

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FADHILA ABASS, AHMAD A. ABBAS, RAZAQ HUSSIN ABID, ASAAD AHMAD, MAHMOOD AHMAD, ABRAHIM AL ABOODY, YOUSIF AL AMEEDI, MEHSIN AL-BUSAID, MOHAMMED AL-BUSAID-JWAD, EMAD AL-EDANI, AHMED AL-FADAWI, HATTAB AL-FARTOUSI, FARIS AL-GERAWY, ALAA AL-HAJAJ, HIAM AL-HAKIM, MAJED AL-HAMADANI, MUNIM AL-HASSAN, ABDUL-AMIR AL-HELU, AMADA AL-HILALI, RIYADHA AL-HILALI, NAJAH AL-HINDAWY, AHMED AL-HUMADI, WALAA AL-HUSSEINE, ATEEL AL-HUSSEINY, SAADOUN AL-HUSSEINY, SALAH AL-HUSSEINY, ZAYNAB AL-HUSSEINY, HASSAN AL HUSSEINY, MUNTADAR AL MOUSAWI, AHMED AL-ABOUDY, MOHAMMED AL-ALI, AMJED AL-ATWANI, TUAMA AL-BADERY, ALI AL-BIDERY, HASSAN AL-BIDERY, MOHAMMED AL-BIDERY, FEAKHRYA AL-BUSAID, ZEID AL-HUSSEINY, ALAA AL-IDANI, SALAH AL-JAFER, HAIDAR AL-JIBORY, IMAD AL-JIBORY, JABER AL-KARAWI, MARVIN AL-KHAFAJI, QASSIM AL-KHAFNAWIZ, RATIP AL-KHALIDI, ALI AL-KUBA, ADIL AL-KUBBA, THABIT AL-MANSSORI, MOHAMMED AL-MASIH, ALI AL-MUSAWI, MAHMOUD AL-RASHED, SATAR AL-RUBAI, RAAD AL-SHAMKHANI, JABBAR AL-SHIBANI, HAIDAR AL-SHIMARY, MURAD AL-SHIMERY, MOLUD AL-SORIFY, SADIK AL-TAMIMI, KARAR AL-THWEJ, IBRAHIM AL-TWAINI, ISMAEL AL-TWAINI, JIMY AL-UBEIDI, GHAZWAN AL-WISHAH, FAISAL AL-ZERKAN, NAJEH ALABDULRESOOL, SAMEER ALADILI, ARKAN ABBAS ALANOON, TAHIR ALARAGY, ALI ALAWI, MOHAMMED AL-NASIH, KADHIM ALBAHIESH, SABRI HADI ALDAHAN, SAHAR ALDUJAILI, MUNAF ALEISAWY, HUSSAIN ALFATLAWY, ALI ALGHURABI, ABDALAMIR ALHAGAR, ABDULKAREM ALHAMDAN, HAMED NOOR ALHASHIMI, HEKMAT ALHASSAN, NABIL ALHILFI, RAHIM ALHISNAWI, NATHAN ALJABIRY, SAAD AL-JBOURY, ABBAS ALKHAFAGI, TALIB ALKHEKANI, HUSSAIN ALMAHDI, AHMED ALMALEKY, JAFER ALMOOSAWI, ABDUL ALMUSAWI, MOHAMMED ALQASSIR, KARRAR ALRABIAH, MAJID ALRAYES, AHMED ALRUBAIEE, HAIDAR ALSAIDI, RAHIM ALSHAMARY, SATTAR ALSHIBAWI, ALI ALSHIBIL, RAHIM ALZERJAWI, AQEEL

Case No: 10-11837  
Honorable David M. Lawson

**ORDER DENYING  
PLAINTIFFS' MOTION  
TO AMEND JUDGMENT**

ALZIRGANY, HOUSA ALZIRGHANI, ALI G. AWADI,  
ADNAN BALLY, BRIANNA BORING, AHMAD FRADI,  
ISSA J. FRADI, JOSEPH FRADI, KHADIJA FRADI,  
MOHAMED FRADI, NADA FRADI, RAHEL FRADI, REDA  
FRADI, BASHEER FTUNI, HASSAN MUSA HAMZA, FATIMA  
HASSAN, HAIDAR HASSON, ANWAR HUSSAIN, HAMEED  
HUSSAIN, NAZAR IBRAHIM, HATIF IMGOTER, NAJI  
HATEM JASEM, ABDULRIDHQ JASSIAM, SAMIR HARBY  
JASSIM, KAZEM JAWAD, JOE JOHNSON, WAEL KAREEM,  
MALIK KHALSAN, HUSSEIN MAHDI, MAZIN MALALLEH,  
FAYSAL MAZLOUM, IHSAN MIRZA, SHAKIR MOHAMAD,  
HUSSEIN A. MOHAMMED, MOHAMMAD MOUSAWI,  
RAED MUNAIM, FADHIL NASSIR, YUSRA RIDHA,  
BATOOL SHAMIL, SAMAR SHAREIF, JOSEPH ABOUD  
SHORUTI, RIYADH ALI IBRAHIM, AHMED TIMIMI,  
WISSAM TIMIMI, MAZIN YOUSIF-DICKOW, SAMY  
ALAMEEDI, KHALID ALJABERI, MOHAMMED ALSARRAF,  
HAIDER AL-SALAMI, AWS NASER, HASAN HUMADI,  
KHALDOON ALAHMEDI, THANNA AZAWI, RAID  
ALZIHAIYRY, SATTAR AL-MAYALI, NAJI AL-SAIDI, NABIL  
AHMAD MUTLAK, AAED MUSA AL-KHAFAJI, SALIH  
ALMUHANA, FAHIL ALABUDI, HUSSAIN SHAKER,  
HAIDER AL-NASIR, MOHAMAD SOBOH, HABEEB AL-  
MAYAHI, SOUHAIL ABOOD, MOHAMMED ALI AHMAD,  
ALI AL SULTANI, HUSSAIN ALAAEDI, AMIR AL-  
MASHKUR, RASIM ALSAAID, BURHAN ABRAHAM, ALI  
KAREM, AHMED ALRUBAIEE, MAITHAM AL-JIBORY,  
HAIDER ALHASHIMI, NAMEEM ALRABIA, MOSTAFA  
BELKHALFIA, SADEEM ABOOD, ZUHAIR THARIS,  
MOHAMMED AL-AETIAJ, IHSAN SHIEKH, ADEL BAKER,  
STEVE HAKIM, SALEM ALDEJANNI, KADHUM ALABUDI,  
AMJAD ABBAS AHMAD, ALAA ALABUDI, JASON  
SHAREEF, AMMAR SULTAN, HASSAN HAMADEH,  
ABDULLAH HAMDY, BASSIM ALHAJAR, THAYER MALEK,  
MOHAMMED AL-ASADI, AHMED ALSHIMARY, KARAR  
ALSHIMARY, BASIM ALI, MONTATHER ALMOSWI,  
HAIDER ALSALMAN, FERAAS KARKHI, MOHAMMED  
MERZA, and GADER MIRZA,

Plaintiffs,

v.

ABDZHRA SHALUSHI, AHMED ALABADI, MOHSIN  
ALJEBORY, ABDULKHALIQ ALMAHANNA, HASSAN

ZWEIN, MOHSEN ALJABIRI, FATIMA INTERNATIONAL,  
INC., ADAM TRADE, GROUP, FEDEK GROUP, INC.,  
SAAD MISHIT, ALAA AL-YAAQUBI, and FATHEL  
MOHAMMED ALJIBORI,

Defendants.

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**ORDER DENYING PLAINTIFFS' MOTION TO AMEND JUDGMENT**

Before the Court is a motion by the plaintiffs to amend a judgment entered by the Court on November 10, 2011. On May 9, 2011, the plaintiffs filed a motion for default judgment against defendants Ahmed Alabadi, Abdzhra Shalushi, Mohsin Aljebory, Mohsen Aljebiri, Abdulkhaliq Almahanna, Hassan Zwein, Saad Mishit, Alaa Al-Yaaqubi, Fathel Mohammed Aljabiri, Fatima International, Inc., Adam Trade, Inc., and Fedek Group, Inc. The Court granted the motion in part after a hearing on June 29, 2011 and scheduled a hearing on damages. The parties appeared before the Court for a hearing on October 25, 2011. During the hearing, the Court granted the plaintiffs' motion for default judgment against the several remaining defendants. The plaintiffs submitted a form of judgment, and the Court entered judgment in favor of the plaintiffs on November 10, 2011.

The plaintiffs now wish to amend the judgment to include an award in favor of Afthal Al-Shami in the amount of \$4,050,000. Evidence as to Mr. Al-Shami's damages was presented by the plaintiffs; however, Mr. Al-Shami is not a plaintiff in this case, as he was not named in the complaint. Nevertheless, the plaintiffs contend that this Court should enter judgment in Mr. Al-Shami's favor in order to prevent manifest injustice, arguing that Mr. Al-Shami's claims and damages have effectively been litigated.

Rule 59(e) authorizes the Court "to alter or amend a judgment" upon a proper showing. Fed. R. of Civ. P. 59(e). The decision whether to grant relief under Rule 59(e) is left to the district

court's sound discretion. *In re Ford Motor Co. Securities Litigation, Class Action*, 381 F.3d 563, 573 (6th Cir. 2004). The motion will generally be granted only if the district court made a clear error of law, if there is an intervening change in the controlling law, or if granting the motion will prevent manifest injustice. *GenCorp, Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999). A Rule 59(e) motion is not properly used as a vehicle to re-hash old arguments or to advance positions that could have been argued earlier, but were not. *Sault Ste. Marie Tribe of Indian Tribes v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998).

The complaint in this case was amended five times, largely in order to add plaintiffs who were not included in the original complaint. Despite these repeated amendments, Mr. Al-Shami is not a party to this case. Adding him as a plaintiff and including him in the judgment would deprive the defendants of notice of his claim and the opportunity to contest it. The power to amend judgment does not grant this Court the power to grant judgment in favor of an individual who is not a party to the case. *See Cooper v. United States*, 340 F.2d 845, 848 (1965). The plaintiffs' motion, therefore, must be denied.

Accordingly, it is **ORDERED** that the plaintiffs' motion to amend judgment [dkt. #342] is **DENIED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: December 16, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 16, 2011.

s/Deborah R. Tofil  
DEBORAH R. TOFIL