



**TABLE OF CONTENTS**

	<b><u>PAGE NO.</u></b>
<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>II. SUMMARY OF FINDINGS.....</b>	<b>2</b>
<b>III. STATEMENT OF THE CASE.....</b>	<b>4</b>
<b>IV. FINDINGS OF FACT.....</b>	<b>6</b>
<b>A. SYRIA IS A STATE SPONSOR OF TERRORISM.....</b>	<b>7</b>
<b>B. THE ABU NIDAL ORGANIZATION IS A FOREIGN     TERRORIST ORGANIZATION.....</b>	<b>10</b>
<b>C. SYRIA SPONSORED AND SUPPORTED THE ABU     NIDAL ORGANIZATION.....</b>	<b>12</b>
<b>D. THE SYRIAN SPONORED ABU NIDAL     ORGANIZATION PERPETRATED THE HIJACKING OF     EGYPTAIR FLIGHT 648.....</b>	<b>15</b>
<b>E. THERE WERE AMERICAN VICTIMS OF THE EGPYTAIR FLIGHT     648 SYRIAN SPONSORED ANO HIJACKING.....</b>	<b>23</b>
<b>i. Patrick Scott Baker and Family.....</b>	<b>23</b>
<b>ii. Scarlett Marie Rogenkamp and Family.....</b>	<b>25</b>
<b>iii. Jackie Nink Pflug and Family.....</b>	<b>27</b>
<b>V. CONCLUSIONS OF LAW.....</b>	<b>30</b>
<b>A. THE COURT ASSERTS SUBJECT MATTER JURISDICTION     UNDER 28 U.S.C. § 1605A.....</b>	<b>30</b>
<b>B. SYRIA IS LIABLE FOR THE MURDER AND PERSONAL     INJURIES ARISING FROM THE HIJACKING UNDER     28 U.S.C. § 1605A(c).....</b>	<b>36</b>

1. SYRIA AIDED AND ABETTED THE MURDER OF SCARLETT MARIE ROGENKAMP AND THE PERMANENT INJURY OF PATRICK SCOTT BAKER AND JACKIE NINK PFLUG .....	38
2. SYRIA CONSPIRED WITH THE ANO TO KILL AND INJURE U.S. CITIZENS BY ACTS OF TERRORISM .....	46
C. PLAINTIFFS' ARE ENTITLED TO DAMAGES UNDER 28 U.S.C. § 1605A(c) .....	49
1. ECONOMIC DAMAGES .....	50
2. SOLATIUM .....	51
i. Family of Scarlett Marie Rogenkamp .....	55
ii. Family of Jackie Nink Pflug .....	57
iii. Family of Patrick Scott Baker .....	61
3. PAIN AND SUFFERING .....	63
i. Scarlett Marie Rogenkamp .....	64
ii. Jackie Nink Pflug .....	66
iii. Patrick Scott Baker .....	69
4. PUNITIVE DAMAGES .....	71
5. PREJUDGMENT INTEREST .....	75
D. PLAINTIFFS' DAMAGES UNDER 28 U.S.C. § 1605(a)(7) .....	77
1. WRONGFUL DEATH .....	78
i. California Law of Wrongful Death .....	78
2. ECONOMIC LOSSES .....	80
3. ASSAULT AND BATTERY .....	80
i. TEXAS .....	80
ii. WASHINGTON .....	81

iii.	CALIFORNIA.....	82
4.	INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS.....	83
i.	CALIFORNIA.....	85
ii.	TEXAS.....	86
iii.	WASHINGTON.....	86
iv.	MINNESOTA.....	87
v.	DISTRICT OF COLUMBIA.....	88
	AWARD OF DAMAGES UNDER 28 USC § 1605(a)(7).....	89
VI.	CONCLUSION.....	90

## I. INTRODUCTION

These matters are before the Court and were the subject of an Evidentiary Hearing held before Hon. John M. Facciola, United States Magistrate Judge for the United States District Court for the District of Columbia. The actions of (i) Baker, et. al v. Great Socialist People's Libyan Arab Jamahirya, et al., Civil Action 03-cv-0749 (GK)(JMF) was filed on the 3rd day of March 2003 and (ii) Pflug, et al. v. Great Socialist People's Libyan Arab Jamahirya Civil Action 08-cv-505 (GK)(JMF) filed March 24, 2008. As to each of the actions set forth hereinabove, the named Libyan Defendants were dismissed pursuant to the enactment of the Libya Claims Resolution Act but the 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"). Subsequently, each of these matters was referred for further proceedings to Magistrate Judge Facciola. An Evidentiary Hearing was held before Judge Facciola, commencing on the 3rd day of May 2010. At the conclusion of the introduction of all evidence, 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 to the Court that it enter the following Findings of Fact and Conclusions of Law; and that it enter Judgment against the Syrian Defendants, jointly and severally, 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 below for the Court's consideration:

## **II. SUMMARY OF FINDINGS**

These actions seek Judgment and an award of damages for acts of state-sponsored terrorism that resulted in the unconscionable and intentional hijacking of EgyptAir Flight 648 on November 23, 1985 while the aircraft was mid-air bound for Cairo, Egypt, having departed from the Athens, Greece airport, and the execution-style shooting of three Americans who are Plaintiffs in the within action: Patrick Scott Baker (hereinafter "Patrick Baker"), Jackie Nink Pflug ("Jackie Pflug") and Scarlett Marie Rogenkamp ("Scarlett Rogenkamp").

The Court, having heard and reviewed the evidence, does hereby determine (i) that the hijacking of EgyptAir Flight 648 on November 23, 1985 was an act of international terrorism, (ii) that the terrorist shootings of the American victims of the hijacking of EgyptAir Flight 648, *to wit*, Patrick Baker, Jackie Pflug and Scarlett Rogenkamp, were acts of international terrorism that occurred during and as a result of the November 23, 1985 terrorist hijacking, (iii) that said hijacking 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 hijacked EgyptAir Flight 648 ("EgyptAir Hijacking") on November 23, 1985, (iv) that the Abu Nidal Organization, at the time of and prior to the EgyptAir hijacking 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— Idarat al-Mukhabarat al-Jawiyya;

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, 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 EgyptAir Flight 648 terrorist hijacking; and that the lead ANO terrorist operative, Omar Ali Rezaq (hereinafter "Rezaq"), was trained and supported by the Syrian Defendants. 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 citizens as well as necessarily result in the property destruction of the EgyptAir airplane incidental to the goals and objectives of the Syrian Defendants and the ANO terrorist. The Court further finds that Syria's goal in supporting acts of senseless but sensational terrorism included cruel, inhumane and violent attacks upon innocent victims 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-Asad. Accordingly, the Court will enter Judgment and grant an award of 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 June 28, 2003.<sup>1</sup> The Syrian Defendants have answered or appeared. The Court, therefore, proceeded to enter default as provided 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.

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<sup>1</sup> Service upon each of the Syrian Defendants in Baker 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 June 30, 2003 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 "Rana" at the Syrian Ministry of Foreign Affairs for the Defendants on June 28, 2003. Baker v. Great Socialist People's Libyan Arab Jamahiriya, CA 03-00749, docket #9 (GK) (JMF) (D.D.C. filed September 5, 2003). Judge Kessler ordered on March 28, 2008 that the Baker complaint could be amended to include Plaintiffs §1605A claims and that in accordance with the enactment of 28 U.S.C. §1605A, no separate service was necessary, as no new claims were asserted. Fed. R. Civ. P. 5(a)(2); see also In re Islamic Republic of Iran Terrorism Litig., 659 F. Supp. 2d 31, 106-07 (D.D.C. 2009) ("Thus, by its plain terms, § 1083 indicates that no further action--under Rule 5 or otherwise--should be required of plaintiffs before their case may move forward under § 1605. More fundamentally, however, as emphasized above, this Court does not find that a change in the rule of decision applicable to personal injury or wrongful death claims under the FSIA terrorism exception results in new claims of relief for purposes of the pleading requirements in these cases.").



A five-day hearing on liability and damages was held commencing on May 3, 2010. 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 eight exceptionally well qualified experts on various subjects related to the issues pending before the Court in this matter.<sup>2</sup> The Court finds that Plaintiffs have established their

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<sup>2</sup> 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-2-196-197).

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-2-122).

David Long, Ph.D.- David Long was accepted as an expert witness by this Court. (Long, T-3-199). 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-4- 105).

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-4-10).

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-4-30).

Jack Spector, Ph.d or MD- Dr. Spector was accepted as an expert witness by this Court as an expert in the field of clinical neuropsychology. (Spector, T-3-19).

claim to relief, as to each of the causes of action pled by the Plaintiffs in the various 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 November 23, 1985 hijacking of EgyptAir flight 648 on November 23, 1985 and also 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

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Gary K. Stimac- Dr. Stimac was accepted as an expert medical witness by this Court. (T-2-100) Dr. Stimac gave testimony concerning Mr. Patrick Baker's traumatic head injuries and their direct link to being shot execution style by Omar Rezaq during the EgyptAir Flight 648 hijacking. (Stimac, Ex. 33). Dr. Stimac testified that, "based upon my review of the MRI findings, available records of Mr. Baker, and my expertise, it is my opinion to a reasonable degree of medical certainty that the MRI abnormalities are the result of the physical injuries that Mr. Baker sustained during the hijacking on November 23rd, 1985." (Stimac, Ex. 33).

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 conspired with the ANO to cause the terrorist hijacking of EgyptAir Flight 648 on November 23, 1985 and the December 27, 1985 terrorist attacks at the Leonardo da Vinci Airport at Rome, Italy and the Schwechat Airport at Vienna, Austria, each of which were terrorist attacks 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. Moreover, the Court finds that in support of their terrorist activities, the Syrian Defendants did, in fact, aid and abet the terrorist attacks of the ANO in committing said acts of international terrorism pursuant to the plan and design of the Syrian Defendants to use such acts of terrorism 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 November 23, 1985 hijacking of EgyptAir Flight 648 and also the December 27, 1985 attacks against civilians standing at or near the TWA and El Al ticket counters at both the Leonardo da Vinci Airport at Rome, Italy

and the Schwechat Airport at Vienna, Austria (“Rome and Vienna Airport Attacks”) through the present, terrorism was and remains an integral tool for the Syrian regime. (Deeb, T-2-197, Lang, T-2-128);

2. Syria became actively and directly involved in sponsoring terrorist activities beginning in the mid-1970s. (Deeb, T-2-197);

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-2-198);

4. Syria opposed the Middle East peace process between Israel and Egypt. (Schweitzer, Ex. 54). 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, T-2-198, Ex. 54 at pg. 31-32). Syria supported the ANO’s operations against Arab countries that supported the Israel-Egypt peace treaty. (Schweitzer, Ex. 54);

5. In this regard, Syria has 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, Ex. 50 at pg. 2 ¶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. (Oakley, T-4-11);

7. Syria was in fact designated as a State Sponsor of Terrorism on December 29, 1979. (Ex. 41);

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. (Ex. 41);

9. During the period encompassing the EgyptAir Hijacking of November, 1985 and the Rome and Vienna Airport Attacks of December, 1985, Syria remained one of the primary state sponsors of terrorism. (Oakley, T-4-9). Moreover, during the same time period, the United States considered Syria as one of the worst sponsors of terrorism in the world. (Oakley, T-4-22);

10. During the relevant time period during which the EgyptAir Hijacking and Rome and Vienna Airport Attacks occurred, 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-2-201);

11. During the relevant period of the EgyptAir Hijacking and Rome and Vienna Airport Attacks, President Hafiz al-Asad ruled Syria under an authoritarian government whereby all organs of the state were directly under al-Asad's direct control. (Deeb, T-2-214, 216);

12. One of the primary organs al-Asad utilized to sponsor terrorist organizations, such as the ANO, was the Syrian Air Force Intelligence agency— Idarat al-Mukhabarat al-Jawiyya. (Oakley, T-4-13);

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-2-206, 226);

14. The head of the Air Force Intelligence- General Muhammad al-Khuli- was the most powerful intelligence chief within Syria. (Deeb, T-2-206-208);

15. Syria remains a major sponsor of terrorism today. (Deeb, T-2-197); 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-2-235). 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-2-235);

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. (Deeb, T-2-160-161).

**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, T-2-141). Abu Nidal was originally a member and operative of Yasser Arafat's Fatah organization and a part of the Palestine Liberation Organization ("PLO"). (Deeb, T-2-203-204);

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-2-203);

19. Abu Nidal broke away from Arafat in opposition to Arafat's consideration to support the Middle East peace process. (Deeb, T-2-208-209); and that

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. 52 at 2);

21. During the relevant time period of the EgyptAir Hijacking and 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, Ex. 52 at 2);

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. 52 at 2);

23. Compartmentalization within the ANO was rigid, both horizontally and vertically: personnel were organized into small cell groups with minimal interaction among other members. (Ex. 52 at 2);

24. The ANO was run like a commercial enterprise, with different departments, including secret service, military, archives, foreign relations and others. (Badra, Ex. 34 at ¶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. (Ex. 52 at 2);

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-2-144, Rezaq, Ex. 34, 2756, 2763-2764, 2769, Ibrahim, Ex. 36);

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, Syria, operated under the watchful eye and with the permission of the Syrian government and the Syrian Defendants, dispatched its terrorist operatives from its training camps (Lang, T-2-143-144) and did, in November 1985 commit the EgyptAir Hijacking and 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-2-206-208);

30. When al-Khuli officially invited the ANO to be based in Syria, he was following the orders of Syrian President Hafiz al-Asad. (Deeb, T-2-206-208);



31. Prior to, during the relevant period of the EgyptAir Hijacking and Rome and Vienna Airport Attacks, and up to the present, Syria was a police state under the al-Asad family, and remains so to this day. (Deeb, T-2-191). 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 the Syrian regime. (Deeb, T-2-207);

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, T-2-228);

33. ANO operations expanded to include attacks in the greater Middle East, Turkey, Pakistan and Western Europe. (Deeb, T-2-228);

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. (Ex. 47);

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. (Ex. 52 at 4);

36. Both before and after the November-December 1985 time period during which the EgyptAir Hijacking and 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-2-143-145, Oakley, T-4-25, Rezaq, Ex. 34, 2756, 2763-2764, 2769, Ibrahim, Ex. 36);

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-2-218). Also, to and through the Beirut, Lebanon airport (Lang, T-2-155);

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-2-144).

39. Surviving ANO terrorists from the EgyptAir Hijacking and 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 support and sponsorship of the ANO during the time period of November-December, 1985 that those attacks occurred. (Ex. 35, Ex. 36, Ex. 37, Ex. 38).

40. Syria participated in the selection of the timing and the methodologies, as well the operations themselves, which were involved in both the EgyptAir Hijacking and the Rome and Vienna Airport Attacks. (Deeb, T-2-216-217);

41. The Syrian government, both directly and acting through Syrian Air Force Intelligence, provided support to the ANO organization and specifically sponsored the ANO EgyptAir Hijacking and Rome and Vienna Airport Attacks. (Lang, T-2-145). The EgyptAir Hijacking and Rome and Vienna Airport Attacks could not have taken place without Syria's direct support for the ANO. (Lang, T-2-145, Deeb, T-2-229, Long, Ex. 52 at 4, Schweitzer, Ex. 53 at 35, Schweitzer, Ex. 54 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 November 1985 EgyptAir Hijacking and December 1985 Rome and Vienna Airport Attacks.<sup>3</sup>

**D. THE SYRIAN SPONSORED ABU NIDAL ORGANIZATION PERPETRATED THE HIJACKING OF THE EGYPTAIR FLIGHT 648**

43. On November 23, 1985, Plaintiffs Patrick Scott Baker, Jackie Nink Pflug and Scarlett Marie Rogenkamp, each of whom were American nationals, boarded EgyptAir Flight 648 which departed Athens at 9:05 pm Athens time. (Baker, T-2-47, Pflug, T-1-33, Rezaq, Ex. 34 at 2741, Ex. 35);

44. EgyptAir Flight 648 flight was scheduled to fly directly to Cairo from Athens. (Baker, T-2-47, Ex. 3);

45. Approximately 10 minutes after leveling off, the hijacking ensued. One of the hijackers began to taunt passengers on board by attempting to pull a pin out of a hand grenade while simultaneously brandishing a firearm. (Baker, T-2-47-51).

46. During this time, Jackie Pflug was struck over the head with a gun by a hijacker. (Pflug, T-1-34).

47. Three ANO hijackers, including Omar Mohammed Ali Rezaq, took control of the EgyptAir airliner at 8:28 pm Malta time, (Baker, T-2-84, Pflug, T-1-35, (Ex. 3).

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<sup>3</sup> 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.

48. The ANO hijackers had an EgyptAir flight attendant go onto the aircraft intercom and say, “[w]e’re being hijacked by the Egypt Revolution, and if you do what you are told, you will not get hurt.” (Pflug, T-1-36).

49. After taking control of EgyptAir Flight 648, the ANO hijackers began searching passengers, collecting passports from passengers and reseating passengers. (Baker, T-2-5, Pflug, T-1-39). The hijackers worked their way from the front of the plane and then worked their way to the back of the plane. (Pflug, T-1-39).

50. Approximately 30 minutes after taking control of EgyptAir Flight 648, at approximately 9:00pm Malta time, there was a shootout between an EgyptAir sky marshal on board the aircraft and the hijackers. (Baker, T-2-52, 84, Pflug T-1-39, Ex.3). The aircraft’s fuselage was punctured by bullets and the plane rapidly descended. (Baker, T-2-52-53, Pflug, T-1-41).

51. Because of the need for fuel, EgyptAir Flight 648 landed at Malta’s Luqa Airport at 10:16pm. (Baker, T-2-84, Ex. 3, Pflug, T-1-50). (Baker, T-2-55)

52. Shortly after landing in Malta, stairs were brought to the EgyptAir aircraft which allowed a medic to be brought on board. (Baker, T-2-56). The medic certified that one of the hijackers shot during the shootout with the Egyptian air marshal was dead. (Baker, T-2-56). While the medic was taking the injured Egyptian air marshal off of the aircraft, Rezaq shot the air marshal in the back. (Baker, T-2-56).

53. The hijackers demanded fuel and were prepared to execute passengers in order to ensure their demands were met. (Lang, T-2-157).

54. As the hijackers, who had collected all the passports of the passengers, were awaiting fuel to arrive, they called forward some of the passengers and released them, country by country, from the aircraft. (Baker, T-2-57).

55. The hijackers separated the American passengers, seating them in the first class cabin. There were three Americans: Patrick Scott Baker, Jackie Nink Pflug and Scarlett Marie Rogenkamp. The three American passengers' hands were tied behind their backs with neckties and they were reseated in the first row on the starboard side of the plane. (Baker, T-2-59, Pflug, T-1-52).

56. The hijackers threatened to shoot a passenger every fifteen minutes for fuel. (Ex. 34 at 2783). Shortly after releasing some of the passengers, Omar Rezaq called forward the first Israeli passenger, Tamar Artzi, and shot her in the head, throwing her body off the aircraft onto the tarmac at midnight Malta time on November 24, 1985. (Baker, T-2-84, Pflug, T-1-Ex. 3).

57. Approximately 15 minutes after Artzi was shot, at 12:15am, a second Israeli passenger, Nitzan Mendelson, was dragged to the front of the aircraft and shot in the head by Omar Rezaq. (Baker, T-2-85, Ex. 3). Her body was also thrown from the aircraft onto the tarmac. (Baker, T-2-58).

58. Patrick Baker, Jackie Pflug and Scarlett Rogenkamp watched and waited as the two Israeli women were shot in the head, knowing they would be next. (Pflug, T-1-55), (Baker, T-2-58).

59. Jackie Pflug looked out the window of the aircraft and saw one of the Israeli women, after she had been shot, moving on the tarmac. Jackie thought to herself

“don’t move”; and then the hijackers, having discovered that the Israeli woman was still alive, shot her on the tarmac. (Pflug, T-1-51).

60. Approximately fifteen minutes after Artzi and Mendelson had been shot the three Americans on board were each called forward in sequence. (Baker, T-2-59, Pflug, T-1-52). Patrick Baker walked first to the front followed by Scarlett Rogenkamp and Jackie Pflug. (Baker, T-2-59).

61. Shortly before 12:30am Malta time, Patrick Baker was taken to the door of the aircraft. (Baker, T-2-60). Prior to being shot, Mr. Baker was given a short reprieve when a transmission, overheard by Mr. Baker, was broadcast from the Malta control tower that, “[t]here is to be no more killing. The fuel is on its way.” (Baker, T-2-60). Mr. Baker was allowed to sit down again. (Baker, T-2-60).

62. Four and a half hours after the EgyptAir Flight 648 aircraft had departed Athens, and four hours into the hijacking, after having witnessed the execution shooting of two other passengers, after 12:30am Malta time Patrick Baker was again brought to the door of the aircraft and was shot point blank in the head by Rezaq. (Baker, T-2-60-61, 85, Pflug, T-1-53, Ex. 3). His body was thrown down the stairs. Thinking Mr. Baker was still alive, the hijackers went down the stairway of the airplane to the bottom at the tarmac and then carried Mr. Baker’s limp body back up to the aircraft. The hijackers then threw him out of the door of the aircraft a second time, throwing him off the top of the stairs and down onto the tarmac. (Baker, T-2-61). Mr. Baker regained consciousness, and played dead on the tarmac as his tormentors stood dozens of feet above him. (Baker, T-2-61).

63. Patrick Baker managed to escape by sneaking away on the tarmac and hiding underneath the hijacked airplane. (Baker, T-2-81).

64. Mr. Baker escaped toward a field of high grass seeking to escape the airplane. As he escaped, he saw someone stand up in the field and point a rifle at him. Mr. Baker, in disbelief, did not know what would happen to him next. (Baker, T-2-82). The person pointing the rifle turned out to be a British soldier who must have thought Baker was a terrorist running from the airplane. (Baker, T-2-62). Mr. Baker narrowly avoided being shot by the British soldier by showing that his hands were bound together behind his back. (Baker, T-2-62).

65. Patrick Baker was taken by ambulance to a Maltese hospital. (Baker, T-2-63). Mr. Baker was hospitalized at St. Luke's Hospital G'Mangia, Malta, (Ex. 31B), where he was treated for four (4) days for the gunshot wounds to his head and other injuries which he suffered.

66. Eight and a half hours after the EgyptAir flight 648 aircraft had departed Athens, and eight hours into the hijacking, and after witnessing the execution style shooting of four other passengers, at 4:30am Malta time, a second American passenger, Scarlett Rogenkamp, was brought to the front of the aircraft and was shot in the head by Rezaq, which subsequently resulted in her death. (Pflug, T-1-54, 56-57, Ex. 3). Ms. Rogenkamp's body was also thrown onto the tarmac after the shooting. (Pflug, T-1-57). Ms. Rogenkamp's body was subsequently taken to the Malta Hospital where her body was later identified by Patrick Baker at the same Maltese Hospital where Mr. Baker was being treated. (Baker, T-2-64).

67. Fourteen hours after the EgyptAir flight 648 aircraft had departed Athens,

and thirteen and a half hours into the hijacking, and after witnessing the execution style shooting of five other passengers, at 10:00am Malta time, and knowing she would be the next to be killed (Pflug, T-1-59), Jackie Pflug, the third American passenger onboard, was called forward and shot in the head by Rezaq. (Pflug, T-1-57-60, Ex. 3). Like the other Israeli and American victims who were shot in the head, Ms. Pflug was thrown onto the tarmac. (Pflug, T-1-61). Ms. Pflug miraculously survived the shooting and fall from the aircraft and played dead while going in and out of consciousness on the tarmac for approximately five hours. (Pflug, T-1-62).

68. Medics who arrived at the EgyptAir aircraft, and believing Jackie Pflug to be dead, recovered Jackie's body and placed her in an ambulance heading toward a morgue. (Pflug, T-1-66). After the medics realized that Jackie Pflug had miraculously survived a point-blank gunshot wound to the head, Ms. Pflug was taken to St. Luke's Hospital in G'Mangia, Malta, where treatment was commenced for her injuries. (Pflug, T-1-66-67). Jackie Pflug subsequently underwent brain surgery and has endured a lifetime of recovery, pain, suffering and physical and emotional trauma. (Pflug, T-1-53) (Ex. 4A).

69. On the second day of the hijacking, at 8:15pm Malta time, Egyptian commandos stormed the hijacked airplane in an attempt to rescue the remaining passengers and bring about the end of the hijacking. As a result of this rescue attempt, the aircraft was completely destroyed, except for some salvage, and approximately 60 passengers were killed. (Ex. 3, Lang, T-2-170-172, Baker, T-2-86).

70. Omar Aliz Rezaq, the sole surviving hijacker, was injured in the rescue attempt by Egyptian commandos and was subsequently treated at a Maltese hospital (Ex.



34 at 2567-2571). Rezaq was tried and convicted in Malta of and served time in prison. (Ex. 34 at 2792-2793). Subsequent to his release from the Malta prison, Rezaq was tried in Washington, DC before Judge Royce C. Lamberth in the US District Court for the District of Columbia. (Ex 34). Rezaq's criminal trial was styled United States of America v. Omar Mohammed Ali Rezaq CR-93-284. (Ex. 34). During his criminal trial Rezaq did not deny the fact that he got on EgyptAir Flight 648, that he went into the cockpit, that he intentionally forced the plane to divert Malta, and that he shot EgyptAir Flight 648 passengers on the ground in Malta. (Ex. 34 at 2781). During his criminal trial, when asked if Rezaq remembers shooting people on EgyptAir Flight 648, Rezaq testified, "[its] [s]omething I cannot forget." (Ex. 34 at 2782). Subsequently in a signed Affidavit, Omar Rezaq admitted that he was convicted of air piracy as the terrorist who hijacked EgyptAir Flight 648 (Ex. 35).

71. Rezaq admitted that the operation had been carried out by the Abu Nidal Organization, of which he was a member. (Ex. 35, Ex. 34). Rezaq also admitted that he was trained in an ANO training camp in the Syrian-controlled Baaka Valley. (Ex. 35, Ex. 34). Rezaq also admitted that this terrorist hijacking took place at the instigation of and with the support of the governments of Syria and Libya. (Ex. 35,, Ex. 34).

72. Colonel Patrick Lang, the Defense Intelligence Officer for the Middle East, South Asia and Counter-terrorism at the time of the hijacking, testified that he was called to the office of the Chairman of the Joint Chiefs of Staff on the day of the hijacking. (Lang, T-2-169). Col. Lang testified that he was responsible to review all information and intelligence of the United States regarding the EgyptAir Flight 648 hijacking. (Lang, T-2-134). Moreover, 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 EgyptAir Hijacking and the Rome and Vienna Airport Attacks. (Lang, T-2-155, Long, Ex. 52, Oakley, T-4-24-25).

73. Syrian support for the ANO in its conduct of the EgyptAir Flight 648 hijacking and the Rome and Vienna Airport Attacks took various forms, specifically including, but not limited to: allowing the ANO to maintain offices in Damascus, the maintaining 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-4-25, Lang, T-2-145, Rezaq Ex. 34, 2756, 2763-2764, 2769).

74. Omar Rezaq is currently serving a life sentence at the Federal Maximum Security Prison, ADX, Federal Bureau of Prisons, in Florence Colorado having been convicted of air piracy, as a result of his involvement as an ANO terrorist in the EgyptAir Flight 648 hijacking that took place on November 23, 1985. (Ex. 35).

75. 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 EgyptAir Flight 648 Hijacking in November 1985, as well as the ANO terrorist attacks on the Rome and Vienna airports in December 1985, and that this hijacking and the Rome and Vienna Airport Attacks could not have occurred without Syria's support and sponsorship of the ANO terrorist organization,

**E. THERE WERE AMERICAN VICTIMS OF THE EGPYTAIR FLIGHT  
648 SYRIAN SPONSORED ANO HIJACKING**

**i. Patrick Scott Baker and Family**

76. Patrick Scott Baker was born in White Salmon, Washington on July 13, 1957. (Ex. 28). Mr. Baker was born a United States citizen and has remained a United States Citizen from the time of his birth through the present. (Baker, T-2-34).

77. Patrick Baker's biological father is Jerry Baker. (Baker, T-2-37, Ex. 28).

78. Patrick Baker's biological mother is Lois Baker. (Baker, T-2-37, Ex. 28).

79. Patrick Baker's siblings are David Baker, Craig Baker and Stacie Baker. (Baker, T-2-38).

80. David Baker is now deceased. (Ex. 63). Craig Baker serves as the personal representative of the Estate of David Baker. (Ex. 64, Baker, T-3-113).

81. Patrick Baker's parents and siblings were all born United States citizens. (Baker, T-2-37-40). Mr. Baker's parents have remained United States citizens from the time of their respective births through the present. (Baker, T-3-130-131, Baker, T-3-148, Baker, T-2-37-40). Craig and Stacy Baker have remained United States citizens from the time of their respective births through the present. (Baker, T-2-39-40, Baker, T-3-110, Baker, T-3-161). David Baker remained a United States citizen from the time of his birth through the time of his death. (Baker, T-2-39, Baker, T-3-112-113).

82. Patrick Baker graduated from Washington State University with a Bachelor of Science degree in General Biology in 1980. (Baker, T-2-35-36).

83. Patrick Baker had plans to attend graduate school and pursue a graduate degree. (Baker, T-2-36).

84. With the aim of paying off student loans, Patrick Baker worked at an aluminum plant for three years. (Baker, T-2-40-41). Prior to the EgyptAir Flight 648 hijacking, Mr. Baker also worked as a fish processor. (Baker, T-2-34).

85. As a result of being shot point-blank in the head by ANO terrorist Omar Rezaq during the EgyptAir Hijacking, Patrick Baker suffered severe, permanent, painful and life-long injuries, including, but not limited to, a laceration wound head trauma, concussion, and wounds to his body from twice being thrown from the aircraft. (Ex. 31). To treat these injuries, Mr. Baker was hospitalized at St. Luke's Hospital G'Mangia, Malta for four days. (Ex. 31B). Mr. Baker's treatment included, but was not limited to, the treatment of his bloody head gunshot wound from having been shot at the back and side of his head, the treatment of the contusions and abrasions on his body and enduring the recovery process including monitoring the possibility of internal brain injury. (Ex. 30, Ex. 31).

86. In addition to the severe physical injuries suffered by Mr. Baker, prior to being shot and tossed from the plane, Mr. Baker suffered severe emotional trauma and mental anguish throughout the many hours of the horrific hijacking ordeal upon which he has continuously reflected in the decades since it occurred. (Baker, T-2-77). As a result of being a victim of the EgyptAir Flight 648 hijacking, Mr. Baker suffers severe emotional injuries including, but not limited to, post-traumatic stress disorder. (Ex. 57B at 7).

87. Mr. Baker also suffered permanent brain injuries as a result of being shot in the head during the EgyptAir Hijacking. (Ex. 33).

88. As a result of the injuries, both psychological and physical, Mr. Baker was unable to obtain a master's degree as initially planned. (Baker, T-2-91). Mr. Baker

retreated to a psychologically safe security and comfort zone after the hijacking and shooting and pursued a line of work in the fishing industry which was socially isolated and comforted him in an effort to cope with the aftereffects of his injuries. (Baker, T-2-91-92, Ex. 57B at 4).

89. Patrick Scott Baker has suffered grievously as a result of the hijacking and shooting, as well as watching and waiting as others were shot in the head, knowing he was next, has suffered permanent injury to his brain, endured physical pain, mental anguish and great suffering as a result of the terrorist hijacking, affecting his ability to endure and enjoy life, to be engaged in productive employment, to achieve a higher educational degree, and has had his life materially disrupted and altered as a result of the acts of the Defendants, and each of them, all to his damage.

90. The family members of Patrick Baker, 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. Scarlett Marie Rogenkamp and Family

91. Scarlett Marie Rogenkamp was born in Everett, Washington on March 26, 1947. (Ex. 11). At the time of her murder, Ms. Rogenkamp was a United States citizen. (Ex. 12).

92. Scarlett Rogenkamp's biological father was Vernon Peterson. (Ex. 11).

93. Scarlett Rogenkamp's biological mother was Hetty Peterson whose birth name was Hetty Messink. (Ex 11, Henry, T-1-121-122).

94. Scarlett Rogenkamp's siblings are Patricia Henry, Katharine Doris, Paul Peterson and Michelle Holbrook. (Henry, T-1-115).

95. Patricia Henry currently serves as the Executor of Scarlett Rogenkamp's Estate. (Ex. 13).

96. Scarlett Marie Rogenkamp's Father Vernon Peterson was born a United States citizen and remained a United States citizen until his death. (Peterson, T-2-26). Scarlett Rogenkamp's Mother Hetty Peterson became a naturalized United States citizen on November 17, 1950, (Ex. 16), and remained a United States citizen from that time until her death. (Henry, T-1-108).

97. Scarlett Rogenkamp's siblings were all born citizens of the United States and have remained United States citizens from the time of their birth through the present. (Henry, T-1-104, Ex. 22, Ex. 23, Holbrook, T-3-9).

98. Scarlett Rogenkamp attended one year of college at William & Mary in Virginia and subsequently completed her undergraduate education at the University of California, Long Beach. (Henry, T-1-129). Scarlett Rogenkamp received her Bachelors of Arts degree from the University of California, Long Beach. (Henry, T-1-129).

99. Scarlett Rogenkamp was a civilian employee of the United States Air Force for approximately 10 years and worked in the capacity of a Property Management Specialist. (Henry, T-1-129-130). Scarlett Rogenkamp rose to the level of a GS-12 within the Air Force civilian service. (Henry, T-1-129).

100. Scarlett Rogenkamp suffered grievously as she endured the hijacking, watched Rezaq shoot other passengers in the head knowing that she was next , was shot herself and endured physical pain, mental anguish and great suffering as a result of the

terrorist hijacking, and subsequently died as a result of the gunshot to her head, causing a mortal laceration to the brain. (Ex. 12). The laceration to the brain resulted from the point-blank gunshot to her head during the hijacking of EgyptAir Flight 648. (Ex. 12).

101. Scarlett Rogenkamp posthumously received a Purple Heart. (Ex. 14).

102. Scarlett Rogenkamp's last hours of her life surely were wretched, painful and anguishing. Her life was materially disrupted, altered and ended as a result of the acts of the Defendants, and each of them, all to her damage and the damage to her Estate.

103. The family members of Scarlett Rogenkamp, 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. Jackie Nink Pflug and Family

104. Jackie Nink Pflug was born in Houston, Texas on January 24, 1955. (Ex. 1). Jackie Pflug was born a United States citizen and has remained a United States citizen from the time of her birth through the present. (Pflug, T-1-18).

105. Jackie Pflug's biological father is Eugene Nink. (Ex. 1).

106. Jackie Pflug's biological mother is Rylma Nink. (Nink, T-4-48-49).

107. Jackie Pflug's siblings are Mary E. Nink O'Donnell and Gloria Jo Nink. (Nink, T-4-49).

108. Jackie Pflug's father and siblings were all born United States citizens and have remained United States citizens from the time of their birth through the present. (Nink, T-4-48, O'Donnell, T-4-56, Nink, T-4-72). Jackie Pflug's mother was born a United States citizen and remained a United States citizen until her death. (Nink, T-4-73).

109. Jackie Pflug married Scott Pflug in July 1985, (Pflug, T-3-54).

110. Scott Pflug was born a United States citizen and has remained a United States citizen from the date of his birth until the present. (Pflug, T-3-50).

111. Jackie Pflug and Scott Pflug were living in Cairo, Egypt in November 1985 and had traveled to Athens to participate in the volleyball tournament involving the school where they were teaching in Cairo. (Pflug, T-1-26, 28) Scott Pflug was the school's volleyball coach. (Pflug, T-1-27). Jackie was scheduled to depart Athens for Cairo, but changed her flight so she could stay and watch the volleyball team compete in a higher round tournament game, changing to EgyptAir Flight 648 on November 23, 1985. (Pflug, T-1-28-29).

112. After the hijacking, Jackie was never the same. (Pflug, T-3-81-82) Jackie Pflug and Scott Pflug divorced three years after the EgyptAir Flight 648 hijacking. (Pflug, T-3-81).

113. Jackie Pflug subsequently married Jim Olsen on May 25, 1996. (Olsen, T-4-39).

114. Jackie Pflug and Jim Olsen have one son, T.O.. (Olsen, T-4-40).

115. Jim Olsen and T.O. were both born United States citizens and have remained United States citizens from the date of their birth through the present. (Olsen, T-4-38, Olsen, T-4-40-41).

116. Jackie Pflug received her Bachelor's of Science Degree from Sam Houston State in 1977. (Pflug, T-1-19). Ms. Pflug subsequently taught for four years and then went back to school to receive a Master's of Science Degree from the University of Houston. (Pflug, T-1-19).



117. Jackie Pflug subsequently specialized in the field of special education and among other duties, performed testing on children to assess diagnostically specific learning disabilities. (Pflug, T-1-20-21).

118. After teaching and working as a diagnostical specialist in the United States, Jackie Pflug worked abroad in the field of special education at schools in Norway and Egypt. (Pflug, T-1-22, 25).

119. As a result of being shot point-blank in the head by ANO terrorist Omar Rezaq during the EgyptAir Hijacking, Ms. Pflug's permanent and debilitating physical injuries consisted of, but were not limited to, an entry wound from the bullet to the right side of her head and damage to Ms. Pflug's skull and brain—moreover, the bullet pushed skull fragments into her brain, requiring surgery. (Ex. 4A).

120. During the surgery which followed, the doctors had to clean out her wound, remove the bullet, along with skull fragments and brain matter. (Ex. 4A). As a result, Ms. Pflug had a partially caved-in head (which a subsequent surgical procedure successfully partially corrected by inserting a metal plate in her head) and continues to have diminished peripheral vision, and accordingly, has significant visual perception problems. (Pflug, T-1-78-79, Pflug, T-1-73-76).

121. Ms. Pflug has permanently suffered from memory loss, vision problems, learning disabilities, epileptic seizures, post traumatic stress disorder, and clinical depression. (Pflug, T-1-73, 96, Spector, T-3-98).

122. The struggle to heal from her wounds and their emotional consequences wreaked havoc on Ms. Pflug's marriage to Scott Pflug and their marriage ended in divorce. (Pflug, T-3-81, Pflug, T-1-73-76).

123. In addition to the severe physical injuries suffered by Ms. Pflug, prior to being shot and tossed from the plane, Ms. Pflug suffered severe emotional anguish throughout the many hours of the horrific hijacking ordeal. (Pflug T-1-55-56, Pflug, T-1-57-62). The emotional scarring that Ms. Pflug suffered during this hijacking is severe and permanent, and Ms. Pflug still struggles today with attempting to come to terms with the horrors that befell her that day as well as having to deal with the repercussions of her physical injuries. (Pflug, T-1-102-103, Pflug, T-1-91).

124. As a direct result of Ms. Pflug's injuries, she has been under continuous doctors' care ever since her initial treatment at St. Luke's Hospital in Malta immediately after her rescue. (Pflug, T-1-79).

125. Jackie Nink Pflug has suffered grievously as a result of the hijacking and shooting, has suffered permanent injury to her head, endured physical pain, mental anguish and great suffering as a result of the terrorist hijacking, affecting her ability to endure and enjoy life, to be fully engaged in productive employment, to achieve an additional higher educational degree, and has had her life materially disrupted and altered as a result of the acts of the Defendants, and each of them, all to her damage.

126. The family members of Jackie Pflug, 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.

**V. CONCLUSIONS OF LAW**

**A. THE COURT ASSERTS SUBJECT MATTER JURISDICTION UNDER 28 U.S.C. § 1605A**