litigation* (hereinafter "Litigation Manual") §§ 30.14, 30.21, 30.211 (3<sup>rd</sup> Ed., 1995). The coalition of the class plaintiffs' attorneys and retained experts on civil procedure and class actions, including Professors Michael David Rosenberg and Sherman Louis Cohn, have made

every effort to incorporate plain language into the Proposed Notice to communicate clearly and succinctly with potential class members, while making the notice “accurate, objective, and understandable to class members,” as prescribed by the Litigation Manual. *See id.* at § 30.211, p.225. To the extent counsel has not succeeded in these goals, the Court’s comments and suggestions for improvement are welcomed.

As stated, the Proposed Notice addresses the requirements of Rule 23(c)(2), namely: (a) the court will exclude any member from the class if the member so requests by a specified date (Proposed Notice at ¶¶14-17 & Exhibit D), (b) all class members who fail to opt-out will be included in the judgment, whether favorable or not (Proposed Notice at ¶ 9), and (c) any member who does not request exclusion may enter an appearance through counsel, if the member so desires (Proposed Notice at ¶ 10). *See Fed. R. Civ. P. 23(c)(2), see also, Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 173, 94 S. Ct. 2140, 2150 (1974) (explaining three requirements of Rule 23(c)(2) notice to class members).

The Proposed Notice also addresses the following concerns set forth in the Litigation Manual:

- Describes succinctly and simply the substance of the action and the positions of the parties;<sup>1</sup>
- Identifies the opposing parties,<sup>2</sup> the class,<sup>3</sup> the class representatives,<sup>4</sup> and class counsel;<sup>5</sup>

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<sup>1</sup> *See* Proposed Notice at ¶¶ 3(a) to 3(c).

<sup>2</sup> *See id.* at ¶ 6 & Ex. C (List of Defendants) The title of the Proposed Notice, namely, “Notice of Pendency of Class Action Against Terrorists and Sponsors of Terrorism,” was specifically selected so class members are not confused regarding the identity of the defendants in this case. Particularly, the title clearly conveys the purpose and nature of the action, as explained in paragraph 6 of the Proposed Notice, that this case is not against any domestic air carriers or entities, and does not conflict with the class members’ rights under the federal September 11<sup>th</sup> Victim Compensation Fund of 2001.

<sup>3</sup> *See id.* at pp.1-2.

<sup>4</sup> *See id.* at ¶ 1 & Ex. A (List of Named Plaintiffs)

<sup>5</sup> *See id.* at ¶ 7.

- Indicates the relief sought;<sup>6</sup>
- Describes clearly the procedure and deadline for opting-out of the class;<sup>7</sup> and
- Attaches a simple exclusion (“opt-out”) form for the convenience of class members to complete and return if electing to opt-out.<sup>8</sup>

Litigation Manual § 30.211, p.225. The Proposed Notice even identifies the expert witnesses retained on behalf of the plaintiff class to date.<sup>9</sup>

Further, in identifying the law firms representing the plaintiff class, the Proposed Notice provides contact information for each law firm including attorney names, addresses, and e-mail addresses. The Proposed Notice will also include a “1-800” number for class members to contact. *See* Proposed Notice at ¶ 7. Finally, the Proposed Notice instructs individuals to direct questions about the notice to the two lead counsel law firms in this case, *see id.* ¶ 7, and refers class members to Plaintiffs’ counsels’ website dedicated to this action, [www.september11classaction.com](http://www.september11classaction.com), as a source of additional information about the case. *See id.* ¶¶ 7 & 18.

Although the Proposed Notice has been prepared in English only at this point, it will be translated into other languages, should the Court deem it appropriate. *See* Litigation Manual at § 30.211, p. 225. Finally, it is respectfully requested the postmark deadline for the opt-out forms be set between thirty (30) and sixty (60) days after mailing of the Proposed Notice. *See* 2 Newberg On Class Actions, Third Edition, § 8.37 (recognizing most notices provide “30- to 60-day intervals between mailing or publishing class notice and the filing of an affirmative response by class members”); *Torrise v.*

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<sup>6</sup> *See id.* at p.7 ¶ 3 & ¶ 13.

<sup>7</sup> *See id.* at ¶¶ 14-17 & Ex. D (Request By Class Members to Be Excluded)

<sup>8</sup> *See id.* Ex. D.

<sup>9</sup> *See id.* at ¶ 8.

*Tucson Electric Power Co.*, 8 F.3d 1370, 1375 (9<sup>th</sup> Cir. 1993) (discussing and approving notice periods of 26, 31, and 38 days between mailing and opt-out deadlines); *In re VMS Securities*, 145 F.R.D. 458 (N.D. Ill. 1992) (holding class notice period proper where notices mailed no later than 31 days prior to opt-out deadline).

## **II. THE PROPOSED NOTICE PROGRAM**

Under Rule 23(c)(2), courts must “direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort.” FED. R. CIV. P. 23(c)(2). It has been recognized that “[t]here are no precise rules as to what constitutes adequate notice, and the due process standards have been held to vary depending on the circumstances of each case.” *West Virginia v. Chas. Pfizer & Co., Inc.*, 440 F.2d 1079, 1090 (2<sup>nd</sup> Cir.), *cert. denied*, 404 U.S. 871, 92 S. Ct. 81 (1971). However, it is clear that “[i]ndividual notice must be sent to all class members whose names and addresses may be ascertained through reasonable effort.” *Eisen*, 417 U.S. at 173, 94 S. Ct. at 2150.

Because it is anticipated most class members will be identified through reasonable effort, it is respectfully requested that the Proposed Notice be distributed to such identifiable class members via mail. Presently, counsel for the class plaintiffs have obtained lists of the 3,029 victims of the September 11, 2001 terrorist attacks and intend to request the names and addresses of the victims’ next of kin from the September 11<sup>th</sup> Victim Compensation Fund of 2001, the New York City Coroner’s Office, and various other agencies. Moreover, the various victims’ groups formed after the events of September 11, 2001, are a resource available to the class.

To expedite the notice process and to accomplish it without unnecessary expense, it is respectfully requested that the Court consider and approve mailing by the most cost-effective mode for the identifiable class members. For example, in *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340 (1978), the Court spoke favorably of the use of second-class mail. *Id.* at 355, n.22; *see also* Litigation Manual at § 30.21, n.710. Because the Court may ultimately tax notice costs against a losing party, *see Newberg*, § 8.06, it is in all parties' interest to develop the most cost-effective notice practicable.

To provide notice to those individual class members not identifiable through reasonable efforts, the Plaintiffs recommend the Proposed Notice be published as a practical alternative to direct mailing. In *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 317, 70 S. Ct. 652, 658 (1949), the Court noted its approval “of resort to publication as a customary substitute . . . where it is not reasonably possible or practicable to give more adequate warning.” If necessary, the intense press coverage and interest in the events of September 11, 2001 will greatly facilitate any such publication. Until further efforts to obtain the class members' names and addresses are accomplished, it is premature to determine what manner of publication would be most appropriate. Nonetheless, depending on the approximate number of class members ultimately determined incapable of individual identification through reasonable efforts, the plaintiffs request the Court order the Proposed Notice be provided to all unidentifiable class members via the most efficient and cost-effective means of publication available.

## CONCLUSION

Based on the foregoing, it is hereby respectfully requested the Court approve the proposed Notice of Pendency of Class Action Against Terrorist and Sponsors of Terrorism and permit Plaintiffs' counsel to distribute said Proposed Notice, by mail or publication, to class members.

Dated: May 9, 2002.

Respectfully submitted,

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Defendants.

:  
:  
: **[PROPOSED]**  
: **NOTICE OF PENDENCY OF CLASS**  
: **ACTION AGAINST TERRORISTS**  
: **AND SPONSORS OF TERRORISM**

:  
:  
: **Judge James Robertson**

:  
:  
: **Case No. 1:02CV00305**

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**IMPORTANT NOTICE**

This Notice is provided to inform you of a class action lawsuit that is being prosecuted against the terrorists, foreign States, and other entities responsible for the terrorist attacks of September 11, 2001, which resulted in the deaths of 3,029 American and foreign citizens at the World Trade Center Towers, the Pentagon, and in Shanksville, Pennsylvania. This Notice is directed to all individuals and entities described by the following Class Definition:

**The following persons shall be members of the Class: (1) all spouses, children, parents, or siblings of any individual who died at the World Trade Center in New York, N.Y., the Pentagon Building in Arlington County, Virginia or in the airliner crash in Shanksville, Pennsylvania as the result of terrorist attacks on September 11, 2001; and (2) all legal representatives (including executors, estate administrators or trustees) entitled to bring legal action on behalf of any**

**individual who died as a result of terrorist attacks on September 11, 2001; but excluding (3) all individuals, and all spouses, children, parents, siblings and legal representatives of individuals, identified by the Attorney General of the United States or otherwise shown to have perpetrated, aided and abetted, conspired in regard to or otherwise supported the terrorist attacks of September 11, 2001.**

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, you are hereby notified:

1. The above captioned class action is pending in the United States District Court for the District of Columbia. The class action is being prosecuted on behalf of the spouses, children, parents, siblings and legal representatives of any individual who died in the terrorist attacks of September 11, 2001, excluding any individual identified by the Attorney General to have been a participant or conspirator in the terrorist-related aircraft crashes of September 11, 2001, or any spouse, child, parent, sibling or representative of such person. A list of all the named plaintiffs is attached hereto as Exhibit A. The plaintiffs seek to recover, from the defendants, compensatory and punitive damages for themselves, and for the class, as explained more fully below.

2. On the \_\_\_\_ day of \_\_\_\_\_, 2002, the Court entered an order certifying this action as a Class Action and defining the class of plaintiffs as set forth above. A copy of the Proposed Court's Class Certification Order is attached hereto as Exhibit B.

3. The Amended Complaint filed in this matter alleges nine claims, under federal and state laws, for relief based on facts that are common to all members of the class. A description of the common facts and the claims of the class plaintiffs are as follows:

## **FACTS COMMONS TO ALL CLASS MEMBERS**

- a. On September 11, 2001, terrorists hijacked the following aircraft:
  - i. American Airlines Flight 11, carrying 92 persons and bound from Boston to Los Angeles. The terrorists crashed Flight 11 into the North Tower of the World Trade Center in New York;
  - ii. United Airlines Flight 175, carrying 65 persons and bound from Boston to Los Angeles. The terrorists crashed flight 175 into the South Tower of the World Trade Center in New York;
  - iii. American Airlines Flight 77, carrying 64 persons and bound from Virginia to Los Angeles. The terrorists crashed Flight 77 into the Pentagon building in Arlington County, Virginia; and
  - iv. United Airlines Flight 93, carrying 44 persons and bound from Newark to San Francisco. The terrorists crashed flight 93 in a field near Shanksville, Pennsylvania.

As a result of these aircraft crashes, and the subsequent collapse of both the North and South Towers of the World Trade Center, 3,029 American and foreign citizens were killed (hereafter, these 3,029 persons are referred to as the “September 11<sup>th</sup> Victims”). The defendants of this class action each participated in the conspiracy that resulted in the terrorist hijackings of September 11, 2001.

## **CLAIMS ASSERTED AND DAMAGES SOUGHT BY THE CLASS ACTION**

- b. The class action asserts nine claims against the defendants which include (i) violations of the Foreign Sovereign Immunities Act, (ii) violations of the Torture Victim Protection Act, (iii) violations of the Alien Tort Claims Act, (iv) wrongful death, (v) survival, (vi) negligent and/or intentional infliction of emotional distress; (vii) conspiracy; (viii) treble damages for United States nationals; and (ix) two punitive damages claims as follows:
- i. Violations of the Foreign Sovereign Immunities Act: The plaintiffs contend the actions of the Foreign State defendants, Iran and Iraq, and their instrumentalities, officials, employees or agents, caused the deaths of the September 11<sup>th</sup> victims in violation of the Foreign Sovereign Immunities Act;
  - ii. Violations of the Torture Victim Protection Act: The plaintiffs allege the defendants tortured and illegally killed the September 11<sup>th</sup> Victims, and did so under the actual or apparent authority, or under the color of law, of the foreign nations of Iran and Iraq;
  - iii. Violations of the Alien Tort Claims Act: The plaintiffs claim the defendants' acts of international terrorism caused the deaths of each of the September 11<sup>th</sup> Victims, and constitute violations of the law of nations, including international legal norms prohibiting torture, genocide, air piracy, terrorism and mass murder. As a result of said actions and pursuant to federal law,

the estates, survivors and heirs of the class decedents who were aliens at the time of their deaths are entitled to recover damages sustained because of the defendants' actions;

- iv. Wrongful Death: The plaintiffs contend that the intentional and reckless actions and omissions of the defendants caused the deaths of the September 11<sup>th</sup> Victims, whose surviving family members are entitled to fair and just compensation for their loss of future aid, assistance, services, comfort, financial support, their grieving the deaths of the September 11<sup>th</sup> Victims, and their expenditures of sums to administer the estates of the September 11<sup>th</sup> Victims;
- v. Survival: The plaintiffs contend that the September 11<sup>th</sup> Victims were placed in apprehension of harmful and offensive bodily contact, suffered offensive and harmful bodily contact, and were mentally and physically harmed, trapped and falsely imprisoned prior to their deaths, and therefore, suffered damages including pain and suffering, trauma, intentionally inflicted emotional distress, loss of life and life's pleasures, loss of earnings and earning capacity, and other items of damages;
- vi. Negligent and/or Intentional Infliction of Emotional Distress: The plaintiffs allege the defendants knew the September 11, 2001 hijackings and terrorist attacks would injure innocent

people at their places of work thereby leaving family members to grieve for their losses. Further, the plaintiffs allege the class plaintiffs have suffered and will forever suffer severe and permanent psychiatric disorders, emotional distress and anxiety, permanent psychological distress and permanent mental impairment. Finally, the plaintiffs contend the defendants' actions were done in willful disregard of the rights of the September 11<sup>th</sup> Victims and the class members and that the defendants intentionally murdered the victims of the terrorist attacks to cause the contemporaneous and permanent emotional suffering of the class members.

- vii. Conspiracy: The plaintiffs contend the defendants unlawfully, willfully and knowingly agreed, combined, confederated and conspired, either tacitly and/or expressly, to kill the September 11<sup>th</sup> Victims, and this conspiracy included providing material support and resources with the goal of killing United States citizens and other persons residing in the United States, and inflict harm on United States citizens and property.
- viii. Treble Damages: The plaintiffs claim the defendants' acts of international terrorism caused the plaintiffs to suffer damages and therefore, under federal law, entitle class members who are nationals of the United States to recover three times the amount of their damages, including costs and attorney fees;

ix. Punitive Damages: The plaintiffs assert two claims that the actions of the defendants, including the Foreign State Defendants, were unlawful, malicious, outrageous and in willful, wanton and reckless deprivation of the rights of the plaintiffs and the September 11<sup>th</sup> Victims, and, therefore, the defendants are liable for punitive damages.

Under each of the Foreign Sovereign Immunities Act, the Torture Victim Protection Act, the Alien Tort Claims Act, wrongful death, survival, negligent and/or intentional infliction of emotional distress, conspiracy, and treble damages claims the class action seeks damages in excess of ten billion dollars (\$10,000,000,000.00). Under both of the punitive damages claims, the class action seeks damages in excess of one hundred billion dollars (\$100,000,000,000.00). Further, the class action seeks interest, costs and reasonable attorney fees.

4. Jurisdiction in this class action is claimed pursuant to the defendants' alleged violations of the Foreign Sovereign Immunities Act, Alien Tort Act, the Torture Victim Protection Act, and other federal laws, with pendant jurisdiction of the state law claims.

5. This notice is given to you in the belief that you may be a member of the above-identified class of plaintiffs whose rights may be affected by this lawsuit. This notice should not be understood as an expression of any opinion by the Court concerning the merits of the allegations in the complaint. This notice is intended merely to advise you of the pending action and of your rights with respect to this class action.

## **DESCRIPTION OF THE DEFENDANTS**

6. The defendants in this case are those individuals, entities, and foreign states identified in Exhibit C attached to this notice, each of which are alleged to have unlawfully perpetrated, aided and/or abetted the participants of the terrorist acts of September 11, 2001. This case is not brought against American Airlines, United Airlines, or any other air carrier or the employees of any air carrier. Furthermore, this litigation is not brought as an alternative to any class members' right to compensation under the congressional September 11<sup>th</sup> Victim Compensation Fund of 2001, but rather is consistent with the exclusion under the September 11<sup>th</sup> Victim Compensation Fund applicable to actions against persons who are knowing participants in any conspiracy to hijack any aircraft or commit any terrorist act. For more information regarding the September 11<sup>th</sup> Victim Compensation Fund of 2001, you may refer to the official web site for the Fund, [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation).

## **LEGAL COUNSEL FOR THE CLASS PLAINTIFFS**

7. The Court has designated the plaintiffs identified in Exhibit A as class representatives and has designated THOMAS E. MELLON, Jr., Esq., of Mellon, Webster & Shelly, 87 North Broad Street, Doylestown, PA 18901, and RONALD L. MOTLEY, Esq., of Ness, Motley P.A., 28 Bridgeside Boulevard, P.O. Box 1792, Mount Pleasant, S.C. 29465, as lead co-counsel for the plaintiff class with seven other law firms serving as co-counsel. A list of all the attorneys for the class, their law firms, and their contact information is as follows:

**Thomas E. Mellon, Jr., Esquire**  
**John A. Corr, Esquire**  
**Stephen A. Corr, Esquire**  
MELLON, WEBSTER & SHELLY  
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[Scorr@mellonwebster.com](mailto:Scorr@mellonwebster.com)

**Jacob A. Stein, Esquire**  
**Gerard E. Mitchell, Esquire**  
**Robert F. Muse, Esquire**  
**Patrick A. Malone, Esquire**  
STEIN, MITCHELL MEZINES  
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**Don Howarth, Esquire**  
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**Robert D. Brain, Esquire**  
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**Stephen B. Mitchell, Esquire**  
**Jefferson W. Gross, Esquire**  
BURBIDGE & MITCHELL  
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[burbidge@xmission.com](mailto:burbidge@xmission.com)

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**David C. Lee, Esquire**  
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[leeinfo@jdlee.com](mailto:leeinfo@jdlee.com)

**Ronald L. Motley, Esquire**  
**Jodi Westbrook Flowers, Esquire**  
**Anne McGinness Kears, Esquire**  
NESS, MOTLEY LAW FIRM, P.A.  
28 Bridgeside Boulevard  
P.O. Box 1792  
Mount Pleasant, S.C. 29465  
[rmotley@nmlrp.com](mailto:rmotley@nmlrp.com)  
[jflowers@nmlrp.com](mailto:jflowers@nmlrp.com)  
[akearse@nmlrp.com](mailto:akearse@nmlrp.com)

**Edward H. Rubenstone, Esquire**  
**Marcel L. Groen, Esquire**  
GROEN, LAMM, GOLDBERG &  
RUBENSTONE, LLC  
Four Greenwood Square, Suite #200  
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**William N. Riley, Esquire**  
**R. Douglas Hailey, Esquire**  
**Mark K. Dudley, Esquire**  
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RAMEY, HAILEY & RILEY  
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**Donald J. Winder, Esquire**  
**John Warren May, Esquire**  
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PO Box 2668  
Salt Lake City, UT 84110-2668  
[dwinder@winhas.com](mailto:dwinder@winhas.com)  
[jmay@winhas.com](mailto:jmay@winhas.com)

All questions concerning this notice should be in writing and sent by mail to the attention of either of the following law firms:

Attention: September 11<sup>th</sup> Class Action  
Mellon, Webster & Shelly  
87 North Broad Street  
Doylestown, PA 18901

Attention: September 11<sup>th</sup> Class Action  
Ness, Motley Law Firm, P.A.  
28 Bridgeside Boulevard  
P.O. Box 1792  
Mount Pleasant, South Carolina 29495

**NO QUESTIONS CONCERNING THIS NOTICE SHOULD BE ADDRESSED TO  
THE CLERK OF THE COURT**

Additional information about this lawsuit can be reviewed on the official website for the class action, [www.september11classaction.com](http://www.september11classaction.com), or by calling (800) 348-7705.

E-mail inquiries regarding the lawsuit can also be made through the [www.september11classaction.com](http://www.september11classaction.com) website.

8. The law firms representing the class plaintiffs have hired the following experts to assist in this class action:
  - a. Geoffrey C. Hazard, Jr., Trustee Professor of Law at the University of Pennsylvania, civil procedure expert;
  - b. Michael David Rosenberg, Harvard Law School Professor, civil procedure expert;
  - c. Sherman L. Cohn, Georgetown University Professor of Law, civil procedure expert;
  - d. Barry E. Carter, Georgetown University Professor of Law, international law expert;
  - e. Kenneth R. McKune, Department of State (ret.), Washington, D.C., counter-terrorism expert;
  - f. Larry C. Johnson, CEO Berg Associates, counter-terrorism expert;

- g. Robert M. Blitzer, Federal Bureau of Investigation (ret.), counter-terrorism expert;
- h. R. James Woolsey, former Director of the Central Intelligence Agency, foreign affairs expert;
- i. Morris D. Busby, Ambassador (ret.), counter-terrorism expert; and
- j. Patrick L. Clawson, Director for Research at The Washington Institute for Near East Policy, Middle Eastern expert.

### **INCLUSION AS A CLASS MEMBER**

9. If you are one of the individuals identified by the class definition at the beginning of this notice, you will be included in the class, unless you request to be excluded from such class in the manner set forth below. If you remain a member of the class you will be bound by the judgment, if any, whether favorable or unfavorable.

### **THERE IS NO ASSURANCE THAT A JUDGMENT WILL BE GRANTED AGAINST THE DEFENDANTS OR, IF GRANTED, THAT IT WILL BE COLLECTED IN WHOLE OR IN PART**

10. If you remain a member of the class, you may enter an appearance in the action personally or through your own counsel at your own expense. If you do not enter an appearance either personally or through your own counsel, the plaintiffs' counsel will represent you. You will not incur liability for plaintiffs' attorney fees or expenses if you remain a member of the class, except to the extent that the Court may award them to the attorneys to be paid out of the recovery, if any, as set forth above.

11. If you remain a member of the class and the Court, after request, directs that a judgment be entered in favor of the class, your claim will not be included in the judgment nor will you receive any monies that may be collected pursuant to such

judgment, unless you establish your right to the claim. To establish your right to the claim, you may be required to file a Proof of Claim and present evidence regarding your losses in accordance with procedures established by Court order and subject to the Court's approval.

12. If the address of any class member changes or is different from the address stated on the envelope enclosing this notice, advice concerning the change or correction should be sent by mail to either of the following law firms:

Attention: September 11<sup>th</sup> Class Action  
Mellon, Webster & Shelly  
87 North Broad Street  
Doylestown, PA 18901

Attention: September 11<sup>th</sup> Class Action  
Ness, Motley Law Firm, P.A.  
28 Bridgeside Boulevard  
P.O. Box 1792  
Mount Pleasant, South Carolina 29495

#### **ATTORNEY FEES AND COSTS**

13. The law firms representing the class plaintiffs have agreed to jointly fund this case as a class action and have also committed to dedicate the time of their respective firms necessary to represent the class of plaintiffs. If there is relief granted in this action, the court will be asked to authorize the out-of-pocket litigation expenses and reasonable attorney fees for the law firms representing the class to be deducted from the amount recovered. If there is a recovery, you will be entitled to a share of the proceeds, less any costs and reasonable attorneys fees awarded by the court as set forth above, provided you file a claim and the court approves your claim. You will not be responsible for any Court costs to the defendants. If there is no recovery, no attorney fees will be charged.

#### **EXCLUSION FROM THE CLASS**

14. If you wish to be excluded from the class, you must send a first class mail letter setting forth your name, present address, the name of any September 11<sup>th</sup> Victim

you represent, and a completed copy of the form, Request by Class Member to be Excluded from Class Action, which is attached as Exhibit D, stating that you wish to be excluded from the class, postmarked on or before the \_\_\_\_ day of \_\_\_\_\_, 2002.

15. If you do not request exclusion or if your letter of exclusion is not postmarked on or before the \_\_\_\_ day of \_\_\_\_\_ 2002, you will be included in the class.

16. A separate REQUEST BY CLASS MEMBER TO BE EXCLUDED FROM CLASS ACTION form should be completed and timely mailed for each person or entity to be excluded from the class action.

#### **MAILING**

17. If you decide to exclude yourself from the class, your REQUEST BY CLASS MEMBER TO BE EXCLUDED FROM CLASS ACTION form must be mailed first class mail and postmarked on or before the \_\_\_\_ day of \_\_\_\_\_, 2002, to:

Clerk's Office  
United States District Court  
District of Columbia  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001  
(September 11, 2001 Litigation)

A copy of the Request by Class Member to be Excluded from Class Action should also be mailed to:

Attention: September 11<sup>th</sup> Class Action  
Mellon, Webster & Shelly  
87 North Broad Street  
Doylestown, PA 18901

The REQUEST BY CLASS MEMBER TO BE EXCLUDED FROM CLASS ACTION form is attached hereto as Exhibit D.

18. The pleadings and other papers filed by the plaintiffs in this action are available on-line at [www.september11classaction.com](http://www.september11classaction.com), and may also be inspected at the Office of the Clerk of the Court. Additional information about obtaining copies of the pleadings in this matter is available on the web site for the United States District Court for the District of Columbia, <http://www.dcd.uscourts.gov>.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2002.

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Clerk of the Court  
United States District Court  
District of Columbia

# **EXHIBIT A**

## LIST OF NAMED CLASS PLAINTIFFS

### Original Named Plaintiffs

1. **FIONA HAVLISH**, in her own right and as Executrix of the **ESTATE OF DONALD G. HAVLISH, JR.**, Deceased,
2. **RUSSA STEINER** in her own right and as Executrix of the **ESTATE OF WILLIAM R. STEINER**, Deceased,
3. **CLARA CHIRCHIRILLO**, in her own right and as Executrix of the **ESTATE OF PETER CHIRCHIRILLO**, Deceased,
4. **TARA BANE** in her own right and as Executrix of the **ESTATE OF MICHAEL A. BANE**, Deceased,
5. **GRACE M. PARKINSON-GODSHALK** in her own right and as Administratrix of the **ESTATE OF WILLIAM R. GODSHALK**, Deceased,
6. **ELLEN L. SARACINI**, in her own right and as Executrix of the **ESTATE OF VICTOR J. SARACINI**, Deceased,
7. **THERESANN LOSTRANGIO**, in her own right and as Executrix of the **ESTATE OF JOSEPH LOSTRANGIO**, Deceased,

### Additional Named Plaintiffs

8. **DEENA BURNETT**, in her own right and as Administratrix of the **ESTATE OF THOMAS E. BURNETT, JR.**, Deceased,
9. **THOMAS E. BURNETT, Sr.**, as the parent and on behalf of the family of **THOMAS E. BURNETT, Jr.**, Deceased,
10. **JUDITH REISS**, in her own right and as Administratrix of the **ESTATE OF JOSHUA SCOTT REISS**, Deceased,
11. **WILLIAM COALE**, in his own right and as Administrator of the **ESTATE OF JEFFREY ALAN COALE**, Deceased,
12. **PATRICIA J. PERRY** in her own right and as Administratrix of the **ESTATE OF JOHN WILLIAM PERRY**, Deceased,
13. **BARBARA A. MINERVINO**, in her own right and as Administratrix of the **ESTATE OF LOUIS J. MINERVINO**, Deceased,

14. **MATTHEW T. SELLITTO**, in his own right and as Administrator of the **ESTATE OF MATTHEW C. SELLITTO**, Deceased,
15. **RALPH MAERZ, Jr.**, as the parent and on behalf of the family of **NOELL MAERZ**, Deceased,
16. **LINDA and MARTIN PANIK**, as the parents and on behalf of the family of **LT. JONAS MARTIN PANIK**, Deceased,
17. **MARTINA LYNE-ANNA PANIK**, as the sister of **LT. JONAS MARTIN PANIK**, Deceased,
18. **STEPHEN L. CARTLEDGE**, as husband of **SANDRA WRIGHT CARTLEDGE**, Deceased,
19. **LOISANNE DIEHL**, in her own right and as Executrix of the **ESTATE OF MICHAEL DIEHL**, Deceased,
20. **TINA GRAZIOSO**, in her own right and as Executrix of the **ESTATE OF JOHN GRAZIOSO**, Deceased,
21. **JIN LIU**, in her own right and as Executrix of the **ESTATE OF LIMING GU**, Deceased,
22. **JOANNE LOVETT**, in her own right and as Executrix of the **ESTATE OF BRIAN NUNEZ**, Deceased,
23. **GRACE KNESKI**, in her own right and as Administratrix of the **ESTATE OF STEVEN CAFIERO**, Deceased,
24. **JANET CALIA**, in her own right and as Executrix of the **ESTATE OF DOMINICK E. CALIA**, Deceased,
25. **VIVIAN SHOEMAKER**, as the parent of **ALAN KLEINBERG**, Deceased,
26. **JOAN MOLINARO**, in her own right and as Executrix of the **ESTATE OF CARL MOLINARO**, Deceased,
27. **JONNY LEE**, as husband of **LORRAINE LEE**, Deceased,
28. **PATRICK J. QUIGLEY, Jr. and MIJA QUIGLEY**, as the parents of **PATRICK J. QUIGLEY, III**, Deceased,
29. **RUTH V. QUIGLEY-LAWRENCE and JOHN V. QUIGLEY** as the siblings of **PATRICK J. QUIGLEY, III**, Deceased,

30. **CHRISTINE PAPASSO**, in her own right and as Executrix of the **ESTATE OF SALVATORE T. PAPASSO**, Deceased,
31. **PATRICIA MILANO**, in her own right and as Executrix of the **ESTATE OF PETER T. MILANO**, Deceased,
32. **DIANE ROMERO**, in her own right and as Administratrix of the **ESTATE OF ELVIN ROMERO**, Deceased,
33. **JOHN P. BAEZLER**, in his own right and as Administrator of the **ESTATE OF JANE BAESZLER**, Deceased,
34. **JENNIFER M. D'AURIA and MICHEAL ALLEN**, in their own right as the siblings and as the Administrators of the **ESTATE OF JOSEPH R. ALLEN**, Deceased,
35. **JOANNE M. RENZI**, as the sibling of **VICTOR J. SARACINI**, Deceased,
36. **ANNE C. SARACINI**, as the parent of **VICTOR J. SARACINI**, Deceased,
37. **CHRISTINA BANE-HAYES**, as the sibling of **MICHAEL A. BANE**, Deceased,
38. **DONALD BANE**, as the parent of **MICHAEL A. BANE**, Deceased,
39. **DONALD G. HAVLISH, SR.**, as the parent of **DONALD G. HAVLISH, JR.**, Deceased,
40. **WILLIAM HAVLISH and SUSAN CONKLIN**, as the siblings of **DONALD G. HAVLISH, JR.**, Deceased,
41. **THOMAS P. HEIDENBERGER**, in his own right, and as the Executor of the **ESTATE OF MICHELE M. HEIDENBERGER**, Deceased,
42. **LIVIA CHIRCHIRILLO and CATHERINE DEBLIECK**, as siblings of **PETER CHIRCHIRILLO**, Deceased,
43. **SPOUSE DOE #1**, in her own right and as Executrix of the **ESTATE OF DECEDENT DOE #1**, Deceased,
44. **SPOUSE DOE #2**, in her own right and as Executrix of the **ESTATE OF DECEDENT DOE #2**, Deceased,
45. **SPOUSE DOE #3**, in her own right and as Executrix of the **ESTATE OF DECEDENT DOE #3**, Deceased,

46. **SPOUSE DOE #4**, in her own right and as Executrix of the **ESTATE OF DECEDENT DOE #4**, Deceased,
47. **SPOUSE DOE #5**, in her own right and as Executrix of the **ESTATE OF DECEDENT DOE #5**, Deceased,
48. **SISTER DOE #5**, as the sibling of **DECEDENT DOE #5**, Deceased,
49. **SPOUSE DOE #6**, in her own right and as Executrix of the **ESTATE OF DECEDENT DOE #6**, Deceased,
50. **SPOUSE DOE #7**, in her own right and as Executrix of the **ESTATE OF DECEDENT DOE #7**, Deceased,
51. **SPOUSE DOE #8**, in her own right and as Executrix of the **ESTATE OF DECEDENT DOE #8**, Deceased,
52. **MOTHER DOE #9**, in her own right and as Administrator of the **ESTATE OF DECEDENT DOE #9**, Deceased,
53. **FATHER DOE #9**, as the parent of **DECEDENT DOE #9**, Deceased,
54. **FATHER DOE #10**, in his own right and as Administrator of the **ESTATE OF DECEDENT DOE #10**, Deceased, and
55. **MOTHER DOE #10**, as the parent of **DECEDENT DOE #10**, Deceased.

On behalf of themselves and other similarly situated.

# **EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FIONA HAVLISH**, in her own right and )  
as Executrix of the **ESTATE OF** )  
**DONALD G. HAVLISH, JR.**, Deceased, )  
et. al., )

Individually and on behalf of a )  
class of similarly situated individuals )  
Plaintiffs, )

v. )

**SHEIK USAMAH BIN-MUHAMMAD** )  
**BIN-LADEN**, a/k/a **OSAMA BIN-** )  
**LADEN**, et al., )  
Defendants. )

Case Number: 1:02CV00305

Judge: James Robertson

Hearing date: TBD

**ORDER**

Upon consideration of Plaintiffs' Motion for Class Certification in the above captioned case, and any opposition thereto, it is this \_\_\_\_ day of \_\_\_\_\_, 2002,

ORDERED, that Plaintiffs' Motion for Class Certification is GRANTED, and it is further

ORDERED, that the Proposed Notice to Class Members, attached to the Motion for Class Certification as Exhibit Y, is approved, and should be served on the class.

---

James Robertson  
United States District Judge

Copies to (class counsel):

Don Howarth (CA SBN 53783)  
Suzelle M. Smith (CA SBN 113992; D.C. Bar No. 376384)  
Robert D. Brain (CA SBN 98815)  
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Los Angeles, Ca. 90117  
Telephone: 213-955-9400

Jacob A. Stein, (D.C. Bar No. 052233)  
Gerard E. Mitchell, (D.C. Bar No. 157479)  
Robert F. Muse, (D.C. Bar No. 166868)  
Patrick A. Malone, (D.C. Bar No. 397142)  
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John A. Corr, (Pa. Bar No. 52820)  
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Doylestown, PA 18901  
Telephone: (215) 348-7700  
*Admitted Pro Hac Vice*

Ronald L. Motley, (SC Bar No. 4123)  
Jodi Westbrook Flowers, (S.C. Bar No. 66300)  
Anne McGinness Kears, (S.C. Bar No. 15642)  
NESS, MOTLEY, P.A.  
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Marcel L. Groen, (Pa. Bar No. 12572)  
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Telephone: 865-544-0101

William N. Riley, (IN Bar No. 4941-49)  
R. Douglas Hailey, (IN Bar No. 7375-49)  
Mark K. Dudley, (IN Bar No. 15418-49)  
Amy Ficklin DeBrotta, (IN Bar No. 17294-49)  
Mary Beth Ramey, (IN Bar No. 5876-49)  
RAMEY, HAILEY & RILEY  
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Jefferson W. Gross, (Utah Bar No. 8339)  
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139 East South Temple, Suite 2001  
Salt Lake City, UT 84111  
Telephone: 801-355-6677

**Attorneys for Plaintiffs**

# **EXHIBIT C**

**LIST OF NAMED DEFENDANTS IN AMENDED COMPLAINT**

1. **SHEIKH USAMAH BIN-MUHAMMAD BIN-LADEN**, a.k.a. OSAMA BIN-LADEN, Last known location, Afghanistan,
2. **THE TALIBAN**, a.k.a. the Islamic Emirate of Afghanistan, an unincorporated association, Last known location, Afghanistan,
3. **MUHAMMAD OMAR**, individually, Last known location, Afghanistan,
4. **AL QAEDA/ISLAMIC ARMY**, an unincorporated association, Last known location, Afghanistan,
5. **THE ISLAMIC REPUBLIC OF IRAN**, c/o The Permanent Representative of the Islamic State of Iran to the United Nations, 360 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10017, or The Iranian Interest Section c/o The Embassy of Pakistan, 2209 Wisconsin Avenue, NW, Washington, DC 20007,
6. **THE REPUBLIC OF IRAQ**, c/o The Permanent Representative of Iraq to the United Nations 14 East 79<sup>th</sup> Street, New York, NY 10021, or The Iraqi Interest Section c/o the Algerian Embassy, 1801 P Street, N.W., Washington, DC 20036,
7. **AYATOLLAH ALI HOSEINI-KHAMENEI**, Supreme Leader, c/o The Permanent Representative of the Islamic State of Iran to the United Nations, 360 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10017, or The Iranian Interest Section c/o The Embassy of Pakistan, 2204 Wisconsin Avenue, NW, Washington, DC 20007,
8. **IRANIAN MINISTRY OF INFORMATION AND SECURITY**, c/o The Permanent Representative of the Islamic State of Iran to the United Nations, 360 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10017, or The Iranian Interest Section c/o The Embassy of Pakistan, 2204 Wisconsin Avenue, NW, Washington, DC 20007,
9. **THE ISLAMIC REVOLUTIONARY GUARD CORPS**, c/o The Permanent Representative of the Islamic State of Iran to the United Nations, 360 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10017, or The Iranian Interest Section c/o The Embassy of Pakistan, 2204 Wisconsin Avenue, N.W., Washington, DC 20007,
10. **HEZBOLLAH**, an unincorporated association, c/o The Permanent Representative of the Islamic State of Iran to the United Nations, 360 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10017, or The Iranian Interest Section c/o The Embassy of Pakistan, 2204 Wisconsin Avenue, NW, Washington, DC 20007,

11. **THE IRANIAN MINISTRY OF PETROLEUM**, c/o The Permanent Representative of the Islamic State of Iran to the United Nations, 360 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10017, or The Iranian Interest Section c/o The Embassy of Pakistan, 2204 Wisconsin Avenue, NW, Washington, DC 20007,
12. **IRANIAN MINISTRY OF ECONOMIC AFFAIRS AND FINANCE**, c/o The Permanent Representative of the Islamic State of Iran to the United Nations, 360 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10017, or The Iranian Interest Section c/o The Embassy of Pakistan, 2204 Wisconsin Avenue, NW, Washington, DC 20007,
13. **IRANIAN MINISTRY OF COMMERCE**, c/o The Permanent Representative of the Islamic State of Iran to the United Nations, 360 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10017, or The Iranian Interest Section c/o The Embassy of Pakistan, 2204 Wisconsin Avenue, NW, Washington, DC 20007,
14. **IRANIAN MINISTRY OF DEFENSE AND ARMED FORCES LOGISTICS**, c/o The Permanent Representative of the Islamic State of Iran to the United Nations, 360 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10017, or The Iranian Interest Section c/o The Embassy of Pakistan, 2204 Wisconsin Avenue, NW, Washington, DC 20007,
15. **SADDAM HUSSEIN**, President c/o The Permanent Representative of Iraq to the United Nations, 14 East 79<sup>th</sup> Street, New York, NY 10021 or The Iraqi Interest Section c/o The Algerian Embassy, 1801 P Street, N.W., Washington, DC 20036,
16. **IRAQI MINISTRY OF DEFENSE**, c/o The Permanent Representative of Iraq to the United Nations, 14 East 79<sup>th</sup> Street, New York, NY 10021 or The Iraqi Interest Section c/o The Algerian Embassy, 1801 P Street, N.W., Washington, DC 20036,
17. **IRAQI MINISTRY OF FINANCE**, c/o The Permanent Representative of Iraq to the United Nations, 14 East 79<sup>th</sup> Street, New York, NY 10021 or The Iraqi Interest Section, c/o The Algerian Embassy, 1801 P Street, N.W., Washington, DC 20036,
18. **IRAQI MINISTRY OF OIL**, c/o The Permanent Representative of Iraq to the United Nations, 14 East 79<sup>th</sup> Street, New York, NY 10021 or The Iraqi Interest Section c/o The Algerian Embassy, 1801 P Street, N.W., Washington, DC 20036,
19. **IRAQI INTELLIGENCE SERVICE**, c/o The Permanent Representative of Iraq to the United Nations, 14 East 79<sup>th</sup> Street, New York, NY 10021 or The Iraqi Interest Section c/o The Algerian Embassy, 1801 P Street, N.W., Washington, DC 20036,

20. **QUSAI HUSSEIN**, c/o The Permanent Representative of Iraq to the United Nations, 14 East 79<sup>th</sup> Street, New York, NY 10021 or The Iraqi Interest Section c/o The Algerian Embassy, 1801 P Street, N.W., Washington, DC 20036, and

**UNIDENTIFIED TERRORIST DEFENDANTS 1-500.**

# **EXHIBIT D**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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**FIONA HAVLISH**, in her own right and  
as Executrix of the **ESTATE OF**  
**DONALD G. HAVLISH, JR.**, Deceased,  
et al.,

Plaintiffs,

On Behalf of Themselves and All  
Others Similarly Situated,

v.

**SHEIK USAMAH BIN-MUHAMMAD**  
**BIN-LADEN**, a/k/a **OSAMA BIN-**  
**LADEN**, et al.,

Defendants.

:  
:  
: **REQUEST BY CLASS MEMBER TO**  
: **BE EXCLUDED FROM CLASS**  
: **ACTION AGAINST TERRORISTS**  
: **AND SPONSORS OF TERRORISM**

: **Judge James Robertson**

: **Case No. 1:02CV00305**

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TO: Clerk's Office  
United States District Court  
District of Columbia  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001  
(September 11, 2001 Litigation)

**REQUEST BY CLASS MEMBER TO BE EXCLUDED FROM CLASS ACTION**  
**AGAINST TERRORISTS AND SPONSORS OF TERRORISM**

STATE OF \_\_\_\_\_ )  
: ss.  
COUNTY OF \_\_\_\_\_ )

**PURSUANT TO COURT ORDER, THIS IS A REQUEST TO BE EXCLUDED**  
**FROM THE ABOVE-CAPTIONED CLASS ACTION. THIS REQUEST MUST BE**  
**COMPLETED, SIGNED, NOTARIZED AND MAILED TO THE UNITED STATES**  
**DISTRICT COURT, DISTRICT OF COLUMBIA, ON OR BEFORE THE \_\_\_\_ DAY OF**  
**\_\_\_\_\_, 2002, IN ORDER TO BE EXCLUDED FROM THE CLASS**  
**ACTION.**

I, \_\_\_\_\_, on behalf of the September 11, 2001  
Name of Person to be Excluded

Victim identified below, hereby request to be excluded from the class of plaintiffs in the above-entitled action, as permitted by the Notice of Pendency of Class Action Against Terrorists and Sponsors of Terrorism, dated the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

Name of September 11<sup>th</sup> Victim: \_\_\_\_\_  
Print the Name of the September 11, 2001 Victim You Represent

Relationship to September 11<sup>th</sup> Victim: \_\_\_\_\_  
Spouse, Child, Parent, Sibling or Legal Representative of Victim

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2002  
day month

\_\_\_\_\_  
Signature of Excluded Class Member

SWORN AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**Once you complete this form, mail one copy of the form to both of the following:**

Clerk's Office  
United States District Court  
District of Columbia  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001  
(September 11, 2001 Litigation)

Attention: September 11<sup>th</sup> Class Action  
Mellon, Webster & Shelly  
87 North Broad Street  
Doylestown, PA 18901

**A separate form must be completed and timely mailed for each person or entity electing to be excluded from the class action.**

**THIS FORM MUST BE MAILED NO LATER THAN \_\_\_\_\_, 2002.**