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FILED
09 MAR 27 AM 11:39
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: *[Signature]* DEPUTY

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14 Attorneys for Plaintiff,
ESTATE OF SA'AD RAHEEM JARALLAH
15

16 UNITED STATES DISTRICT COURT
17 SOUTHERN DISTRICT OF CALIFORNIA

18 ESTATE OF SA'AD RAHEEM JARALLAH,)
19 Plaintiff,)
20 v.)

CASE NO. '09 CV 0631 H JMA

21 XE, formerly known as BLACKWATER
WORLDWIDE and BLACKWATER LODGE
AND TRAINING CENTER, INC.;
22 FALCON;
BLACKWATER SECURITY CONSULTING,
23 LLC;
BLACKWATER ARMOR AND TARGETS,
24 LLC;
BLACKWATER AIRSHIPS, LLC;
25 BLACKWATER LOGISTICS, LLC;
RAVEN DEVELOPMENT GROUP, LLC;
26 GREYSTONE LIMITED TOTAL
INTELLIGENCE SOLUTIONS, LLC;
27 THE PRINCE GROUP LLC;
EP INVESTMENTS, LLC;
28 U.S. TRAINING CENTER;

- COMPLAINT FOR:
- 1. WAR CRIMES
 - 2. ASSAULT AND BATTERY
 - 3. WRONGFUL DEATH
 - 4. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
 - 5. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
 - 6. NEGLIGENT HIRING, TRAINING AND SUPERVISION
 - 7. TORTIOUS SPOILIATION OF EVIDENCE

DEMAND FOR JURY TRIAL

CR

1 U.S. TRAINING CENTER SOUTHWEST;)
ERIK PRINCE,)

2)
3 Defendants.)

4 Plaintiff ESTATE OF SA'AD RAHEEM JARALLAH hereby alleges as follows:

5 **JURISDICTION AND VENUE**

6 1. This Court has original jurisdiction over the subject matter of this action pursuant
7 to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1332 (diversity jurisdiction); 28 U.S.C.
8 § 1350 (Alien Tort Statute); and 28 U.S.C. § 1367 (supplemental jurisdiction).

9 2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(a)(3) and
10 § 1391(b)(2).

11 **THE PARTIES**

12 3. Plaintiff is the Estate of Sa'ad Raheem Jarallah. Mr. Jarallah was a 53-year old
13 school teacher at a technical institution in the City of Al Amara, Maysan province. He was
14 married with four children, the youngest of which is 12 years old. On September 9, 2007, he
15 was visiting Bagdad, on behalf of his institution, when he was killed by Xe-Blackwater
16 shooters near Al Watahba Square.

17 4. Defendant Erik Price is a resident of McLean, Virginia, with business offices at
18 1650 Tysons Boulevard, McLean, Virginia 22102, who personally and wholly owns holding
19 companies known as The Prince Group and EP Investments LLC. Mr. Price, through these
20 holding companies, owns and controls the various Xe-Blackwater entities, as well as entities
21 known as Greystone and Total Intelligence.

22 5. Defendant The Prince Group LLC is a holding company located at 1650
23 Tysons Boulevard, McLean, Virginia 22102.

24 6. Defendant EP Investments, LLC is a holding company managed by The Prince
25 Group LLC. EP Investments, LLC is located at 1650 Tysons Boulevard, McLean, Virginia
26 22102.

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1 September 9, 2007, was only one in a series of recent incidents in Blackwater's lengthy
2 pattern of egregious misconduct in Iraq resulting in the deaths of innocent Iraqis.

3 13. Xe-Blackwater created and fostered a culture of lawlessness amongst its
4 employees, encouraging them to act in the company's financial interests at the expense of
5 innocent human life. The September 9, 2007 shooting is one episode in a lengthy pattern of
6 egregious misconduct by Xe - Blackwater acting in Iraq, Afghanistan and around the world.
7 Xe-Blackwater created and fostered a culture of lawlessness amongst its employees,
8 encouraging them to act in the company's financial interests at the expense of human life.
9 This action seeks compensatory damages to compensate the family of Mr. Sa'ad Raheem
10 Jarallah, who was gunned down and killed by Xe-Blackwater shooters. This action seeks
11 punitive damages in an amount sufficient to punish Erik Prince and his Xe-Blackwater
12 companies for their repeated callous killing of innocents.

13 **THE XE-BLACKWATER SEPTEMBER 9, 2007 MASSACRE**

14 14. Xe-Blackwater provides armed forces to protect Department of State personnel
15 in Iraq. These mobile armed forces that accompany diplomats and others in need of
16 protection are consistently referred to by Xe-Blackwater as "shooters."

17 15. Xe - Blackwater earned more than two billion dollars from the United States.
18 The United States paid Xe - Blackwater these substantial sums based on Xe - Blackwater's
19 misrepresentations that it was a legitimate company able to conduct itself in a lawful manner.
20 But in fact, Xe - Blackwater operates extra-legally, providing heavily-armed mercenaries
21 who flout the laws of this nation and the host nation, Iraq.

22 16. On September 9, 2007, Blackwater shooters, whose identities are known to
23 Defendants and are capable of being ascertained through discovery, used excessive force
24 without justification and killed Mr. Jarallah and other civilians in and around Al Watahba
25 Square, Baghdad.

26 17. The September 9, 2007, massacre was not an isolated instance of misconduct
27 by Xe - Blackwater. Xe - Blackwater has a pattern and practice of recklessness in the use
28 of deadly force. Xe - Blackwater has created and fostered a corporate culture in which

1 excessive and unnecessary use of deadly force by its employees is not investigated or
2 punished in any way.

3 18. Xe - Blackwater routinely sends heavily-armed "shooters" into the streets of
4 Baghdad with the knowledge that some of those "shooters" are chemically influenced by
5 steroids and other judgment-altering substances.

6 19. Through their acts and omissions, Xe - Blackwater management encouraged
7 shooting innocent Iraqis. Xe - Blackwater management refused to fire or discipline
8 "shooters" who murdered innocent Iraqis. "Shooters" known to have committed "bad
9 shoots" (i.e. murder) would not even be placed on the "do not use" list. Instead, Xe -
10 Blackwater would continue to rehire and deploy "shooters" known to have killed innocents
11 for no reason.

12 20. Xe - Blackwater captured much of the illegal conduct on videotape and
13 audiotape. At times, Xe - Blackwater would even review the illegal conduct in a review
14 called a "hot wash." Xe - Blackwater, however, did not report or punish the illegal conduct
15 of its mercenaries. Instead, Xe - Blackwater intentionally destroyed the evidence of illegal
16 conduct, and encouraged the mercenaries to do the same.

17 21. Plaintiff will show at trial a litany of illegal shootings around the globe known
18 to Xe - Blackwater management.

19 22. Plaintiff will also show at trial that Xe - Blackwater hired and continues to hire
20 former military officials known to have been involved in human rights abuses in Latin
21 American and elsewhere.

22 23. Although Xe - Blackwater tries to pass itself off as a company using retired
23 American military, the company actually recruits mercenaries from the Philippines, Chile,
24 Nepal, Colombia, Ecuador, El Salvador, Honduras, Panama, Peru, Bulgaria, Poland,
25 Romania, Jordan and perhaps South Africa. Xe - Blackwater hires and deploys to Iraq
26 foreign nationals without regard for the fact that they were forbidden by the laws of their
27 country from serving as mercenaries.

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1 34. Defendants committed war crimes, including willful killing and willfully
2 causing great suffering or serious injury to body or health, against Plaintiff and others.

3 35. Defendants are liable for their conduct that constitutes war crimes.

4 36. Defendants' misconduct caused grave and foreseeable injuries to Plaintiff.

5 **COUNT TWO – ASSAULT AND BATTERY**

6 37. All preceding paragraphs are hereby incorporated by reference as if fully set
7 forth herein.

8 38. Defendants unlawfully intended to and did inflict immediate injury upon
9 Plaintiff.

10 39. Defendants intentionally assaulted, battered, and made other offensive
11 contacts; and aided and abetted the assaulting, battering and offensively contacting of the
12 Plaintiff.

13 40. Plaintiff did not consent to the offensive contacts. Plaintiff feared for his
14 personal safety and felt threatened by Defendants' actions.

15 41. Defendants committed the assaults and batteries.

16 42. Defendants' acts caused grave and foreseeable damages to Plaintiff.

17 **COUNT THREE – WRONGFUL DEATH**

18 43. All preceding paragraphs are hereby incorporated by reference as if fully set
19 forth herein.

20 44. Defendants' wrongful acts and omissions caused the death of Plaintiff.

21 45. Defendants set the conditions, directly and/or indirectly facilitated, ordered,
22 acquiesced, confirmed, ratified and/or conspired with others to act in the manner that led to
23 the wrongful death.

24 46. Plaintiff is the duly appointed personal representative of Sa'ad Raheem
25 Jarallah.

26 47. The death of Sa'ad Raheem Jarallah was the foreseeable result of Defendants'
27 wrongful acts and omissions.

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1 **COUNT FOUR – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

2 48. All preceding paragraphs are hereby incorporated by reference as if fully set
3 forth herein.

4 49. Defendants intentionally inflicted severe emotional distress by way of extreme
5 and outrageous conduct on Plaintiff and his family members.

6 50. Defendants set the conditions, directly and/or indirectly facilitated, ordered,
7 acquiesced, confirmed, ratified and/or conspired with others to inflict emotional distress on
8 Plaintiff.

9 51. Defendants' acts caused grave and foreseeable injuries to Plaintiff and his
10 family members.

11 **COUNT FIVE – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

12 52. All preceding paragraphs are hereby incorporated by reference as if fully set
13 forth herein.

14 53. Defendants negligently inflicted severe emotional distress on Plaintiff and his
15 family members.

16 54. Defendants breached a duty to Plaintiff and others present at the scene of the
17 killings and infliction of bodily injury.

18 55. Defendants' negligence directly and foreseeably harmed Plaintiff.

19 **COUNT SIX – NEGLIGENT HIRING, TRAINING AND SUPERVISION**

20 56. All preceding paragraphs are hereby incorporated by reference as if fully set
21 forth herein.

22 57. Defendants acted negligently and directly harmed Plaintiff by:

23 (a) failing to take the appropriate steps in hiring proper personnel to
24 perform services;

25 (b) failing to properly screen personnel before their hiring;

26 (c) failing to train personnel properly;

27 (d) failing to investigate allegations of wrongdoing;

28 (e) failing to reprimand for wrongful actions;

- 1 (f) failing to adequately monitor for and stop illegal substance abuse; and
2 (g) negligently permitting repeated lawlessness by employees.

3 Defendants' negligence directly and foreseeably harmed Plaintiff and his family
4 members.

5 **COUNT SEVEN – TORTIOUS SPOILATION OF EVIDENCE**

6 58. All preceding paragraphs are hereby incorporated by reference as if fully set
7 forth herein.

8 59. Defendants had a legal duty to preserve evidence relating to unauthorized uses
9 of force.

10 60. Defendants intentionally destroyed that evidence to prevent detection of its
11 wrongdoing.

12 61. Defendants' destruction of evidence significantly impaired Plaintiff's ability to
13 prove certain facts in this action.

14 62. Defendants' intent in destroying the evidence was to lessen the risk that they
15 would be found liable by a jury hearing this action.

16 63. Defendants' intentional destruction of evidence harmed and continues to harm
17 the Plaintiff.

18 **PRAYERS AND DAMAGES**

19 64. Plaintiff and his family members, acting when necessary through the Estate, is
20 entitled to any and all remedies available to them as a result of the conduct alleged herein,
21 including, but not limited to:

22 (a) compensatory damages for death, physical, mental and economic
23 injuries;

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1 (b) punitive damages in an amount sufficient to strip Defendants of all of
2 the revenue and profits earned from their pattern of constant misconduct and callous
3 disregard for human life; and

4 (c) any attorneys' fees and costs permitted by law.

5 DATED: March 26, 2009

OLIVA & ASSOCIATES, ALC

6
7 By: 

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19 Attorneys for Plaintiff,
20 ESTATE OF SA'AD RAHEEM JARALLAH

21 DEMAND FOR JURY TRIAL

22 Plaintiff hereby demands a jury trial as provided by Rule 38(a) of the Federal Rule of
23 Civil Procedure.

24 OLIVA & ASSOCIATES, ALC

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26 By: 

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Attorneys for Plaintiff,
ESTATE OF SA'AD RAHEEM JARALLAH

CIVIL COVER SHEET

JS 44 (Rev. 07/89)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ESTATE OF SA'AD RAHEEM JARALLAH

DEFENDANTS

XE, formerly known as BLACKWATER WORLDWIDE and BLACKWATER TRAINING CENTER, INC.

FILED

09 MAR 27 AM 11:38

CLERK, U.S. DISTRICT COURT

[SEE ATTACHED LISTING] COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT FAIRFAX, VA (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF IRAO (EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) OLIVA & ASSOCIATES, ALC 11770 Bernardo Plaza Court, Suite 350 San Diego, CA 92128 (858) 385-0491

ATTORNEYS (IF KNOWN)

'09 CV 0631 H

JMA

II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Table with columns for Plaintiff (PT) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business in This State, Incorporated and Principal Place of Business in Another State, Foreign Nation.

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.) 28 USC Section 1350 (Alien's action for tort). This action involves claims in tort by aliens committed in violation of the laws of nations or a treaty of the United States.

V. NATURE OF SUIT (PLACE AN 'X' IN ONE BOX ONLY)

Grid of categories for nature of suit: CONTRACT, REAL PROPERTY, PERSONAL INJURY, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

VI. ORIGIN (PLACE AN 'X' IN ONE BOX ONLY)
1 Original Proceeding
2 Removal from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE Thomas Whelan / Larry Burns Docket Number 09cv0561W-LSP/09cv0626LAB-BLM

DATE March 26, 2009 SIGNATURE OF ATTORNEY OF RECORD Michael S. Faircloth, Esq.

Handwritten notes: 16/455 \$350 TB 03/27/09

ATTACHMENT TO CIVIL COVER SHEET

ADDITIONAL DEFENDANTS:

FALCON;

BLACKWATER SECURITY CONSULTING, LLC;

BLACKWATER ARMOR AND TARGETS, LLC;

BLACKWATER AIRSHIPS, LLC;

BLACKWATER LOGISTICS, LLC;

RAVEN DEVELOPMENT GROUP, LLC;

GREYSTONE LIMITED TOTAL INTELLIGENCE SOLUTIONS, LLC;

THE PRINCE GROUP LLC;

EP INVESTMENTS, LLC;

U.S. TRAINING CENTER;

U.S. TRAINING CENTER SOUTHWEST;

ERIK PRINCE

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

161455 - MB

**March 27, 2009
11:38:07**

Civ Fil Non-Pris

USAO #.: 09CV0631

Judge..: MARILYN L HUFF

Amount.:

\$350.00 CK

Check#.: 9939

Total-> \$350.00

**FROM: ESTATE OF SA'AD RAHEEM JARALLA
VS XE, FORMERLY KNOWN AS BLACK**