

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FRAN HEISER and GARY HEISER  
Individually and as Co-Administrators of the  
Estate of Michael Heiser,  
10 Live Oak Lane  
Palm Coast, Florida 32137

IBIS HAUN  
Individually and as Administratrix of the  
Estate of Leland Timothy Haun,  
326 Cocoa Islas Blvd  
Cocoa Beach, Florida 32931

RICHARD WOOD  
Individually and as Administrator of the  
Estate of Justin R. Wood,  
1341 Lorry Ave.  
Modesta, CA 95355

DENISE M. OEHMANN  
Individually and as Administratrix of the  
Estate of Earl F. Cartrette, Jr.,  
2516 Nordman Ave.  
New Smyrna Beach, FL

SANDRA WETMORE AND JAMES WETMORE  
Individually and as Co-Administrators of the  
Estate of Brian McVeigh,  
148 Pinedale Road  
Debary, Florida 32713

Plaintiffs,

v.

THE ISLAMIC REPUBLIC OF IRAN  
and  
THE IRANIAN MINISTRY OF INFORMATION  
SECURITY  
and  
ISLAMIC REVOLUTIONARY GUARD CORPS.  
and  
HIZBALLAH  
and  
OSAMA BIN LADEN  
and  
JOHN DOES 1-99

Defendants.

CASE NUMBER 1:00CV02329

JUDGE: Thomas Penfield Jackson

DECK TYPE: Civil General

DATE STAMP: 09/29/2000

COMPLAINT FOR  
DAMAGES PURSUANT  
TO THE FOREIGN  
SOVEREIGN  
IMMUNITIES ACT

FILED

SEP 29 2000

NANCY MAYER-WHITTINGTON, CLERK  
U.S. DISTRICT COURT

CIVIL ACTION NUMBER

1

Plaintiffs, by counsel, respectfully file this Compliant against Defendants for the grounds stated herein:

### **JURISDICTION, VENUE AND CHOICE OF LAW**

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1330(a), 1331 and 1332(a)(2).
2. Defendants are subject to suit in the courts of the United States pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. §1605(a)(7).
3. Venue lies in this Court pursuant to 28 U.S.C. §1391(f)(4).
4. Actions for wrongful death, personal injury and related torts perpetrated by foreign state sponsors of terrorism through their officials, employees and agents fall within the meaning of 28 U.S.C. §1605(a)(7) and 28 U.S.C.A. §1605.

### **PARTIES**

5. Plaintiffs Gary Heiser and Fran Heiser, citizens of the State of Florida, are the parents of decedent Michael Heiser who died from injuries sustained during a terrorist attack on June 25, 1996. Plaintiffs Gary Heiser and Fran Heiser are the Co-Administrators of the Estate of Michael Heiser and represent their son's other beneficiaries.
6. Plaintiffs Sandra Wetmore and James Wetmore, citizens of the State of Florida, are the mother and stepfather of decedent Brian McVeigh, who died from injuries sustained during a terrorist attack on June 25, 1996. Plaintiffs Sandra Wetmore and James Wetmore are the Co-Administrators of the Estate of Brian McVeigh and represent the interests of their son's other beneficiaries.

7. Plaintiff Richard Wood, a citizen of the State of California, is the father of decedent Justin Wood, who died from injuries sustained during a terrorist attack on June 25, 1996. Plaintiff Richard Wood is the Administrator of the Estate of Justin Wood and represents the interests of his son's other beneficiaries.
8. Plaintiff Ibis Haun, a citizen of the State of Florida, is the wife of decedent Leland Timothy Haun, who died from injuries sustained during a terrorist attack on June 25, 1996. Plaintiff Ibis Haun is the Administrator of the Estate of Leland Timothy Haun and represents the interests of her husband's other beneficiaries.
9. Plaintiff Denise Oehmann, a citizen of the State of Florida, is the mother of decedent Earl Cartrette, Jr., who died from injuries sustained during a terrorist attack on June 25, 1996. Plaintiff Denise Oehmann is the Administrator of the Estate of Earl Cartrette, Jr., and represents the interests of her son's other beneficiaries.
10. Defendant the Islamic Republic of Iran is a foreign state and is designated as a state sponsor of terrorism pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. §2405(j)).
11. Defendant the Iranian Ministry of Information and Security ("MOIS") is the Iranian intelligence service through which Iran sponsored the terrorist group that caused the act of extrajudicial killings described below.
12. Defendant Islamic Revolutionary Guard Corps ("IRGC") is a distinct entity within the Islamic Republic of Iran dedicated to the export of Islamic Fundamentalist principles through acts of terrorism.

13. Defendant Hizballah was formed by Iran utilizing MOIS and IRGC assets as a organization to export Islamic fundamentalism to other Middle Eastern countries through acts of terrorism.
14. Defendant Osama bin Laden is a former citizen of Saudi Arabia believed to be residing in Afghanistan. United States officials have described him as one of the most significant sponsors of Islamic extremist activity in the world.
15. Defendants John Does 1-99 are persons whose identities are currently unknown who planned, assisted, and executed the bomb attack in the al Khobar section of Dharan, Saudi Arabia on June 25, 1996.

#### **STATEMENT OF FACTS**

16. In June of 1996, Michael Heiser, Leland Timothy Haun, Justin Wood, Brian McVeigh and Earl Cartrette Jr., were assigned with the armed forces of the United States in Dhahran, Saudi Arabia following the conclusion of the Gulf War against Iraq. They were all United States citizens who resided in the al-Khobar section of Dharan in a multi-story apartment building used to house military personnel.
17. Several years before, the Islamic Republic of Iran had begun a program of carefully planned acts of terrorism designed to destabilize governments in the Middle East and export principles of Islamic fundamentalism. Its principal agents in this regard were the Iranian Ministry of Information and Security ("MOIS") and the Islamic Revolutionary Guard Corps. ("IRGC").
18. In the early 1980's Iran, through MOIS and the IRGC, established Hizballah in Lebanon as a terrorist organization employing tactics such as kidnaping, torture and

murder. The MOIS and the IRGC provided funding, training and equipment to Hizballah enabling it to pursue and achieve its mission of terrorism.

19. By the early 1990's, the activities of Hizballah were no longer limited to Lebanon. Its operatives were now operating in a number of countries utilizing the tactics and training taught to them in Iran and the Bekka Valley in Lebanon at facilities established, operated and supported by defendants.
20. In this period, the presence of United States personnel in Saudi Arabia was viewed by the Iranian government Hizballah and Osama bin Laden as supportive of a Saudi monarchy, which was closely allied with Western governments. In its view, a large scale terrorist operation designed to kill Americans would expose the corruption of the house of Al-Saud and result in a revolution and the establishment of an Islamic Republic in Saudi Arabia. The Iranian government, acting through MOIS, IRGC and Hizballah, began preparations for a bombing of a target associated with American interests.
21. In 1995, defendants began months of preparation for such an operation. Hizballah operatives began to scout potential Arabian targets. Small shipments of explosives were smuggled into Saudi Arabia and stored. An elaborate professional intelligence network was established to carry out the mission.
22. By June of 1996 the bomb components had arrived in Saudi Arabia including high explosives, incendiary materials, and sophisticated fuses as well as the tools for the bomb assembly. Defendants selected and approved a target in Dharaan to be detonated by Hizballah agents.

23. In the evening of June 25, 1996, two men drove a stolen Mercedes Benz tanker truck containing the bomb into the Saudi compound that surrounded the American sector at the al-Khobar military area near Dhahran. They parked the truck 80-100 feet from a building which housed the American personnel. The men drove away in a waiting Chevrolet Caprice, which had also been stolen as a getaway vehicle. A few minutes later, the bomb exploded.
24. The explosion killed dozens of persons including nineteen American servicemen. Hundreds of others were injured and burned. The blast caused structural damage in buildings a quarter of a mile away.
25. After the blast, Osama bin Laden described the explosion as a praiseworthy act of terrorism.
26. Michael Heiser, Leland Timothy Haun, Justin Wood, Brian McVeigh and Earl Cartrette Jr. died as a result of injuries suffered in the explosion.

## **COUNT I**

### **ACTION FOR WRONGFUL DEATH**

27. Decedents' deaths were caused by a willful and deliberate act of extrajudicial killing. The explosion was caused by a bomb deliberately detonated by Hizballah, acting under the direction and supervision of the other Defendants.
28. Defendant the Islamic Republic of Iran sponsored Hizballah's terrorist activities within the meaning of 28 U.S.C. §1605(a)(7).
29. Defendants the MOIS and IRGC, acting as agents of the Islamic Republic of Iran, performed acts within the scope of their agency which caused the deaths of Michael

G. Heiser, Brian McVeigh, Justin R. Wood, Leland Timothy Haun, and Earl F.

Cartrette, Jr., within the meaning of 28 U.S.C. §1605(a)(7) and 28 U.S.C.A. §1605.

30. The surviving beneficiaries of Michael G. Heiser, Brian McVeigh, Justin R. Wood,

Leland Timothy Haun, and Earl F. Cartrette, Jr. as a direct and proximate

consequence of the actions described above, for which Defendants are vicariously

liable, suffered pecuniary loss, including assistance to the beneficiaries, the loss of

decedents' future earnings, and decedents' funeral expenses.

31. For the reasons stated above, Defendants are jointly and severally liable to Plaintiffs.

**WHEREFORE**, Plaintiff Gary Heiser and Fran Heiser, Sandra Wetmore and James

Wetmore, Richard Wood, Ibis Haun, and Denise Oehmann demand that judgment be

entered in favor of each Decedent's Estate, on behalf of the beneficiaries, against

Defendants jointly and severally, in the amount of Fifteen Million dollars, besides costs.

## **COUNT II**

### **SURVIVAL ACTION**

32. Before their deaths, decedents Michael Heiser, Brian McVeigh, Justin Wood, Leland

Timothy Haun, and Earl Cartrette, Jr., suffered extreme bodily pain and suffering,

entitling their Estates to compensatory damages.

33. Defendants are vicariously responsible for the actions of their co-defendants because

they controlled and acted in concert with Hizballah in sponsoring terrorist activities in

Saudi Arabia.

34. For the reasons stated above, Defendants are jointly and severally liable to Plaintiffs.

**WHEREFORE**, Plaintiffs Gary Heiser and Fran Heiser, Sandra Wetmore and James Wetmore, Richard Wood, Ibis Haun, and Denise Oehmann, demand that judgment be entered in favor of each Decedent's Estate against Defendants jointly and severally, in the amount of Twenty Million Dollars, for each decedent besides costs.

### **COUNT III**

#### **ACTION FOR SOLATIUM**

35. Defendants caused the extrajudicial killings through the act of terrorism described above.

36. As a direct and proximate consequence of the violent deaths of Michael Heiser, Brian McVeigh, Justin Wood, Leland Timothy Haun, and Earl Cartrette, Jr., Plaintiffs and decedents' beneficiaries, as indicated above, have suffered extraordinary grief and mental anguish, entitling Plaintiffs and decedents' beneficiaries to compensatory damages.

37. For the reasons stated above, and pursuant to 28 U.S.C.A. §1605 which specifically authorizes a cause of action for solatium in civil actions for money damages resulting from terrorist acts, Defendants are jointly and severally liable to the Plaintiffs and to decedents' beneficiaries.

**WHEREFORE**, Plaintiffs Gary Heiser and Fran Heiser, Sandra Wetmore and James Wetmore, Richard Wood, Ibis Haun, and Denise Oehmann, demand that judgment be entered in favor of Plaintiffs, on behalf of each of decedents' beneficiaries, against Defendants jointly and severally, in the amount of Twenty Million Dollars for each+ decedent, besides costs.



**COUNT IV**

**ACTION FOR PUNITIVE DAMAGES**

38. The actions of the Defendants, acting in concert to carry out their unlawful objectives, were malicious and in willful, wanton and reckless disregard of the rights of Michael Heiser, Brian McVeigh, Justin Wood, Leland Timothy Haun, and Earl Cartrette, Jr. The Defendants, acting individually and jointly, intended to carry out actions which would end the lives of persons residing in the Khobar Towers complex in which Michael Heiser, Brian McVeigh, Justin Wood, Leland Timothy Haun, and Earl Cartrette, Jr., were residing. The actions sponsored by Defendants were undertaken at such time those responsible were operating for and in the service of Defendants, and those Defendants are, therefore, vicariously liable to Plaintiffs.

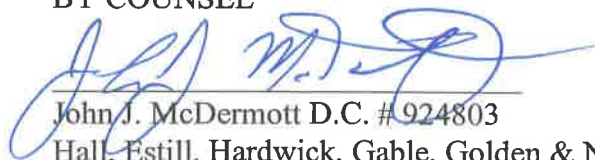
39. Defendants MOIS, IRGC, Hizballah and Osama bin Laden are officials, agents, and/or employees of the Islamic Republic of Iran who performed acts within the scope of their offices, agencies, and/or employment, which caused the extrajudicial killings, described herein.

For the reasons stated above, and pursuant to 28 U.S.C.A. §1605 note, which specifically authorizes a cause of action for punitive damages in civil actions for money damages resulting from terrorist acts, Defendants are jointly and severally liable to the Plaintiffs.

**WHEREFORE**, Plaintiffs Gary Heiser and Fran Heiser, Sandra Wetmore and James Wetmore, Richard Wood, Ibis Haun, and Denise Oehmann, demand that judgment be entered in favor of each Estate against Defendants in the amount of Five Hundred Million Dollars besides costs.

Respectfully submitted,

BY COUNSEL

A handwritten signature in blue ink, appearing to read "J.J. McDermott", is written over a horizontal line.

John J. McDermott D.C. # 924803

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