

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 :

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: 03 MDL 1570 (GBD) (FM)

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This Document Relates to  
Havlish v. bin Laden,  
03 Civ. 9848 (GBD) (FM)

**REQUEST FOR INTERNATIONAL JUDICIAL  
ASSISTANCE (LETTERS ROGATORY) FOR THE SERVICE  
OF JUDICIAL DOCUMENTS IN A CIVIL MATTER BY THE UNITED  
STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

The United States District Court for the Southern District of New York (the “Court”) presents its compliments to the appropriate judicial authority of the Islamic Republic of Iran (“Iran”) and requests international judicial assistance to obtain service of a judgment issued by this Court. This Court respectfully requests that the Islamic Republic of Iran recognize Letters Rogatory from this Court, in the interests of comity.

**I. REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE**

**A. Sender**

The Honorable George B. Daniels, United States District Judge for the Southern District of New York, United States of America, is the Sender.

**B. Receiving Authority**

The Receiving Authority is the appropriate judicial authority for the Islamic Republic of Iran in Tehran, Iran.

**II. LETTERS ROGATORY REQUIREMENTS**

**A. Request for Assistance**

This Court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the appropriate judicial authority of Iran effect service of process of the Order and Judgment in *Havlish et. al v. bin Laden, et al.* entered on October 12, 2012, by The Honorable George B. Daniels of the United States District Court for the Southern District of New York, United States of America. The Court requests that the below named individuals and entities be served with the Order and Judgment and other documents relevant to this litigation, in both English and Farsi, including instructions on how to appeal the Order and Judgment:

- (1) Ayatollah Ali Hoseini Khamenei, Supreme Leader of Iran;
- (2) Ali Akbar Hashemi Rafsanjani, Chairman, Expediency Discernment Counsel and former President of Iran;
- (3) National Iranian Tanker Corporation;
- (4) National Iranian Oil Corporation;
- (5) National Iranian Gas Corporation;
- (6) National Iranian Petrochemical Company;
- (7) Iran Airlines aka Iran Air;
- (8) Hezbollah.

**B. Requesting Judicial Authority**

The Honorable George B. Daniels  
United States District Court  
for the Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 630  
New York, New York 10007-1312

**C. Receiving Judicial Authority**

For service upon:

The appropriate judicial authority of Iran, and/or:

H.E. Ali Akbar Salehi, Ph.D.  
Ministry of Foreign Affairs  
Imam Khomeini Street  
Tehran  
Islamic Republic of Iran  
Tel: 009821 61151  
Fax: 009821 66743149

**D. Names and Addresses of the Parties and Their Representatives**

**1. Plaintiffs**

Plaintiffs in this lawsuit, *Havlish et. al v. bin Laden et al.*, are 47 Estates of those murdered as a result of the terrorist attacks of September 11, 2001, and 110 family members of those killed. Plaintiffs brought this action pursuant to the state sponsor of terrorism exception to sovereign immunity codified at 28 U.S.C. §1605A.

**2. Plaintiffs' Representatives**

The victims of the terrorist attacks of September 11, 2011, and their families, are represented by counsel. For purposes of this Letters Rogatory, Plaintiffs have appointed the following attorneys to serve as their representatives:

Thomas E. Mellon, III, Esquire  
James P. McCoy, Esquire  
MELLON & WEBSTER, P.C.  
87 North Broad Street  
Doylestown, PA 18901  
United States of America

Dennis G. Pantazis, Esquire  
Melina Goldfarb, Esquire  
WIGGINS CHILDS QUINN  
& PANTAZIS LLC  
The Kress Building  
301 19th Street North  
Birmingham, AL 35203  
United States of America

Timothy B. Fleming, Esquire  
WIGGINS CHILDS QUINN  
& PANTAZIS PLLC  
1850 M Street, NW, Suite 720  
Washington, DC 20036  
United States of America

Robert M. Foote, Esquire  
Craig S. Mielke, Esquire  
FOOTE, MIELKE, CHAVEZ  
& O'NEIL, LLC  
10 West State Street, Suite 200  
Geneva, IL 60134  
United States of America

Richard D. Hailey, Esquire  
Mary Beth Ramey, Esquire  
RAMEY & HAILEY  
9333 North Meridian Street, Suite 105  
Indianapolis, IN 46260  
United States of America

### **3. Defendants**

The Defendants in this action are the following persons and entities: Islamic Republic of Iran; Ayatollah Ali Hoseini Khamenei, Supreme Leader of Iran; Ali Akbar Hashemi Rafsanjani, Chairman, Expediency Discernment Counsel and former President of Iran; Ministry of Information and Security; Islamic Revolutionary Guard Corps; Ministry of Petroleum; National Iranian Tanker Corporation; National Iranian Oil Corporation; National Iranian Gas Company; National Iranian Petrochemical Company; Iran Airlines; Ministry of Economic Affairs and Finance; Ministry of Commerce; Ministry of Defense and Armed Forces Logistics; Central Bank of the Islamic Republic of Iran; Hezbollah; Estate of Osama bin Laden; and al-Qaeda. All of the Iranian entities have been adjudged to be political or military subdivisions of Iran, and/or agencies and instrumentalities of Iran, and are therefore equivalent to Iran for purposes of this

action. Both Ayatollah Ali Hoseini Khamenei, Supreme Leader of Iran and Ali Akbar Hashemi Rafsanjani, Chairman, Expediency Discernment Counsel and former President of Iran, have been adjudged as an “official, employee, or agent of [Iran] . . . acting with the scope of his or her office, employment, or agency” and therefore, Khamenei and Rafsanjani are legal equivalents to Defendant Iran for purposes of the FSIA which authorizes against a cause of action against them to the same extent as it does a cause of action against the “foreign state that is or was a state sponsor of terrorism” itself. 28 U.S.C. §1605A(c).

The Court’s Findings of Fact and Conclusions of Law were entered by The Honorable George B. Daniels, U.S. District Court for the Southern District of New York, United States of America on December 22, 2011. They are Document No. 294, Docket No. 1:03-cv-09848.

**E. Nature and Purpose of the Proceedings**

*Havlish, et al. v. bin Laden, et al.* is a civil lawsuit commenced under the state sponsor of terrorism exception to sovereign immunity codified at 28 U.S.C. §1605A. The purpose is to hold responsible those foreign sovereigns, entities and persons responsible for planning, executing, and provided material support and assistance to al-Qaeda in carrying out the terrorist attacks of September 11, 2001, upon the United States. A default judgment as to liability was entered on December 21, 2011, against all named Defendants who planned, executed, and provided material support and assistance to al-Qaeda in carrying out the attacks. An Order and Judgment was entered on October 12, 2012, against all named Defendants in the amount of one billion, three hundred sixty-two million, two hundred seventy-seven thousand, eight hundred eighty-four United States dollars (\$1,362,277,884) in compensatory damages and four billion, six hundred eighty-six million, two hundred thirty-five thousand, nine hundred twenty-one United States dollars (\$4,686,235,921) in punitive damages. The total award is six billion, forty-eight million,

five hundred thirteen thousand, eight hundred and five United States dollars (\$6,048,513,805). Plaintiffs must serve the Order and Judgment upon the eight (8) Iranian Defendants named in this Letters Rogatory and apprise these persons and entities of their right of appeal.

**F. Fees and Costs**

Plaintiffs do not anticipate any fees and costs for service of the judgment. Plaintiffs will reimburse the Islamic Republic of Iran for any reasonable copying costs and postage associated with service of the judgment.

**G. Reciprocity**

This Court expresses its sincere willingness to provide similar assistance to the Islamic Republic of Iran, if future circumstances so require.

**III. CONCLUSION**

This Court, in the spirit of comity and reciprocity, hereby requests international judicial assistance in the form of this Letter Rogatory seeking service of the judicial documents described herein, through the appropriate judicial authority of Iran.

Date: \_\_\_\_\_

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The Honorable George B. Daniels  
United States District Court for the  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 630  
New York, New York 10007-1312

SEAL OF THE UNITED  
STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK: