

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

_____)	CIVIL ACTION
Estate of Himoud Saed Abtan)	
Estate of Usama Fadhil Abbass)	
Estate of Oday Ismail Ibraheem)	NO. 1:09-cv-617-LMB-TRJ
Estate of Ali Khaleel)	
Talib Mutlaq Deewan)	
Abdulwahab Abdulqadir Al-Qalamchi)	CIVIL COMPLAINT
Mahdi Abdulkhudhir Abbass)	JURY DEMAND
Sami Hawas Hamood)	
Fereed Waleed Hassoon)	
Bara'a Sa'adoon Ismael)	
Sameer Hoobi Jabbar)	
Abdulameer Rahmeem Jehan)	
Mohammed Hassan Mohammed)	
Haider Ahmed Rabe'a)	
Hassan Jabir Salman)	
Estate of Mushtaq Karim Abd Al-Razzaq)	
Estate of Qasim Mohamed Abbas Mahmoud)	
Estate of Mohamed Abbas Mahmoud)	
Estate of Ghaniyah Hassan Ali)	
Affrah Sattar Ghafil)	
Yassameen Abdulkhudir Salih)	
Wissam Raheem Fulaih)	
Alah Majeed Sghair Zaidi)	
Zuhair Najim Abbood Al-Mamouri)	
Ali Khalaf Salman Mansour)	
Sarhan Thiab Abdulmounem)	
Adel Jabir Shamma)	
Jassim Mohammed Hashim)	
Haider Sa'adoon Lateef)	
Sa'adoon Lateef Majeed)	
)	
Plaintiffs, all residing in Baghdad, Iraq)	
at addresses that cannot be disclosed)	
for safety and security)	
)	
)	
v.)	
)	
Erik Prince)	
1650 Tysons Boulevard)	
McLean, VA 22012)	
_____)	

PARTIES

4. Plaintiff is the Estate of Himoud Saed Abtan. Mr. Abtan was a Baghdad resident until he was shot to death by Xe-Blackwater shooters on September 16, 2007. Athra'a Khaleel is the widow of Himoud Saed Abtan. She is a 33-year old mother now raising six children (after the death of one child) without her husband, daughters Nawras Himoud (age 13), Rusil Himoud (age 8), Atiaff Himoud and sons Ghayeth Himoud (age 12), Habeeb Himoud (age 3), Tahseen Himoud (age 5). They have all suffered, and continue to suffer greatly, as a result of Xe-Blackwater's misdeeds.

5. Plaintiff is the Estate of Usama Fadhil Abbass. Mr. Abbass was a Baghdad resident until he was shot to death by Xe-Blackwater shooters on September 16, 2007. Lamia Kadhum is the widow of Usama Fadhil Abbass. She is a 43-year old mother now raising her sons Mohammed Usama (age 17) and Ahmed Usama (age 16) without her husband. She, her sons, and her two daughters Samah Usama (age 21) and Raghda Usama (age 23) have all suffered, and continue to suffer greatly, as a result of Xe-Blackwater's misdeeds.

6. Plaintiff is the Estate of Oday Ismail Ibraheem. Mr. Ibraheem was a Baghdad resident until he was shot to death by Xe-Blackwater shooters on September 16, 2007. Melad Khaleel Ibraheem is the widow of Oday Ismail Ibraheem. She is a 28-year old mother now raising three children without her husband, daughters Haneen Uday (age 8) and Rasha Uday (age 7) and son Zaydoon Uday (age 4). They have all suffered, and continue to suffer greatly, as a result of Xe-Blackwater's misdeeds.

7. Plaintiff is the Estate of Ali Khaleel. Mr. Khaleel was a 55-year old Baghdad resident until he was shot to death by Xe-Blackwater shooters on September 16, 2007. Fawzia Shareef is the widow of Ali Khaleel. She is a 54-year old mother of six children, daughters Fatin

Ali (age 29) and Zahra'a Ali (age 26) and sons Ammar Ali (age 32), Tahseen Ali (age 34), Adil Ali (age 21) and Salam Ali (age 18). They have all suffered, and continue to suffer greatly, as a result of Xe-Blackwater's misdeeds.

8. Plaintiff Talib Mutlaq Deewan is a Baghdad resident who was seriously injured by Xe-Blackwater shooters on September 16, 2007. He is the father of three sons and one daughter.

9. Plaintiff Abdulwahab Abdulqadir Al-Qalamchi is a Baghdad resident who was seriously injured by Xe-Blackwater shooters on September 16, 2007.

10. Plaintiff Mahdi Abdulkhudhir Abbass is a 42-year old Baghdad resident who was seriously injured by Xe-Blackwater shooters when shot in the shoulder and hand on September 16, 2007. He is the father of three sons and three daughters.

11. Plaintiff Sami Hawas Hamood is a 43-year old Baghdad resident who was seriously injured by Xe-Blackwater shooters when shot twice in the back and in the leg on September 16, 2007. He is the father of two sons and three daughters.

12. Plaintiff Fereed Waleed Hassoon is a 41-year old Baghdad resident who was seriously injured by Xe-Blackwater shooters when shot in the neck, chest and waist on September 16, 2007. He is the father of three children, including a baby daughter.

13. Plaintiff Bara'a Sa'adoon Ismael is a 28-year old Baghdad resident who was seriously injured by Xe-Blackwater shooters when shot in the waist and the leg on September 16, 2007. He is the father of two daughters.

14. Plaintiff Sameer Hoobi Jabbar is a 41-year old Baghdad resident who has injured when a Xe-Blackwater vehicle hit his car on September 16, 2007. He is the father of one son, Ali (3).

15. Plaintiff Abdulameer Rahmeem Jehan is a 48-year old Baghdad resident who was seriously injured by Xe-Blackwater shooters when shot three times in the leg as tried to jump out of a minibus. He is the father of one son and one daughter.

16. Plaintiff Mohammed Hassan Mohammed is a 30-year old Baghdad resident who suffered injuries to his leg when throwing himself from his car to escape Xe-Blackwater gunfire. He is the father of one son.

17. Plaintiff Haider Ahmed Rabe'a is a 32-year old Baghdad resident who was seriously injured by Xe-Blackwater shooters when they shot him in both legs as he was trying to flee from his car to escape the gunfire. He is the father of one daughter.

18. Plaintiff Hassan Jabir Salman is a 46-year old Baghdad resident and lawyer who was seriously injured by Xe-Blackwater shooters when shot in both shoulders and the back of the neck. He is the father of three daughters and five sons.

19. Plaintiff is the Estate of Mushtaq Karim Abd Al-Razzaq. Mushtaq Karim Abd Al-Razzaq was a 19-year old male resident of Baghdad who was killed by Xe-Blackwater shooters on September 16, 2007. He is survived by his mother, Intisar Atshan Nasir (age 51), and his sister, Shahad Abdulkareem Abdulrazaq (age 17). They have suffered, and continue to suffer greatly, as a result of Xe-Blackwater's misdeeds.

20. Plaintiff is the Estate of Qasim Mohamed Abbas Mahmoud. Qasim Mohamed Abbas Mahmoud was a 12-year old male resident of Baghdad who was killed by Xe-Blackwater shooters on September 16, 2007. He was shot while riding in a car with his father, Mohamed Abbas Mahmoud and his mother Yassameen Abdulkhudhir Salih. He is survived by his mother Yassameen Abdulkhudhir Salih (age 51), his two sisters Noor Mohammed (age 19) and Sahar

Mohammed (age 17), and his brother Sajjad Mohammed (age 6). They all have suffered, and continue to suffer greatly, as a result of Xe-Blackwater's misdeeds.

21. Plaintiff is the Estate of Mohamed Abbas Mahmoud. Mohamed Abbas Mahmoud was a 47-year old male resident of Baghdad who was killed by Xe-Blackwater shooters on September 16, 2007. He was killed along with his 12-year old son, Qasim Mohamed Abbas Mahmoud.

22. Plaintiff Yassameen Abdulkhudhir Salih is the widow of Mohamed Abbas Mahmoud. She is a 51-year old mother now coping with the death of her 12-year old son and raising the remaining three children without her husband. Further, she was riding in a car with her husband and son, Mohamed Abbas Mahmoud, and 12-year old son, Qasim Mohamed Abbas Mahmoud in Nisoor Square on September 16, 2007, and observed them being gunned down by Xe-Blackwater "shooters. Observing their deaths caused her severe and lasting mental injury. In addition, she is seriously and permanently physically injured because Xe-Blackwater shooters shot her.

23. Plaintiff is the Estate of Ghaniyah Hassan Ali. Ghaniyah Hassan Ali was a 55-year old female resident of Baghdad who was killed by Xe-Blackwater shooters on September 16, 2007. She was shot in the head while riding in a bus. Sattar Ghafil is the widower of Ghaniyah Hassan Ali. He is a 61-year old father of eight, daughters Ahlam Sattar Ghafil (age 40), Alham Sattar Ghafil (age 38), Ana'am Sattar Ghafil (age 36), Affrah Sattar Ghafil (age 28), and Sabah Sattar Ghafil (age 19), and sons Haydar Sattar (age 34), Mohammed Ali Sattar Ghafil (age 27) and Ali Sattar Ghafil (age 21). They have all suffered, and continue to suffer greatly, as a result of Xe-Blackwater's misdeeds.

24. One daughter, Plaintiff Affrah Sattar Ghafil, was riding in the bus with her mother, Ghaniyah Hassan Ali. She was shot at, and forced to observe her mother being slaughtered by Blackwater mercenaries, which caused her severe and lasting mental injury.

25. Plaintiff Wissam Raheem Fulaih, a 24-year old Baghdad resident, was shot multiple times by Xe-Blackwater as he attempted to leave a bus and run to safety in Nisoor Square on September 16, 2007.

26. Plaintiff Alah Majeed Sghair Zaidi is a 25-year old male Baghdad resident, was injured by Xe-Blackwater shooters. He was on duty as a policeman near Nisoor Square on September 16, 2007, when he was shot in the chest.

27. Plaintiff Zuhair Najim Abbood Al-Mamouri is a 32-year old male Baghdad resident. He was driving in Nisoor Square on September 16, 2007, when Xe-Blackwater shooters opened fire, injuring him and his vehicle.

28. Plaintiffs Ali Khalaf Salman Mansour and Sarhan Thiab Abdulmounem are the two brave police officers who tried to stop the senseless killing by Xe-Blackwater shooters on September 16, 2007. Rather than heeding Plaintiffs' hand signals indicating a lack of threat by any persons, the Xe-Blackwater shooters opened fire on Plaintiffs and numerous other innocents. Both gentlemen are residents of Baghdad.

29. Plaintiff Adel Jabir Shamma, a 52-year old Baghdad resident, was shot multiple times in the leg by Xe-Blackwater while in Nisoor Square on September 16, 2007.

30. Plaintiff Jassim Mohammed Hashim, a 30-year old Baghdad resident, was shot in the head by Xe-Blackwater while in Nisoor Square on September 16, 2007.

31. Plaintiff Haider Sa'adoon Lateef, a 19-year Baghdad resident, was shot multiple times in the legs by Xe-Blackwater while riding in a bus in Nisoor Square on September 16,

2007. He also observed his father, Sa'adoon Lateef Majeed, being shot by Xe-Blackwater, which caused severe and lasting mental injury.

32. Plaintiff Sa'adoon Lateef Majeed, a 56-year Baghdad resident, was shot by Xe-Blackwater at while riding in a bus in Nisoor Square on September 16, 2007. He also observed his son, Haider Sa'adoon Lateef being shot repeatedly by Xe-Blackwater mercenaries, which caused severe and lasting mental injury.

DEFENDANTS

33. Defendant Erik Prince is a resident of McLean, Virginia, with business offices at 1650 Tysons Boulevard, McLean, Virginia 22102, who personally and wholly owns companies known as Samarus CO LTD, Prince Group LLC and Xe Services LLC (formerly EP Investments LLC and d/b/a Blackwater Worldwide). Mr. Price, through these companies, owns and controls the various Xe-Blackwater entities, as well as entities known as Greystone LTD and Total Intelligence Solutions LLC.

34. Defendant Samarus CO LTD is a company wholly owned and operated by Defendant Prince. Reasonable discovery will establish that Samarus CO LTD is located at 1650 Tysons Boulevard, McLean, Virginia 22102.

35. Defendant Prince Group LLC is a holding company located at 1650 Tysons Boulevard, McLean, Virginia 22102.

36. Defendant Xe Services LLC (formerly EP Investments, LLC and d/b/a Blackwater Worldwide), is a holding company managed by Prince Group LLC. Xe Services LLC is located at 1650 Tysons Boulevard, McLean, Virginia 22102.

37. Defendant Greystone LTD and Total Intelligence Solutions LLP are companies through which Erik Prince conducts his mercenary business. Greystone LTD and Total Intelligence Solutions LLP are located at 1650 Tysons Boulevard, McLean, Virginia 22102.

38. Defendant Erik Prince, acting through a web of companies operating under the “Xe” or “Blackwater” or “Raven” or “Greystone” or “Total Intelligence” or “Samarus” names, earns billions of dollars providing mercenaries (known as “shooters”) for hire. The various Xe-Blackwater, Greystone, Samarus and Prince Group corporate entities were formed merely to reduce legal exposures and do not operate as individual and independent companies outside the control of Erik Prince. Erik Prince personally controls all the various entities.

39. Defendants U.S. Training Center, Inc. (formerly Blackwater Lodge and Training Center, Inc.), GSD Manufacturing LLC (formerly Blackwater Target Systems), Blackwater Security Consulting and Raven Development Group are all located at 850 Puddin Ridge Road, Moyock, North Carolina 27958.

40. Defendant Greystone LTD and Total Intelligence Solutions LLP are companies through which Erik Prince conducts his mercenary business. Greystone LTD and Total Intelligence Solutions LLP are located at 1650 Tysons Boulevard, McLean, Virginia 22102.

41. Defendants are all found in this District.

JURISDICTION AND VENUE

42. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1332 (diversity jurisdiction); 28 U.S.C. § 1350 (Alien Tort Statute); 28 U.S.C. § 1367 (supplemental jurisdiction); and 18 U.S. C. §1964 (Racketeer Influenced and Corrupt Organizations).

43. Venue is proper pursuant to 28 U.S.C. § 1391(a)(3), § 1391(b)(2) and 18 U.S. C.

§1965(a).

**XE-BLACKWATER MURDERED AND INJURED
PLAINTIFFS ON SEPTEMBER 16, 2007**

44. Xe-Blackwater provides armed forces to protect Department of State personnel in Iraq. These mobile armed forces that accompany diplomats and others in need of protection are consistently referred to by Xe-Blackwater management and employees as “shooters.”

45. On or about September 16, 2007, Xe-Blackwater shooters repeatedly fired automatic weapons and used grenade without justification. The Xe-Blackwater shooters murdered multiple innocent civilians.

46. The Xe-Blackwater shooters had been told by the Tactical Operations Center (manned by both Xe-Blackwater and Department of State personnel) (“TOC”) not to go to Nissor Square.

47. The United States Department of Justice is prosecuting the Xe-Blackwater shooters involved in the Nissor Square massacre.

48. Xe-Blackwater is responsible for the actions of its heavily-armed shooters acting in Iraq.

**XE-BLACKWATER PERMITS AND ENCOURAGES
EXCESSIVE AND UNNECESSARY USE OF DEADLY FORCE**

49. Xe- Blackwater has a pattern and practice of recklessness in the use of deadly force.

50. Xe- Blackwater has created and fostered a corporate culture in which excessive and unnecessary use of deadly force by its employees is not investigated or punished in any way.

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

52. Xe-Blackwater profits financially from its pattern and practice of misuse of deadly force.

XE-BLACKWATER HIRES INDIVIDUALS KNOWN TO BE CRIMINALS

53. Xe-Blackwater, in addition to hiring persons known (or should have been known) to use steroids and other judgment-altering drugs, has been hiring as mercenaries former military officials known to have been involved in human rights abuses in Chile. As reasonable discovery will establish, Xe-Blackwater knows that the former Chileans commandos hired by Xe-Blackwater received amnesty from punishment for their wanton disregard of human rights in exchange for being forbidden from taking part in any military or security activities in Chile.

54. Reasonable discovery is also likely to reveal that Xe-Blackwater has been hiring mercenaries from the Philippines, Chile, Nepal, Colombia, Ecuador, El Salvador, Honduras, Panama, Peru, Bulgaria, Poland, Romania, Jordan and perhaps South Africa. Reasonable discovery is likely to reveal that Blackwater hired foreign nationals without regard for the fact that they were forbidden by the laws of their country from serving as mercenaries.

55. Xe-Blackwater retains a sufficient number of mercenaries to be able to provide any willing buyer with a private army.

56. In 2003, Xe-Blackwater president Gary Jackson stated publicly Xe-Blackwater’s vision: "I would like to have the largest, most professional private army in the world."

57. In March 2006, during a conference held in Amman, Jordan, Xe-Blackwater executive Cofer Black publicly declared that Xe-Blackwater was able to deploy a private brigade-sized force to any conflict or crisis zone.

**XE-BLACKWATER DOES NOT HAVE A VALID CONTRACT
WITH THE UNITED STATES AND HARMED THE UNITED STATES BY
ITS UNLAWFUL ACTS**

58. The Anti-Pinkerton Act, 5 U.S.C. § 1803, prohibits the United States from doing business with “[a]n individual employed by the Pinkerton Detective Agency, or similar organization.” The legislative history of the Act makes it clear that a “similar organization” means any mercenary or quasi-mercenary organization.

59. Xe-Blackwater constitutes such a “similar organization” and therefore lacks any valid contractual relationships with the United States.

60. According to the United States, Xe-Blackwater’s actions seriously harmed the United States and violated the law.

INTENTIONAL DESTRUCTION OF PHYSICAL EVIDENCE

61. Reasonable discovery is likely to establish that in the normal course of business, Xe-Blackwater vehicles were frequently damaged and needed repainting. Xe-Blackwater routinely sent its vehicles to another company (believed to be Kellogg Brown Root) for repainting; Xe-Blackwater did not conduct the repainting itself.

62. Reasonable discovery is likely to establish that Xe-Blackwater departed from this normal course of business, immediately subsequent to the September 16, 2007, massacre.

63. Reasonable discovery is likely to establish that Xe-Blackwater obliterated crucial evidence by deliberately and intentionally repainting the vehicles involved in the shooting.

64. Reasonable discovery is likely to establish that Xe-Blackwater knew (or clearly should have known) that a direct examination of these vehicles in their original state would be needed during the investigation of the September 16, 2007 massacre.

65. Reasonable discover is likely to establish that there was no business need or rationale for such immediate repainting.

66. Reasonable discovery is likely to establish that there was no shortage of operational Xe-Blackwater vehicles in Iraq nor any shortage of funds to procure additional operational vehicles if the State Department urgently requested vehicles over and above the number already in Iraq.

67. Reasonable discovery is likely to establish that the State Department did not urgently request additional vehicles.

68. Reasonable discovery is likely to establish that, by so departing from its normal course of business and repainting the Nisoor Square vehicles immediately for no business reason, Xe-Blackwater intentionally destroyed critical evidence.

69. Reasonable discovery is likely to establish that the Xe-Blackwater's destruction of physical evidence eviscerates the victims' ability to examine the vehicles and establish for the jury the state of the vehicles on September 16, 2007.

70. Xe-Blackwater's spoliation of the evidence eviscerates the victims' ability to establish for the jury the reasons for the vehicles' physical state.

71. Reasonable discovery is likely to establish that on or before March 18, 2008, Xe-Blackwater executives Gary Jackson and Dave Jackson, as well as others, met in Xe-Blackwater's North Carolina compound to discuss the company's legal exposures arising from the ongoing governmental investigations.

72. Reasonable discovery is likely to establish that during that meeting, Xe-Blackwater executives directed that documents be shredded.

73. Reasonable discovery is likely to establish that, after that meeting, Xe-Blackwater employees shredded an unknown number of documents that related to the company's criminal and civil legal exposures.

74. Reasonable discovery is likely to establish that the shredding of documents negatively impacts the victims' ability to litigate their claims.

**COUNT ONE
WAR CRIMES**

75. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

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

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

78. Defendants committed war crimes against Plaintiffs.

79. Defendants are liable for their conduct that constitutes war crimes.

80. Defendants set the conditions, directly and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with others to act in the manner that led to the war crimes.

81. Defendants' misconduct caused grave and foreseeable injuries to Plaintiffs.

**COUNT TWO
SUMMARY EXECUTION**

82. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

83. Defendants' acts were deliberate killings that constitute summary executions. The killings were not carried out under the authority of any country or court.

84. Defendants are liable for their conduct that constitutes summary executions.

85. Defendants set the conditions, directly and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with others to act in the manner that led to the summary executions.

86. Defendants' misconduct caused grave and foreseeable injuries to Plaintiffs.

**COUNT THREE
ASSAULT AND BATTERY**

87. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

88. Defendants unlawfully intended to and did inflict immediate injury upon Plaintiffs.

89. Defendants intentionally assaulted, battered, and made other offensive contacts; and aided and abetted the assaulting, battering and offensively contacting, of the Plaintiffs.

90. Plaintiffs did not consent to the offensive contacts. Plaintiffs feared for their personal safety and felt threatened by Defendants' actions.

91. Defendants committed the assaults and batteries.

92. Defendants set the conditions, directly and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with others to act in the manner that led to the wrongful assaults and batteries.

93. Defendants' acts caused grave and foreseeable damages to Plaintiffs.

**COUNT FOUR
WRONGFUL DEATH**

94. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

95. The non-Estate Plaintiffs are persons able to serve in the capacity of personal representatives under Virginia law.

96. Defendants set the conditions, directly and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with others to act in the manner that led to the wrongful deaths.

97. Defendants' wrongful acts and omissions caused the deaths of Plaintiffs.

98. The deaths of Plaintiffs were the foreseeable result of Defendants' wrongful acts and omissions.

**COUNT FIVE
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

99. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

100. Defendants intentionally inflicted severe emotional distress by way of extreme and outrageous conduct on Plaintiffs and their family members. Defendants intended or recklessly disregarding the probability that Plaintiffs would suffer emotional distress when

101. Defendants' acts caused grave and foreseeable injuries to Plaintiffs and their family members.

COUNT SIX
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

102. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

103. Defendants negligently inflicted severe emotional distress on Plaintiffs and their family members.

104. Defendants breached a duty to Plaintiffs and others present at the Nissor Massacre.

105. Defendants' negligence directly and foreseeably harmed Plaintiffs.

COUNT SEVEN
NEGLIGENT HIRING, TRAINING AND SUPERVISION

106. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

107. Defendants acted negligently and directly harmed Plaintiffs by:

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

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

(c) failing to train personnel properly;

(d) failing to investigate allegations of wrongdoing;

- (e) failing to reprimand for wrongful actions;
- (f) failing to adequately monitor for and stop illegal substance abuse; and
- (g) negligently permitting repeated lawlessness by employees.

108. Defendants' negligence directly and foreseeably harmed Plaintiffs and their family members.

**COUNT EIGHT
TORTIOUS SPOILIATION OF EVIDENCE**

109. Defendants had a legal duty to preserve evidence relating to the Nisoor Square massacre and other killings.

110. Defendants intentionally destroyed that evidence.

111. By so destroying, defendants significantly impaired Plaintiffs' ability to prove critical facts in this action.

112. Defendants' intent, at least in part, in destroying the evidence was to lessen the risk that they would be found liable by a jury hearing this action.

113. Defendants' intentional destruction of evidence harmed and continues to harm the Plaintiffs.

**COUNT NINE AGAINST DEFENDANT ERIK PRINCE – VIOLATIONS OF
RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (“RICO”)**

114. The RICO Plaintiffs are Estates of Abtan, Abbass, Ali Khaleel, Abdulwahab Abdulqadir Al-Qalamchi, Sami Hawas Hamood, Fereed Waleed Hassoon, Bara'a Sa'adoon Ismael, Sameer Hoobi Jabbar, Mohammed Hassan Mohammed, Haider Ahmed Rabe'a, Hassan Jabir Salman, Estate of Mohamed Abbas Mahmoud, and Zuhair Najim Abbood Al-Mamouri.

115. These RICO Plaintiffs all suffered property damage to their cars during the Nissor Square massacre. RICO 18 U.S.C. §1964 (c).

116. The RICO Plaintiffs bring claims under RICO 18 U.S.C. §1962(b) and (c) against Defendant Erik Prince.

117. Defendant Erik Prince has created an enterprise that has engaged in a series of illegal acts. Defendant Erik Prince's RICO enterprise (hereinafter "Prince RICO Enterprise") is known to consist of the following entities: Samarus CO LTD, Prince Group LLC, Xe Services LLC (formerly EP Investments LLC and d/b/a Blackwater Worldwide), Greystone LTD, Total Intelligence Solutions LLC, all located at 1650 Tysons Boulevard, McLean, VA 22012; and Xe Services LLC, U.S. Training Center, Inc. (formerly Blackwater Lodge and Training Center, Inc.), GSD Manufacturing LLC (formerly Blackwater Target Systems), Blackwater Security Consulting LLC, Presidential Airlines, and Raven Development Group LLC, all located at 850 Puddin Ridge Road, Moyock, NC 27958. All of these entities are affiliated together, and engage in illegal conduct together.

118. Reasonable discovery likely will establish that the Prince RICO Enterprise includes entities called E&J Holdings LLC and Satelles Solutions, Inc. and others not yet known to Plaintiffs.

119. The Prince RICO Enterprise is an ongoing criminal enterprise that has been in existence since at least 2003. The conduct of the Prince RICO Enterprise demonstrates a pattern and practice of repeated illegality designed to create more wealth for Defendant Erik Prince and the Prince RICO Enterprise.

120. There is no goal that accomplished, would bring this Prince RICO Enterprise to an end. Rather, as evidenced by a lengthy series of illegal acts – ranging from murder to tax

evasion to destruction of evidence – Defendant Erik Prince and his RICO Enterprise will continue its racketeering unless stopped by this Court.

121. The Prince RICO Enterprise engages in a pattern of murder. For example, reasonable discovery likely will show that on or about February 16, 2005, the Prince RICO Enterprise committed murder, killing one man.

122. On or about June 25, 2005, the Prince RICO Enterprise committed murder, killing one man.

123. Reasonable discovery likely will show that on or about October 24, 2005, the Prince RICO Enterprise committed murder or attempted murder, killing or grievously injuring one person.

124. On or about December 24, 2006, the Prince RICO Enterprise committed murder, killing one man.

125. On or about February 4, 2007, the Prince RICO Enterprise committed murder, killing a woman.

126. On or about February 7, 2007, the Prince RICO Enterprise committed murder, killing two men.

127. On or about July 1, 2007, the Prince RICO Enterprise committed murder, killing a nine-year old boy.

128. On or about August 13, 2007, the Prince RICO Enterprise committed murder, killing one man.

129. On or about September 9, 2007, the Prince RICO Enterprise committed murder, killing two men.

130. On or about September 16, 2007, the Prince RICO Enterprise committed murder, killing seventeen men, women and children.

131. On or about May 5, 2009, the Prince RICO Enterprise committed murder, killing one man.

132. Reasonable discovery likely will establish the Prince RICO Enterprise murdered many others.

133. In June 2005, and reasonable discovery likely will show during other time periods as well, the Prince RICO Enterprise engaged in a pattern of destroying audio and videotaped evidence that revealed criminal acts by members of the Enterprise. The Prince RICO Enterprise's destruction of evidence violated 18 U.S.C. § 1512(3)(c).

134. In March 2008, May 2009, and reasonable discovery likely will show during other time periods as well, the Prince RICO Enterprise engaged in a scheme to shred and otherwise destroy the documentary evidence memorializing the Enterprise's wide and varied illegal conduct. The Prince RICO Enterprise's conduct violated 18 U.S.C. § 1512(3)(c).

135. Reasonable discovery likely will show that on or after September 16, 2007, the Prince RICO Enterprise engaged in the destruction of physical evidence in violation of violates 18 U.S.C. § 1512(3)(c).

136. During 2005, and reasonable discovery likely will show in subsequent years, the Prince RICO Enterprise engaged in a widespread pattern and practice of smuggling weapons and ammunition, including illegal ammunition. Reasonable discovery likely will show that the Prince RICO Enterprise violated 18 U.S.C. § 1956 as it funneled the proceeds of these ongoing illegal acts to various offshore accounts established in the names of the various entities within the Prince RICO Enterprise.

137. Reasonable discovery likely will show that the Prince RICO Enterprise repeatedly violated 18 U.S.C. §§2251, 2251, 2252, or 2260, having young girls provide oral sex to Enterprise members in the “Blackwater Man Camp” in exchange for one American dollar.

138. The Prince RICO Enterprise obtained and distributed controlled substances (steroids) in 2007, and reasonable discovery likely will show in other time periods as well. Reasonable discovery likely will show that the Prince RICO Enterprise violated 18 U.S.C. §§1952(a)(1) and (3) by traveling in foreign commerce with an intent to carry on these unlawful activities relating to substances controlled by section 102(6) of the Controlled Substances Act.

139. The Prince RICO Enterprise violated Section 7201 of the Internal Revenue Code by willfully evading the payment of taxes during 2006 and 2007. The Prince RICO Enterprise attempted to conceal the existence of the illegal tax evasion scheme from Congress and members of law enforcement. Reasonable discovery likely will show that the Prince RICO Enterprise engaged in a scheme to evade taxes by hiding the proceeds from its illegal racketeering acts in offshore accounts.

140. As set forth above and as will be shown by reasonable discovery, the Prince RICO Enterprise is involved in murder, weapons smuggling, money laundering, tax evasion, kidnapping, child prostitution, controlled substances, and the destruction of evidence relating to these various criminal schemes.

141. The Prince RICO Enterprise continues to exist and continues to engage in repeated illegal acts. The Prince RICO Enterprise’s racketeering will not stop, as it is immensely profitable for Defendant Erik Prince and the Enterprise he has created.

142. The continued existence of the well-funded and powerful Prince RICO Enterprise poses a grave and special threat to the well-being of the world.

DAMAGES

143. Plaintiffs, acting when necessary through the Estates or their Personal Representatives, are entitled to any and all remedies available to them as a result of the conduct alleged herein, including, but not limited to: attorneys fees; compensation for sorrow, mental anguish, and solace, including but not limited to society, companionship, comfort, guidance, kindly offices and advice of the decedent; compensation for reasonably expected loss of (a) income of the decedent and (b) services, protection, care and assistance provided by the decedent; and compensation for the expenses for the care, treatment and hospitalization of the decedent incident to the injury resulting in death; reasonable funeral expenses; and punitive damages because Xe-Blackwater engaged in willful and wanton misconduct, and acted with such recklessness as evinces a conscious disregard for the safety of others.

155. The RICO Plaintiffs seek all remedies available under RICO against RICO Defendant Erik Prince, including, but not limited to, damages, attorneys fees, and a Court Order that (a) requires Defendant Prince to divest himself of any direct or indirect interest in the Prince RICO Enterprise or to dissolve the Prince RICO Enterprise after making due provision for the rights of innocents, (b) impose reasonable restrictions on Defendant Prince's future activities or investments, and (c) prohibits Defendant Prince from engaging in any mercenary or private military business.

/s/

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Date: July 1, 2009

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July, 2009, I caused a copy of Plaintiffs' First Amended Complaint to be emailed via the ECF system to the following:

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