

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Entesar Osman KASHEF; Alfadel MOSABAL;  
Abubakar ABAKAR; Siama Abdelnabi HAMAD;  
Abbo Ahmed ABAKAR; Hawa Mohamed OMAR;  
Jane DOE; Shadika G. HASSAN; Nyanriak  
TINGLOTH; Reverend Anderia LUAL; Rose  
Abraham WULLE; Nicolas Hakim LUKUDU;  
Turjuman Ramadan ADAM; Clara Erneo TABOR;  
Johnmark MAJUC; and Joseph JOK,

Plaintiffs,

Civil Action No. \_\_\_\_\_

– against –

**JURY TRIAL DEMANDED**

BNP Paribas S.A., a French corporation; BNP  
Paribas North America, Inc., a Delaware  
corporation; and DOES 1-10;

Defendants.

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**COMPLAINT**

Plaintiffs Entesar Osman KASHEF, Alfadel MOSABAL, Abubakar ABAKAR, Siama Abdelnabi HAMAD, Abbo Ahmed ABAKAR, Hawa Mohamed OMAR, Jane DOE, Shadika G. HASSAN, Nyanriak TINGLOTH, Reverend Anderia LUAL, Rose Abraham WULLE, Nicolas Hakim LUKUDU, Turjuman Ramadan ADAM, Clara Erneo TABOR, Johnmark MAJUC, and Joseph JOK (together, “Plaintiffs”), on behalf of themselves and all those similarly situated, through their undersigned attorneys, hereby bring this action as follows:

**PRELIMINARY STATEMENT**

1. This case arises from extraordinary corporate greed and utter disregard for the lives of thousands of innocent individuals. Beginning in the early 2000s, the transnational bank, BNP Paribas S.A. and its agents and affiliates in New York (collectively, “BNPP” or “Defendants”) conducted illegal financial transactions in New York on behalf of Sudanese banks

owned and controlled by the National Islamic Front (now National Congress)-led Government of Sudan (“GOS” or “Sudan”), going to extreme lengths to conceal their criminal activity from U.S. regulators. All the while, BNPP was fully aware that Sudan intended to use the newly provided U.S. dollars to finance widespread ethnic cleansing of its Black civilian population, including Plaintiffs – now U.S. citizens and permanent residents.

2. Starting in the early 2000s, after it became Sudan’s sole correspondent bank in Europe and continuing until it was caught by U.S. law enforcement, BNPP engaged in thousands of forbidden transactions through its New York branch and affiliates, to provide GOS-owned banks with much-needed access to the U.S. and global financial systems in direct violation of U.S. sanctions. Crucially, BNPP’s illegal transactions on Wall Street financed Sudan’s exports of crude oil, which accounted for roughly 85% of Sudan’s economy. With the capital made accessible to the terrorist nation by BNPP, Sudan was then able to purchase weapons and fund militia in its well-documented genocidal campaign against Plaintiffs.

3. Specifically, aided and abetted by BNPP, Sudan was able purchase bombs, tanks, helicopters, automatic rifles, ammunition, and other military hardware with profits from the export of oil – purchases the GOS could not have made without the funds it received as a result of BNPP’s unlawful conduct – and then arm its troops and proxy militia with those weapons so that they could oust Black civilians, such as Plaintiffs, from their homelands. Strengthened with oil money in U.S. dollars, Sudanese troops and their surrogates caused the violent death and injury of thousands of Darfuris and citizens of central and south Sudan.

4. On May 1, 2015, after more than seven years of investigation by the U.S. Department of Justice, spearheaded by the U.S. Attorney for this district, BNPP pled guilty and was ordered to forfeit \$8,833,600,000 to the United States and to pay a \$140,000,000 fine as a

punishment for its flouting of U.S. sanctions involving Sudan. The forfeiture was the single largest financial penalty ever imposed in a criminal case, and reflects the staggering amounts of money involved in BNPP's transactions with Sudan. More than seventy percent (70%) of the asset forfeiture penalty related to BNPP's unlawful transactions with Sudanese banks.<sup>1</sup>

5. BNPP did not dispute the charges against it. Indeed, it *stipulated* that it had unlawfully facilitated transfers in U.S. dollars for Sudanese banks and engaged in devious conduct to avoid detection. BNPP effectively admitted that it facilitated the crimes of a lawless regime by providing the financial means by which Sudan committed widespread human rights violations against vulnerable citizens, among them women and small children, all the while knowing that Sudan's persecution of its people had created a "human catastrophe."

6. In this lawsuit, Plaintiffs seek compensation from BNPP for its complicity in those crimes, perpetrated in whole or in part, through its New York-based conduct and the harm Plaintiffs suffered as a result. Plaintiffs bring this class action complaint for disgorgement of BNPP's profits and for compensation for their personal and property injuries on behalf of themselves and all those similarly situated who are residing in the United States.

## **PARTIES**

### **A. The Sudanese Refugee Plaintiffs**

7. Each Plaintiff entered and resides in the United States lawfully. Some participated in USG refugee resettlement programs administered in conjunction with the United Nations High Commissioner for Refugees ("UNHCR") and/or authorized non-governmental organizations ("NGOs"). Some claimed asylum at a U.S. border, embassy, or other intake center. All have undergone background investigations and met the rigorous security standards established by the

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<sup>1</sup> BNPP also pled guilty to violating U.S. sanctions against Iran and Cuba.

USG. Most have become United States citizens; the rest are permanent residents or are waiting to become eligible for permanent resident status. Plaintiffs claim injuries that occurred from 2002-2012 as a result of BNPP's unlawful conduct during that time. Some members of Plaintiffs' class were under the age of 18 at the time they suffered the injuries described herein. They arrived in the United States with nothing, struggling to overcome poverty and suffering caused by the GOS's violence perpetrated against them and their loved ones in order to adapt to life in a foreign land with few marketable skills. Most of the Muslim female Plaintiffs from western Sudan (Darfur) entered the United States with little to no education which would permit them to adapt to the U.S. economy and way of life.

8. Before fleeing to the United States, Plaintiffs resided in three main geographic areas: (1) southern Sudan, including but not limited to the states of Blue Nile, Upper Nile, Southern Kordofan, Western Kordofan, Jonglei, Equatoria, Western Equatoria, Western Bahr el Ghazal, Northern Bahr el Ghazal, Unity, Abyei, the Juba region, and the Nuba Mountains region; (2) northern, western and southern Darfur, located in western Sudan; and (3) Khartoum, Sudan's capital.

9. Plaintiffs are culturally diverse. Those from southern Sudan generally practice traditional African religions (Animism) or Christianity. Those who reside in the west (Darfur) are primarily Muslim. Plaintiffs generally have dark skin and African features. For decades, Black African Sudanese have been victimized by the government's ruling Arab elite on the basis of their race. Their countrymen often refer to them as "zurga," a racial slur, or "abid," i.e., "slave." The GOS has taken every opportunity to persecute the country's Black population. That persecution intensified in violence toward Plaintiffs after 2000, during the period in which BNPP illegally transacted business with Sudan. Many of those transactions involved money generated

by Sudan's growing oil industry.

10. As explained more fully herein, the GOS systematically deprived its Black citizens of basic human rights. Its aggressive incursion into Darfur from 2003-2007 resulted in over 400,000 deaths and is widely considered genocide. Over two million Black Sudanese were displaced from their tribal homelands when they were forced to flee onslaughts by GOS forces and surrogate militia. Many experienced serial displacement, often accompanied by starvation, disease and prolonged stays in overcrowded refugee camps.

11. Plaintiffs each seek to represent themselves and all others similarly situated who were the subject of the Sudanese government's violent and genocidal campaign against the country's Black civilian population. That campaign was funded and facilitated by Defendants' unlawful New York financial transactions as alleged herein.

**B. BNP Paribas**

12. Defendant BNP Paribas S.A. is a global financial institution headquartered in Paris, France. BNP Paribas S.A. came into existence in May 2000 and is the result of a merger of Banque Nationale de Paris S.A. (BNP) and Banque de Paris et des Pays-Bas S.A. (Paribas).<sup>2</sup>

13. Defendant BNP Paribas North America, Inc. is the U.S. subsidiary of BNP Paribas S.A. It is incorporated in Delaware and registered to do business in New York as a foreign business corporation.

14. From the early 2000s, BNP Paribas S.A. and its agents and affiliates including its branch office BNP Paribas-New York and subsidiary BNP Paribas North America, Inc. (collectively, "BNPP" or "Defendants") admittedly conspired with Sudanese banks and

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<sup>2</sup> Each of the two parent banks descended from four founding banks: BNP resulted from the 1966 merger of two French banks, Banque Nationale Pour le Commerce et l'Industrie (BNCI), and Comptoir National D'escompte de Paris (CNEP). Paribas was formed in 1872 from two investment banks based in Paris and Amsterdam.

individuals, including those specifically designated by the Treasury Department as having their assets blocked from the U.S. financial system by virtue of being owned or controlled by, or acting for or on behalf of, Sudan (“Specially Designated Nationals” or “SDNs”), to violate U.S. sanctions against the GOS by providing Sudanese banks with access to the U.S. financial system through its New York branch. At the time, BNPP knew that the GOS intended to engage in human rights violations and was also supporting international terrorism.

15. During this time, it was well-known to the international community and widely reported by journalists, the media and humanitarian groups operating in Sudan, that Sudan’s ongoing civil strife – focused in southern Sudan and the Darfur region – was marked by egregious human rights abuses. The government’s proxy forces routinely employed slavery and rape as weapons of war. Mass killings of civilians were common. In 2005 and again in 2007, the United Nations declared that the killings and violence in Darfur during the preceding four years constituted “genocide” on the part of the Sudanese government. Sudan’s president, Omar al-Bashir, who forcibly took power in 1993 and is still ruling Sudan today with impunity, was indicted by the International Criminal Court in 2009 and again in 2010 on charges including crimes against humanity, war crimes, and genocide.

16. As described in the stipulated Statement of Facts between BNPP and the Department of Justice dated June 30, 2014, a true copy of which is attached hereto as Exhibit A (“DOJ Statement of Facts” or “DOJ SoF”), BNPP played a central role in financing Sudan’s export of oil and consequently was involved with approximately a quarter of all exports and a fifth of all imports for Sudan. BNPP engaged in these activities with the knowledge that oil revenue was supporting the GOS’s purchase of munitions and proxy militia to persecute its Black civilians in Darfur and southern Sudan. Indeed, BNPP’s own compliance officer reminded

other bank officers that the “Sudanese banks with which BNPP dealt ‘play a pivotal part in the support of the Sudanese government which . . . refuses the United Nations intervention in Darfur,’” and urged the bank to stop its support for Sudan’s genocidal leaders.

17. BNPP pled guilty to the charges against it, and on May 1, 2015, BNPP was sentenced to pay an \$8.3 billion fine for having conspired to violate the International Emergency Economic Powers Act (IEEPA) and the Trading With The Enemy Act (TWEA) by processing billions of dollars of transactions through the U.S. financial system on behalf of Sudan and other countries and entities subject to U.S. economic sanctions.

18. The true names and capacities, whether individual, official, corporate, associate, or otherwise, or precise participation of Defendants, DOES 1 through 10, inclusive, are not known to Plaintiffs herein at the time of the filing of this Complaint and, therefore, these Defendants are being sued by such fictitious names, and Plaintiffs will seek leave to further amend this Complaint to show their true names and/or capacities and precise participation when the same have been ascertained. Each Defendant designated herein as a DOE was responsible intentionally, negligently, or in some other actionable manner, for the events and happenings referred to herein which directly caused damages and injury to Plaintiffs within this Complaint.

19. Plaintiffs are informed and believe and thereon allege that at all times herein mentioned each of the Defendants sued herein was the agent and/or employee of each of the remaining Defendants and at all times was acting within the purpose and scope of such agency and employment, with the permission and consent of their Co-Defendants and with the knowledge, authorization, permission and consent and/or subsequent ratification and approval of each Co-Defendant.

## **JURISDICTION AND VENUE**

20. This Court has original jurisdiction over this case pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d), because there are more than 100 class members, at least one class member is diverse from the Defendant and class members reside throughout the United States, and more than \$5 million in aggregate, exclusive of interest and costs, is in controversy.

21. This Court has personal jurisdiction over BNPP because BNPP purposefully availed itself of the New York forum by deliberately processing thousands of financial transactions in, from, and through New York beginning in the early 2000s – transactions which were prohibited by U.S. sanctions against Sudan specifically because of Sudan’s years-long campaign of violence and brutality directed at Plaintiffs, which enabled the GOS to raise much-needed revenue through oil development activities and use the revenues to escalate the scale of its attacks against Plaintiffs, and without which Plaintiffs’ injuries would not have occurred.

22. Venue is proper in this district pursuant to 28 U.S.C. § 1391(a) and (b), because a substantial part of the events or omissions that give rise to the claims occurred within the State of New York and this district, and because Defendants conduct a substantial part of their business within this district.

## **FACTUAL BACKGROUND**

### **A. BNPP Unlawfully Financed Sudan’s Oil Transactions**

23. Sudan’s increased oil production and sales were facilitated by its illegal financial transactions with BNPP. Its increased military spending would not have been possible without the oil revenue BNPP facilitated by its activity in New York. BNPP gave Sudan access to the U.S. financial system. It allowed Sudan to make purchases and sales in U.S. dollars. It also provided banking products and services without which Sudan could not have purchased



weapons, paid militia, and committed human rights abuses on such a massive scale.

24. By 2006, letters of credit managed by BNPP represented approximately a quarter of all exports and a fifth of all imports for Sudan. Over 90% of these letters of credit were denominated in U.S. dollars. BNPP deliberately disregarded the law and provided rogue nations, and Sudan in particular, with vital access to the global financial system, helping that country's lawless government to harbor and support terrorists and to persecute its own people.

25. BNPP knowingly and willfully moved at least \$6.4 billion in thousands of illegal transactions through the U.S. financial system based in New York on behalf of Sudanese sanctioned entities, including more than \$4.3 billion in transactions involving entities that were specifically designated by the U.S. Government as being cut off from the U.S. financial system. BNPP knew that these transactions violated U.S. sanctions and aided the Sudanese government in its human rights violations. BNPP admitted that, beginning in the 2000s, it processed transactions through New York for Sudanese banks and others who provide critical support to the GOS. That support enabled the government's wholesale persecution of its Black African citizens. During the period in which BNPP processed Sudanese financial transactions, the government killed, injured, and displaced millions of Black civilians.

26. Starting in or about 2002, BNPP negotiated a variety of trade finance instruments (e.g., letters of credit and bank guarantees) on behalf of sanctioned Sudanese parties and routed U.S. dollar payments to or through the United States pursuant to those instruments. Between 2002 and 2009 BNPP processed correspondent banking or retail banking transactions to or through New York that involved Sudanese interests. Due to its role in financing Sudan's export of oil, BNPP assumed a central role in Sudan's foreign commerce market, and conspired with, and enabled, the government to commit atrocities against its Black citizens in southern Sudan

and Darfur.

27. BNPP carried out schemes to falsify the business records of financial institutions in Manhattan in order to cover up its conspiracy with the Sudanese government. It routed illegal payments through a sophisticated system of “satellite banks” (third party financial institutions) to conceal both Sudan’s involvement and BNPP’s role in facilitating the transactions. BNPP also instructed other financial institutions not to mention the names of sanctioned Sudanese entities in payments sent through the United States and removed references to them from payment messages so that the funds could pass through the U.S. financial system undetected.

28. As early as August 2005, a senior compliance officer at BNPP warned that the satellite bank system was being used to evade U.S. sanctions.

29. While the transactions were being processed, BNPP knew that the bank’s assistance to the Sudanese government was supporting and facilitating Sudan’s human rights abuses. In 2007, a senior compliance officer at BNPP complained that certain Sudanese banks with which BNPP dealt “play a pivotal part in the support of the Sudanese government which . . . refuses the United Nations intervention in Darfur.”

30. When BNPP was warned by U.S. law enforcement officials that it was engaging in unlawful behavior, it failed to cooperate fully with their investigation. It continued to engage in the unlawful conduct even after being told by its own legal advisors that it was violating U.S. law.

31. Between 1998 and 2002, Sudan’s oil production rose dramatically to equal almost 45% of the country’s total income. Because of oil, total government revenue grew from 205.5 billion dinars (US \$799.9 million) in 1999 to 370 billion dinars (US \$1.415 billion) in 2001—a net increase of 80%. Today, oil accounts for more than 90% of Sudan’s exports.

**B. Sudan's Increased Militarization As a Result of BNPP Activity**

32. As oil production increased (from 150,000 barrels in 1999 to more than 240,000 by 2002 and thereafter), the GOS, backed by BNPP's unlawful global banking products, increased its military hardware and its brutal attacks against its Black African citizens.

33. BNPP knew that funds from its sanctioned transactions enabled the Sudanese government to purchase guns, attack vehicles and other munitions for use against the Black population of Darfur and southern Sudan. It knew that the GOS used those funds to pay proxy government-backed militia such as the Janjaweed, and para-military security forces to drive those citizens off their tribal lands. It continued to process the sanctioned transactions even after acknowledging their atrocious effects and after being warned by the U.S. Department of Justice that the transactions violated U.S. sanctions.

34. The GOS supplied arms, ammunition and funds to proxy militia who forcibly removed civilians from several oil block concessions. They used Russian-made Antonov cargo aircraft and helicopter gunships to destroy civilian property. The Sudanese government carried out particularly intense attacks on the Abyei region, where Sudan's largest and most profitable oil fields are found.

35. During the period between 1999 and 2001, as oil production was ramping up and BNPP entered the Sudanese financial market, Sudan's military spending rose precipitously from roughly 64.6 billion dinars (US \$250.9 million) to roughly 90.2 billion dinars (US \$345 million). According to its own reports, since 2004 Sudan has imported \$76.3 million in weaponry, including fighter jets and combat aircraft. Sudan's own reports show that, during the period between 2004 and 2006, the government purchased \$29.5 million worth of small arms and light weapons. It has also purchased large volumes of tanks, grenades, torpedoes, missiles, bombs and

swords (the swords were distributed to the Janjaweed to use against Black farmers in Darfur). However, other countries estimate that Sudan's military budget for the period 2004 to 2006 was over \$1.6 billion – more than four times the budget prior to BNPP's processing of illegal financial transactions relating to oil sales on Sudan's behalf.

36. Using its oil revenues, Sudan purchased Russian armored combat vehicles and attack helicopters, as well as large-caliber artillery systems from Belarus. For example, in 2001, it added twelve new attack helicopters to its fleet, tripling its size. It used those helicopters early the following year killing 24 civilians at a food distribution site.

37. Sudanese military officials boasted that the country was producing its own armaments: “[Sudan] will this year reach self-sufficiency in light, medium and heavy weapons from local production,” thanks to its “unprecedented economic boom particularly in the field of oil exploration and exportation.” Sudan also produced rocket-propelled grenades, machine guns, and mortars.

38. In April of 2003, the Secretary of State submitted a Sudan Peace Act Report (Report I) to Congress concerning the conflict in Sudan. Report I observed that several international oil consortiums were operating in Sudan in or about 2003, and that oil exports had increased exponentially. Sudan's revenue from the sale of oil was estimated to have risen to as much 240,000 barrels per day, or roughly \$1.2 billion per year. This represented a 30% increase over the average in 2000. Report I noted that Sudan's oil revenues are placed in the central bank and used for general government expenditures, including military expenditures. For example, Sudan's acquisition of HIND attack helicopters and other weapons systems coincided with increased oil revenue. The weaponry was not in Sudan's arsenal prior to 1999. The report concluded that the increase in oil revenue translated into increased military spending by the

GOS. Report I further reported incidents of local populations being devastated by military or paramilitary actions in regions in which oil production was taking place.

**C. BNPP's Sanctioned Conduct Results in GOS Violence Against Plaintiffs**

39. Southern Sudan. In 2000, the Sudanese government increased its aerial bombardments in oil-producing areas in the Nuba Mountains and in south Sudan. The bombings targeted civilians and were an attempt to clear the area for oil exploration and production.

40. GOS planes targeted schools, relief activities, churches, hospitals and other civilian sites in the south. For example, on February 8, 2000, the Sudan government bombed the Upper Kauda Holy Cross School in the Nuba Mountains. Fourteen children and one adult were killed. A number of children lost limbs. Shortly thereafter, eight more bombs hit two villages near the school.

41. According to Human Rights Watch, by 2001-2002, oil became “the main objective and principal cause of the civil war [directed by the Sudanese government in Khartoum against southern Sudan and, eventually, Darfur]. Oil now figures as an important remaining obstacle to a lasting peace, and oil revenues have been used by the government to obtain weapons and ammunition that have enabled it to intensify the war and expand oil development.

42. Clashes between GOS forces and civilians resulted in widespread burning of villages, pre-famine conditions, and massive internal displacement. Thousands of refugees could be seen leaving with nothing more than their mats and cattle. According to the United Nations World Food Programme (“WFP”), by March 2002, 174,000 civilians were listed as displaced from oilfields in the Lakes region alone (part of Bahr el Ghazal and Upper Nile). At least two hundred thousand people were displaced in southern Sudan as a result of oil field development.

43. Darfur. The GOS also used oil revenue to arm and pay the Janjaweed para-militia

responsible for acts alleged to constitute crimes against humanity, war crimes, and genocide perpetrated against thousands in Darfur.

44. The Darfur conflict was born of complex roots in tribal feuds resulting from increased desertification and scarcity of resources, cumulative effects of marginalization, and political polarization exacerbated by the Arab-African ethnic strife fanned by the Khartoum government. In early 2003 two rebel groups – the Sudan Liberation Movement Army (SMLA) and the Justice and Equality Movement (JEM) – emerged to address the region’s longstanding grievances against the GOS.

45. In response, Sudan, facilitated by its new access to capital and financial markets, armed over 20,000 militiamen of Arab descent to attack civilians. The militia, who came to be known as the Janjaweed, systematically killed, looted and destroyed ethnic African communities in Darfur.

46. The word Janjaweed, a Darfurian term, means alternately armed bandits or outlaws or “devils on horseback.” The Janjaweed were armed by and acted under the effective control of the GOS. They often wore military fatigues, and acquired the status of government operatives. A United Nations investigative commission of experts has found that their actions and crimes can be legally attributed to the GOS.

47. By 2003, the Janjaweed numbered over 5,000 men, each equipped and trained by the Sudanese. Supported by government helicopter gunships and Antonov bombers, groups of 100 or more mounted raiders would swoop down on Darfur’s villages before dawn and kill and mutilate adult men, rape the women, and kill or kidnap the children. They burned buildings, stole livestock and other property, and rendered the villages uninhabitable.

48. The U.S. State Department found the Janjaweed were supported by the Sudan

military and government in an attempt to ethnically cleanse Darfur. The atrocities continued even after the signing of a ceasefire in April of 2004.

49. The U.S. State Department's 2008 Report on Human Rights Practices (Report II), states that, despite the 2006 Darfur Peace Agreement, violence against civilians continued. Government forces bombed villages, killed civilians – including internationally displaced persons – and collaborated with the Janjaweed militia to raze villages and commit violence against women. Report II estimates that 315,000 Darfurian civilians were displaced during 2006. According to Report II, the government committed numerous human rights abuses in Darfur that same year, including extrajudicial killings by government forces and government allied groups, disappearances, torture, beating and rape. Government allied militias were also reported to have used child soldiers.

50. The U.S. State Department's 2005 Human Rights Report, Sudan states that the continuing genocide in Darfur is the responsibility of the GOS and the Janjaweed.

51. On one occasion in 2005, Janjaweed commanders received four billion Sudanese pounds – roughly US \$2 million – from the Sudanese government to encourage them to continue the slaughter of African civilians in Darfur.

52. For several years, the same pattern of destruction played out in villages across Darfur. The Prosecutor of the International Criminal Court opened an investigation into the situation in Darfur in June 2005, and the pre-trial chamber began issuing arrest warrants in February 2007. None of those in the GOS that were indicted have been arrested. Although the Darfur conflict “ended” in February 2010 with the signing of a ceasefire, violence continues to threaten the region.

53. The conflict in Darfur has been characterized by human rights groups and the UN

as one of the worst humanitarian disasters in history. By late 2003, at least 350,000 Darfuris were predicted to die of hunger and disease. The Janjaweed murdered approximately 30,000 Africans and plundered their lands. Another 200,000 fled to neighboring country Chad and found their way to squalid, soon overcrowded refugee camps. The insurgency and counterinsurgency led to 480,000 deaths. Over 2.8 million people have become displaced since 2003.

### **REPRESENTATIVE PLAINTIFFS**

54. Plaintiff Entesar Osman KASHEF (“Entesar”) is from Kadugli, in the Nuba Mountains region of South Kordofan state. The family owned cows, goats, and sheep, and earned money from selling milk and animals. In 1992, the family moved to Kutum, a city in North Darfur. In or about spring 2008, Janjaweed with weapons, military-style clothing, and covered faces, attacked Kutum. They killed Entesar’s entire family, burned down her house, and stole all her property, including cows, goats, and sheep. Entesar fled to Khartoum. There, the Sudanese militia arrested her without charge, beat, and sexually assaulted her over the course of three months. Entesar entered the United States as a refugee in or about August 2015, and resides in San Diego, California. As a result of the brutality of GOS forces and government-backed militia funded by Defendant’s unlawful financial transactions in New York, Plaintiff Kashef has suffered mental and physical injury and loss of property.

55. Plaintiff Alfadel MOSABAL (“Alfadel”) is from Manawashi, Darfur, Sudan. Early one morning in 2004, his home village was attacked by Janjaweed. Alfadel’s aunt’s husband was killed, and the rest of his family fled to a camp for internally displaced people (“IDPs”) leaving behind substantial property and wealth including cows, goats, and sizable orchards and vegetable fields. In 2010, Alfadel was working for a Western-based NGO when most of his colleagues were rounded up and arrested by GOS forces for helping IDPs. Alfadel



fled to Libya, and eventually Egypt. On or about November 2, 2015, Alfadel was resettled to the United States as a refugee. Alfadel currently resides in Lexington, Nebraska. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful financial transactions in New York, Plaintiff Mosabal has suffered mental trauma and loss of property.

56. Plaintiff Abubakar ABAKAR ("Abubakar") was originally from Graidia, Sudan, Darfur. Abubakar was a middle school teacher in Nyala, Darfur, and the family also owned a farm in Graidia. In 1999, Abubakar fled to the town of Beda, Darfur in order to avoid being forcibly recruited by the GOS to fight in southern Sudan and again began teaching school. Abubakar also built and operated a gas-powered millstone to grind flour, which he would rent to others for a fee. He built the hut to house the millstone on land he purchased from the GOS. He also paid for a permit to operate the millstone. One day in or about July or August 2003, Abubakar saw fires in the fields surrounding Beda set by Janjaweed wearing uniforms with a GOS insignia and carrying weapons, which he saw them obtain from the police station and army barracks. The local head of the Janjaweed was also the school principal, so Abubakar knew him very well. Abubakar saw the bodies of people the Janjaweed had killed. His hut and millstone had been burned in the fires. He fled to a refugee camp in Chad, where his wife and children were able to join him. He and his family were resettled to the United States in 2010 and reside in San Diego, California. They became U.S. citizens in April 2016. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful financial transactions in New York, Plaintiff Abubakar Abakar has suffered mental trauma and loss of property.

57. Plaintiff Siana Abdelnabi HAMAD ("Siana") is from the region of Gundo,

Sudan, in South Darfur. The family had three houses and a large plot of inherited land, where they kept cows, sheep, goats, donkeys, camels, and chickens and grew many crops. The family sold many farm products at the weekly market. Siama's husband also operated a prosperous coffee and tea shop in the market. In or about 2001, Janjaweed with covered faces, uniforms, and weapons attacked Siama's village. Siama's family saw the Janjaweed patrolling the town and could hear gunfire, and fled into the bush. One of Siama's sons fled with the cows, which the Janjaweed stole. She also saw the Janjaweed shoot and kill her husband. After two years of living in the bush, Siama arrived in a refugee camp in Chad in early 2004 with her children. In approximately 2007, Siama and her family resettled in the United States. Siama resides in San Diego, California as a lawfully admitted refugee from Sudan. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful financial transactions in New York, Plaintiff Hamad has suffered mental trauma and loss of property.

58. Plaintiff Abbo Ahmed ABAKAR ("Abbo") is from Bauoda, West Darfur. Abbo worked as a men's tailor in Sudan. His business was prosperous, and he also owned cows and had a farm. He built the family home himself. The violence in Bauoda started to worsen in 2002. He often saw Janjaweed wearing military uniforms and turbans together with Sudanese government officials, who protected them. He would see dead bodies in the streets after a Janjaweed rampage. One night in or about July 2003, the Janjaweed came and set fire to Abbo's house. Abbo and his family fled with only their cows to another village, which was attacked by Janjaweed in 2005. By the time he was able to return to the house, his entire family had fled with the exception of his father's brother, who was killed. The Janjaweed had taken all of the animals and belongings. Abbo fled to a refugee camp in Chad, then to another refugee camp in Ghana, and in 2009 was resettled to the United States. He was never able to locate his wife and children,

whom he presumes are dead. Abbo now resides in San Diego, California, having been lawfully admitted to the United States as a Sudanese refugee in 2009. He has been a United States citizen since May 2014. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful financial transactions in New York, Plaintiff Abbo Abakar has suffered mental trauma and loss of property.

59. Plaintiff Hawa Mohamed OMAR ("Hawa") was born in Sulo, West Darfur, Sudan. Hawa sold fruit from the family's farm at the market, as well as essential oils and flowers. Her husband was a high school teacher, and they also had cows, goats, and sheep. In or about December 2003, Hawa was at home when she saw fires in a nearby town and heard guns, so she fled. Janjaweed wearing army uniforms and carrying guns killed Hawa's younger brother, and set fire to Hawa's house and took all the animals. She stayed in a nearby large city for approximately three years and then fled to a refugee camp in Chad in 2005. In 2009, Hawa was resettled to the United States. She resides in San Diego, California and became a U.S. citizen in 2014. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful financial transactions in New York, Plaintiff Omar has suffered mental trauma and loss of property.

60. Plaintiff Jane DOE ("Doe I") was born in Nyala, Darfur. Doe I's family was very prosperous, with a large farm and a successful trading business throughout the central African region. Doe I's family also grew gum, a major export of Sudan. The family owned and rented dozens of homes in Darfur, and were planning to build a hotel. In or about November 2003, Janjaweed attacked Doe I's town. Her home was taken by the Janjaweed; she, as well as her family and her village, was resettled and her home and all her belongings in it were stolen. By 2005, Doe I was living in Khartoum. At that time, Sudanese-backed militia and security forces

forcibly arrested Doe I from her home, detained her for days in inhumane conditions, and beat, raped, and tortured her. Her son was put in a freezer by Sudanese militia for days and beaten to a coma. Upon being released, she fled Sudan and made her way to a refugee camp in Egypt. Doe I now resides in San Diego, California, having been lawfully admitted to the United States as a Sudanese refugee in 2007. She became a U.S. citizen in or about January 2013. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful financial transactions in New York, Plaintiff Doe I has suffered mental and physical injury and loss of property.

61. Plaintiff Shadika G. HASSAN ("Shadika") was born in Zarenge, Darfur, and eventually moved with her family to Khartoum. Her husband was a car mechanic and often did business between Khartoum and Darfur. Late one night in or about April 2004, GOS security forces came to the house and forcibly arrested her husband, who was severely beaten and tortured. Several men wearing police uniforms with an insignia on the sleeve returned to the house and beat Shadika in front of her four young children, pulling her down on the ground and sexually assaulting her. They also kicked and slapped the children. Shadika fled with the children to Egypt, leaving all their belongings behind. While in Egypt, Shadika was further injured in her kidneys and on her head by water guns used by Egyptian forces against the Sudanese refugees, and still suffers from daily migraines as a result. She and her husband and children were resettled to the United States in 2010 and now reside in San Diego, California. Shadika's husband is a U.S. citizen and she is a lawful permanent resident. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful financial transactions in New York, Plaintiff Hassan has suffered mental and physical injury and loss of property.

62. Plaintiff Nyanriak TINGLOTH was born to a Christian family in Abyei, in

southern Sudan. Her family were cattle farmers and fishermen. Extended family members lived together on the land in separate homes, and the family held the entire parcel of land in common. Each year the northern militia (Morahel, later known as Janjaweed) would attack the village and take the arable land. Her father was killed in 1987 by GOS security forces after being imprisoned; her grandmother was also killed at the same time and her mother went into hiding. In 1988, Nyanriak moved to Khartoum, Sudan. In 2002, Nyanriak's husband, Kuol, was arrested and held in prison for five days, where he was beaten; after his release, Kuol fled to Egypt. When GOS security forces came to the house to ask Nyanriak where Kuol was, she fled with their children, leaving everything behind – furniture, clothes, appliances, etc. GOS security forces remained in the house and converted it into an Islamic school. In 2003, Nyanriak traveled to Abyei. Over the course of a month, both her brothers were killed, so Nyanriak fled to the bush again – leaving the house in Abyei and all their belongings, as well as all their cows. The house was razed and all the land taken. Nyanriak and the children fled to Egypt, and by 2004 the family was accepted for refugee resettlement to the United States. Several other members of Nyanriak's family were killed in Sudan, or were kidnapped and sold into slavery. She was accepted for refugee resettlement to the United States in or about 2004 and became a U.S. citizen in 2013. She lives in Phoenix, Arizona. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful financial transactions in New York, Plaintiff Tingloth has suffered mental and physical injury and loss of property.

63. Plaintiff Reverend Anderia LUAL (“Reverend Lual”) is an Episcopal pastor originally from southern Sudan. He moved to Khartoum in 1969 and was living there when he was arrested by GOS security forces on three separate occasions in 1997, 1998, and 2000. He was thrown in jail for holding Bible study in violation of Sharia (Islamic) law, but was never

actually charged with any crime. During his first prison detention, Reverend Luol was beaten severely. The prison conditions were horrific; there was no food or water, and it was highly unsanitary. He knew people who came out of prison blind. In addition, four of Reverend Luol's brothers in the city of Bor, in southern Sudan, were killed in 2001, and a fifth died of starvation with his family members in the bush because all their crops had been destroyed. He was resettled to the United States as a refugee on or about December 3, 2002 at the invitation of the Diocese of Colorado (Episcopal) with the collaboration of the Archbishop of Canterbury (England), and lives in Phoenix, Arizona. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful financial transactions in New York, Plaintiff Lual has suffered mental and physical injury and loss of property.

64. Plaintiff Rose Abraham WULLE ("Rose") was born in Juba, southern Sudan. Her husband's trading business took him regularly to other towns throughout southern Sudan. In 2001, Sudanese plainclothes security forces with identification badges began following his movements, so they fled to Khartoum seeking anonymity. Their house in Juba was raided and all their belongings stolen. In or about January 2003, GOS security forces wearing khaki fatigues and carrying weapons arrested her from her home in Khartoum, blindfolded her, and kept her locked in a room without food, light, or water where they repeatedly raped and tortured her for days, causing her to miscarry her existing pregnancy, and infected her with HIV. When they took her back home, they threatened her. They arrested, tortured, and killed her husband. Upon being released, Rose fled Sudan with her daughter. In the violence caused by the Government of Sudan, the security forces stole Plaintiff's property, including her house and all its belongings. She was resettled to the United States as a refugee in 2006, and is a U.S. citizen. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful

financial transactions in New York, Plaintiff Wulle has suffered mental and physical injury and loss of property.

65. Plaintiff Nicolas Hakim LUKUDU (“Nicolas”) was originally from Juba, southern Sudan. The family left Juba in 1985 and fled to Khartoum due to racial and ethnic violence and oppression. Nicolas owned a very successful mercantile import-export shipping business, including exporting coffee overseas. In or about February 2004, Nicolas was arrested by Sudanese-backed security forces on false charges and imprisoned unlawfully for three days, during which time he was beaten and tortured. The security forces carried weapons, drove a marked car with government plates, and wore uniforms. At that time, the Sudanese government stole and confiscated all the assets of his business, as well as his large home. Nicolas fled to Egypt, and was lawfully admitted to the United States in or about June-August 2004. Nicolas was lawfully admitted to the United States in or about June-August 2004. He resides in San Diego, California, and has been a U.S. citizen since 2009. As a result of the brutality of GOS forces and government-backed militia funded by Defendant’s unlawful financial transactions in New York, Plaintiff Lukudu has suffered mental and physical injury and loss of property.

66. Plaintiff Turjuman Ramadan ADAM (“Turjuman”) lived in Wau, Western Bahr el Ghazal state, Sudan, where he worked as a judge and lawyer. When Turjuman won legal cases against the Sudanese government, or complained about Khartoum’s treatment of people in southern Sudan, he would be detained for 2-3 days at a time. The violence became worse in 2002. In late 2002-early 2003, Sudanese security forces wearing uniforms came to the house and arrested Turjuman. While in detention, he was brutally beaten and forced to witness violence and brutality, including the rape of his wife, Plaintiff Clara Erneo Tabor, by Sudanese government security soldiers, who infected Plaintiff Tabor with HIV. Turjuman and his wife fled Sudan for

Egypt with their two young children, leaving their home and all their belongings behind.

Turjuman has since returned to Wau (now part of South Sudan) and reclaimed the house, but all the belongings were gone. He and his family were granted refugee status and resettled to the United States in 2005, and now reside in San Diego, California. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful financial transactions in New York, Plaintiff Adam has suffered mental and physical injury and loss of property.

67. Plaintiff Clara Erneo TABOR ("Clara") is from Wau, Western Bahr el Ghazal, Sudan. Clara is Christian and is married to Plaintiff Adam. In Sudan, she worked for a French women's organization. On multiple occasions in or about 2002, Sudanese government security forces in marked cars wearing uniforms and carrying weapons came to the house looking for Clara's husband Turjuman, and also beat and threatened Clara. In late 2002-early 2003, Sudanese security forces wearing uniforms came to the house and arrested Clara. While in detention, Clara was brutally beaten and raped repeatedly for several days by Sudanese government security soldiers, who infected her with HIV. Clara and her husband fled Sudan for Egypt with their two young children, leaving their home and all their belongings behind. While in Egypt, their daughter became very sick and died. She and her family were granted refugee status and resettled to the United States in 2005, and now reside in San Diego, California. Clara became a U.S. citizen in 2013. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful financial transactions in New York, Plaintiff Tabor has suffered mental and physical injury and loss of property.

68. Plaintiff Johnmark MAJUC ("Johnmark") is from Bahr el Ghazal state in southern Sudan. In April-May 1998, GOS army soldiers came to Johnmark's village looking for



boys to recruit. Johnmark fled into the bush with just the clothes on his back to avoid the soldiers, who were shooting at him. His mother was tortured and beaten for hiding him, and their homes and crops set on fire. The family lost several cattle from having to constantly run from GOS forces. Eventually, Johnmark arrived in the village of Chukudum. GOS forces bombed Chukudum every day at regular intervals, using crudely modified Antonov cargo planes. Johnmark fled again in early January 2000 to the Kakuma refugee camp just across the border in northern Kenya. He was approved for resettlement and arrived in the United States in or about early 2011. He resides in Utica, New York. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful financial transactions in New York, Plaintiff Majuc has suffered mental and physical injury and loss of property.

69. Plaintiff Joseph JOK ("Joseph") was born in Bor, southern Sudan, and was lawfully admitted to the United States as a refugee. He is now a U.S. citizen, residing in San Diego, California. In or about 2003, Joseph provided seed funding for his nephew's mobile phone distribution business in Malakal, southern Sudan. By 2009, the business had prospered and the family had built two homes in an upscale area of Malakal. In or about March 2009, two weeks after Joseph returned to the U.S. from a visit to Malakal, Sudanese government proxy militia looted and destroyed the family's business and homes. As a result of the brutality of GOS forces and government-backed militia funded by Defendant's unlawful financial transactions in New York, Plaintiff Jok has suffered mental trauma and loss of property.

### **CLASS ALLEGATIONS**

70. Plaintiffs bring this lawsuit on behalf of themselves and all others similarly situated as members of a proposed Class pursuant to Rule 23 of the Federal Rules of Civil Procedure. This action satisfies the numerosity, adequacy, typicality and commonality

requirements of Rule 23(a), and the predominance and superiority requirements of Rule 23(b)(3).

**A. Class Definition and Subclasses**

71. Plaintiffs seek certification of a Class and six (6) Subclasses categorized by geographic region and type of injury. The Class is defined as all persons of Sudanese origin lawfully residing in the United States who were targets of the Sudanese government's human rights abuses funded in whole or in part with financial transactions carried out by BNPP in violation of U.S. sanctions laws.

72. The six (6) Subclasses are defined as follows:

(a) Subclass A is comprised of all persons of Sudanese origin lawfully residing in the United States who were targets of the Sudanese government's human rights abuses in Darfur, Sudan funded in whole or in part with financial transactions carried out by BNPP in violation of U.S. sanctions laws and who suffered physical injuries as a result.

(b) Subclass B is comprised of all persons of Sudanese origin lawfully residing in the United States who were targets of the Sudanese government's human rights abuses in Darfur, Sudan funded in whole or in part with financial transactions carried out by BNPP in violation of U.S. sanctions laws and whose real or personal property has been taken as a result.

(c) Subclass C is comprised of all persons of Sudanese origin lawfully residing in the United States who were targets of the Sudanese government's human rights abuses in southern Sudan including, but not limited to, the states and provinces of Blue Nile, Upper Nile, Southern Kordofan, Western Kordofan, Jonglei, Equatoria, Western Equatoria, Western Bahr el Ghazal, Northern Bahr el

Ghazal, Unity, Abyei, the Juba region, and the Nuba Mountains region funded in whole or in part with financial transactions carried out by BNPP in violation of U.S. sanctions laws and who suffered physical injuries as a result.

(d) Subclass D is comprised of all persons of Sudanese origin lawfully residing in the United States who were targets of the Sudanese government's human rights abuses in southern Sudan including, but not limited to, the states and provinces of Blue Nile, Upper Nile, Southern Kordofan, Western Kordofan, Jonglei, Equatoria, Western Equatoria, Western Bahr el Ghazal, Northern Bahr el Ghazal, Unity, Abyei, the Juba region, and the Nuba Mountains region funded in whole or in part with financial transactions carried out by BNPP in violation of U.S. sanctions laws and whose real or personal property has been taken as a result.

(e) Subclass E is comprised of all persons of Sudanese origin lawfully residing in the United States who were targets of the Sudanese government's human rights abuses in and around Khartoum, Sudan funded in whole or in part with financial transactions carried out by BNPP in violation of U.S. sanctions laws and who suffered physical injuries as a result.

(f) Subclass F is comprised of all persons of Sudanese origin lawfully residing in the United States who were targets of the Sudanese government's human rights abuses in and around Khartoum, Sudan funded in whole or in part with financial transactions carried out by BNPP in violation of U.S. sanctions laws and whose real or personal property has been taken as a result.

73. Excluded from the Class are (1) Defendants, any entity or division in which

Defendants have a controlling interest, and their legal representatives, officers, directors, assigns and successors; (2) the judge to whom this case is assigned and any member of the judge's immediate family; and (3) the attorneys of record in this case.

74. Plaintiffs reserve the right to amend the Class definitions if discovery and further investigation reveal that the Class and/or any of the Subclasses should be expanded, limited, or otherwise modified.

**B. Numerosity**

75. On information and belief, the Class consists of thousands of individuals who have been injured by BNPP's unlawful conduct, making joinder impracticable. Class members can be informed of the pendency of this action by print, Internet, and broadcast notice. In addition, Sudanese community groups in the United States are tightly knit and information travels very quickly via word of mouth.

**C. Typicality**

76. The claims of the representative Plaintiffs are typical of the claims of the Class in that the representative Plaintiffs, like all Class members, have received physical, economic, and property injuries proximately caused by and resulting from BNPP's unlawful conduct.

77. Furthermore, the factual bases of BNPP's conduct are common to all Class members and represent a common thread of misconduct resulting in injury to all members of the Class.

**D. Adequacy**

78. Plaintiffs will fairly and adequately represent and protect the interest of the Class. Plaintiffs have retained counsel with substantial experience in prosecuting human rights injury and property claims involving multinational corporations, as well as complex class actions.

79. Plaintiffs and their counsel are committed to prosecuting this action vigorously on behalf of the Class and have the financial resources to do so. Neither Plaintiffs nor their counsel have interests adverse to those of the Class.

**E. Commonality and Predominance of Common Issues**

80. There are numerous questions of law and fact common to all Class members, and those questions predominate over any questions that may affect only individual Class members and satisfy the requirements of Rule 23(a)(2) and 23(b)(3).

81. BNPP has already been criminally convicted of violating U.S. sanctions against Sudan under stipulated facts that are common to all Class members.

82. Each Class member's claim arises from the same course of planning, decisions, and actions, and each Class member will make similar legal and factual arguments to prove BNPP's outrageous, willful, reckless, wanton, and deplorable conduct and liability.

83. The predominant, common questions of law and fact include the following:

a. Whether BNPP engaged in a civil conspiracy by agreeing to provide Sudanese sanctioned entities unlawful access to the U.S. banking system in order to enable the Sudanese government's human rights abuses against Plaintiffs;

b. Whether BNPP aided and abetted the GOS in causing Plaintiffs' injuries by processing U.S. dollar denominated financial transactions with Sudanese sanctioned entities that BNPP knew were used to fund the Sudanese government's human rights abuses and would result in Plaintiffs' injuries;

c. Whether BNPP committed a prima facie tort by intentionally processing U.S. dollar denominated financial transactions with Sudanese sanctioned entities that were used to fund the Sudanese government's human rights abuses, causing Plaintiffs financial

loss;

d. Whether Sudan's use of the instrumentalities of the state to make non-consensual, offensive bodily contact with Plaintiffs constitutes battery;

e. Whether Sudan's use of excessive force to arrest or take Plaintiffs into custody constitutes battery committed in performance of public duty or authority;

f. Whether Sudan's use of the instrumentalities of the state to place Plaintiffs in apprehension of imminent harmful or offensive contact constitutes assault;

g. Whether Sudan falsely arrested Plaintiffs by taking them into custody without the right to do so;

h. Whether Sudan converted Plaintiffs' property by, with or without authority, unlawfully and intentionally exercising control over it and interfering with Plaintiffs' right of possession;

i. Whether BNPP's intentional and reckless conduct in providing Sudanese sanctioned entities unlawful access to the U.S. banking system in order to enable the Sudanese government's human rights abuses against Plaintiffs was so shocking and outrageous that is liable for Plaintiffs' resulting emotional distress;

j. Whether BNPP negligently and unreasonably exposed Plaintiffs and/or their immediate family members to physical harm, which Plaintiffs witnessed, and was a substantial factor in causing that harm, by providing Sudanese sanctioned entities unlawful access to the U.S. banking system in order to enable the Sudanese government's human rights abuses against Plaintiffs;

k. Whether BNPP acted in bad faith by processing illegal U.S. dollar denominated financial transactions with Sudanese sanctioned entities that BNPP knew were used to

fund the Sudanese government's human rights abuses against Plaintiffs; and

1. Whether and by how much BNPP was unjustly enriched at Plaintiffs' expense.

84. Common questions of fact also exist with respect to BNPP's punitive damages liability, including BNPP's outrageous, grossly negligent, willful, reckless, and wanton conduct; the calculation of the amount of punitive damages that may be imposed upon BNPP consistent with due process; intra-class equity with respect to the allocation and utilization of punitive damages; and the most practicable and most equitable allocation, disbursement, and utilization of such damages for punishment of BNPP's wrongful conduct toward Plaintiffs, and society, and in fulfillment of the deterrent policy and purpose of punitive damages.

**F. Superiority**

85. Absent class treatment, Plaintiffs and members of the Class will continue to suffer harm without remedy as a result of BNPP's unlawful and wrongful conduct.

86. A class action is superior to all other available methods for the fair and efficient adjudication of this controversy. Without a class action, individual Class members would face burdensome litigation expenses, deterring them from bringing suit or adequately protecting their rights. Because of the ratio of the economic value of the individual Class members' claims in comparison to the high litigation costs in complex tort cases such as this litigation, few could likely seek their rightful legal recourse.

87. There is significant precedent for the settlement of similar large-scale class actions through a centralized claims process overseen by a Special Master appointed by and accountable to the Court. Procedures designed to maximize efficiency and standardization also take into account the special circumstances of the victim group, and include maximum awards based on type and severity of injury, streamlined challenge and appeal procedures following

individual claim review, and relaxed standards of proof.

88. The Class and Subclass members have an interest in class adjudication rather than individual adjudication because of the overlapping rights. It is highly desirable to concentrate the resolution of these claims in this single forum because it would be difficult and highly unlikely that the affected Class and Subclass members would protect their rights on their own without this class action case. Management of the Class and Subclasses will be efficient and far superior to the management of individual lawsuits.

89. BNPP has already been criminally convicted of violating U.S. sanctions against Sudan under stipulated facts that are common to all Class members. The consideration of the remaining common questions of fact and law on a class-wide basis will conserve judicial resources and promote a fair and consistent resolution of these claims.

90. Further, to the extent Class members' physical and personal property injuries may differ, questions of damages may be bifurcated to be tried as bellwether cases, because they involve similar types of injuries, facts and claims between members of sub-classes based on geographical and temporal characteristics.

**NO STATUTE OF LIMITATIONS HAS RUN**

91. On May 1, 2015, this Court issued a criminal judgment against BNPP for conspiring to violate the International Economic Powers Act and the Trading with the Enemy Act. The judgment was based on BNPP's admissions that it unlawfully processed billions of dollars in financial transactions through the U.S. financial system on behalf of the GOS and other Sudanese entities. The court sentenced BNPP to a term of probation and ordered it to forfeit \$8,833,600,000 to the United States Government as well as a \$140,000,000 fine. The judgment fully and finally resolved issues of BNPP's guilt and punishment.



92. On that same date, the Office of Public Affairs for the Department of Justice issued a press release informing the general public of the judgment and sentence. The press release stated that “the Justice Department is exploring ways to use the forfeited funds to compensate individuals who may have been harmed by the sanctioned regime[] of Sudan.” It invited such individuals to “provide information describing the nature and value of the harm they suffered” and provided a web address – <http://www.usvbnpp.com/> – and phone numbers through which injured persons could obtain further information.

93. By issuing the May 1, 2015 press release and establishing its informational website and phone lines, the Department of Justice sent the clear message that BNPP’s financial crimes had not only violated U.S. sanctions but had also caused quantifiable, compensable harm to victims of the GOS’s abuses.

94. Plaintiffs arrived in the United States as refugees. None was aware of BNPP’s illegal transactions with the GOS or of the connection between those transactions and his/her own injuries. Some were children at the time of their injuries. Many did not speak English. Before they arrived in the United States, they had no access to the U.S. legal system and were unfamiliar with U.S. law. Prior to the issuance of the May 1, 2015 press release and the establishment of the informational website and phone lines, Plaintiffs did not know – and had no reason to suspect – that BNPP participated in, or had any connection to, the atrocities perpetrated against them by the GOS.

95. BNPP went to elaborate lengths to conceal its illegal transactions with Sudan. It failed to cooperate with law enforcement’s years-long investigation of its sanctions violations. It “concealed its tracks,” and continued its illegal dealings with Sudan for years after the transactions were first questioned. As a result of BNPP’s active concealment of its unlawful

dealings with Sudan, Plaintiffs could not have known of their claims against Defendants until May 1, 2015, when the Department of Justice's press release and informational website drew the connection between Plaintiffs' injuries and BNPP's sanctions violations.

96. As soon as Plaintiffs became aware of their potential claims, they sought legal counsel and prepared to commence this action.

### **FIRST CAUSE OF ACTION**

#### **Civil Conspiracy**

**(All Plaintiffs against all Defendants)**

97. Paragraphs 1-96 are hereby re-alleged and incorporated by reference, as though fully set forth herein.

98. Plaintiffs have suffered torts as alleged herein, including battery, assault, false arrest, and conversion, carried out by the Government of Sudan (GOS) and its agents.

99. Defendants agreed and conspired with the GOS and/or the other sanctioned individuals and entities on whose behalves BNPP illegally processed financial transactions through the U.S. financial system to violate U.S. law and to unlawfully conceal their violations of U.S. sanctions against Sudan, for the purpose of aiding Sudan in its purchase of weapons and militia to be used in its campaign of human rights abuses and gruesome violence against its Black African citizens, including Plaintiffs.

100. Defendants intentionally completed thousands of financial transactions in New York, knowing and intending to provide the GOS and Sudanese sanctioned entities access to the U.S. financial markets to which the GOS had no access without Defendants. Defendants knew that such access would be used to fund Sudan's campaign of violence and human rights abuses against its own people, the Black Africans, including Plaintiffs, with the purchase of weapons

and payments to militia used by the GOS to commit battery, assault, false arrest, conversion and expropriation of property against Plaintiffs.

101. When they engaged in the acts described herein, which would otherwise be lawful, Defendants and their principals knew that they violated U.S. law and U.S. sanctions against Sudan, and further knew that Sudan intended to use BNPP's illegal transactions to intensify its campaign of violence and human rights abuses against its own people, the Black African citizens, including Plaintiffs. By virtue of that knowledge, Defendants and their principals knew and intended to undermine the U.S. sanctions regime that was designed to ameliorate the horrors occurring in Sudan, which the sanctions were intended to prevent. Defendants' actions were wholly unjustified and were carried out with reckless disregard in order to harm Plaintiffs.

102. As a consequence of Defendants' unlawful conduct, the Government of Sudan did in fact acquire the means and instrumentalities, including U.S. dollars, by which it carried out violence and human rights abuses against its Black citizens, including Plaintiffs herein, and caused them to incur physical and psychological injury, loss of property, and/or loss of liberty.

## **SECOND CAUSE OF ACTION**

### **Aiding and Abetting**

**(All Plaintiffs against all Defendants)**

103. Paragraphs 1-102 are hereby re-alleged and incorporated by reference, as though fully set forth herein.

104. Plaintiffs have suffered torts as alleged herein, including battery, assault, false arrest, and conversion, carried out by the Government of Sudan and its agents.

105. Defendants had actual knowledge of Sudan's intent to commit violence and

human rights abuses against its own people, Black African citizens, including Plaintiffs.

106. Defendants completed thousands of financial transactions in New York, giving the GOS and Sudanese sanctioned entities unlawful access to the U.S. financial system which Defendants knew and intended with reckless disregard to aid Sudan in funding its campaign of violence and human rights abuses against Plaintiffs by providing the GOS funding sources in U.S. dollars denied it by U.S. sanctions . Defendants also conspired with and aided the Government of Sudan and/or the other sanctioned individuals and entities on whose behalves BNPP illegally processed financial transactions through the U.S. financial system to violate U.S. law and to conceal from U.S. law enforcement and banking officials their violations of U.S. sanctions.

107. When they engaged in the acts described herein, which would otherwise be lawful, Defendants and their principals knew that they violated U.S. law and U.S. sanctions against Sudan, and further knew that Sudan intended to use BNPP's illegal transactions to intensify its campaign of violence and human rights abuses against its own people, the Black African citizens, including Plaintiffs. By virtue of that knowledge, Defendants and their principals knew and intended to undermine the U.S. sanctions regime that was designed to ameliorate the horrors occurring in Sudan, which the sanctions were intended to prevent. Defendants' actions were wholly unjustified and were carried out with reckless disregard in order to harm Plaintiffs.

108. As a direct consequence of Defendants' unlawful conduct, the Government of Sudan did in fact acquire the means and instrumentalities by which it carried out violence and human rights abuses against its Black African citizens, including Plaintiffs herein, and caused them to incur physical and psychological injury, loss of property, lost earnings and profits,

and/or loss of liberty.

**THIRD CAUSE OF ACTION**

**Prima Facie Tort**

**(All Plaintiffs against all Defendants)**

109. Paragraphs 1-108 are hereby re-alleged and incorporated by reference, as though fully set forth herein.

110. Defendants completed thousands of financial transactions in New York, giving the GOS and Sudanese sanctioned entities unlawful access to the U.S. financial system which was otherwise denied Sudan and which Defendants knew Sudan intended to use in its campaign of violence and human rights abuses against its own people, the Black Africans, including Plaintiffs. Defendants also conspired with the Government of Sudan and/or the other sanctioned individuals and entities on whose behalves BNPP illegally processed financial transactions through the U.S. financial system to violate U.S. law and to conceal their violations of U.S. sanctions against Sudan.

111. When they engaged in the acts described herein, which would otherwise be lawful, Defendants and their principals knew that they violated U.S. law and U.S. sanctions against Sudan, and further knew that Sudan intended to use BNPP's illegal transactions to intensify its campaign of violence and human rights abuses against its own people, the Black African citizens, including Plaintiffs. By virtue of that knowledge, Defendants and their principals knew and intended to undermine the U.S. sanctions regime that was designed to ameliorate the horrors occurring in Sudan, which the sanctions were intended to prevent. Defendants' actions were wholly unjustified and were carried out with reckless disregard in order to harm Plaintiffs.

112. As a direct consequence of Defendants' unlawful conduct, the Government of Sudan did in fact acquire the means and instrumentalities by which it carried out violence and human rights abuses against its Black citizens, including Plaintiffs herein, and caused them to incur loss of property and lost earnings and profits.

#### **FOURTH CAUSE OF ACTION**

##### **Battery**

**(Plaintiffs Kashef, Jane Doe, Hassan, Lual, Wulle, Lukudu, Adam, Tabor, Majuc, and all class members similarly situated, against all Defendants)**

113. Paragraphs 1-112 are hereby re-alleged and incorporated by reference, as though fully set forth herein.

114. The Government of Sudan and/or the other sanctioned individuals and entities on whose behalves BNPP illegally processed financial transactions through the U.S. financial system used the instrumentalities of the state, through its security officers, police officers, government-sponsored militia, and military, as well as weapons including without limitation guns, bombs, swords, bayonets, tanks, attack aircraft and missiles, to make non-consensual, offensive bodily contact with Plaintiffs.

115. As a result of Defendants' conduct, Plaintiffs have suffered, and will continue to suffer, grievous bodily injuries, irreparable harm, and damages ranging from the loss of limbs to blindness to infertility, as well as lost wages and severe mental trauma.

116. Defendants and their principals knew that the GOS intended to commit such acts against Plaintiffs, and conspired with and aided and abetted the GOS by knowingly and purposefully conducting illegal financial transactions in New York on behalf of Sudanese banks owned and controlled by the GOS that funded Sudan's increased military spending. Defendants

gave substantial assistance or encouragement to the GOS in carrying out these acts, and Defendants' conduct was a substantial factor in causing harm to Plaintiffs. Plaintiffs' injuries were a direct and foreseeable result of Defendants' tortious acts.

117. In doing the acts alleged herein, Defendants have acted willfully, outrageously, and with the intent to cause injury to Plaintiffs and with malice, oppression, and bad faith. Defendants are therefore guilty of malice, oppression, and bad faith in conscious disregard of Plaintiffs' rights, so as to justify an award of exemplary and punitive damages in an amount appropriate to punish Defendants, and to deter others from engaging in similar conduct

#### **FIFTH CAUSE OF ACTION**

##### **Battery Committed in Performance of Public Duty or Authority**

**(Plaintiffs Kashef, Jane Doe, Hassan, Lual, Wulle, Lukudu, Adam, Tabor, and all class members similarly situated, against all Defendants)**

118. Paragraphs 1-117 are hereby re-alleged and incorporated by reference, as though fully set forth herein.

119. The Government of Sudan and/or the other sanctioned individuals and entities on whose behalves BNPP illegally processed financial transactions through the U.S. financial system, through its security officers, police officers, government-sponsored militia, and military, as well as weapons including without limitation guns, bombs, swords, bayonets, tanks, attack aircraft and missiles, used an unreasonable and excessive amount of force under the circumstances to detain and arrest Plaintiffs and/or take them into custody.

120. As a result of Defendants' conduct, Plaintiffs have suffered, and will continue to suffer, grievous bodily injuries, irreparable harm, and damages ranging from the loss of limbs to blindness to infertility, as well as lost wages and severe mental trauma.

121. Defendants and their principals knew that the GOS intended to commit such acts against Plaintiffs, and conspired with and aided and abetted the GOS by knowingly and purposefully conducting illegal financial transactions in New York on behalf of Sudanese banks owned and controlled by the GOS that funded Sudan's increased military spending. Defendants gave substantial assistance or encouragement to the GOS in carrying out these acts, and Defendants' conduct was a substantial factor in causing harm to Plaintiffs. Plaintiffs' injuries were a direct and foreseeable result of Defendants' tortious acts.

122. In doing the acts alleged herein, Defendants have acted willfully, outrageously, and with the intent to cause injury to Plaintiffs and with malice, oppression, and bad faith. Defendants are therefore guilty of malice, oppression, and bad faith in conscious disregard of Plaintiffs' rights, so as to justify an award of exemplary and punitive damages in an amount appropriate to punish Defendants, and to deter others from engaging in similar conduct.

### **SIXTH CAUSE OF ACTION**

#### **Assault**

**(Plaintiffs Kashef, Mosabal, Abubakar Abakar, Hamad, Abbo Abakar, Omar, Jane Doe, Hassan, Tingloth, Lual, Wulle, Lukudu, Adam, Tabor, Majuc, and all class members similarly situated, against all Defendants)**

123. Paragraphs 1-122 are hereby re-alleged and incorporated by reference, as though fully set forth herein.

124. The Government of Sudan and/or the other sanctioned individuals and entities on whose behalves BNPP illegally processed financial transactions through the U.S. financial system used the instrumentalities of the state, through its security officers, police officers, government-sponsored militia, and military, as well as weapons including without limitation



guns, bombs, swords, bayonets, tanks, attack aircraft and missiles, to intentionally place Plaintiffs in apprehension of imminent harmful, non-consensual, offensive bodily contact.

125. As a result of Defendants' conduct, Plaintiffs have suffered, and will continue to suffer, irreparable harm and damages including lost wages and severe mental trauma.

126. Defendants and their principals knew that the GOS intended to commit such acts against Plaintiffs, and conspired with and aided and abetted the GOS by knowingly and purposefully conducting illegal financial transactions in New York on behalf of Sudanese banks owned and controlled by the GOS that funded Sudan's increased military spending. Defendants gave substantial assistance or encouragement to the GOS in carrying out these acts, and Defendants' conduct was a substantial factor in causing harm to Plaintiffs. Plaintiffs' injuries were a direct and foreseeable result of Defendants' tortious acts.

127. In doing the acts alleged herein, Defendants have acted willfully, outrageously, and with the intent to cause injury to Plaintiffs and with malice, oppression, and bad faith. Defendants are therefore guilty of malice, oppression, and bad faith in conscious disregard of Plaintiffs' rights, so as to justify an award of exemplary and punitive damages in an amount appropriate to punish Defendants, and to deter others from engaging in similar conduct.

## **SEVENTH CAUSE OF ACTION**

### **False Arrest**

**(Plaintiffs Kashef, Jane Doe, Hassan, Lual, Wulle, Lukudu, Adam, Tabor, and all class members similarly situated, against all Defendants)**

128. Paragraphs 1-127 are hereby re-alleged and incorporated by reference, as though fully set forth herein.

129. The Government of Sudan and/or the other sanctioned individuals and entities on

whose behalves BNPP illegally processed financial transactions through the U.S. financial system, through its security officers, police officers, government-sponsored militia, and military, as well as weapons including without limitation guns, bombs, swords, bayonets, tanks, attack aircraft and missiles, intentionally and non-consensually detained and/or arrested Plaintiffs without a lawfully obtained arrest warrant and without any charges, legal process, or trial. While in detention, Plaintiffs were subjected to unlawful treatment including beatings, torture, and sexual assault, and were forcibly held in inhumane conditions without food, water, light, or adequate sanitary facilities.

130. As a result of Defendants' conduct, Plaintiffs have suffered, and will continue to suffer, grievous bodily injuries, irreparable harm, and damages ranging from the loss of limbs to blindness to infertility, as well as lost wages and severe mental trauma.

131. Defendants and their principals knew that the GOS intended to commit such acts against Plaintiffs, and conspired with and aided and abetted the GOS by knowingly and purposefully conducting illegal financial transactions in New York on behalf of Sudanese banks owned and controlled by the GOS that funded Sudan's increased military spending. Defendants gave substantial assistance or encouragement to the GOS in carrying out these acts, and Defendants' conduct was a substantial factor in causing harm to Plaintiffs. Plaintiffs' injuries were a direct and foreseeable result of Defendants' tortious acts.

132. In doing the acts alleged herein, Defendants have acted willfully, outrageously, and with the intent to cause injury to Plaintiffs and with malice, oppression, and bad faith. Defendants are therefore guilty of malice, oppression, and bad faith in conscious disregard of Plaintiffs' rights, so as to justify an award of exemplary and punitive damages in an amount appropriate to punish Defendants, and to deter others from engaging in similar conduct.

**EIGHTH CAUSE OF ACTION**

**Conversion–Wrongful Taking**

**(All Plaintiffs against all Defendants)**

133. Paragraphs 1-133 are hereby re-alleged and incorporated by reference, as though fully set forth herein.

134. Plaintiffs owned significant movable and immovable property in Sudan, including without limitation land used for agriculture, residential, and business purposes, homes, businesses and business assets, livestock, farming implements, personal belongings including jewelry and household items, cash, bank accounts, and other items of movable and immovable property.

135. The Government of Sudan and/or the other sanctioned individuals and entities on whose behalves BNPP illegally processed financial transactions through the U.S. financial system, through its security officers, police officers, government-sponsored militia, and military, as well as weapons including without limitation guns, bombs, swords, bayonets, tanks, attack aircraft and missiles, intentionally and non-consensually and without lawful justification interfered with Plaintiffs' movable and immovable property by forcibly removing Plaintiffs from their home and lands, unlawfully detaining them without charge, committing and threatening to commit intentional and harmful acts of violence against them, forcing them to flee from their homes and businesses leaving all their property behind and preventing them from returning to claim it. The GOS engaged in such interference knowing that the property belonged to Plaintiffs and that such interference would allow it to exercise full control over Plaintiffs' property.

136. As a result of Defendants' conduct, Plaintiffs have suffered, and will continue to suffer, irreparable harm and damages caused by the loss of their property.

137. Defendants and their principals knew that the GOS intended to commit such acts against Plaintiffs, and conspired with and aided and abetted the GOS by knowingly and purposefully conducting illegal financial transactions in New York on behalf of Sudanese banks owned and controlled by the GOS that funded Sudan's increased military spending. Defendants gave substantial assistance or encouragement to the GOS in carrying out these acts, and Defendants' conduct was a substantial factor in causing harm to Plaintiffs. Plaintiffs' injuries were a direct and foreseeable result of Defendants' tortious acts.

138. In doing the acts alleged herein, Defendants have acted willfully, outrageously, and with the intent to cause injury to Plaintiffs and with malice, oppression, and bad faith. Defendants are therefore guilty of malice, oppression, and bad faith in conscious disregard of Plaintiffs' rights, so as to justify an award of exemplary and punitive damages in an amount appropriate to punish Defendants, and to deter others from engaging in similar conduct.

### **NINTH CAUSE OF ACTION**

#### **Conversion—Wrongful Detention, Use or Disposal Where Possession Lawfully Obtained**

##### **(All Plaintiffs against all Defendants)**

139. Paragraphs 1-138 are hereby re-alleged and incorporated by reference, as though fully set forth herein.

140. Plaintiffs owned significant movable and immovable property in Sudan, including without limitation land used for agriculture, residential, and business purposes, homes, businesses and business assets, livestock, farming implements, personal belongings including jewelry and household items, cash, bank accounts, and other items of movable and immovable property.

141. The Government of Sudan and/or the other sanctioned individuals and entities on

whose behalves BNPP illegally processed financial transactions through the U.S. financial system, through its security officers, police officers, government-sponsored militia, and military, as well as weapons including without limitation guns, bombs, swords, bayonets, tanks, attack aircraft and missiles, came into possession of Plaintiffs' movable and immovable property by forcibly removing Plaintiffs from their home and lands, unlawfully detaining them without charge, committing and threatening to commit intentional and harmful acts of violence against them, forcing them to flee from their homes and businesses leaving all their property behind and preventing them from returning to claim it, and thereafter intentionally interfered with Plaintiffs' property by exercising full control over it. The GOS engaged in such interference knowing that the property belonged to Plaintiffs.

142. As a result of Defendants' conduct, Plaintiffs have suffered, and will continue to suffer, irreparable harm and damages caused by the loss of their property.

143. Defendants and their principals knew that the GOS intended to commit such acts against Plaintiffs, and conspired with and aided and abetted the GOS by knowingly and purposefully conducting illegal financial transactions in New York on behalf of Sudanese banks owned and controlled by the GOS that funded Sudan's increased military spending. Defendants gave substantial assistance or encouragement to the GOS in carrying out these acts, and Defendants' conduct was a substantial factor in causing harm to Plaintiffs. Plaintiffs' injuries were a direct and foreseeable result of Defendants' tortious acts.

144. In doing the acts alleged herein, Defendants have acted willfully, outrageously, and with the intent to cause injury to Plaintiffs and with malice, oppression, and bad faith. Defendants are therefore guilty of malice, oppression, and bad faith in conscious disregard of Plaintiffs' rights, so as to justify an award of exemplary and punitive damages in an amount

appropriate to punish Defendants, and to deter others from engaging in similar conduct.

**TENTH CAUSE OF ACTION**

**Outrageous Conduct Causing Emotional Distress**

**(Intentional/Reckless Infliction of Emotional Distress)**

**(All Plaintiffs against all Defendants)**

145. Paragraphs 1-144 are hereby re-alleged and incorporated by reference, as though fully set forth herein.

146. Defendants completed thousands of financial transactions in New York, giving the GOS and Sudanese sanctioned entities unlawful access to the U.S. financial system and abetting Sudan's campaign of violence and human rights abuses against its own people, the Black African citizens, including Plaintiffs. Defendants also conspired with the Government of Sudan and/or the other sanctioned individuals and entities on whose behalves BNPP illegally processed financial transactions through the U.S. financial system to violate U.S. law and to conceal their violations of U.S. sanctions against Sudan.

147. When they engaged in the acts described herein, which would otherwise be lawful, Defendants and their principals knew that they violated U.S. law and U.S. sanctions against Sudan, and further knew that those acts would aid Sudan in its campaign of violence and human rights abuses against its own people, the Black African citizens, including Plaintiffs. By virtue of that knowledge, Defendants and their principals knew they were undermining the U.S. sanctions regime that was designed to ameliorate the horrors occurring in Sudan, which the sanctions were intended to prevent.

148. Defendants intentionally, recklessly, and for the purpose of causing severe emotional distress conducted themselves toward Plaintiffs in a manner so shocking and

outrageous that it exceeds all reasonable bounds of decency.

149. As a consequence of Defendants' unlawful conduct, the Government of Sudan did in fact acquire the means and instrumentalities by which it carried out violence and human rights abuses against its Black citizens, including Plaintiffs herein, and caused them to incur physical and psychological injury, loss of property, lost earnings and profits, and/or loss of liberty, causing Plaintiffs to suffer severe emotional distress.

**ELEVENTH CAUSE OF ACTION**

**Negligent Infliction of Emotional Distress—Bystander/Zone of Danger Theory**

**(All Plaintiffs against all Defendants)**

150. Paragraphs 1-149 are hereby re-alleged and incorporated by reference, as though fully set forth herein.

151. Defendants completed thousands of financial transactions in New York, giving the GOS and Sudanese sanctioned entities unlawful access to the U.S. financial system and abetting Sudan's campaign of violence and human rights abuses against its own people, the Black African citizens, including Plaintiffs. Defendants also conspired with the Government of Sudan and/or the other sanctioned individuals and entities on whose behalves BNPP illegally processed financial transactions through the U.S. financial system to violate U.S. law and to conceal their violations of U.S. sanctions against Sudan.

152. When they engaged in the acts described herein, which would otherwise be lawful, Defendants and their principals knew that they violated U.S. law and U.S. sanctions against Sudan, and further knew that those acts would aid Sudan in its campaign of violence and human rights abuses against its own people, the Black African citizens, including Plaintiffs. By virtue of that knowledge, Defendants and their principals knew they were undermining the U.S.

sanctions regime that was designed to ameliorate the horrors occurring in Sudan, which the sanctions were intended to prevent.

153. As a consequence of Defendants' unlawful conduct, the Government of Sudan did in fact acquire the means and instrumentalities by which it carried out violence and human rights abuses against its Black citizens, including Plaintiffs herein, and caused them to incur physical and psychological injury, loss of property, lost earnings and profits, and/or loss of liberty. Defendants gave substantial assistance or encouragement to the GOS in carrying out these acts, and Defendants' conduct was a substantial factor in causing harm to Plaintiffs.

154. Defendants' actions negligently and unreasonably exposed Plaintiffs and their immediate family members to physical harm and/or death, which Plaintiffs witnessed, causing severe emotional distress.

## **TWELFTH CAUSE OF ACTION**

### **Commercial Bad Faith**

**(All Plaintiffs against all Defendants)**

155. Paragraphs 1-154 are hereby re-alleged and incorporated by reference, as though fully set forth herein.

156. Plaintiffs have suffered torts as alleged herein, including battery, assault, false arrest, and conversion, carried out by the Government of Sudan and its agents.

157. Defendants completed thousands of financial transactions in New York, giving the GOS and Sudanese sanctioned entities unlawful access to the U.S. financial system and aiding and abetting Sudan's campaign of violence and human rights abuses against its own people, the Black African citizens, including Plaintiffs.

158. When they engaged in the acts described herein, Defendants and their principals



knew that they violated U.S. law and U.S. sanctions against Sudan, and further knew that those acts would aid Sudan in its campaign of violence and human rights abuses against its own people, the Black African citizens, including Plaintiffs . By virtue of that knowledge, Defendants and their principals knew they were undermining the U.S. sanctions regime that was designed to ameliorate the horrors against Plaintiffs occurring in Sudan, which the sanctions were intended to prevent.

159. As a consequence of Defendants' unlawful conduct, the Government of Sudan did in fact acquire the means and instrumentalities by which it carried out violence and human rights abuses against its Black citizens, including Plaintiffs herein, and caused them to incur physical and psychological injury, loss of property, and/or loss of liberty.

### **THIRTEENTH CAUSE OF ACTION**

#### **Unjust Enrichment**

#### **(All Plaintiffs against all Defendants)**

160. Paragraphs 1-159 are hereby re-alleged and incorporated by reference, as though fully set forth herein.

161. Plaintiffs have suffered torts as alleged herein, including battery, assault, false arrest, and conversion, carried out by the Government of Sudan and its agents.

162. Defendants completed thousands of financial transactions in New York, giving the GOS and Sudanese sanctioned entities unlawful access to the U.S. financial system and aiding and abetting Sudan's campaign of violence and human rights abuses against its own people, the Black African citizens, including Plaintiffs.

163. When they engaged in the acts described herein, Defendants and their principals knew that they violated U.S. law and U.S. sanctions against Sudan, and further knew that those

acts would aid Sudan in its campaign of violence and human rights abuses against its own people, the Black African citizens, including Plaintiffs. By virtue of that knowledge, Defendants and their principals knew they were undermining the U.S. sanctions regime that was designed to ameliorate the horrors occurring in Sudan, which the sanctions were intended to prevent.

164. Defendants took the actions described herein for their own benefit and enrichment. Defendants unjustly benefited from their wrongful conduct at Plaintiffs' expense, having earned fees and income from processing at least \$8,833,600,000 in sanctioned transactions on behalf of the Government of Sudan and/or other sanctioned individuals and entities, appreciated the benefit of their actions, and retained the value of their actions.

165. Defendants acted willfully, maliciously, outrageously, in bad faith and with reckless indifference to the interests of Plaintiffs by engaging in the conduct described above in order to unjustly enrich themselves at the expense of Plaintiffs. It is against equity and good conscience to permit Defendants to retain what they unlawfully obtained as the result of completing thousands of unlawful financial transactions as alleged herein. Plaintiffs therefore seek an order compelling Defendants to disgorge the profits they have realized or may realize as a result of their improper conduct.

#### **PRAYER FOR RELIEF**

WHEREFORE, each and every Plaintiff prays for judgment against each Defendant as follows:

- (a) For certification of a class pursuant to Fed. R. Civ. P. Rule 23(a) and (b)(3);
- (b) That judgment be entered as to the monetary relief requested herein;
- (c) That judgment be entered against Defendants determining that they have committed the violations of law as alleged in this Complaint;

- (d) An award of compensatory damages including general and specific damages to the full extent legally available, in an amount to be determined at trial;
- (e) An award of punitive or exemplary damages to the full extent legally available, in an amount to be determined at trial;
- (f) For costs of suit, including attorneys' fees, pre-judgment and post-judgment interest, expert witness fees, consultant fees, and other costs as and to the extent permitted by law;
- (g) For such other and further relief as the Court may deem just and proper.

Dated: April 29, 2016

Respectfully submitted,

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: /s/Kathryn Lee Crawford

Kathryn Lee Crawford, NY SBN 2370443  
2049 Century Park East, Suite 3550  
Los Angeles, California 90067  
Tel: 310.500.4600  
Fax: 310.500.4602  
[lboyd@bhfs.com](mailto:lboyd@bhfs.com)

*Attorneys for Plaintiffs*