

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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Estate of John Buonocore III, <i>et al.</i> ,)	
)	
	Plaintiffs,)	
)	
v.)	Civil Action No. 06-00727 (GK)(JMF)
)	
Great Socialist People's Libyan)	
Arab Jamahiriya, <i>et al.</i> ,)	
)	
	Defendants.)	
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**PLAINTIFFS' PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

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I. INTRODUCTION

The civil action of Buonocore v. Great Socialist People's Libyan Arab Jamahiriya, Civil Action 06-cv -0727 (GK) (JMF) was filed on April 21, 2006 and pursuant to an Order entered by the Hon. Gladys Kessler, United States District Judge, on the 27th day of July 2010 [Dkt No. 84] this matter was referred to the Honorable John M. Facciola, United States Magistrate Judge for the United States District Court for the District of Columbia for an Evidentiary Hearing which commenced on February 22, 2011.

As to the action set forth hereinabove, the named Libyan Defendants were dismissed pursuant to the enactment of the Libya Claims Resolution Act but Plaintiffs' claims remained pending against the Syrian Arab Republic; the Syrian Air Force Intelligence agency— Idarat al-Mukhabarat al-Jawiyya; and Syria's Director of Military Intelligence, General Muhammad al-Khuli (hereinafter collectively the "Syrian Defendants" or "Syria").

At the conclusion of the introduction of all evidence at the evidentiary hearing, counsel was directed by the Court to tender to the Court proposed findings of fact and conclusions of law for consideration by the Court.

Accordingly, the Plaintiffs propose that the Court enter the following Findings of Fact and Conclusions of Law for the egregious and unforgiving conduct in providing material support for the acts of international terrorism committed against each of the Plaintiffs, awarding damages in such sums as permitted by law and as are calculated to provide a measure of just compensation to each of the Plaintiffs, as set forth herein.

II. SUMMARY OF FINDINGS

Plaintiffs seek Judgment against Defendants and an award of damages for acts of state-sponsored terrorism that resulted in the unconscionable and intentional killing of 13 people and wounding of 75 others on December 27, 1985 at the Fiumicino/Leonardo Da Vinci Airport in Rome, Italy, and the coordinated and simultaneous killing of 3 people and wounding of 30 others at the Schwechat Airport in Vienna, Austria (“Rome and Vienna Airport Attacks”).

The Court, having heard and reviewed the evidence, does hereby determine (i) that the machine gun assault and use of hand grenades, aimed at passengers waiting at and near the TWA and El Al check-in counters at the Schwechat Airport in Vienna, Austria on December 27, 1985 was an act of international terrorism, (ii) that the terrorist shootings and bombings that caused the killings of John Buonocore III, Frederick Gage, Don Maland, Charles Shinn, Natasha Simpson and Elena Tommarello, and the injuries of Salvatore Ferrigno, Mark Maland, Jeanette Sweis, Juliet Sweis, Michael Sweis, Saeid Sweis, Victor Simpson, Michael Simpson, Jeanne Shinn and Francesco Zerilli, all U.S. nationals (as defined by the Immigration and Nationality Act) at the time of the attack, were acts of international terrorism that occurred during and as a result of the December 27, 1985 terrorist attack, (iii) that said attack was committed by the Abu Nidal Organization (“ANO”), which has been designated by the US Department of State as a Foreign Terrorist Organization, and whose terrorist operatives initiated a terrorist attack on December 27, 1985, (iv) that the Abu Nidal Organization, at the time of and prior to the Rome and Vienna Airport Attack was sponsored, supported, aided and abetted by Syria, which has been and remains designated by the US Department of State as a State

Sponsor of Terrorism, and (v) that the Syrian Arab Republic, the Syrian Air Force Intelligence Agency and Syria's Director of Military Intelligence, General Muhammad al-Khuli provided substantial and material support to the ANO terrorist organization and aided, abetted, conspired with and enabled said ANO terrorist organization, and caused and is liable for the heinous acts of international terrorism against the Plaintiffs, and each of them, for which the Court will award damages as set forth below.

The Court further finds that the Syrian Defendants provided material support and resources, and aided, abetted and conspired with the ANO in the planning, training and support for and commission of the Rome and Vienna Airport Attacks; and that the ANO terrorist group, including the sole surviving terrorist in the attack on Rome's Fiumicino /Leonardo Da Vinci Airport, Khaled Ibrahim Mahmood, a/k/a Al Hasan, Mohamed Sorhan Abdallah, Mohamed Weled Hussein Al Abdallah, Issa Suleiman Abdallah, or Ahmed Hussein Al Ajlan ("Khaled") was trained and supported by the Syrian Defendants, who further provided the ANO terrorists who conducted the attacks with weapons and passports, allowing the terrorists to travel. The Court further finds that the Syrian Defendants intended that their support of the ANO would promote and cause torture and extrajudicial killings of American nationals and that Syria's goal in supporting acts of senseless but sensational terrorism, including cruel, inhumane and violent attacks upon innocent victims from the United States, and was to advance their own geopolitical interests in the Middle East region and in an attempt and design to stop the Middle East peace process dead in its tracks; and that as a totalitarian state and brutal dictatorship, Syria's actions could not have occurred without the explicit authorization by then Syrian President, Hafiz al-Assad. Accordingly, the Court awards damages on behalf

of each of the Plaintiffs against the Syrian Defendants, and each of them, jointly and severally as set forth hereinafter below.

III. STATEMENT OF THE CASE

Plaintiffs brought this action pursuant to the provisions of the Foreign Sovereign Immunities Act, (“FSIA”), codified at 28 U.S.C. § 1602, *et seq.* The Syrian Defendants were served with process on July 26, 2006.¹ The Syrian Defendants did not answer or appear within the required time period and on October 4, 2006 the Court, therefore, entered default against the Syrian Defendants. The Court proceeded to a liability hearing as required by 28 U.S.C. § 1608(e):

A court shall not enter a default judgment against a foreign state "unless the claimant establishes his claim or right to relief by evidence satisfactory to the court." 28 U.S.C. § 1608(e); *Roeder v. Islamic Republic of Iran*, 333 F.3d 228, 232, 2003 WL 21495185 (D.C. Cir. 2003). This "satisfactory to the court" standard is identical to the standard for entry of default judgments against the United States in Federal Rule of Civil Procedure 55(e). *Hill v. Republic of Iraq*, 328 F.3d 680, 684 (D.C. Cir. 2003). In evaluating the plaintiffs' proof, the court may "accept as true the plaintiffs' uncontroverted evidence." *Elahi v. Islamic Republic of Iran*, 124 F. Supp. 2d 97, 100 (D.D.C. 2000). In FSIA default judgment proceedings, the plaintiffs may establish proof by affidavit. *Weinstein v. Islamic Republic of Iran*, 184 F. Supp. 2d 13, 19 (D.D.C. 2002).

Campuzano v. Islamic Republic of Iran, 281 F. Supp. 2d 258, 268 (D.D.C. 2003). In a default proceeding, the Plaintiffs’ burden of proof is “evidence satisfactory to the court.”

Id. All uncontroverted evidence is accepted as true. Id.

¹ Service upon each of the Syrian Defendants in Buonocore was perfected under 28 U.S.C. § 1608(a)(3) through delivery of the required documents (accompanied by Arabic translations) to the Head of the Ministry of Foreign Affairs via international courier service, evidenced by a July 30, 2006 letter from the international courier service indicating that the shipment containing two copies of the summons and complaint and a notice of suit, together with a translation of each into the official language of the foreign state was signed for by “Esam” at the Syrian Ministry of Foreign Affairs for the Defendants on July 30, 2006. Buonocore v. Great Socialist People’s Libyan Arab Jamahiriya, CA 06-00727 (GK) (JMF) (D.D.C. filed April 21, 2006).

A three-day hearing on liability and damages was held commencing on February 22, 2011. During the hearing, this Court accepted evidence in the form of, *inter alia*, live testimony, live video-link testimony, affidavit, *de bene esse* deposition and original documentary evidence. The Court also accepted credible expert testimony from six exceptionally well qualified experts on various subjects related to the issues pending before the Court in this matter.² The Court finds that Plaintiffs have established their claim to relief, as to each of the causes of action pled by the Plaintiffs in the various

² Marius Deeb, Ph. D.- Professor Deeb was accepted as an expert witness by this Court concerning the following topics: the Syrian government, Syrian government structure, Syrian government's foreign policy, the Syrian government past and continuing ongoing active support for terrorism, including but not limited to the Syrian government's designation as a State Sponsor of Terror and the Syrian government's support of the Abu Nidal terrorist organization which committed (a) the EgyptAir Flight 648 hijacking, and separately (b) the Rome and Vienna Airport Attacks of one month later. (Deeb, T-23- 191).

Patrick Lang- Col. Lang was accepted as an expert witness by this Court in the field of terrorism, counterterrorism, Middle Eastern affairs, politics and to render opinions on the various matters in which he has expertise, including but not limited to the sponsorship by Syria of terrorism, Syria as a designated State Sponsor of Terrorism, Syria's sponsorship of the Abu Nidal Organization, a Foreign Terrorist Organization, and the terrorist hijacking of Egypt Air Flight 648, committed on November 23, 1985 by the Abu Nidal Organization with Syrian sponsorship and separately the Rome and Vienna Airport Attacks of December 27, 1985 committed by the Abu Nidal Organization with Syrian sponsorship. (Lang, T-23-167).

David Long, Ph.D.- David Long was accepted as an expert witness by this Court. (Long, T-23-144). David Long's expert testimony concerned, *inter alia*, terrorism, counterterrorism, Middle Eastern affairs, politics and gave opinions on the various matters in which he has expertise, including but not limited to the sponsorship by Syria of terrorism, its sponsorship of ANO, the Abu Nidal Organization, and the commitment by the Abu Nidal Organization with Syrian sponsorship of the hijacking of EgyptAir Flight 648, and separately the Rome and Vienna Airport Attacks.

James Markham, Ph. D.- Dr. James Markham was accepted as an expert witness by this Court in the field of forensic economics, and otherwise qualified to testify on the issues that are before the Court as they relate to calculations involving damages for each of the killed or injured plaintiffs. (Markham, T-25-9).

Ambassador Robert Oakley- Ambassador Oakley was accepted as an expert witness by this Court in the field of terrorism, counterterrorism, Middle Eastern affairs, politics, and the issues concerning Syria's sponsorship of the Abu Nidal Organization prior to, during, and following the EgyptAir Flight 648 hijacking, and Rome and Vienna Airport Attacks. (Oakley, T-23-153).

Yoram Schweitzer, Ph.D.- Dr. Yoram Schweitzer was accepted as an expert witness by this Court and testified/gave expert opinions concerning various fields/issues including: the field of terrorism, counterterrorism, Middle Eastern affairs, politics, and the issues concerning Syria's sponsorship of the Abu Nidal Organization prior to, during, and following the EgyptAir Flight 648 hijacking, and Rome and Vienna Airport Attacks. (Schweitzer, T-23-181).

actions as required by 28 U.S.C. § 1608(e). Accordingly, this Court finds the following facts were established by Plaintiffs.

IV. FINDINGS OF FACT

The Court hereby finds that the government of Syria has a long history of providing material aid and support for terrorism; that Syria was designated as a state sponsor of terrorism by the government of the United States of America in 1979 on its first published list of State Sponsors of Terror; that Syria invited the Abu Nidal Organization to relocate its headquarters to Syria in 1981-1983; that the Abu Nidal Organization completed the relocation of its headquarters from Iraq to Syria in 1983; that Syria intentionally selected the notoriously violent Abu Nidal Organization, a foreign terrorist organization, to commit acts of terrorism with the aid, support, sponsorship and involvement of the Syrian Defendants, intending that the ANO terrorist organization would carry out its terrorist operations with lethal brutal force designed to further Syria's governmental aims, goals, means, methods and geopolitical objectives; that the Abu Nidal Organization carried out the Rome and Vienna Airport Attacks of December 27, 1985 with the aid, support, sponsorship and involvement of the Syrian Defendants.

Further, the Court finds that throughout the early to mid-1980s including all of 1985, Syria regarded the ANO terrorist network as an indispensable party in furtherance of Syrian foreign policy goals and interests in the Middle East and beyond. These foreign policy goals included the undermining of the peace process between the Arabs and Israelis, through the commitment of spectacular brutal and heinous terrorist attacks against the United States, Israel, Egypt and those Arab governments which were supportive of the Arab-Israeli peace process, which was opposed by the Syrian

Defendants. Further, that the Syrian Defendants accordingly aided and abetted and conspired with the ANO to cause the nearly simultaneous December 27, 1985 terrorist attacks at the Fiumicino/Leonardo da Vinci Airport at Rome, Italy (“Rome Airport Attack”) and the Schwechat Airport at Vienna, Austria (“Vienna Airport Attack”), which were a coordinated international terrorist attack planned, designed and conducted by the ANO and the Syrian Defendants with the intent and result of killing and injuring U.S. citizens and others through acts of international terrorism and to undermine the peace process between moderate Arab states, such as Egypt, the Palestine Liberation Organization, Israel and the United States of America.

A. SYRIA IS A STATE SPONSOR OF TERRORISM

1. The Court finds that the Plaintiffs have established that Syria has a long history of providing material support to terrorist groups, including the ANO. Prior to and during the relevant period surrounding the December 27, 1985 attacks against civilians standing at or near the TWA and El Al ticket counters at both the Fiumicino /Leonardo da Vinci Airport at Rome, Italy and the Schwechat Airport at Vienna, Austria through the present, terrorism was and remains an integral tool for the Syrian regime. (Deeb, T-23-192, Ex. 54 at pg. 129 ¶7, Lang, T-23-171-172)³;

2. The United States designated Syria as a state sponsor of terrorism primarily because of its active and direct involvement in terrorist activities beginning in the mid-1970s. (Deeb, T-23-193-94, Ex. 54 at pg. 129 ¶8);

³ In citations to the Transcript of Trial Proceedings, the following convention is used: (Witness’ name, T-Day of February 2011 which witness testified- Page of Transcript from said day’s Transcript which testimony appears. The first day of the evidentiary hearing took place on February 22, 2011. The transcripts from the first day of the evidentiary hearing are divided into two separate transcripts. The transcript of the morning proceedings is referenced as 22A and the transcript of the afternoon proceedings is referenced as 22B.

3. Historically, Syria has provided material support to terrorist groups primarily in order to achieve foreign policy goals, such as undermining the Middle East peace process and pushing the United States and its allies out of the region. (Deeb, T-23-193, Ex. 54 at pg. 129 ¶7);

4. Syria has supported terrorism to undermine the peace process between the Arabs and Israelis. (Deeb, T-23-194, Ex. 54 at pg. 10, Schweitzer, Ex. 58). As such, Syrian sponsored terrorist activities were, and continue to be, primarily directed against any entity supportive of that process: including moderate Arab states such as Egypt, pro-Yassir Arafat Palestinian groups, and U.S. and Israeli targets. (Deeb, Ex. 54 at pg. 129 ¶8). Syria supported the ANO's operations against Arab countries that supported the Israel-Egypt peace treaty. (Schweitzer, Ex. 58);

5. In this regard, Syria utilized, and continues to utilize, terrorist groups as a means of achieving foreign policy goals without resorting to conventional methods of warfare, which it could not, and still cannot, afford to wage against either Israel or the United States. (Deeb, T-23-193, Ex. 54 at pg. 129 ¶7);

6. As a result of its past support of terrorism, Syria was among the first countries designated in 1979 by the United States Department of State as a State Sponsor of Terrorism. (Deeb, T-23-193, Ex. 54 at pg. 129 ¶7, Oakley, T-23-156, Ex. 55 at pg. 30 ¶6);

7. Syria was in fact designated as a State Sponsor of Terrorism on December 29, 1979. (Deeb, T-23-193, Ex. 54 at pg. 129 ¶7, Oakley, Ex. 55 at pg. 30 ¶6);

8. Syria, as a result of its ongoing, current and continuous sponsorship of terrorism, today remains designated by the State Department as a State Sponsor of Terrorism. (Oakley, Ex. 55 at pp. 30-31 ¶6);

9. During the period encompassing the Rome and Vienna Airport Attacks of December, 1985, Syria continued to support the most active and brutal international terrorist group operating at the time, Abu Nidal. (Oakley, Ex. 55 at pg. 31 ¶6). Moreover, during the same time period, the United States considered Syria as one of the worst sponsors of terrorism in the world. (Oakley, T-23-158, Ex. 55 at pg. 21);

10. During the relevant time period during which the Rome and Vienna Airport Attacks occurred, beginning on or about 1983, Syria began to increasingly rely on terrorist groups comprised of non-Syrians in order to deflect detection of Syria's support and liability for the actions of its terrorist surrogates. (Deeb, T-23-194-95, Ex. 54 at pg. 129 ¶8);

11. During the relevant period of the Rome and Vienna Airport Attacks, President Hafiz al-Assad ruled Syria under an authoritarian government whereby all organs of the state were directly under al-Assad's direct control. (Deeb, T-23-195, Ex. 54 at pg. 129-130 ¶9);

12. One of the primary organs al-Assad utilized to sponsor terrorist organizations, such as the ANO, was the Syrian Air Force Intelligence agency— Idarat al-Mukhabarat al-Jawiyya. (Deeb, T-23-195-196, Ex. 54 at pg. 130 ¶9, Oakley, T-23-159, Ex. 55 at pg 12);

13. The Syrian Air Force Intelligence was more of a presidential intelligence service than an instrumentality of the Air Force, and was of paramount

importance because it functioned as the highest intelligence organization in Syria. (Deeb, T-23-196, Ex. 54 at pg. 130 ¶9);

14. The head of the Air Force Intelligence- General Muhammad al-Khuli- was the most powerful intelligence chief within Syria. (Deeb, T-23-196, Ex. 54 at pg. 130 ¶10);

15. Syria remains a major sponsor of terrorism today. (Deeb, Ex. 54 at pg. 10); At present, according to the testimony received by the Court from Dr. Marius Deeb, Syria as a state sponsor of terrorism spends between Five Hundred Million United States Dollars (\$500,000,000) and Seven Hundred Million United States Dollars (\$700,000,000) annually on terrorism related expenditures. (Deeb, T-24-6). The Five Hundred Million United States Dollars (\$500,000,000) figure is the minimum estimate of Syria's current and ongoing terrorism related expenditures. (Deeb, T-24-6);

16. Syria's current and ongoing support of international terrorism includes, but is not limited to, its providing of material support to HAMAS and Hezbollah, each of which have been designated by the US Department of State as Foreign Terrorist Organizations. (Lang, Ex. 44 at pp. 54-55; Deeb, Ex. 54 at pp. 197-99, 232-34).

B. THE ABU NIDAL ORGANIZATION IS A FOREIGN TERRORIST ORGANIZATION

17. The Abu Nidal Organization was established and led by Sabri al-Banna a/k/a Abu Nidal. (Lang, Ex. 44 at pg. 35). Abu Nidal was originally a leading member and operative of Yasser Arafat's Fatah organization which was and is the

backbone of the Palestine Liberation Organization (“PLO”). (Deeb, T-23-198, Ex. 54 at pg. 132 ¶12).

18. In October 1974, when Abu Nidal was serving as Arafat’s Fatah organization representative in Baghdad, Iraq, he decided to break away from Arafat’s Fatah movement and form his own more radical organization which he called the Fatah-Revolutionary Council, a.k.a. the Abu Nidal Organization. (Deeb, T-23-198, Ex. 54 at pg. 132 ¶12).

19. Abu Nidal broke away from Arafat in opposition to Arafat’s consideration to support the Middle East peace process. (Deeb, Ex. 54 at pp. 20-21).

20. Abu Nidal was a thoroughly violent individual and the Abu Nidal Organization was brutal and their documented methodology for the commission of terrorist attacks required bloodshed as an end unto itself. (Long, Ex. 56 at pg. 2 ¶2).

21. During the relevant time period of the Rome and Vienna Airport Attacks, the ANO became one of the most sophisticated terrorist groups of its day, with a global network of operations. (Long, T-23-147, Ex. 56 at pg. 2 ¶4).

22. One of the primary reasons that the ANO was so effective was the high level of internal security Abu Nidal achieved within his organization. (Long, Ex. 56 at pg. 2 ¶3).

23. Compartmentalization within the ANO was rigid, both horizontally and vertically: personnel were organized into small cell groups with minimal interaction among other members. (Long, Ex. 56 at pg. 2 ¶4).

24. The ANO was run like a commercial enterprise, with different departments, including secret service, military, archives, foreign relations and others. (Badra, Ex. 25 at pg. 3 ¶10).

25. ANO terrorists used assumed names, matching forged identification and travel documents, which were changed constantly so that no one could be sure of the real names of other members. (Long, Ex. 56 at pg. 2 ¶4).

26. The ANO required the support of governments to conduct its operations. Syria provided the ability for ANO to train and house and dispatch its operatives, who were also given passage to return to Syria or the Syrian controlled Baaka Valley in Lebanon for further terrorist training and operations. (Lang, T-23-172-173; Ex. 44 at pg. 37; Rezaq, T-23-75-76; Ex. 26, 338, 345-346, 359; Ibrahim, T-23-83; Ex. 24 at pg. 75 ¶13).

27. The ANO was known by the United States government in 1985 and 1986 to be a brutal, violent and dangerous terrorist organization and ANO was subsequently designated as a Foreign Terrorist Organization (“FTO”). According to the most recent FTO list which was released on January 19, 2010, ANO remains designated as a FTO. (Ex.43).

28. The ANO, in at least the fall of 1985, trained its terrorist squads in the Syrian controlled Baaka Valley in Lebanon, maintained safe houses and headquarters in Damascus, and with the permission of the Syrian government and the Syrian Defendants, dispatched its terrorist operatives from its training camps, (Lang, T-23-172-173; Ex. 44 at pg. 91, 92 ¶¶9, 10), and did, in December 1985 the nearly simultaneous and coordinated Rome and Vienna Airport Attacks. The ANO was one of the most violent terrorist

organizations in the world which specifically aimed its terrorist attacks at United States targets.

C. SYRIA SPONSORED AND SUPPORTED THE ABU NIDAL ORGANIZATION

29. The head of the Syrian Air Force Intelligence General Muhammad al-Khuli in his official capacity invited Abu Nidal and his organization to move to Syria in January, 1981. (Deeb, T-23-196, Ex. 54 pg. 130 ¶10).

30. When al-Khuli officially invited the ANO to be based in Syria, he was following the orders of Syrian President Hafiz al-Assad. (Deeb, T-23-196; Ex. 54 at pg. 130 ¶10).

31. During the relevant period of the Rome and Vienna Airport Attacks, and up to the present, Syria was a police state under the al-Assad family. (Deeb, T-23-199; Ex. 54 at pg. 132, 133 ¶13). Accordingly, while the ANO was based in Syria, its actions and terrorist operations would not have been possible without the full knowledge and support of President Hafiz al-Assad and his chief intelligence officer General Muhammad al-Khuli. (Deeb, T-23-199; Ex. 54 at pg. 132, 133 ¶13).

32. In the beginning of 1983, when the ANO more concretely established itself in Syria with headquarters, physical bases for training and other purposes, marked the exponential growth of ANO attacks around the world; ANO attacks increased in number and geographic scope. (Deeb, Ex. 54 at pg. 130 ¶11).

33. ANO operations expanded to include attacks in the greater Middle East, Turkey, Pakistan and Western Europe. (Deeb, Ex. 54 at pg. 20).

34. The ANO's establishment of a base of operations in Syria in 1983 also marked a dramatic increase in the number of ANO terrorist attacks; more than a dozen

ANO attacks in 1984 and twice that number in 1985. (Deeb, T-23-197, Ex. 54 at pg. 130 ¶11);

35. The extensive support and infrastructure provided by the Syrian Defendants enabled the ANO to expand its scope of operations, resulting in more terrorist attacks. (Long, Ex. 56 at pg. 4 ¶2).

36. Both before and after the November-December 1985 time period during which the Rome and Vienna Airport Attacks occurred, Syria provided logistical support to the ANO including, but not limited to, permitting the ANO to maintain offices and safe houses in Syria, maintaining training camps in Syrian controlled territory including the Baaka Valley in Lebanon, and the providing of identification and travel documents to ANO operatives. (Lang, T-23-172-174, Ex. 44 at pg. 91 ¶¶9, 10; Oakley, T-23-159-160, 162-163, Ex. 55 at pg. 32 ¶ 8; Rezaq, T-23-75-76; Ex. 26, at pp. 338, 345-346, 359; Ibrahim, T-23-83; Ex. 24 at pg. 75 ¶13; Deeb, T-23-201; Ex. 54 at pg. 134 ¶16).

37. Syria also allowed the ANO to move about freely in Syria and in Syrian-controlled Lebanon and in this regard permitted ANO operatives to transit to and through the Damascus international airport, (Deeb, T-23-201, Ex. 54 at pg. 134 ¶16) and also, to and through the Beirut, Lebanon airport. (Lang, Ex. 44 at pg. 49).

38. Moreover, Syria also permitted ANO agents the freedom to travel on military highways between training camps in Syrian controlled Lebanon and Damascus without passport control. (Lang, T-23-174; Ex. 44 at pg. 38).

39. Surviving ANO terrorists from the Rome and Vienna Airport Attacks have corroborated, by sworn depositions and/or filed affidavits, each of which have been

admitted into evidence by the Court, Syria's specific logistical and material support and sponsorship of the ANO during the time period of November-December, 1985 and of these specific Rome and Vienna airport attacks. (Ibrahim, Ex. 24-25, Badra, Ex. 28).

40. Syria participated in the selection of the timing and the methodologies, as well the operations themselves, which were involved in the Rome and Vienna Airport Attacks. (Deeb, Ex. 54 at pp. 18-19).

41. The Syrian government, both directly and acting through Syrian Air Force Intelligence, provided support to the ANO organization and specifically sponsored the ANO Rome and Vienna Airport Attacks. (Lang, Ex. 44 at pg. 38). The Rome and Vienna Airport Attacks could not have taken place without Syria's direct support for the ANO. (Lang, T-23-179; Ex. 44 at pg. 96 ¶22; Deeb, T-23-197-98; Ex. 54 at pg. 132 ¶11; Long, Ex. 56 at pg. 4 ¶4; Schweitzer, Ex. 58 at 35).

42. The ANO was materially and substantially supported in its terrorist activities by the Syrian Defendants beginning in 1981-1983 and continuing through and including the December 1985 Rome and Vienna Airport Attacks.⁴

D. THE SYRIAN SPONSORED ABU NIDAL ORGANIZATION PERPETRATED THE ROME AND VIENNA AIRPORT ATTACKS

43. On December 25, 1985, four members of the ANO went to the Rome Fiumicino Airport and opened fire on individuals standing at or near the El Al, Pan Am, and TWA counters.

44. The victims who did not survive the Rome Airport Attack include, but

⁴ The EgyptAir Hijacking and Rome and Vienna Airport Attacks occurred less than a month apart and benefited from the same support and material aid provided by the Syrian Defendants. Both sets of attacks were part of the Syrian-ANO plan, design and conspiracy to destabilize the Middle East peace process and Syria's support, aiding and abetting of ANO for each attack occurred in furtherance of such conspiracy as acts of international terrorism.

are not limited to, John Buonocore III, Frederick Gage, Don Maland, Charles Shinn, Natasha Simpson, Elena Tommarello, Plaintiffs in this case;

45. The surviving victims of the Rome Airport Attack include, but are not limited to, Salvatore Ferrigno, Mark Maland, Jeanette Sweis, Juliet Sweis, Michael Sweis, Saeid Sweis, Victor Simpson, Michael Simpson, Jeanne Shinn and Francesco Zerilli, Plaintiffs in this case.

46. Prior to the attack, at a meeting in Damascus, ANO leaders instructed Ibrahim and the other three terrorists to wait in Rome until contacted and provided orders and details of the operation. (Ibrahim, T-23-94; Ex. 24 at pg. 76 ¶20).

47. When in Rome, Ibrahim spoke with Fouad, a member of the Committee on Foreign Operations, who was at Abu Nidal offices in Damascus. (Ibrahim, Ex. 24 at pg 76 ¶22).

48. Fouad met with Ibrahim and the other terrorists in Rome on December 25, 1985, and instructed them to go to Fiumicino airport, to take hostages, to take them to the Israeli airplane and to make a request that all the Palestinian prisoners be freed. (Ibrahim, Ex. 24 at pg. 76-77 ¶23).

49. Fouad instructed the terrorists that Rome Fiumicino airport would be the target of the attack, and informed them that the time of the attack was important, in order to show people that they could coordinate the Rome and Vienna Airport attacks and demonstrate the power of their organization. (Ibrahim, Ex. 24 at pg. 77 ¶24).

50. On December 27, 1985, Ibrahim and the other terrorists positioned themselves in the airport for the 9:00 am attack. (Ibrahim, Ex. 24 at pg. 77 ¶ 27).

51. Each terrorist had his own bag containing a Kalashnikov and grenades.

(Ibrahim, Ex. 24 at pg. 77 ¶ 27).

52. The El Al, Pan Am, and TWA counters in the Rome Fiumicino airport were located in a public area, several yards from the security checkpoint. (S. Ferrigno, T-22B-63).

53. At approximately 9:00 am, December 27, 1985, Plaintiffs standing at or near the El Al and TWA counters at the Rome Fiumicino airport heard “firecracker” sounds and gunshots. (M. Maland, T-22A-52).

54. At approximately 9:00 am, Salvatore Ferrigno was running to make his next flight to the United States, when he heard “firecracker” sounds. (S. Ferrigno, T-22B-63).

55. Mr. Ferrigno subsequently heard machine gun fire and observed people crying, trying to hide and run away. (S. Ferrigno, T-22B-63, 64).

56. Trying to reach the exit door, Mr. Ferrigno observed people lying on the floor, hit by bullets, and deciding that he wouldn’t be able to make it to the door, he lay down on the floor, as well. (S. Ferrigno, T-22B-64).

57. As soon as he heard the sound of gunshots, Francesco Zerilli threw himself to the ground. (F. Zerilli, T-24-49).

58. Upon hearing the gunshots and explosions, Victor Simpson instinctively fell to the group and shielded his eldest daughter Natasha from the gunfire. (V. Simpson Ex. 59).

59. Shortly thereafter, Mr. Zerilli began hearing bigger explosions, which sounded like grenades. (F. Zerilli, T-24-51).

60. John Buonocore, III was in the ticket hall during the attack and was

killed by a terrorist bullet to his back which exited his thorax. (T. Buonocore, T-23-9, Ex. 32).

61. Frederick Gage was also present near the ticket counters and was killed during the attack after being shot multiple times in the thorax and abdomen. (N. Gage, T-23-50-51, Ex. 41).

62. While lying on the ground with his brother Don, who was killed, Mark Maland was hit by a bullet in the right leg. (M. Maland, T-22A-53).

63. One of the terrorists was lying on the floor with a machine gun, shooting at ground level. (Ferrigno, T-22B-64).

64. To protect himself from the bullets, Mr. Ferrigno covered his head with his hands, and it was at this point that he was shot. (Ferrigno, T-22B-64).

65. Mr. Ferrigno was hit with two bullets to his chest and one that went through his hand. (Ferrigno, T-22B-65).

66. Amidst the gunfire and explosions Charles Shinn desperately tried to lift his wife Jeanne to safety over a ticket counter (B. Mignerey, T-23-121).

67. Charles Shinn sustained multiple hand grenade shrapnel injuries and gunshot injuries and eventually died as a result of the Rome and Vienna Airport Attacks. (B. Mignerey, T-23-122)

68. Despite Charles Shinn's efforts to protect his wife Jeanne Shinn, Jeanne sustained multiple hand grenade shrapnel injuries. (B. Mignerey, T-23-120-122, 138).

69. Michael Simpson, the youngest of the Simpson family children, had gone to retrieve a luggage cart before the shooting commenced and during the attack was

wounded in the stomach. (M. Simpson, Ex. 60).

70. Elena Tommarello was standing in the airport terminal and was shot numerous times from the waist down by a machine gun fire and died as a result of the Rome and Vienna Airport Attacks. (B. Pepenella, T-24-131).

71. The Sweis family was in the terminal at a restaurant kiosk during the attack and Michael, Jeanette, Juliet and Saeid Sweis were all physically injured during the attack. (Jean. Sweis, T-24-97-98, Jul. Sweis, T-24-16-18, Saeid Sweis, T-24-143-144).

72. The terrorist who was on the floor firing was shot and his leg wounded, so he tossed aside his machine gun and tried to make it appear that he was one of the victims on the floor. (Ferrigno, T-22B-64).

73. Suddenly, the terrorists stopped shooting, and Mr. Ferrigno observed the police catch the only terrorist still alive. (Ferrigno, T-22B-66).

74. When the firing stopped Mr. Maland noticed a pool of blood in front of the head of his brother, Don Maland, and felt a crease just across the top of Don's head. Don Maland died as a result of the Rome Airport Attack (M. Maland 2-22A-54).

75. Once the gunfire finally stopped, Victor Simpson looked down to see his daughter Natasha Simpson unconscious and not moving. She died as a result of the Rome Airport Attack (V. Simpson, Ex. 59).

76. Only after Natasha Simpson was taken in an ambulance did Victor Simpson discover that his right hand had been shot, was in pieces and covered in blood. (V. Simpson, Ex. 59).

77. It was abundantly clear to individuals who served in key counterterrorism positions within the United States government during the relevant period that the Syrian government had provided material support to the ANO in the conduct of the Rome and Vienna Airport Attacks. (Lang, T-23-172-174; Long, Ex. 56, Oakley, T-23-160-161; Ex. 55).

78. Syrian support for the ANO in its conduct of the Rome and Vienna Airport Attacks took various forms, specifically including, but not limited to: allowing the ANO to maintain offices in Damascus, the maintenance and operation of training camps in Syrian controlled territory (being the Baaka Valley in Lebanon), the provision of operational guidance, clearance for travel into and out of Syrian borders and the transportation of ANO operatives and personnel on Syrian military highways. (Oakley, T-23-160; Lang, T-23-172-174; Ex. 44 at pg. 38-39; Rezaq, T-23-75-76; Ex. 26, at pp. 338, 345-346, 359).

79. Khalid Ibrahim was sentenced to serve a life sentence at Rebibbia Prison, in Rome, Italy having been convicted in the Italian criminal courts for his participation in the attack upon the TWA and El Al Israel Airlines check-in counters at the Rome Fiumicino/Leonardo da Vinci Airport airport, which occurred on December 27, 1985. (Ex. 24).

80. There is no doubt that Syria materially and substantially supported, aided, abetted and sponsored the ANO in its preparation for and the conduct of the ANO terrorist attacks on the Rome and Vienna airports in December 1985, and that the Rome and Vienna Airport Attacks could not have occurred without and did occur as a result of Syria's support and sponsorship of the ANO terrorist organization,

E. THERE WERE AMERICAN VICTIMS OF THE SYRIAN SPONSORED ROME AIRPORT ATTACK

i. The Maland Family

81. Don Maland was born in Mineola, New York on November 30, 1955. (Ex. 13). Mr. Maland was born a United States citizen and was a United States citizen at the time of his murder. (E. Maland, T-22A-83).

82. Don Maland's biological father was Einar Maland. (Ex. 13).

83. Don Maland's biological mother was Grace Maland. (Ex. 13).

84. Don Maland's siblings are Jane Maland, Mark Maland, Ellen Maland and Tim Maland. (M. Maland, T-22A-31).

85. Einar Maland is now deceased. (Ex. 9). Mark Maland serves as the personal representative of the Estate of Einar Maland. (Ex. 10, M. Maland, T-22A-30).

86. Grace Maland is now deceased. (Ex. 7). Mark Maland serves as the personal representative of the Estate of Grace Maland. (Ex.8, M. Maland, T-22A-27)

87. Don Maland's parents and siblings were all United States citizens. Einar Maland was a naturalized United States citizen and was a U.S. citizen prior to the Rome and Vienna Airport Attacks. (M. Maland T-22A-28). Grace Maland was born a United States citizen and remained a citizen throughout her lifetime. (M. Maland, T-22A-26). Mark Maland was born a United States citizen and has remained a United States citizen at all times since his birth. (Ex. 2, M. Maland T-22A-23). Jane Maland, Ellen Maland and Tim Maland each were born United States citizens and have remained United States citizens from the time of their respective births through the present. (Ex.

20, J. Maland, T-22B-6, Ex. 11, 12 E. Maland T-22A-79-80, Ex.17,18 T. Maland T-22B-28-29).

88. At the time of the Rome and Vienna Airport Attacks, Don Maland worked for Ford Aerospace, in the Cairo branch office. (E. Maland, T-22A-82)

89. On December 27, 1985 Don Maland was at the Rome Fiumicino Airport with his brother Mark Maland. (M. Maland, T-22A-50-51)

90. Mark Maland suffered gunshot wounds to his leg in the attack. (M. Maland, T-22A-50,53)

91. Don Maland was shot in the head. (M. Maland T-22A-54). Although he survived for a period of time, Don Maland died from his head wounds suffered in the Rome Airport Attack. (M. Maland T-22A-64). Ellen Maland, the sister of Don Maland, serves as the Personal Representative of the Estate of Don Maland. (E. Maland T-22A-64; Ex 16.)

92. In addition to the severe physical injuries suffered by Don and Mark Maland, both Don and Mark Maland suffered severe emotional trauma and mental anguish as they waited to be evacuated from the Rome Fiumicino airport. (M. Maland, T-22A, 55-60)

93. The family members of Mark Maland and Don Maland, and each of them who are Plaintiffs in this action, have endured emotional distress, mental anguish and suffering and solatium damages as a result of the acts of the Defendants, and each of them, all to their respective damage.

ii. John Buonocore, III

94. John Buonocore, III was born in New York, New York on February 16, 1965. (Ex. 30). At the time of his murder, Mr. Buonocore, III was a United States citizen. (Ex. 31, T. Buonocore T-23-10).

95. John Buonocore, III's biological father was John Buonocore, Jr. (Ex. 30, T. Buonocore, T-23-8).

96. John Buonocore, III's biological mother was Cecile Buonocore whose birth name was Cecile Hall. (Ex 30, T. Buonocore, T-23-8).

97. John Buonocore, III's only sibling is Todd Buonocore. (T. Buonocore, T-23-8).

98. Cecile Buonocore currently serves as the Administrator of John Buonocore, III's Estate. (Ex. 34, T. Buonocore, T-23-10).

99. John Buonocore, III's father John Buonocore, Jr., was born a United States citizen and has remained a United States citizen. (J. Buonocore, T-24-74). John Buonocore, III's mother Cecile Buonocore was born a United States citizen and has remained a United States citizen. (Ex. 37, C. Buonocore, T-23-42).

100. John Buonocore, III's brother, Todd Buonocore was born a citizen of the United States and has remained a United States citizen from the time of his birth through the present. (Ex. 28, 29, T. Buonocore, T-23-6).

101. In December, 1985, John Buonocore, III was a student at Dickenson College and was studying abroad at the Intercollegiate Studies program of Stanford University which was based in Rome, Italy. (T. Buonocore, T-23-14).

102. John Buonocore, III suffered grievously when he was shot during the Rome Airport Attack on December 27, 1985 (Ex. 33, T. Buonocore, T-23-32-33)

103. John Buonocore, III's last hour of his life surely was wretched, painful and anguishing as a result of his suffering prior to his death. His life was materially disrupted, altered and ended as a result of the acts of the Defendants, and each of them, all to his damage and the damage to his Estate.

104. The family members of John Buonocore, III, and each of them who are Plaintiffs in this action, have endured emotional distress, mental anguish, suffering and solatium damages as a result of the acts of the Defendants, and each of them, all to their respective damage.

iii. Frederick Gage

105. Frederick Gage was born in Madison, Wisconsin on August 17, 1956. (Ex. 40). From the time of his birth until his murder, Mr. Gage was a United States citizen. (N. Gage, T-23-52).

106. At the time of his death, Frederick Gage's, had only one surviving sibling, Nancy Gage. (N. Gage, T-23-49).

107. Nancy Gage currently serves as the Administrator of Frederick Gage's Estate. (Ex. 42, N. Gage, T-23-51). .

108. Frederick Gage's sister, Nancy Gage was born a citizen of the United States and has remained United States citizen from the time of her birth through the present. (Ex. 38, 39, N. Gage, T-23-46-47).

109. In December, 1985, Frederick Gage was travelling in Europe and at the Rome Fiumicino airport on his way to Austria to visit friends. (N. Gage, T-23-63).

110. Frederick Gage suffered grievously when he was shot during the Rome Airport Attack on December 27, 1985 (Ex. 41, N. Gage, T-23-51)

111. Frederick Gage's last hour of his life surely was wretched, painful and anguishing as a result of his suffering prior to his death. His life was materially disrupted, altered and ended as a result of the acts of the Defendants, and each of them, all to his damage and the damage to his Estate.

112. Nancy Gage, the only surviving family member of Frederick Gage, who is a Plaintiff in this action, has endured emotional distress, mental anguish, suffering and solatium damages as a result of the acts of the Defendants, and each of them, all to her respective damage.

iv. The Shinn Family

113. Charles Shinn was born in Missouri on July 5, 1916. (Ex. 45). Mr. Shinn was born a United States citizen and remained a United States citizen from the time of his birth until his death from his injuries. (Mignerey, T-23-112).

114. Jeanne Shinn was a United States citizen. (Mignerey, T-23-118).

115. At the time of the Rome Airport Attack, Charles and Jeanne Shinn were travelling for the Christmas holidays. (Mignerey, T-23-119)

116. On December 27, 1985 the Shinns were at the Rome Fiumicino Airport. (Mignerey, T-23-119)

117. Charles Shinn suffered gunshot and shrapnel wounds to his arms, legs and chest and died as a result of the Rome Airport Attack. (Mignerey, T-23-122)

118. Jeanne Shinn suffered shrapnel wounds in her arm, face and wrist and ruptured her eardrum a result of the Rome Airport Attack. (Mignerey, T-23-122)

119. In addition to the severe physical injuries suffered by Charles and Jeanne Shinn, both Charles and Jeanne suffered severe emotional trauma and mental

anguish, suffering and solatium damages as a result of the Rome Airport Attack.
(Mignerey, T-23-125;127;129)

v. The Sweis Family

120. Michael Sweis was born in Jordan and became a naturalized United States citizen in 1977. (Ex. 75, Ju. Sweis, T-24-12)

121. Aida Lykawar Sweis was also born in Jordan and became a naturalized United States citizen in 1978. (Ex. 80, Ju. Sweis, T-24-12)

122. From the time of their naturalization until the dates of their respective deaths, neither Michael Sweis nor Aida Sweis renounced their United States citizenship and both remained United States citizens. (Ju. Sweis, T-24-12)

123. Michael Sweis and Aida Sweis were the parents of four children; Juliet Sweis, Sayel Sweis, Jeanette Sweis and Saied Sweis. (Ju. Sweis, T-24-12).

124. All of the Sweis children were born in the United States and since their birth have been and remain, United States citizens. (Ju. Sweis, T-24-13, Ex. 61, 62, 73, 64 and 65).

125. Michael Sweis is now deceased. (Ex. 78). Jeanette Sweis serves as the executor of the Estate of Michael Sweis. (Ex. 79, Je. Sweis, T-24-93).

126. Aida Sweis is now deceased. (Ex. 82). Jeanette Sweis serves as the personal representative of the Estate of Aida Sweis. (Ex. 92, Je. Sweis, T-24-94).

127. At the time of the Rome Airport Attack, the Sweis Family were travelling together and were in Rome, Italy. (Je. Sweis, T-24-96).

128. On the morning of December 27, 1985 the family was at the Rome Fiumicino airport preparing to travel back to Chicago; they were in the McDonalds café of the airport eating breakfast. (Je. Sweis, T-24-97).

129. While in the café, gunfire erupted and many of the Sweis family members were wounded as a result of gunshots and shrapnel. (Je. Sweis, T-24-97).

130. Jeanette Sweis suffered gunshot and shrapnel wounds to her legs. (Je. Sweis, T-24-97-98).

131. Michael Sweis suffered gunshot and shrapnel wounds. (Je. Sweis, T-24-98).

132. Juliet Sweis suffered shrapnel wounds to her head. (Ju. Sweis, T-24-17).

133. Saied Sweis suffered shrapnel wounds to his calf and arm. (Ju. Sweis, T-24-18).

134. In addition to the severe physical injuries suffered by Michael Sweis and his children Jeanette, Juliet and Saied Sweis, the entire Sweis Family, including Aida Sweis and Sayel Sweis, suffered severe emotional trauma and mental anguish as they waited to be evacuated from the Rome Fiumicino airport. (Ju. Sweis, T-24-18-19; Je. Sweis T-24-117-118).

135. The Sweis family members, and each of them who are Plaintiffs in this action, have endured emotional distress, mental anguish and suffering and solatium damages as a result of the acts of the Defendants, and each of them, all to their respective damage.

vi. The Simpson Family

136. Victor Simpson was born in New York on May 11, 1942. (Simpson, T-24-156; Ex. 59). Mr. Simpson was born a United States citizen and has remained a United States citizen from the time of his birth through the present. (V. Simpson, T-24-156).

137. Antonia Daniela Petroff Simpson (“Daniela Simpson”) was born in Germany on March 12, 1945, and became a naturalized United States citizen in 1946. (V. Simpson, Ex. 59B; Ex. 59A).

138. From the time of Daniela Simpson’s naturalization until the present, Mrs. Simpson has remained a United States citizen. (V. Simpson, Ex. 59A).

139. At the time of the Rome Airport Attack on December 27, 1985 Victor Simpson and Daniela Simpson were the parents of two children: Natasha Simpson and Michael Simpson. (M. Simpson, T-24-151).

140. Natasha Simpson was born in Rome, Italy on April 28, 1974 and was born a United States citizen. (V. Simpson, Ex. 59C) Michael Simpson was born in Rome, Italy on October 14, 1976, and was born a United States citizen. (Ex. 60A).

141. From the date of his birth until the present, Michael Simpson has remained a United States citizen. (M. Simpson, T-24-152; Ex. 60B).

142. From the date of her birth until the date of her death, Natasha Simpson remained a citizen of the United States. (V. Simpson, Ex. 59D, E).

143. Victor Simpson and Daniela Simpson currently serve as the personal co-representatives of Natasha Simpson’s Estate. (V. Simpson, Ex. 59F).

144. At the time of the Rome Airport Attack, the Simpson Family was travelling together and were in Rome, Italy. (M. Simpson, T-24-152).

145. On the morning of December 27, 1985 the family was at the Rome Fiumicino airport preparing to travel to the United States. (M. Simpson, T-24-152).

146. While at the airport, gunfire erupted and Victor Simpson, Natasha Simpson and Michael Simpson were struck with bullets. (V. Simpson, T-24-156; V. Simpson, Ex. 59 Video).

147. Victor Simpson suffered gunshot wounds to his wrist and hand. (M. Simpson, T-24-153; V. Simpson, Ex. 59 Video).

148. Michael Simpson suffered shrapnel wounds to his abdomen. (M. Simpson, T-24-153; Ex. 60C).

149. Natasha Simpson was mortally wounded when she was hit with terrorist bullets. (M. Simpson, T-24-153). Natasha Simpson's last moments of her life surely were filled with fear, pain and anguish as a result of her suffering prior to her death. Her young life was materially disrupted, altered and tragically ended as a result of the acts of the Defendants, and each of them, all to her damage and the damage to her Estate.

150. In addition to severe physical injuries suffered by Victor Simpson, Natasha Simpson and Michael Simpson, the entire Simpson Family, including Victor Simpson, Daniela Simpson and Michael Simpson suffered severe emotional trauma and mental anguish as a result of the Rome Airport Attack which claimed the life of Natasha. (V. Simpson, T-24-156; M. Simpson, T-24-154).

151. The Simpson family members, and each of them who are Plaintiffs in this action, have endured emotional distress, mental anguish and suffering and solatium damages as a result of the acts of the Defendants, and each of them, all to their respective damage.

vii. Elena Tommarello

141. Elena Tommarello was born in Italy on January 18, 1918 and became a naturalized United States citizen on November 10, 1972. (Ex. 89, B. Pepenella, , T-24-122).

142. From the time of her naturalization until the date of her death, Elena Tommarello did not renounce her United States citizenship and she remained a U.S. citizen. (B. Pepenella, T-24-137).

143. At the time of her death, Elana Tommarello had two sons; Bruno Pepenella and Armando Pepenella. (A. Pepenella, T-24-139).

144. Armando Pepenella currently serves as the Administrator of Elena Tommarello's Estate. (Ex. 69E, A. Pepenella, T-24-140).⁵

145. All of Elena Tommarello's children are United States Permanent Residents. (Ex. 68; Ex. 69A)

146. On the morning of December 27, 1985 Elena Tommarello was at the Rome Fiumicino airport preparing to travel back to the U.S. to spend the New Years holiday with her children and grandchildren. (B. Pepenella, T-24-130).

147. Elena Tommarello suffered grievously when she was shot during the Rome Airport Attack on December 27, 1985 (Ex. 90, B. Pepenella, T-24-133).

148. Elena Tommarello survived the attack and was transported to the hospital. Elena Tommarello succumbed to her wounds and passed away in the early hours of December 28, 1985 as a result of the Rome Airport Attack. (Ex. 91; B. Pepenella, T-24-133). Elena Tommarello's last hours of life surely were filled with anguishing pain,

⁵ Plaintiff's counsel has learned of the passing of Armando Pepenella on August 12, 2011. The Court will be advised upon the appointment of a substitute Administrator for the Estate of Elena Tommarello and the appointment of a Personal Representative for his estate.