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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *[Signature]* DEPUTY

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ESTATE OF RAHEEM KHALAF
11 SA'ADOON; WIJDAN MOHSIN
SAED; SAJJAD RAHEEM KHALAF;
12 and ALI RAHEEM KHALAF

13 UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA

15 ESTATE OF RAHEEM KHALAF
SA'ADOON;
16 WIJDAN MOHSIN SAED;
SAJJAD RAHEEM KHALAF; and
17 ALI RAHEEM KHALAF,

18 Plaintiffs,
19 v.
20 XE, formerly known as BLACKWATER
WORLDWIDE and BLACKWATER LODGE
AND TRAINING CENTER, INC.;
21 FALCON;
BLACKWATER SECURITY CONSULTING,
22 LLC;
BLACKWATER ARMOR AND TARGETS,
23 LLC;
BLACKWATER AIRSHIPS, LLC;
24 BLACKWATER LOGISTICS, LLC;
RAVEN DEVELOPMENT GROUP, LLC;
25 GREYSTONE LIMITED TOTAL
INTELLIGENCE SOLUTIONS, LLC;
26 THE PRINCE GROUP LLC;
EP INVESTMENTS, LLC;
27 ERIK PRINCE, and
ANDREW MOONEN,
28
Defendants.

CASE NO.
09 CV 0561 W LSP

- 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 SPOILATION OF EVIDENCE

DEMAND FOR JURY TRIAL

CP

1 Plaintiffs ESTATE OF RAHEEM KHALAF SA'ADOON; WIJDAN MOHSIN
2 SAED; SAJJAD RAHEEM KHALAF; and ALI RAHEEM KHALAF (hereinafter referred
3 to as "Plaintiffs") hereby allege as follows:

4 **JURISDICTION AND VENUE**

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

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

11 **THE PARTIES**

12 3. Plaintiff is the Estate of Raheem Khalaf Sa'adoon. Before being shot by Xe-
13 Blackwater, Raheem Khalaf Sa'adoon was a 32-year old father of two who worked as a
14 security guard for Iraqi Vice-President Adel Abdul Mahdi.

15 4. Plaintiff Wijdan Mohsin Saed is the widow. She is a 32-year old mother now
16 raising two young sons without her husband.

17 5. Plaintiffs Sajjad Raheem Khalaf and Ali Raheem Khalaf are the two sons
18 forced to grow up without their father. Now 11 and 8 years, respectively, they have suffered,
19 and continue to suffer greatly, as a result of Xe-Blackwater's misdeeds.

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

25 7. Defendant The Prince Group LLC is a holding company located at 1650
26 Tysons Boulevard, McLean, Virginia 22102.

27 ///

28 ///

1 evade any accountability whatsoever. Xe-Blackwater's bad acts include, among other
2 things, spiriting Moonen out of Iraq immediately after the murder, bribing an Iraqi
3 government official, and destroying documents and other evidence relating to this and other
4 Xe-Blackwater shootings.

5 15. This action seeks damages sufficient to stop Xe, formerly Blackwater, in all of
6 its various corporate incarnations, from continuing its lawless behavior. These companies
7 (including an Xe-Blackwater company called Falcon, which continues to operate in Iraq), are
8 all component parts of a single private company wholly owned and personally controlled by
9 a man named Erik Prince. Xe-Blackwater's unjustified killing of Raheem Khalaf Sa'adoon
10 is but one of a staggering number of senseless deaths that directly resulted from Xe-
11 Blackwater's misconduct.

12 **THE XE-BLACKWATER CHRISTMAS EVE MURDER**

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

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

21 18. On Christmas Eve, 2006, Xe-Blackwater employee Andrew Moonen
22 consumed excessive quantities of alcohol at a party being held in an area of Iraq referred to
23 as Little Venice.

24 19. Numerous other Xe-Blackwater employees were attending the same Christmas
25 party. They all saw Moonen become intoxicated. They all saw Moonen leave the party in an
26 intoxicated state carrying his Xe-Blackwater Glock.

27 20. No Xe-Blackwater employee did anything to stop Moonen from leaving the
28 Xe-Blackwater party heavily-armed and visibly intoxicated.

1 21. Xe-Blackwater employee Andrew Moonen, after losing his way and stumbling
2 drunkenly around Little Venice for a short period of time, came across Raheem Khalaf
3 Sa'adoon on guard duty. Moonen, visibly intoxicated, pulled out his Glock and fired at
4 Raheem Khalaf Sa'adoon, killing him for no reason.

5 22. After Xe-Blackwater employee Moonen killed Raheem Khalaf Sa'adoon,
6 Defendant Xe-Blackwater evaded Iraqi authorities and flew Moonen out of Iraq into the
7 United States.

8 23. Xe-Blackwater thereafter promised to compensate the widow for the death of
9 her husband by making a series of payments. Xe-Blackwater made an initial payment of US
10 \$20,000, but made no further payments. The widow continued to believe that additional
11 payments would be made until earlier this year.

12 **XE – BLACKWATER’S PATTERN AND PRACTICE OF ILLEGAL ACTIVITY**

13 24. Andrew Moonen’s shooting of Raheem Khalaf Sa'adoon was neither the first
14 nor the last time Xe-Blackwater shot and killed innocents for no reason. Xe - Blackwater
15 has a pattern and practice of recklessness in the use of deadly force. Xe - Blackwater has
16 created and fostered a corporate culture in which excessive and unnecessary use of deadly
17 force by its employees is not investigated or punished in any way.

18 25. Xe - Blackwater routinely sends heavily-armed “shooters” into the streets of
19 Baghdad with the knowledge that some of those “shooters” are chemically influenced by
20 steroids and other judgment-altering substances.

21 26. Xe-Blackwater routinely gives weapons to men known to be alcoholics or drug
22 users. Xe-Blackwater fails to prevent its employees from carrying their weapons when they
23 are imbibing alcohol or using drugs.

24 27. Xe – Blackwater management refused to fire or discipline mercenaries who
25 murdered innocent Iraqis. Mercenaries known to have committed “bad shoots” (i.e. murder)
26 would not even be placed on the “do not use” list. Instead, Xe – Blackwater would continue
27 to rehire and deploy mercenaries known to have killed innocents for no reason. Plaintiffs
28 will show at trial a litany of illegal shootings around the globe known to Xe – Xe -

1 Blackwater repeatedly and routinely engages in other illegal conduct. Xe – Blackwater
2 engages in conduct that violates the laws governing the use and sale of firearms. Xe-
3 Blackwater fails to track or monitor its weaponry and ammunition as is required by law.

4 28. Plaintiffs will show at trial that Xe – Blackwater destroyed hired and continues
5 to hire former military officials known to have been involved in human rights abuses in Latin
6 American and elsewhere. Although Xe – Blackwater tries to pass itself off as a company
7 using retired American military, the company actually recruits mercenaries from the
8 Philippines, Chile, Nepal, Colombia, Ecuador, El Salvador, Honduras, Panama, Peru,
9 Bulgaria, Poland, Romania, Jordan and perhaps South Africa. Xe - Blackwater hires and
10 deploys to Iraq foreign nationals without regard for the fact that they were forbidden by the
11 laws of their country from serving as mercenaries.

12 29. Given its status as a mercenary or quasi-mercenary organization, Xe –
13 Blackwater violates the law by seeking and accepting work from the United States
14 government. The Anti-Pinkerton Act, 5 U.S.C. § 1803, prohibits the United States from
15 doing business with “[a]n individual employed by the Pinkerton Detective Agency, or
16 similar organization.” The legislative history of the Act makes it clear that a “similar
17 organization” means any mercenary or quasi-mercenary organization.

18 30. Xe-Blackwater repeatedly and routinely engages in other illegal conduct. Xe-
19 Blackwater engages in conduct that violates the laws governing the use and sale of firearms.
20 Xe-Blackwater fails to track or monitor its weaponry and ammunition as is required by law.

21 **XE-BLACKWATER’S DESTRUCTION OF EVIDENCE**

22 31. Xe – Blackwater captured much of the illegal conduct on videotape and
23 audiotape. Xe – Blackwater, however, did not report or punish the illegal conduct of its
24 mercenaries. Instead, Xe – Blackwater intentionally destroyed the evidence of illegal
25 conduct, and encouraged the mercenaries to do the same.

26 32. Reasonable discovery will show that on or about March 18, 2008, Defendants’
27 high-level executives Messrs. Gary Jackson and Dave Jackson met with others at Xe-
28 Blackwater (then called Blackwater) to discuss ongoing Department of Justice investigations

1 and other legal troubles. Reasonable discovery will show that after that meeting, Xe-
2 Blackwater employees began to destroy documents and other evidence relating to the events
3 at issue in this and other legal proceedings.

4 **DAMAGES**

5 33. Defendants are liable for killing Raheem Khalaf Sa'adoon. Defendants are
6 liable for the pain and suffering caused to Raheem Khalaf Sa'adoon, as well as the pain and
7 suffering and loss of consortium caused to the family members of these victims.

8 34. Defendants are liable for the physical and mental injuries caused to all
9 Plaintiffs.

10 35. Plaintiffs seeks compensatory and punitive damages in an amount for each
11 individual in excess of the jurisdictional amount set forth in 28 U.S.C. § 1332. Plaintiff also
12 seeks any and all additional remedies (such as attorneys' fees) available under law and
13 equity.
14

15 **COUNT ONE – WAR CRIMES**

16 36. All preceding paragraphs are hereby incorporated by reference as if fully set
17 forth herein.

18 37. Defendants' acts were deliberate, willful, intentional, wanton, malicious and
19 oppressive and constitute war crimes.

20 38. Defendants' acts took place during a period of armed conflict.

21 39. Defendants committed war crimes against Raheem Khalaf Sa'adoon and
22 others.

23 40. Defendants are liable for their conduct that constitutes war crimes.

24 41. Defendants' misconduct caused grave and foreseeable injuries to Plaintiff.

25 **COUNT TWO – ASSAULT AND BATTERY**

26 42. All preceding paragraphs are hereby incorporated by reference as if fully set
27 forth herein.

28 ///

1 43. Defendants unlawfully intended to and did inflict immediate injury upon
2 Plaintiff.

3 44. Defendants intentionally assaulted, battered, and made other offensive
4 contacts; and aided and abetted the assaulting, battering and offensively contacting of the
5 Plaintiff.

6 45. Plaintiff did not consent to the offensive contacts. Plaintiff feared for his
7 personal safety and felt threatened by Defendants' actions.

8 46. Defendants committed the assaults and batteries.

9 47. Defendants' acts caused grave and foreseeable damages to Plaintiff.

10 **COUNT THREE – WRONGFUL DEATH**

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

13 49. Defendants' wrongful acts and omissions caused the death of Plaintiff.

14 50. Defendants set the conditions, directly and/or indirectly facilitated, ordered,
15 acquiesced, confirmed, ratified and/or conspired with others to act in the manner that led to
16 the wrongful death.

17 51. The Estate Plaintiff is the duly appointed personal representative of Raheem
18 Khalaf Sa'adoon.

19 52. The death of Raheem Khalaf Sa'adoon was the foreseeable result of
20 Defendants' wrongful acts and omissions.

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

22 53. All preceding paragraphs are hereby incorporated by reference as if fully set
23 forth herein.

24 54. Defendants intentionally inflicted severe emotional distress by way of extreme
25 and outrageous conduct on Plaintiff and his family members.

26 55. Defendants set the conditions, directly and/or indirectly facilitated, ordered,
27 acquiesced, confirmed, ratified and/or conspired with others to inflict emotional distress on
28 Plaintiff.

1 56. Defendants' acts caused grave and foreseeable injuries to Plaintiff and his
2 family members.

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

4 57. All preceding paragraphs are hereby incorporated by reference as if fully set
5 forth herein.

6 58. Defendants negligently inflicted severe emotional distress on Plaintiffs.

7 59. Defendants breached a duty to Plaintiffs.

8 60. Defendants' negligence directly and foreseeably harmed Plaintiffs.

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

10 61. All preceding paragraphs are hereby incorporated by reference as if fully set
11 forth herein.

12 62. Defendants acted negligently and directly harmed Plaintiffs by:

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

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

16 (c) failing to train personnel properly;

17 (d) failing to investigate allegations of wrongdoing;

18 (e) failing to reprimand for wrongful actions;

19 (f) failing to adequately monitor for and stop illegal substance abuse;

20 (g) failing to stop Andrew Moonen from wandering around intoxicated
21 with a loaded weapon, and

22 (h) negligently permitting repeated lawlessness by employees.

23 63. Defendants' negligence directly and foreseeably harmed Plaintiffs.

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

25 64. All preceding paragraphs are hereby incorporated by reference as if fully set
26 forth herein.

27 65. The Defendants had a legal duty to preserve evidence relating to unauthorized
28 uses of force.

1 66. Defendants intentionally destroyed that evidence to prevent detection of its
2 wrongdoing.

3 67. Defendants' destruction of evidence significantly impaired Plaintiffs' ability to
4 prove certain facts in this action.

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

7 69. Defendants' intentional destruction of evidence harmed and continues to harm
8 the Plaintiffs.

9 **PRAYERS AND DAMAGES**

10 70. Plaintiffs, acting when necessary through the Estate, are entitled to any and all
11 remedies available to them as a result of the conduct alleged herein, including, but not
12 limited to:

13 (a) compensatory damages for death, physical, mental and economic
14 injuries;

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

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

19 DATED: March 19, 2009

OLIVA & ASSOCIATES, ALC

20 By: 

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Attorneys for Plaintiffs,
ESTATE OF RAHEEM KHALAF; SA'ADOON;
WIJDAN MOHSIN SAED; SAJJAD RAHEEM
KHALAF; and ALI RAHEEM KHALAF

1 DEMAND FOR JURY TRIAL

2 Plaintiffs hereby demand a jury trial as provided by Rule 38(a) of the Federal Rule of
3 Civil Procedure.

4 OLIVA & ASSOCIATES, ALC

5
6 By: 

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13 Attorneys for Plaintiffs,
14 ESTATE OF RAHEEM KHALAF
15 SA'ADOON; WIJDAN MOHSIN
16 SAED; SAJJAD RAHEEM KHALAF;
17 and ALI RAHEEM KHALAF
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CIVIL COVER SHEET

ORIGINAL

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 RAHEEN KHALAF SA'ADOON; WIJDAN MOHSIN SAED; SAJJAD RAHEEM KHALAF; And ALI RAHEEM KHALAF

DEFENDANTS

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

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[SEE ATTACHMENT] CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

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

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.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

OLIVA & ASSOCIATES, ALC 11770 Bernardo Plaza Court Suite 350 San Diego, CA 92128 858-385-0491

ATTORNEY (IF KNOWN)

09 CVO 561 W LSP

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 (For Diversity Cases Only)

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 an alien 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)

Large table with categories: CONTRACT, REAL PROPERTY, PERSONAL INJURY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes handwritten number 28:1346.

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 Docket Number

DATE SIGNATURE OF ATTORNEY OF RECORD

March 19, 2009

Handwritten signature of attorney

Handwritten notes: # 161201 18350, 3/19/09, and footer text: \ODMA\PCDOCS\WORDPERFECT\22816\1 January 24, 2000 (3:10pm)

1 (Attachment to Civil Cover Sheet) Additional Defendants
2
3 FALCON;
4 BLACKWATER SECURITY CONSULTING LLC;
5 BLACKWATER ARMOR AND TARGETS, LLC;
6 BLACKWATER AIRSHIPS, LLC;
7 BLACKWATER LOGISTICS, LLC;
8 RAVEN DEVELOPMENT GROUP, LLC;
9 GREYSTONE LIMITED TOTAL INTELLIGENCE SOLUTIONS, LLC;
10 THE PRINCE GROUP LLC;
11 EP INVESTMENTS, LLC;
12 ERIK PRINCE, and
13 ANDREW MOONEN
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**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

161204 - SR

**March 19, 2009
11:25:16**

Civ Fil Non-Pris

USAO #: 09CV0561

Judge.: THOMAS J WHELAN

Amount.: \$350.00 CK

Check#: BC#9935

Total-> \$350.00

**FROM: ESTATE OF RAHEEN KHALAF,
ET AL V. XE
CIVIL FILING**