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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 RUTHIE ZAHAVI as an Individual and as) CASE NO.:
12 statutory representative of the Estate of AFIK)
13 ZAHAVI; EDWARD YOSEFOV as an) **PLAINTIFFS' COMPLAINT FOR**
14 Individual and as statutory representative of) **DAMAGES FOR WRONGFUL DEATH**
15 the Estate of MORDECHAI YOSEFOV;) **AND PERSONAL INJURY**
16 ALBINA IVRAGIMOV as an Individual and)
17 as statutory representative of the Estate of) **1) NEGLIGENCE UNDER ISRAELI**
18 MORDECHAI YOSEFOV; RAYA) **LAW;**
19 TAMAROV; KEREN ELMALIACH as an) **2) BREACH OF STATUTORY DUTY**
20 Individual, as statutory representative of the) **UNDER ISRAELI LAW;**
21 Estate of EMI ELMALIACH and as natural) **3) VICARIOUS LIABILITY UNDER**
22 guardian of plaintiff JAN ELMALIACH; JAN) **ISRAELI LAW;**
23 ELMALIACH, a minor; JACOB)
24 ELMALIACH; ARLETTE ELMALIACH;) **DEMAND FOR JURY TRIAL**
25 SHANI BEN SAADON as an Individual, as)
26 statutory representative of the Estate of)
27 MICHAEL BEN SAADON and as natural)
28 guardian of plaintiff NEHORAI BEN)
SAADON; NEHORAI BEN SAADON, a)
minor; ARLETTE BEN SAADON; ARIK)
BEN SAADON; IRIS BEN SAADON;)
ETTIE BELASON as an Individual, as)
statutory representative of the Estate of)
PHILIP BELASON and as natural guardian of)
plaintiffs URI BELASON and LINOR)
BELASON; URI BELASON, a minor;)
LINOR BELASON, a minor; LIRAN)
BELASON; LITAL BELASON; MIRI EREZ)
as an Individual and as statutory)
representative of the Estate of VICTOR)
EREZ; AVIV EREZ; TAL EREZ; HADAR)

1 EREZ; KEREN HAMIAS; MENACHEM)
YUNES as an Individual, as statutory)
2 representative of the Estate of LILY YUNES)
and as natural guardian of plaintiff TSACH)
3 YUNES; TSACH YUNES, a minor; ASSAF)
4 YUNES; BAT EL YUNES; LIDOR YUNES;)
MIRAIM AMAR as an Individual and as)
5 statutory representative of the Estate of)
BENJAMIN HAFUTA; SUSAN REVIVO as)
6 an Individual and as statutory representative)
of the Estate of BENJAMIN HAFUTA; TITI)
7 GOLDBERG as an Individual and as statutory)
8 representative of the Estate of BENJAMIN)
HAFUTA; RACHEL COHEN as an)
9 Individual and as statutory representative of)
the Estate of BENJAMIN HAFUTA; JACKIE)
10 HAFUTA as an Individual and as statutory)
representative of the Estate of BENJAMIN)
11 HAFUTA; PROSPER HAFUTA as an)
Individual and as statutory representative of)
12 the Estate of BENJAMIN HAFUTA;)
13 RADMILLA SHAULOV as an Individual, as)
statutory representative of the Estate of)
14 DAVID SHAULOV and as natural guardian)
of plaintiffs IDAN SHAULOV, KARIN)
15 SHAULOV and EDEN SHAULOV; IDAN)
16 SHAULOV, a minor; KARIN SHAULOV, a)
minor; EDEN SHAULOV, a minor; MAYA)
17 ANIDZAR as an Individual and as statutory)
representative of the Estate of LIOR ELIAHU)
18 ANIDZAR; YOSSI ANIDZAR; YVONNE)
19 ANIDZAR; DAVID ANIDZAR; DALIA)
AMAR; PURIM YAAKOBOV as an)
20 Individual, as statutory representative of the)
Estate of YAAKOV YAAKOBOV and as)
21 natural guardian of plaintiffs SALOMON)
YAAKOBOV and CHANUKA)
22 YAAKOBOV; SALOMON YAAKOBOV, a)
23 minor; CHANUKA YAAKOBOV, a minor;)
AMIR RAGOLSKY as an Individual and as)
24 statutory representative of the Estate of)
DANA GALKOWICZ; PERLA)
25 GALKOWICZ; NATAN GALKOWICZ;)
26 SHARON GALKOWICZ; ORIAN)
GALKOWICZ; MICHAEL SLUTZKER as)
27 an Individual and as statutory representative)
of the Estate of FATIMA SLUTZKER;)
28 NATALIA SLUTZKER; IGOR SLUTZKER;)

1 YONATAN ABUKASIS as an Individual, as)
statutory representative of the Estate of ELLA)
2 ABUKASIS and as natural guardian of)
plaintiff YAAKOV TAMIR ABUKASIS;)
3 SIMA ABUKASIS as an Individual, as)
4 statutory representative of the Estate of ELLA)
ABUKASIS and as natural guardian of)
5 plaintiff YAAKOV TAMIR ABUKASIS;)
6 RON ABUKASIS; YAAKOV TAMIR)
ABUKASIS, a minor; KEREN ABUKASIS;)
7 SHLOMIT ABUKASIS; AVRAHAM)
COHEN as an Individual and as natural)
8 guardian of plaintiff MATAN)
COHEN; COREEN COHEN as an Individual)
9 and as natural guardian of plaintiff MATAN)
COHEN; MATAN COHEN, a minor;)
10 HILLEL BASAD as an Individual and as)
natural guardian of plaintiff ADIR)
11 BASAD; BRURIA BASAD as an Individual)
and as natural guardian of plaintiff ADIR)
12 BASAD; ADIR BASAD, a minor; and)
13 YOCHANAN COHEN,)

14 Plaintiffs,)

15 vs.)

16 BANK OF CHINA LIMITED)
17 444 South Flower St., 39th Floor)
18 Los Angeles, California 90071)

19 Defendant.)
20)
21)

22 Plaintiffs complain and allege as follows:

23 **INTRODUCTION**

24 1. This is a civil action for a money judgment arising from a series of terrorist
25 attacks on civilians in Israel carried out by the Palestine Islamic Jihad and Hamas terrorist
26 organizations between May 13, 2004 and January 29, 2007.

27 2. The plaintiffs are persons injured in the aforementioned terrorist attacks and/or
28 the family members and statutory representatives of the estates of persons killed in the attacks.

1 Inheritance Law and is authorized by the provisions of Part 5 of the Inheritance Law to bring this
2 action on behalf of the Estate of EMI ELMALIACH.

3 10. Plaintiff JAN ELMALIACH is the minor son of plaintiff KEREN ELMALIACH
4 and decedent EMI ELMALIACH, and a surviving heir at law of EMI ELMALIACH under the
5 Inheritance Law.

6 11. Plaintiffs JACOB ELMALIACH and ARLETTE ELMALIACH are the parents of
7 decedent EMI ELMALIACH.

8 12. Plaintiff SHANI BEN SAADON is the widow of decedent MICHAEL BEN
9 SAADON, who was killed in the January 29, 2007 bombing. Plaintiff SHANI BEN SAADON is
10 a surviving heir at law of MICHAEL BEN SAADON under the Inheritance Law and is
11 authorized by the provisions of Part 5 of the Inheritance Law to bring this action on behalf of the
12 Estate of MICHAEL BEN SAADON.

13 13. Plaintiff NEHORAI BEN SAADON is the minor son of plaintiff SHANI BEN
14 SAADON and decedent MICHAEL BEN SAADON, and a surviving heir at law of MICHAEL
15 BEN SAADON under the Inheritance Law.

16 14. Plaintiffs ARLETTE BEN SAADON, ARIK BEN SAADON and IRIS BEN
17 SAADON are, respectively, the mother, brother and sister of decedent MICHAEL BEN
18 SAADON.

19 15. Plaintiff ETTIE BELASON is the widow of decedent PHILIP BELASON, who
20 was killed in a terrorist bombing carried out by the PIJ in Tel Aviv, Israel, on April 17, 2006
21 (hereinafter: April 17, 2006 bombing). Plaintiff ETTIE BELASON is a surviving heir at law of
22 PHILIP BELASON under the Inheritance Law and is authorized by the provisions of Part 5 of
23 the Inheritance Law to bring this action on behalf of the Estate of PHILIP BELASON.

24 16. Plaintiffs URI BELASON, minor, LINOR BELASON, a minor, LIRAN
25 BELASON and LITAL BELASON are the children of plaintiff ETTIE BELASON and decedent
26 PHILIP BELASON and are surviving heirs at law of PHILIP BELASON under the Inheritance
27 Law.

1 17. Plaintiff MIRI EREZ is the widow of decedent VICTOR EREZ, who was killed
2 in the April 17, 2006 bombing. Plaintiff MIRI EREZ is a surviving heir at law of VICTOR
3 EREZ under the Inheritance Law and is authorized by the provisions of Part 5 of the Inheritance
4 Law to bring this action on behalf of the Estate of VICTOR EREZ.

5 18. Plaintiffs AVIV EREZ, TAL EREZ, HADAR EREZ and KEREN HAMIAS are
6 the children of plaintiff MIRI EREZ and decedent VICTOR EREZ and are surviving heirs at law
7 of VICTOR EREZ under the Inheritance Law.

8 19. Plaintiff MENACHEM YUNES is the widower of decedent LILY YUNES, who
9 was killed in the April 17, 2006 bombing. Plaintiff MENACHEM YUNES is a surviving heir at
10 law of LILY YUNES under the Inheritance Law and is authorized by the provisions of Part 5 of
11 the Inheritance Law to bring this action on behalf of the Estate of LILY YUNES.

12 20. Plaintiffs TSACH YUNES, minor, ASSAF YUNES, BAT EL YUNES and
13 LIDOR YUNES are the children of plaintiff MENACHEM YUNES and decedent LILY YUNES
14 and are surviving heirs at law of LILY YUNES under the Inheritance Law.

15 21. Plaintiffs MIRAIM AMAR, SUSAN REVIVO, TITI GOLDBERG, RACHEL
16 COHEN, JACKIE HAFUTA and PROSPER HAFUTA are the siblings of decedent BENJAMIN
17 HAFUTA, who was killed in the April 17, 2006 bombing. Plaintiffs MIRAIM AMAR, SUSAN
18 REVIVO, TITI GOLDBERG, RACHEL COHEN, JACKIE HAFUTA and PROSPER HAFUTA
19 are surviving heirs at law of BENJAMIN HAFUTA under the Inheritance Law and are
20 authorized by the provisions of Part 5 of the Inheritance Law to bring this action on behalf of the
21 Estate of BENJAMIN HAFUTA.

22 22. Plaintiff RADMILLA SHAULOV is the widow of decedent DAVID SHAULOV,
23 who was killed in the April 17, 2006 bombing. Plaintiff RADMILLA SHAULOV is a surviving
24 heir at law of DAVID SHAULOV under the Inheritance Law and is authorized by the provisions
25 of Part 5 of the Inheritance Law to bring this action on behalf of the Estate of DAVID
26 SHAULOV.

1 23. Plaintiffs IDAN SHAULOV, KARIN SHAULOV and EDEN SHAULOV,
2 minors, are the children of plaintiff RADMILLA SHAULOV and decedent DAVID SHAULOV
3 and are surviving heirs at law of DAVID SHAULOV under the Inheritance Law.

4 24. Plaintiff MAYA ANIDZAR is the widow of decedent LIOR ELIAHU
5 ANIDZAR, who was killed in the April 17, 2006 bombing. Plaintiff MAYA ANIDZAR is a
6 surviving heir at law of LIOR ELIAHU ANIDZAR under the Inheritance Law and is authorized
7 by the provisions of Part 5 of the Inheritance Law to bring this action on behalf of the Estate of
8 LIOR ELIAHU ANIDZAR.

9 25. Plaintiffs YOSSI ANIDZAR and YVONNE ANIDZAR are the parents of
10 decedent LIOR ELIAHU ANIDZAR and are surviving heirs at law of LIOR ELIAHU
11 ANIDZAR under the Inheritance Law.

12 26. Plaintiffs DAVID ANIDZAR and DALIA AMAR are, respectively, the brother
13 and sister of decedent LIOR ELIAHU ANIDZAR.

14 27. Plaintiff PURIM YAAKOBOV is the widow of decedent YAAKOV
15 YAAKOBOV, who was killed in a terrorist rocket attack carried out by Hamas in Shaar
16 HaNegev, Israel on November 21, 2006. Plaintiff PURIM YAAKOBOV is a surviving heir at
17 law of YAAKOV YAAKOBOV under the Inheritance Law and is authorized by the provisions
18 of Part 5 of the Inheritance Law to bring this action on behalf of the Estate of YAAKOV
19 YAAKOBOV.

20 28. Plaintiffs SALOMON YAAKOBOV and CHANUKA YAAKOBOV, minors, are
21 the children of plaintiff PURIM YAAKOBOV and decedent YAAKOV YAAKOBOV and are
22 surviving heirs at law of YAAKOV YAAKOBOV under the Inheritance Law.

23 29. Plaintiff AMIR RAGOLSKY is the widower of decedent DANA GALKOWICZ,
24 who was killed in a terrorist rocket attack carried out by Hamas in Nativ Ha'asarah, Israel on
25 July 14, 2005. Plaintiff AMIR RAGOLSKY is a surviving heir at law of DANA GALKOWICZ
26 under the Inheritance Law and is authorized by the provisions of Part 5 of the Inheritance Law to
27 bring this action on behalf of the Estate of DANA GALKOWICZ.

1 30. Plaintiffs PERLA GALKOWICZ and NATAN GALKOWICZ are the parents of
2 decedent DANA GALKOWICZ and are surviving heirs at law of DANA GALKOWICZ under
3 the Inheritance Law.

4 31. Plaintiffs SHARON GALKOWICZ and ORIAN GALKOWICZ are, respectively,
5 the sister and brother of decedent DANA GALKOWICZ.

6 32. Plaintiff MICHAEL SLUTZKER is the widower of decedent FATIMA
7 SLUTZKER, who was killed in a terrorist rocket attack carried out by Hamas in Sderot, Israel on
8 November 15, 2006. Plaintiff MICHAEL SLUTZKER is a surviving heir at law of FATIMA
9 SLUTZKER under the Inheritance Law and is authorized by the provisions of Part 5 of the
10 Inheritance Law to bring this action on behalf of the Estate of FATIMA SLUTZKER.

11 33. Plaintiffs NATALIA SLUTZKER and IGOR SLUTZKER are the daughter and
12 son of decedent FATIMA SLUTZKER and are surviving heirs at law of FATIMA SLUTZKER
13 under the Inheritance Law.

14 34. Plaintiffs YONATAN ABUKASIS and SIMA ABUKASIS are the parents of
15 decedent ELLA ABUKASIS, who was killed in a terrorist rocket attack carried out by Hamas in
16 Sderot, Israel on January 15, 2005. Plaintiffs YONATAN ABUKASIS and SIMA ABUKASIS
17 are the surviving heirs at law of ELLA ABUKASIS under the Inheritance Law and are
18 authorized by the provisions of Part 5 of the Inheritance Law to bring this action on behalf of the
19 Estate of ELLA ABUKASIS.

20 35. Plaintiffs RON ABUKASIS, YAAKOV TAMIR ABUKASIS, minor, KEREN
21 ABUKASIS and SHLOMIT ABUKASIS are the siblings of decedent ELLA ABUKASIS.

22 36. Plaintiffs AVRAHAM COHEN and COREEN COHEN are the parents of
23 plaintiff MATAN COHEN, minor. Plaintiff MATAN COHEN was severely injured in a terrorist
24 rocket attack carried out by Hamas in Sderot, Israel on December 26, 2006.

25 37. Plaintiffs HILLEL BASAD and BRURIA BASAD are the parents of plaintiff
26 ADIR BASAD, minor. Plaintiff ADIR BASAD was severely injured in a terrorist rocket attack
27 carried out by Hamas in Sderot, Israel on December 26, 2006.

28

1 38. Plaintiff YOCHANAN COHEN was severely injured in a terrorist rocket attack
2 carried out by Hamas in Sderot, Israel on May 13, 2004.

3 39. Plaintiffs are informed and believe and thereon allege that at all times herein
4 mentioned, Defendant the BANK OF CHINA LIMITED (hereinafter BOC) is, and was, a
5 corporation headquartered in and organized under the laws of the People's Republic of China
6 (hereinafter PRC), which has a branch at 444 South Flower St., Los Angeles, California, and
7 does extensive business in the State of California.

8 **GENERAL ALLEGATIONS**

9 **The Palestine Islamic Jihad and Hamas**

10 40. The PIJ and Hamas were founded in the Gaza Strip during the 1980s.

11 41. The PIJ and Hamas are radical terrorist organizations. The openly-declared goal
12 of PIJ and Hamas is the creation of an Islamic state in the territory of Israel, the West Bank and
13 the Gaza Strip, and the destruction of the State of Israel and the murder or expulsion of its Jewish
14 residents. The PIJ and Hamas seek to achieve this goal by carrying out terrorist attacks against
15 Jewish civilians in Israel, the West Bank and the Gaza Strip. The PIJ and Hamas proudly and
16 openly acknowledge that they use terrorism to achieve their political goals.

17 42. Between the time of their founding and January 29, 2007 (and until the present
18 day), PIJ and Hamas have carried out thousands of terrorist attacks in Israel, the West Bank and
19 the Gaza Strip, in which scores of Israeli and U.S. citizens were murdered and hundreds more
20 wounded.

21 43. Between the time of their founding and January 29, 2007, the policy and practice
22 of the PIJ and Hamas of carrying out terrorist attacks was and is notorious and well known to the
23 public at large, including Defendant BOC.

24 44. Between 1999 and January 29, 2007, the courts of the United States published a
25 large number of decisions finding that PIJ and Hamas were responsible for terrorist attacks in
26 which American and Israeli citizens were killed or injured.

27 45. The PIJ and Hamas have been designated by the United States as a Foreign
28

1 Terrorist Organization (“FTO”) continuously since 1997 and as a Specially Designated Global
2 Terrorist (“SDGT”) continuously since 2001.

3 **The Terrorist Attacks**

4 46. The plaintiffs were injured and their decedents were killed by a series of terrorist
5 attacks (hereinafter: Terrorist Attacks) carried out by the PIJ and Hamas, as detailed below.

6 47. On June 28, 2004, Hamas fired a rocket from the Gaza Strip at the town of Sderot,
7 Israel. The rocket killed decedent AFIK ZAHAVI, a four year-old boy who was on his way to
8 nursery school, and severely injured his mother, Plaintiff RUTHIE ZAHAVI. This rocket attack
9 also killed decedent MORDECHAI YOSEFOV, a 49 year-old man.

10 48. As a result of the June 28, 2004 rocket attack Plaintiff RUTHIE ZAHAVI
11 suffered severe physical, psychological, emotional and financial harm and decedent AFIK
12 ZAHAVI suffered extreme conscious pain, death and financial harm.

13 49. As a result of the June 28, 2004 rocket attack, Plaintiffs EDWARD YOSEFOV,
14 ALBINA IVRAGIMOV and RAYA TAMAROV suffered severe psychological, emotional and
15 financial harm, and decedent MORDECHAI YOSEFOV extreme conscious pain, death and
16 financial harm.

17 50. On January 29, 2007, the PIJ carried out a terrorist bombing at a bakery in Eilat,
18 Israel. Decedents EMI ELMALIACH and MICHAEL BEN SAADON, the proprietors of the
19 bakery, were killed in the bombing.

20 51. As a result of the January 29, 2007 bombing, Plaintiffs KEREN ELMALIACH,
21 JAN ELMALIACH, JACOB ELMALIACH, ARLETTE ELMALIACH, SHANI BEN
22 SAADON, NEHORAI BEN SAADON, ARLETTE BEN SAADON, ARIK BEN SAADON and
23 IRIS BEN SAADON suffered severe psychological, emotional and financial harm, and
24 decedents EMI ELMALIACH and MICHAEL BEN SAADON suffered extreme conscious pain,
25 death and financial harm.

26 52. On April 17, 2006, in the midst of the Passover holiday, the PIJ carried out a
27 suicide bombing at the Rosh Ha’ir restaurant near the old central bus station in Tel Aviv, which
28 was filled with diners. Decedents PHILIP BELASON, VICTOR EREZ, LILY YUNES,

1 BENJAMIN HAFUTA, DAVID SHAULOV and LIOR ELIAHU ANIDZAR were killed in that
2 bombing.

3 53. As a result of the April 17, 2006 bombing, plaintiffs ETTIE BELASON, URI
4 BELASON, LINOR BELASON, LIRAN BELASON; LITAL BELASON; MIRI EREZ, AVIV
5 EREZ, TAL EREZ, HADAR EREZ, KEREN HAMIAS, MENACHEM YUNES, TSACH
6 YUNES, ASSAF YUNES, BAT EL YUNES, LIDOR YUNES, MIRAIM AMAR, SUSAN
7 REVIVO, TITI GOLDBERG, RACHEL COHEN, JACKIE HAFUTA, PROSPER HAFUTA,
8 RADMILLA SHAULOV, IDAN SHAULOV, KARIN SHAULOV, EDEN SHAULOV, MAYA
9 ANIDZAR, YOSSI ANIDZAR, YVONNE ANIDZAR, DAVID ANIDZAR and DALIA AMAR
10 suffered severe psychological, emotional and financial harm, and decedents PHILIP BELASON,
11 VICTOR EREZ, LILY YUNES, BENJAMIN HAFUTA, DAVID SHAULOV and LIOR
12 ELIAHU ANIDZAR suffered extreme conscious pain, death and financial harm.

13 54. On November 21, 2006, Hamas fired a rocket from the Gaza Strip at a poultry
14 factory in Shaar HaNegev, Israel. The rocket mortally wounded decedent YAAKOV
15 YAAKOBBOV, a forklift operator at the plant, who died of his wounds later that day.

16 55. As a result of the November 21, 2006 attack, Plaintiffs PURIM YAAKOBBOV,
17 SALOMON YAAKOBBOV and CHANUKA YAAKOBBOV suffered severe psychological,
18 emotional and financial harm and decedent YAAKOV YAAKOBBOV suffered extreme conscious
19 pain, death and financial harm.

20 56. On July 14, 2005, Hamas fired a rocket from the Gaza Strip at Nativ Ha'asarah,
21 Israel. The rocket killed Decedent DANA GALKOWICZ, a college student, and wounded her
22 common law spouse Plaintiff AMIR RAGOLSKY.

23 57. As a result of the July 14, 2005 attack, plaintiff AMIR RAGOLSKY suffered
24 severe physical, psychological, emotional and financial harm, plaintiffs PERLA GALKOWICZ,
25 NATAN GALKOWICZ, SHARON GALKOWICZ and ORIAN GALKOWICZ suffered severe
26 psychological, emotional and financial harm and decedent DANA GALKOWICZ suffered
27 extreme conscious pain, death and financial harm.

28

1 58. On November 15, 2006, Hamas fired a rocket from the Gaza Strip at Sderot,
2 Israel. That rocket killed 57 year-old FATIMA SLUTZKER in the presence of her husband,
3 Plaintiff MICHAEL SLUTZKER.

4 59. As a result of the November 15, 2006 attack, Plaintiffs MICHAEL SLUTZKER,
5 NATALIA SLUTZKER and IGOR SLUTZKER suffered severe psychological, emotional and
6 financial harm, and decedent FATIMA SLUTZKER suffered extreme conscious pain, death and
7 financial harm.

8 60. On January 15, 2005, Hamas fired a rocket from the Gaza Strip at Sderot, Israel.
9 That rocket killed 17 year-old ELLA ABUKASIS and wounded her ten year-old brother,
10 Plaintiff YAAKOV TAMIR ABUKASIS, whom ELLA sheltered with her body thereby saving
11 his life and sacrificing her own.

12 61. As a result of the January 15, 2005 attack Plaintiff YAAKOV TAMIR
13 ABUKASIS suffered severe physical, psychological, emotional and financial harm, Plaintiffs
14 YONATAN ABUKASIS, SIMA ABUKASIS, RON ABUKASIS, KEREN ABUKASIS and
15 SHLOMIT ABUKASIS suffered severe psychological, emotional and financial harm and
16 decedent ELLA ABUKASIS suffered extreme conscious pain, death and financial harm.

17 62. On December 26, 2006, Hamas fired a rocket from the Gaza Strip at Sderot,
18 Israel. That rocket severely wounded Plaintiffs MATAN COHEN and ADIR BASAD.

19 63. As a result of the December 26, 2006 attack Plaintiffs MATAN COHEN and
20 ADIR BASAD suffered severe physical, psychological, emotional and financial harm, and
21 Plaintiffs AVRAHAM COHEN, COREEN COHEN, HILLEL BASAD and BRURIA BASAD
22 suffered severe psychological, emotional and financial harm.

23 64. On December 26, 2006, Hamas fired a rocket from the Gaza Strip at Sderot,
24 Israel, which severely wounded Plaintiff YOCHANAN COHEN. As a result of that attack,
25 Plaintiff YOCHANAN COHEN suffered severe physical, psychological, emotional and financial
26 harm.

27 **Bank of China's Provision of Banking Services to the PIJ and Hamas**

28 65. The PIJ and Hamas are subject to strict economic sanctions programs imposed by

1 the United States as the result of their designation as FTOs and SDGTs (collectively hereinafter:
2 “U.S. Sanctions Regime”).

3 66. The U.S. Sanctions Regime is intended to prevent PIJ and Hamas from
4 conducting banking activities, and thereby limit their ability to plan, to prepare and to carry out
5 terrorist attacks.

6 67. The U.S. Sanctions Regime is effective when it is observed and enforced. PIJ and
7 Hamas are unable to conduct banking activities via banks and other financial institutions which
8 observe and enforce the U.S. Sanctions Regime.

9 68. If all banks and financial institutions around the world observed and enforced the
10 U.S. Sanctions Regime, the ability of PIJ and Hamas to conduct banking activities would be
11 severely restricted, and the ability of PIJ and Hamas to plan, to prepare and to carry out terrorist
12 attacks would be significantly reduced.

13 69. Nearly all banks and financial institutions around the world observe and enforce
14 the U.S. Sanctions Regime. The PIJ and Hamas are therefore forced to conduct its banking
15 activities using those very few banks and financial institutions which do not observe and enforce
16 the U.S. Sanctions Regime.

17 70. Defendant BOC does not observe or enforce the U.S. Sanctions Regime.

18 71. Beginning in July 2003, BOC began to provide extensive banking services to PIJ
19 and Hamas. Specifically, between 2003 and the date of the Terrorist Bombing, BOC executed
20 dozens of wire transfers for the PIJ and Hamas, totaling several million dollars. These dollar
21 transfers were initiated by the PIJ and Hamas leadership in Iran, Syria and elsewhere in the
22 Middle East, and were executed by and through BOC’s branches in the United States. Most of
23 these transfers were made to account number 4750401-0188-150882-6 at a BOC branch in
24 Guanzhou, China, in the name of “S.Z.R Alshurafa.” The owner of the account, Said al-Shurafa
25 (“Shurafa”) is a senior operative and agent of the PIJ and of Hamas. Other dollar transfers were
26 made by PIJ via BOC’s branches in the United States to another account belonging to Shurafa at
27 the same BOC branch in Guanzhou. The wire transfers referred to in this paragraph are referred
28 to collectively hereinafter as the “Wire Transfers.”

1 72. Pursuant to instructions from the PIJ and Hamas, upon receiving the Wire
2 Transfers in his BOC accounts Shurafa moved the sums to the PIJ and Hamas terrorist leadership
3 in Israel, the West Bank and the Gaza Strip, for the purpose of planning, preparing for and
4 executing terrorist attacks.

5 73. Terrorist organizations such as PIJ and Hamas need wire transfer and other
6 banking services in order to plan, to prepare for and to carry out terrorist attacks.

7 74. Provision of wire transfer or other banking services to PIJ and Hamas enables PIJ
8 and Hamas to plan, to prepare for and to carry out terrorist attacks, and enhances the ability of
9 the PIJ and Hamas to plan, to prepare for and to carry out such attacks.

10 75. PIJ and Hamas carried out the Wire Transfers in order to transfer and receive
11 funds necessary for planning, preparing and carrying out terrorist activity, including the Terrorist
12 Attacks in which the instant plaintiffs were harmed.

13 76. The Wire Transfers substantially increased and facilitated the ability of the PIJ
14 and Hamas to plan, to prepare for and to carry out terrorist attacks on civilians, including the
15 Terrorist Attacks in which the instant plaintiffs were harmed.

16 77. The Wire Transfers were enabled, facilitated and proximately caused by the
17 conduct of Defendant BOC described herein. As the result of BOC's conduct, the PIJ and Hamas
18 were able to transfer million of dollars in funds to their terrorist leadership in Israel, the West
19 Bank and the Gaza Strip, which substantially increased and facilitated their ability to plan and
20 carry out terrorist attacks, including the Terrorist Attacks in which the instant plaintiffs were
21 harmed. The Terrorist Attacks in which the instant plaintiffs were harmed were thereby enabled,
22 facilitated and proximately caused by the conduct of Defendant BOC described herein.

23 78. Plaintiffs' injuries are therefore the direct and proximate result of Defendant
24 BOC's' conduct.

25 79. At all times, BOC had actual knowledge that the Wire Transfers were being made
26 by the PIJ and Hamas for the purpose of carrying out terrorist attacks, and that the Wire
27 Transfers enhanced the ability of the PIJ and Hamas to plan, prepare for and carry out such
28 attacks. In April 2005, officials of the counterterrorism division of the Office of the Prime

1 Minister of the State of Israel (collectively hereinafter: “Israeli officials”) met with officials of
2 the PRC’s Ministry of Public Security and the PRC’s central bank (collectively hereinafter:
3 “PRC officials”) regarding the Wire Transfers. At that meeting in April 2005, the Israeli officials
4 emphasized to the PRC officials that the Wire Transfers were being made by the PIJ and Hamas
5 for the purpose of carrying out terrorist attacks, and that the Wire Transfers enhanced the PIJ’s
6 and Hamas’ ability to plan, prepare for and carry out such attacks. At that April 2005 meeting,
7 the Israeli officials demanded that the PRC officials take action to prevent BOC from making
8 further such transfers. The PRC officials notified the BOC of both the facts presented by the
9 Israeli officials and their demand the BOC halt the Wire Transfers, but the BOC (with the
10 approval of the PRC) ignored this demand and continued to carry out further Wire Transfers
11 between April 2005 and January 29, 2007 (and subsequently).

12 80. Even prior to the Israeli officials’ demand to halt the Wire Transfers, BOC knew
13 and/or should have known that the Wire Transfers were being made for illegal purposes, *inter*
14 *alia* in light of the following facts:

- 15 a. Most of the Wire Transfers were made in cash;
- 16 b. Most of the Wire Transfers were withdrawn by Shurafa on the same day they
17 were received or on the following day, often in cash;
- 18 c. The sums involved were large, mostly in the range of \$100,000 or more;
- 19 d. The intervals between transfers were often short (weeks or days) and the sums
20 transferred were often identical or similar. For example, many of the transfers
21 were for \$99,960, \$99,970 or \$99,990;
- 22 e. Many of the transfers were for round figures;
- 23 f. Many of the transfers were structured to be slightly less than round figures.
24 For example, many of the transfers were for \$99,960, \$99,970, \$99,990 or
25 \$199,965;
- 26 g. This pattern of transfers continued for a period of years;
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1 h. The Wire Transfers have no business or apparent lawful purpose, and there
2 was no reasonable explanation for them.

3 81. The facts enumerated in the previous paragraph are universally recognized by all
4 professional bankers, including Defendant BOC and its employees, as typical indicia of
5 transactions made for illegal purposes.

6 82. Even prior to the Israeli officials' demand to halt the Wire Transfers, BOC knew
7 and/or should have known that the Wire Transfers were being made for illegal purposes because
8 BOC had and has statutory duties, *inter alia* under United States law and under the rules
9 promulgated by the Financial Action Task Force ("FATF"), to monitor, report and refuse to
10 execute suspicious and/or irregular banking transactions. The Wire Transfers were facially
11 suspicious and irregular in light of each and all of the facts enumerated in paragraph 80. By
12 executing the Wire Transfers, Defendant BOC breached its statutory duties to monitor, report
13 and refuse to execute suspicious and/or irregular banking transactions.

14 83. Even prior to the Israeli officials' demand to halt the Wire Transfers, BOC knew
15 and/or should have known that the Wire Transfers were being made for illegal purposes because
16 BOC had and has statutory duties, *inter alia* under United States law and the rules promulgated
17 by FATF, to know its customers and perform due diligence. By executing the Wire Transfers,
18 BOC breached its statutory duties to know its customers and perform due diligence.

19 **FIRST CAUSE OF ACTION**

20 **NEGLIGENCE**

21 **(By All Plaintiffs Against Defendant BOC)**

22 **Under the Law of the State of Israel**

23 84. Plaintiffs allege and incorporate as though fully set forth herein Paragraphs 1
24 through 83, above.

25 85. Causes of action in tort in Israeli law are codified in the *Civil Wrongs Ordinance*
26 (*New Version*) - 1968, (hereinafter "CWO"). The CWO provides that any person injured or
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1 harmed by the civil wrongs enumerated in the CWO is entitled to relief from the person liable or
2 responsible for the wrong.

3 86. CWO § 35 creates a “civil wrong” of Negligence.

4 87. CWO § 35 provides that a person is liable for the civil wrong of Negligence when
5 he commits an act which a reasonable and prudent person would not have committed under the
6 same circumstances; or refrains from committing an act which a reasonable and prudent person
7 would have committed under the same circumstances; or, in the performance of his occupation,
8 does not use the skill or exercise the degree of caution which a reasonable person qualified to act
9 in that occupation would have used or exercised under the same circumstances, and thereby
10 causes damage to another person toward whom, under those circumstances he is obligated not to
11 act as he did.

12 88. CWO § 36 provides that the obligation stated in the last sentence of § 35 is toward
13 all persons, to the extent that a reasonable person would have under the same circumstances
14 foreseen that, in the ordinary course of events, they were liable to be injured by the act or
15 omission.

16 89. Under binding precedent of the Israeli Supreme Court, the tort of Negligence also
17 includes intentional and/or reckless conduct.

18 90. By carrying out the Wire Transfers, Defendant BOC performed acts which a
19 reasonable and prudent person would not have committed under the same circumstances, within
20 the meaning of the CWO.

21 91. Defendant BOC refrained from committing acts which a reasonable and prudent
22 person would have committed under the same circumstances, within the meaning of the CWO, in
23 that, *inter alia*, Defendant BOC failed to comply with its statutory obligations under United
24 States law and the FATF rules to know its customers and perform due diligence, and to monitor,
25 report and refuse to execute illegal, suspicious and/or irregular banking transactions.

26 92. Defendant BOC did not, in the performance of its occupation, use the skill or
27 exercise the degree of caution which a reasonable person qualified to act in that occupation
28 would have used or exercised under the same circumstances, within the meaning of the CWO, in

1 that, *inter alia*, BOC carried out the Wire Transfers, failed to comply with its statutory
2 obligations to know its customers and perform due diligence, and failed to monitor, report and
3 refuse to execute illegal, suspicious and/or irregular banking transactions.

4 93. Defendant BOC acted negligently in connection with the plaintiffs and the
5 decedents, toward whom, in the circumstances described herein, defendant BOC had an
6 obligation not to act as it did. Defendant BOC was obligated not to act as it did because a
7 reasonable person would, under the same circumstances, have foreseen that, in the ordinary
8 course of events, persons such as the decedents and the plaintiffs were liable to be harmed by
9 defendant BOC's acts and omissions described herein.

10 94. Defendant BOC's behavior constitutes Negligence under the CWO, and that
11 negligent behavior was the proximate cause of the plaintiffs' harm, which includes: death; severe
12 physical injuries, pain and suffering; loss of pecuniary support; loss of income; loss of
13 consortium; emotional distress; loss of society and companionship and loss of solatium, in a sum
14 in excess of the minimum jurisdictional limits of this court.

15 95. Defendant BOC is therefore liable for the full amount of plaintiffs' compensatory
16 damages.

17 96. Under Israeli case law a plaintiff harmed by an act of Negligence caused by
18 intentional or reckless conduct is entitled to punitive damages.

19 97. Defendant BOC's conduct was criminal in nature, dangerous to human life,
20 outrageous, intentional, reckless and malicious, and so warrants an award of punitive damages.

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23 **SECOND CAUSE OF ACTION**

24 **BREACH OF STATUTORY DUTY**

25 **(By All Plaintiffs Against Defendant BOC)**

26 **Under the Law of the State of Israel**

27 98. Plaintiffs allege and incorporate as though fully set forth herein Paragraphs 1
28 through 97 above.

1 99. CWO § 63 creates a civil wrong of Breach of Statutory Duty defined as the
2 failure to comply with an obligation imposed under any legal statute, if the legal statute is
3 intended for the benefit or protection of another person, and if the breach of the statute caused
4 that person damage of the kind or nature intended to be prevent by the statute.

5 100. CWO § 63(b) provides that for the purpose of CWO § 63, a statute is deemed to
6 have been enacted for the benefit or protection of a specific person, if it is intended for the
7 benefit or protection of that person, or for the benefit or protection of persons in general, or of
8 persons of a category or definition to which that specific person belongs.

9 101. Defendant BOC breached and failed to comply with obligations imposed upon it
10 by numerous statutes, which were intended for the benefit and protection of persons in general,
11 and for the benefit and protection of persons of the type, category and definition to which
12 plaintiffs and the decedents belong, within the meaning of the CWO.

13 102. The statutory obligations breached by defendant BOC include, without limitation,
14 the provisions of the following enactments:

- 15 a. The Bank Secrecy Act (31 U.S.C. § 5311 *et seq.*);
16 b. 31 C.F.R. Part 103;
17 c. 18 U.S.C. §§ 2331–2339 (criminal prohibitions on provision of material support
18 and resources, including banking services, to terrorist organizations).

19 103. All of the statutory enactments listed above are intended for the benefit and
20 protection of persons in general, for the specific benefit and protection of innocent civilians such
21 as the plaintiffs and the decedents, in that all of the statutory enactments listed above are
22 intended to protect all such persons from terrorist attacks and from all the damages which
23 terrorist attacks are liable to inflict.

24 104. Defendant BOC’s breach of its statutory obligations was the proximate cause of
25 the harm to the plaintiffs and the death of the decedents, and caused plaintiffs and the decedents
26 damage of the kind and nature intended to be prevented by the statutory enactments which were
27 breached by BOC, including: death; severe physical injuries, pain and suffering; loss of
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1 pecuniary support; loss of income; loss of consortium; emotional distress; loss of society and
2 companionship and loss of solatium, in a sum in excess of the minimum jurisdictional limits of
3 this court.

4 105. Defendant BOC committed the civil wrong of Breach of Statutory Duty under
5 CWO § 63, and is therefore liable for the full amount of plaintiffs' damages.

6 106. Under Israeli case law a plaintiff harmed by an intentional or reckless Breach of
7 Statutory Duty is entitled to punitive damages.

8 107. Defendant BOC's conduct was criminal in nature, dangerous to human life,
9 outrageous, intentional, reckless and malicious, and so warrants an award of punitive damages.

10 **THIRD CAUSE OF ACTION**

11 **VICARIOUS LIABILITY**

12 **(By All Plaintiffs Against Defendant BOC)**

13 **Under the Law of the State of Israel**

14 108. Plaintiffs allege and incorporate as though fully set forth herein Paragraphs 1
15 through 107 above.

16 109. Defendant BOC provided PIJ and Hamas with banking services which enabled,
17 facilitated, supported and assisted PIJ and Hamas to carry out the Terrorist Attacks in which
18 plaintiffs were harmed and the decedents killed.

19 110. Vicarious liability principles are recognized in Israeli law in § 12 of the CWO,
20 which provides that a person who participates in, assists, advises or solicits an act or omission,
21 committed or about to be committed by another person, or who orders, authorizes, or ratifies
22 such an act or omission, is liable for such act or omission.

23 111. Defendant BOC assisted PIJ and Hamas to carry out the Terrorist Attacks and is
24 therefore liable under CWO § 12 for the full amount of plaintiffs' damages, described above, in a
25 sum in excess of the minimum jurisdictional limits of this court.

26 112. Under Israeli case law a plaintiff harmed by intentional or reckless conduct is
27 entitled to punitive damages.

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1 113. Defendant BOC's conduct was criminal in nature, dangerous to human life,
2 outrageous, intentional, reckless and malicious, and so warrants an award of punitive damages.

3 **WHEREFORE**, Plaintiffs pray for judgment against Defendant, for each cause of action,
4 as follows:

- 5 1. For loss of financial support;
- 6 2. For general damages for loss of love, aid, comfort and society, in an amount to be
7 proven at time of trial;
- 8 3. For conscious pain and suffering;
- 9 4. For damages for medical and related expenses according to proof;
- 10 5. For damages for loss of earnings according to proof;
- 11 6. For other and further general and special damages in a sum according to proof at
12 the time of trial;
- 13 7. For punitive damages;
- 14 8. For interest according to law;
- 15 9. For costs of suit incurred herein; and
- 16 10. For such other and further relief as this Court deems just and proper.

17
18 Dated: August 21, 2008

LAW OFFICES OF FEDERICO C. SAYRE

19
20
21 By: _____

22 Kent M. Henderson
23 Attorneys for Plaintiffs

24 NITSANA DARSHAN-LEITNER & CO.
25 Nitsana Darshan-Leitner, Adv.
26 *Israeli Counsel for Plaintiffs*
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1 **DEMAND FOR JURY TRIAL**

2 Plaintiffs hereby demand a trial by jury in the above-entitled action.

3
4 Dated: August 21, 2008

LAW OFFICES OF FEDERICO C. SAYRE

5
6
7 By: _____

8 Kent M. Henderson
9 Attorney for Plaintiffs