

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JOHN DOES 1 THROUGH 7,

Plaintiffs,

v.

THE TALIBAN, AL-QAEDA,
and THE HAQQANI NETWORK,

Defendants.

Civil Action No. 4:20-CV-00605-X

PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT

Plaintiffs, John Does 1 through 7, by and through undersigned counsel and pursuant to Fed. R. Civ. P. 55(b)(2), hereby request that the Court enter a default judgment in this matter against Defendants, The Taliban, Al-Qaeda, and The Haqqani Network, and state as follows:

1. Plaintiffs initiated this action on March 20, 2020. (DE 1).
2. By order dated June 6, 2020, this Court ordered Plaintiffs to serve Defendants through the publication of legal notices in *Al-Quds Al-Arabi*—a newspaper owned and published by the Al Quds Al Arabi Foundation for Publishing and Media and circulated in Europe, the Middle East, North Africa, and North America—for a three week period. (DE 10).

3. Plaintiffs published legal notices in *Al-Quds Al-Arabi* on July 6, 2020, July 13, 2020, and July 20, 2020. (DE 12). Additionally, Plaintiffs have published the Legal Notice, the Complaint, and the Summons on the Internet at www.john-does-1-7-versus-taliban-al-queda-haqqani.com since June 29, 2020.

4. On August 12, 2020 the Clerk entered a default in this matter pursuant to Fed. R. Civ. P. 55(a). (DE 14). Since that time, no Defendant has appeared.

5. Fed. R. Civ. P. 55 provides in relevant part:

(b) Entering a Default Judgment.

...

(2) By the Court. In all other cases, the party must apply to the court for a default judgment. A default judgment may be entered against a minor or incompetent person only if represented by a general guardian, conservator, or other like fiduciary who has appeared. If the party against who a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 7 days before the hearing. The court may conduct hearings or make referrals – preserving any federal statutory right to a jury trial – when, to enter or effectuate judgment, it needs to:

- (A) conduct an accounting;
- (B) determine the amount of damages;
- (C) establish the truth of any allegation by evidence; or
- (D) investigate any other matter.

6. Plaintiffs have indicated to the Court, and reaffirm here, that they are willing to have the Court, rather than a jury, assess and impose damages.

7. Plaintiffs stand ready for a trial on damages or a hearing should the Court desire to have one, but submit that the Court may enter the award based on this motion and the supporting testimony.

8. Plaintiffs file contemporaneously with this motion Plaintiffs' Memorandum of Law on Damages. The declarations of Plaintiffs supporting this Motion are contemporaneously filed with the Court under seal due to the fact that it identifies the Plaintiffs by name, and reveal intimate details of the physical, emotional, and psychological effects they have suffered.

WHEREFORE, Plaintiffs respectfully request this Court to enter a default judgment for each of them against Defendants the Taliban, Al Qaeda, and The Haqqani Network, jointly and severally.

Dated: September 24, 2020

Respectfully submitted,

do Campo & Thornton, P.A.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 24, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

s/ John Thornton
John Thornton

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JOHN DOES 1 THROUGH 7,

Plaintiffs,

v.

THE TALIBAN, AL-QAEDA,
and THE HAQQANI NETWORK,

Defendants.

Civil Action No. 4:20-CV-00605-X

**ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY OF
DEFAULT JUDGMENT**

This matter having come before the Court on Plaintiffs' Motion for Default Judgment, and the Court, having considered the motion, Plaintiffs' Memorandum of Law on Damages, the supporting evidence, and otherwise being advised of the premises, it is hereby ORDERED and ADJUDGED that the following Judgment is entered in favor of Plaintiffs and against all Defendants named herein, jointly and severally, as follows, rounded to the nearest dollar:

1. Judgment is hereby entered for Plaintiff John Doe 1 for compensatory damages in the amount of \$23,179,645.00 (Twenty-Three Million One Hundred Seventy-Nine Thousand Six Hundred and Forty-Five Dollars).

2. Judgment is hereby entered for Plaintiff John Doe 2 for compensatory damages in the amount of \$23,296,980.00 (Twenty-Three Million Two Hundred Ninety-Six Thousand Nine Hundred and Eighty Dollars).

3. Judgment is hereby entered for Plaintiff John Doe 3 for compensatory damages in the amount of \$31,775,920.00 (Thirty-One Million Seven Hundred Seventy-Five Thousand Nine Hundred and Twenty Dollars).

4. Judgment is hereby entered for Plaintiff John Doe 4 for compensatory damages in the amount of \$24,231,823.00 (Twenty-Four Million Two Hundred Thirty-One Thousand Eight Hundred and Twenty-Three Dollars).

5. Judgment is hereby entered for Plaintiff John Doe 5 for compensatory damages in the amount of \$14,511,532.00 (Fourteen Million Five Hundred Eleven Thousand Five Hundred and Thirty-Two Dollars).

6. Judgment is hereby entered for Plaintiff John Doe 6 for compensatory damages in the amount of \$10,672,656.00 (Ten Million Six Hundred Seventy-Two Thousand Six Hundred and Fifty-Six Dollars).

7. Judgment is hereby entered for Plaintiff John Doe 7 for compensatory damages in the amount of \$10,750,185.00 (Ten Million Seven Hundred Fifty Thousand One Hundred and Eighty-Five Dollars).

8. The above judgments are entered jointly and severally against the following named Defendants: the Taliban, Al-Qaeda, and the Haqqani Network.

DONE AND ORDERED at Fort Worth, Texas, on _____

Mark T. Pittman
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JOHN DOES 1 THROUGH 7,

Plaintiffs,

v.

THE TALIBAN, AL-QAEDA,
and THE HAQQANI NETWORK,

Defendants.

Civil Action No. 4:20-CV-00605-X

PLAINTIFFS' MEMORANDUM OF LAW ON DAMAGES

Plaintiffs, John Does 1 through 7, hereby file Plaintiffs' Memorandum of Law of Damages and state as follows:

I. INTRODUCTION

Plaintiffs, John Does 1 through 7, were victims of a massive bomb attack by the Taliban, Al-Qaeda, and the Haqqani Network in Kabul, Afghanistan on January 4, 2016. On that date, Defendants, acting in concert, detonated 3,000 pounds of explosives outside a compound where Plaintiffs, who were working as civilian contractors, were working and staying. Plaintiffs were within the blast radius and were gravely injured. The attack and the injuries resulted in pain and suffering, and have had long-term physical and psychological effects. Plaintiffs have suffered severe limitations and restrictions on their abilities to work ever since.

Plaintiffs seek damages for the physical and psychological injuries they suffered and continue to suffer, as well as for their economic losses, as the victims of a terrorist attack perpetrated by Defendants, the Taliban, Al-Qaeda, and the Haqqani Network, acting in concert. This memorandum will provide the legal grounds for an award on damages.

II. PROCEDURAL HISTORY

On March 20, 2020, Plaintiffs filed the Complaint in this matter under the Antiterrorism Act, 18 U.S.C. § 2333 (hereinafter “ATA”) and the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962(b) (hereinafter “RICO”) seeking an award of compensatory and punitive damages for their ordeal. (DE 1). By order dated June 17, 2020, the Court granted Plaintiffs permission to effect service of process on Defendants, the Taliban, Al-Qaeda, and the Haqqani Network by publication. (DE 10). Plaintiffs published the approved legal notice in the manner approved by the Court. (DE 12). When Defendants the Taliban, Al-Qaeda, and the Haqqani Network failed to enter an appearance, file a responsive pleading, or otherwise seek an extension of time, Plaintiffs requested entry of a default. (DE 13). The Clerk of Court entered default against Defendants the Taliban, Al-Qaeda, and the Haqqani Network on August 12, 2020. (DE 14). Plaintiffs now seek a default judgment, and provide the following in support for their claim of damages.

III. FACTS

The Complaint (DE 1), which stands uncontested and is corroborated by the Declarations of John Does 1 through 7¹, states that Plaintiffs were staying at a complex called Darya Village while on a contracting job for the United States Department of State in Kabul, Afghanistan. On or about January 4, 2016, a suicide bomber in a truck packed with explosives detonated outside of the protected compound, ripping a deep crater in the ground and leaving a tangle of wreckage. The truck contained approximately 3,000 lbs. of explosives. The blast zone from the massive explosion had a 100-meter radius and caused a 15-foot deep crater. Plaintiffs, John Does 1 through 7, were all inside the blast zone.

IV. JUDGMENT AND DAMAGES UNDER THE ATA

The Anti-Terrorism Act provides a civil cause of action for U.S. nationals injured by an act of international terrorism. It states:

Any national of the United States injured in his or her person, property or business by reason of an act of international terrorism, or his or her estate, survivors, or heirs may sue therefore in any appropriate district court of the United States and shall recover threefold the damages he or she sustains and the cost of the suit, including attorney's fees.

¹ These Declarations are contemporaneously being filed with the Court under seal due to the fact that they identify Plaintiffs and reveal details of the physical and mental injuries they suffered and their private medical records, the revelation of which would cause Plaintiffs further harm.

18. U.S.C. § 2333. The term “acts of international terrorism” is defined as meaning activities that:

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, (B) appear to be intended — (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and (C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.

18. U.S.C. § 2331(1). Additionally, the ATA has been interpreted to encompass the funding of terrorist activities where such funding is provided “with knowledge of an intent to further” violent acts that are reasonably foreseeable as a result of the funding. *See Burnett v. Al Baraka Inv. & Dev. Group*, 274 F. Supp. 2d 86, 106 (D.D.C. 2003).

If the facts alleged in the Complaint are sufficient to establish liability, the court must then conduct an inquiry to ascertain the amount of damages. *See Arista Records, Inc. v. Berker Enter., Inc.*, 298 F. Supp.2d 1310, 1312 (S.D. Fla. 2003). Here, the Complaint clearly alleges that Plaintiffs were injured by reason of an act of international terrorism, and clearly alleges the supporting role that each of the named Defendants played in that terrorism. As such, the Court should now assess an award of damages against the Defendants.

Several courts have considered the scope of the damages available under § 2333(a) and have concluded that the deterrent purpose of the ATA is maximized if it is interpreted to subject terrorists to the broadest range of damages. *See Knox v. Palestine Liberation Organization*, 442 F. Supp. 2d 62 (S.D.N.Y. 2006); *see also Ungar v. Palestine Authority*, 304 F. Supp. 2d 232, 267 (D.R.I. 2004). As observed in the *Ungar* case, “Senator Grassley, the bill’s co-sponsor, indicated that ‘it empowers victims with all the weapons available in civil litigation.’” *Ungar*, 304 F. Supp. 2d at 265 (quoting Antiterrorism Act of 1990: Hearing before the Subcomm. on Intellectual Prop. & Judicial Admin. of the House Comm. on the Judiciary, 102nd Congress 10 (1992)); *See also Boim v. Quranic Liberty Inst. And Holy Land Found for Relief and Dev.*, 291 F. 3d 1000, 1010 (7th Cir. 2002) (“That [legislative] history, in combination with the language of the statute itself, evidence an intent to codify general common law tort principles and to extend civil liability for acts of international terrorism to the full reaches of traditional tort law.”). Thus, under the ATA, Plaintiffs are entitled to recover both, pecuniary damages and noneconomic damages. *See Ungar*, 304 F. Supp. 2d. at 232. (Citing to the Report and Recommendation of 7/3/03 DE 183 at 37-43) (The magistrate reasoned that “one of the purposes of §2333(a) was the deterrence of terrorist attacks. The deterrent effect of the legislation will be maximized if it is interpreted to subject terrorists to the broadest possible range of

damages ... §2333(a) should be interpreted to allow for recovery of both pecuniary damages ... and also for non-economic damages.”).

The damage awards in ATA cases throughout federal courts in the United States are inherently imprecise in nature and large in scale to meaningfully compensate victims of international terrorism, while meaningfully sanctioning Defendants. These damage awards rightfully transcend prosaic and precise calculations. They are typically large and tend to come in increments of millions or half millions of dollars. *See Morris*, 415 F. Supp. 1323 (appropriate amount of damages to be awarded under Anti-Terrorism Act to survivors of Army soldier who had been killed in al Qaeda attack in Afghanistan was \$31.5 million, to be trebled pursuant to ATA); *see also Boim v. Quranic Literacy Institute*, 2005 WL 433463 (N.D. Ill. 2005) (The court held that the award of economic damages was not excessive when in the trial the jury found the defendant liable and awarded damages in the amount of \$52 million against all defendants, and the court then tripled the jury’s award, as required by 18 U.S.C. § 2333, for a total award of \$156 million); *Pugh v. Socialist People’s Libyan Arab Jamahiriya*, 530 F. Supp. 2d 216 (D. D. C. 2008) (Appropriate award of damages under New York and Texas law, to each of the wives of passengers killed in the terrorist bombing of an aircraft in Africa by government of Libya and its intelligence service, was \$26 million for pain and suffering), *Stansell v. Revolutionary Armed Forces of Colom.*, 2010 WL 11507790 (M.D.

Florida June 14, 2010) (Victims of terrorist kidnapping received a \$318 million default judgment against their captor for compensatory damages).

An evidentiary hearing may be required to determine the amount of damages; however, where the record is sufficient, a court may be able to determine damages without a hearing. *See Capitol Records, Inc. v. Lyons*, 2004 WL 1732324, at *3 (N.D. Texas Aug 2, 2004); *see also James v. Frame*, 6 F.3d 307 (5th Cir. 1993) (stating that the court may rely upon detailed Declarations, documentary evidence, and its personal knowledge of the record to award damages); *Sec. & Exch. Comm'n v. Smyth*, 420 F.3d 1225, 1231-1232 n. 13 (11th Cir. 2005) (stating that no hearing is necessary “when the district court already has a wealth of evidence from the party requesting the hearing, such that any additional evidence would be truly unnecessary to a fully informed determination of damages”); *Morris v. Khadr*, 415 F. Supp. 2d 1323 (D. Utah. 2006) (stating that the District Court may consider affidavit testimony as evidence in support of a plaintiff’s claimed damages under the Anti-Terrorism Act).

Here, Plaintiffs John Does 1 through 7 have each submitted detailed Declarations attesting to the pecuniary and non-pecuniary damages they suffered as a direct and proximate result of the intentional, willful, and malicious acts of terrorism by Defendants the Taliban, Al-Qaeda, and the Haqqani Network.

A. Pecuniary Damages

Plaintiffs are entitled to economic damages, primarily loss of income and lost earning capacity. In their Declarations, each Plaintiff attested as to his income prior to the terrorist attack, and his subsequent earnings, or lack thereof, as a direct and proximate result of the bombing. Plaintiffs likewise testified individually as to their physical and mental injuries, and how those affected their professional careers and their future earning capacity.

i. John Doe 1

Plaintiff, John Doe 1 describes a lucrative career that was completely destroyed. Thus, as his Declaration shows, he is entitled to economic damages in the amount of \$5,726,548.32. This number is comprised of \$873,314.72 in loss of income and \$5,075,000 in lost earning capacity, minus \$221,766.40 of compensation already received in the form of disability benefits from a Defense Base Act settlement against GardaWorld. *See* John Doe 1 Decl. ¶¶ 43-46. Lost earnings capacity consists of the salary and benefits that it is projected John Doe 1 would have earned over the remainder of his work life had the bombing not derailed his entire professional career.

ii. John Doe 2

Plaintiff, John Doe 2 describes a lucrative career that was completely destroyed. Thus, as his Declaration shows, he is entitled to economic damages in

the amount of \$5,765,660. This number is comprised of \$792,004 in loss of income and \$5,053,656 in lost earning capacity, minus \$80,000 of compensation already received in the form of disability benefits from a Defense Base Act settlement against GardaWorld. *See* John Doe 2 Decl. ¶¶ 37-40. Lost earnings capacity consists of the salary and benefits that it is projected John Doe 2 would have earned over the remainder of his work life had the bombing not derailed his entire professional career.

iii. John Doe 3

Plaintiff, John Doe 3 describes a lucrative career that was completely destroyed. Thus, as his Declaration shows, he is entitled to economic damages in the amount of \$8,591,973.37. This number is comprised of \$827,850 in loss of income and \$8,050,000 in lost earning capacity, minus \$285,876.63 of compensation already received in the form of disability benefits from a Defense Base Act settlement against GardaWorld. *See* John Doe 3 Decl. ¶¶ 54-57. Lost earnings capacity consists of the salary and benefits that it is projected John Doe 3 would have earned over the remainder of his work life had the bombing not derailed his entire professional career.

iv. John Doe 4

Plaintiff, John Doe 4 describes a lucrative career that was completely destroyed. Thus, as his Declaration shows, he is entitled to economic damages in

the amount of \$6,077,274.30. This number is comprised of \$740,674.30 in loss of income and \$5,524,600 in lost earning capacity, minus \$188,000 of compensation already received in the form of disability benefits from a Defense Base Act settlement against GardaWorld. *See* John Doe 4 Decl. ¶¶ 38-41. Lost earnings capacity consists of the salary and benefits that it is projected John Doe 4 would have earned over the remainder of his work life had the bombing not derailed his entire professional career.

v. John Doe 5

Plaintiff, John Doe 5 describes a lucrative career that was completely destroyed. Thus, as his Declaration shows, he is entitled to economic damages in the amount of \$2,837,177.28. This number is comprised of \$933,200 in loss of income and \$2,800,000 in lost earning capacity, minus \$541,372.69 of compensation already received and \$354,650.03 to be received in payments of \$955.93 a month until May 18, 2051 in the form of disability benefits from a Defense Base Act settlement against GardaWorld, plus in total future compensation in the form of disability benefits. *See* John Doe 5 Decl. ¶¶ 32-35. Lost earnings capacity consists of the salary and benefits that it is projected John Doe 5 would have earned over the remainder of his work life had the bombing not derailed his entire professional career.

vi. John Doe 6

Plaintiff, John Doe 6 describes a lucrative career that was completely destroyed. Thus, as his Declaration shows, he is entitled to economic damages in the amount of \$1,557,552. This number is comprised of \$557,552 in loss of income and \$1,190,000 in lost earning capacity, minus \$190,000 of compensation already received in the form of disability benefits from a Defense Base Act settlement against GardaWorld. *See* John Doe 6 Decl. ¶¶ 31-34. Lost earnings capacity consists of the salary and benefits that it is projected John Doe 6 would have earned over the remainder of his work life had the bombing not derailed his entire professional career.

vii. John Doe 7

Plaintiff, John Doe 7 describes a lucrative career that was completely diminished. Thus, as his Declaration shows, he is entitled to economic damages in the amount of \$1,583,395. This number is comprised of \$669,510 in loss of income and \$1,099,800 in lost earning capacity, minus \$134,000 of compensation already received and \$51,915 to be received in payments of \$5,191,50 per year for ten years in the form of disability benefits from a Defense Base Act settlement against GardaWorld. *See* John Doe 7 Decl. ¶¶ 30-33. Lost earnings capacity consists of the salary and benefits that it is projected John Doe 7 would have earned over the

remainder of his work life had the bombing not derailed his entire professional career.

B. Non-Pecuniary Damages

Plaintiffs are also entitled to non-pecuniary damages, primarily pain and suffering. While calculating economic losses is straightforward based on calculations of loss of income and future expected earnings, calculating damages for pain and suffering is much less precise. In assessing non-economic damages, courts have been guided by prior decisions regarding damages for pain and suffering of victims of terrorism. *See Smith v. Islamic Emirate of Afghanistan*, 2003 WL 21027170, at * 15 (S.D.N.Y. May 16, 2003) (awarding \$2.5 million for pain and suffering to estate of plaintiff who realized he was trapped and doomed in the North Tower of World Trade Center and likely experienced a very painful death); *see also Wesinten v. Islamic Republic of Iran*, 184 F. Supp. 2d 13, 18, 23 (D.D.C. 2002) (awarding \$10 million for pain and suffering to estate of bombing victim who survived with severe burns for forty-nine days); *Elahi v. Islamic Republic of Iran*, 124 F. Supp. 2d 97, 114 (D.D.C. 2000) (finding \$1 million appropriate compensation for pain and suffering of decedent who apparently struggled with his assassin for thirty seconds before being shot); *Higgins v. Islamic Republic of Iran*, 2000 WL 33674311, at *8 (D.D.C. Sept. 21, 2000) (awarding \$30 million for pain and suffering where decedent was held captive for 529 days in primitive conditions and whose body

indicated grievous injuries); *Einsenfeld v. Islamic Republic of Iran*, 172 F. Supp. 2s 1, 5, 8 (D.D.C. 2000) (concluding that \$1 million was appropriate to compensate for “several minutes” of pain and suffering of bombing victim who expired on the scene); *Flatow v. Islamic Republic of Iran*, 999 F. Supp. 1, 29 (D.D.C. 1998) (finding \$1 million appropriate to compensate for three to five hours of pain and suffering of bombing victim). In sum, the award should be large enough to attempt to compensate Plaintiffs for the past and future pain and suffering and should be consistent with the size of compensatory damage awards in other similar ATA cases.

Here, each of the Plaintiffs testified individually as to his physical and mental injuries, and how those affected his quality of life. There were common elements to their testimony: the severe pain Plaintiffs experienced from the physical injuries at the time of the bombing; the fear of a second attack; the dread of impending death; the anguish of seeing their friends unconscious, wounded, or dead; the mental and emotional distress; the post-traumatic stress; the strained or ruined familial relationships; the ongoing physical and mental impediments; and the frustration of ruined or damaged careers and financial instability that comes with it. These common problems mandate a sizable compensatory damage award for each of them. Due to the grave physical and mental injuries of the most painful nature and

severity suffered by each Plaintiff an award of \$2,000,000.00 per Plaintiff is appropriate.

C. Trebling of damages awarded under the ATA

The ATA provides that the Plaintiff “shall recover threefold the damages he or she sustains.” 18. U.S.C. § 2333. As such the damages awarded must be trebled.

V. JUDGMENT AND DAMAGES UNDER RICO

Plaintiffs are likewise, and alternatively, entitled to judgment and damages under RICO. Specifically, the uncontested facts of the Complaint establish that Defendants and their co-conspirators or agents, in violation of 18 U.S.C. § 1962, have *inter alia*: derived income from a pattern of racketeering activity; acquired or maintained an interest in or control of an International Conspiracy engaged in or affecting interstate commerce and foreign commerce; and conspired to conduct the affairs of the International Conspiracy through a pattern of racketeering activities through multiple predicate acts. These acts include, *inter alia*, terrorism, murder, laundering of monetary instruments, and engaging in monetary transactions improperly derived from unlawful activity. As a direct and proximate result, Plaintiffs were injured in their business or property, and so are entitled to judgment pursuant to 18 U.S.C. § 1964.

Plaintiffs’ damages pursuant to RICO are comprised of and limited to damages to their business and property. Because these damages are subsumed

within the damages awarded pursuant to the ATA, a separate analysis of them is not necessary. It is worth noting that, as is the case with the ATA, under RICO's civil penalties section, the injured person "shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee." 18 U.S.C. § 1964(c).

VI. ALL DAMAGES ARE COMPENSATORY

Under both the ATA and RICO, the trebled damages award is compensatory in nature. As was recently held in by the Southern District of Florida:

Indeed, ATA is similar to RICO and the Clayton Act, which also allow for the award of treble damages, the cost of the suit, and reasonable attorney's fees. *See* 18 U.S.C. § 2333(a); 18 U.S.C. § 1964(c); 15 U.S.C. § 15(a). The damages provisions of both statutes are remedial. "Both RICO and the Clayton Act are designed to remedy economic injury by providing for the recovery of treble damages, costs, and attorney's fees." *Agency Holding Corp. v. Malley-Duff & Associates, Inc.*, 483 U.S.C 143, 151 (1987); *see also Phoenix Bond & Indem. Co. v. Bridge*, 2012 WL 8706, at *3 (N.D. Ill. Jan. 2, 2012) ("The Supreme Court has consistently characterized RICO's treble damages provision (and the parallel treble damages provision in the Clayton Act, on which RICO's damage provision was modeled) as remedial rather than punitive").

Stansell v. Revolutionary Armed Forces of Colombia, No. 19-20896-Civ, 2020 U.S. Dist. LEXIS 126349 (S.D. Fla. July 15, 2020).

VII. CONCLUSION

As stated above, because the damages awarded pursuant to RICO are less than, and included in, the damages awarded pursuant to the ATA, Plaintiffs should

be awarded the greater amount provided by the ATA. Thus, Plaintiffs respectfully request that a final judgment of compensatory damages be entered in on behalf of each Plaintiff and against all Defendants, the Taliban, Al-Qaeda, and the Haqqani Network, jointly and severally, as follows:

John Doe 1:

Pecuniary Damages	\$5,726,548.32		
Non-pecuniary Damages	<u>\$2,000,000</u>		
Total compensatory award	\$7,726,548.32 x 3 =		<u>\$23,179,645</u>

John Doe 2:

Pecuniary Damages	\$5,765,660		
Non-pecuniary Damages	<u>\$2,000,000</u>		
Total compensatory award	\$7,765,660 x 3 =		<u>\$23,296,980</u>

John Doe 3:

Pecuniary Damages	\$8,591,973.37		
Non-pecuniary Damages	<u>\$2,000,000</u>		
Total compensatory award	\$10,591,973.40 x 3 =		<u>\$31,775,920</u>

John Doe 4:

Pecuniary Damages	\$6,077,274.30		
Non-pecuniary Damages	<u>\$2,000,000</u>		
Total compensatory award	\$8,077,274.30 x 3 =		<u>\$24,231,823</u>

John Doe 5:

Pecuniary Damages	\$2,837,177.28		
Non-pecuniary Damages	<u>\$2,000,000</u>		
Total compensatory award	$\$4,837,177.28 \times 3 =$		<u>\$14,511,532</u>

John Doe 6:

Pecuniary Damages	\$1,557,552		
Non-pecuniary Damages	<u>\$2,000,000</u>		
Total compensatory award	$\$3,557,552 \times 3 =$		<u>\$10,672,656</u>

John Doe 7:

Pecuniary Damages	\$1,583,395		
Non-pecuniary Damages	<u>\$2,000,000</u>		
Total compensatory award	$\$3,583,395 \times 3 =$		<u>\$10,750,185</u>

Additionally, the Court should find that each Plaintiff be awarded the costs of the suit, including attorney's fees, as is provided for by both the ATA and RICO. Plaintiffs request that the Court reserve ruling on the amount of the costs of suit, including attorneys' fees.

Dated: September 24, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 24, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

s/ John Thornton

John Thornton