

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE TERRORIST ATTACKS ON

CIVIL ACTION NO.

SEPTEMBER 11, 2001

03 MDL 1570 (GBD)

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FIONA HAVLISH, in her own right :
and as Executrix of the ESTATE OF :
DONALD G. HAVLISH, JR., Deceased, :

CIVIL ACTION NO.
03-CV-9848 – GBD

RUSSA STEINER, in her own right :
and as Executrix of the ESTATE OF :
WILLIAM R. STEINER, Deceased, :

Case Transferred from the
United States District Court
for the District of Columbia
Case Number 1:02CV00305

CLARA CHIRCHIRILLO, in her own right :
and as Executrix of the ESTATE OF :
PETER CHIRCHIRILLO, Deceased, :

TARA BANE, in her own right, :
and as Executrix of the ESTATE OF :
MICHAEL A. BANE, Deceased, :

**PLAINTIFFS’
MEMORANDUM
CLARIFYING DAMAGES
REQUEST**

GRACE M. PARKINSON-GODSHALK, in her :
own right and as Executrix of the ESTATE OF :
WILLIAM R. GODSHALK, Deceased, :

ELLEN L. SARACINI, in her own right :
and as Executrix of the ESTATE OF :
VICTOR J. SARACINI, Deceased, :

THERESANN LOSTRANGIO, in her own right :
and as Executrix of the ESTATE OF :
JOSEPH LOSTRANGIO, Deceased, *et al.*, :

Plaintiffs,

v.

SHEIKH USAMAH BIN-MUHAMMAD :
BIN-LADEN, a.k.a. OSAMA BIN-LADEN, :

AL-QAEDA/ISLAMIC ARMY, :
an unincorporated association, *et al.*, :

FOREIGN STATE DEFENDANTS: :
: THE ISLAMIC REPUBLIC OF IRAN, :
: AYATOLLAH ALI-HOSEINI KHAMENEI, :
: ALI AKBAR HASHEMI RAFSANJANI, :
: IRANIAN MINISTRY OF :
: INFORMATION AND SECURITY, :
: THE ISLAMIC REVOLUTIONARY :
: GUARD CORPS, :
: HEZBOLLAH, :
: an unincorporated association, :
: THE IRANIAN MINISTRY :
: OF PETROLEUM, :
: THE NATIONAL IRANIAN :
: TANKER CORPORATION, :
: THE NATIONAL IRANIAN :
: OIL CORPORATION, :
: THE NATIONAL IRANIAN :
: GAS COMPANY, :
: IRAN AIRLINES, :
: THE NATIONAL IRANIAN :
: PETROCHEMICAL COMPANY, :
: IRANIAN MINISTRY OF :
: ECONOMIC AFFAIRS AND FINANCE, :
: IRANIAN MINISTRY OF :
: COMMERCE, :
: IRANIAN MINISTRY OF DEFENSE :
: AND ARMED FORCES LOGISTICS, :

THE CENTRAL BANK OF THE :
ISLAMIC REPUBLIC OF IRAN, *et al.*, :
: :
Defendants. :

PLAINTIFFS' MEMORANDUM CLARIFYING DAMAGES REQUEST

NOW COME Plaintiffs, through counsel, and hereby respectfully submit this Plaintiffs' Memorandum Clarifying Damages Request and state as follows:

1. Plaintiffs' Damages Inquest Memorandum previously filed in this case on February 14, 2012, contains a computational error which results in an understatement the total damages sought.

2. Plaintiffs correctly requested compensatory damages of \$3,385,776,428 (economic damages and non-economic damages) plus punitive damages of \$18,113,903,889 based upon a ratio of compensatory damages to punitive damages of 1:5.35, or, alternatively, punitive damages of \$11,647,070,912 based upon a ratio of compensatory damages to punitive damages of 1:3.44.

3. Plaintiffs failed to add the compensatory damages subtotal to the punitive damages subtotal and, thus, the Plaintiffs' Damages Inquest Memorandum erroneously appears to request a "total award of \$18,113,903,889" or, alternatively, \$11,647,070,912 *See* Plaintiffs' Damages Inquest Memorandum, pp. 24-25. These sums are incorrect and were unintended.

4. The correct amount of the total award requested by Plaintiffs in this case is **\$21,499,680,317**. This is the sum of \$3,385,776,428 for compensatory damages plus \$18,113,903,889 for punitive damages (using a 1:5.35 ratio). Alternatively, the total award requested by Plaintiffs is **\$15,032,847,340**. This is the sum of \$3,385,776,428 for compensatory damages plus \$11,647,070,912 for punitive damages (using a 1:3.44 ratio). *See Davis v. Islamic*

Republic of Iran, --- F.Supp. 2d ----, 2012 WL 1059700 (D.D.C. 2012) (Lamberth, C.J.) (Court used damages multiplier on compensatory damages award to determine the amount of punitive damages before adding punitive damages calculation to underlying compensatory award to calculate the sum of the total award).

5. As discussed in Plaintiffs' Damages Inquest Memorandum, the 1:5.35 ratio was used by the Supreme Court of Tennessee in a wrongful death case involving an infant, and the United States Supreme Court denied *certiorari* in the case. *DaimlerChrysler Corp. v. Flax*, 272 S.W.3d 521 (Tenn. 2008), *cert denied*, May 26, 2009, 129 S.Ct. 2433, 174 L.Ed. 2d 277. The 1:3.44 ratio was used in cases such as those arising from the 1983 bombing of the U.S. Marine barracks in Beirut. *See Davis, supra; Murphy v. Islamic Republic of Iran*, 740 F.Supp. 2d 51 (D.D.C. 2010); *Valore v. Islamic Republic of Iran*, 700 F.Supp. 2d 52 (D.D.C. 2010).

Wherefore, the Plaintiffs respectfully submit that the amounts requested in Plaintiffs' Damages Inquest Memorandum be clarified to reflect the proper computation of total damages as **\$21,499,680,317** or, alternatively, **\$15,032,847,340**, as stated above.

Respectfully submitted this 5th day of June, 2012.

/s/ Stephen A. Corr

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