

FILED

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA

2009 JUN -2 P 1:17

Estate of Raheem Khalaf Sa'adoon)
Wijdan Mohsin Saed)
Sajjad Raheem Khalaf)
Ali Raheem Kalaf)

Plaintiffs, all residing in Baghdad, Iraq)
at addresses that cannot be disclosed)
for safety and security)

v.)

Erik Prince)
1650 Tysons Boulevard)
McLean, VA 22012)

Prince Group)
1650 Tysons Boulevard)
McLean, VA 22012)

EP Investments LLC)
1650 Tysons Boulevard)
McLean, VA 22012)

Greystone)
1650 Tysons Boulevard)
McLean, VA 22012)

Total Intelligence)
1650 Tysons Boulevard)
McLean, VA 22012)

The Prince Group LLC)
1650 Tysons Boulevard)
McLean, VA 22012)

Xe)
850 Puddin Ridge Road)
Moyock, NC 27958)

Blackwater Worldwide)
850 Puddin Ridge Road)

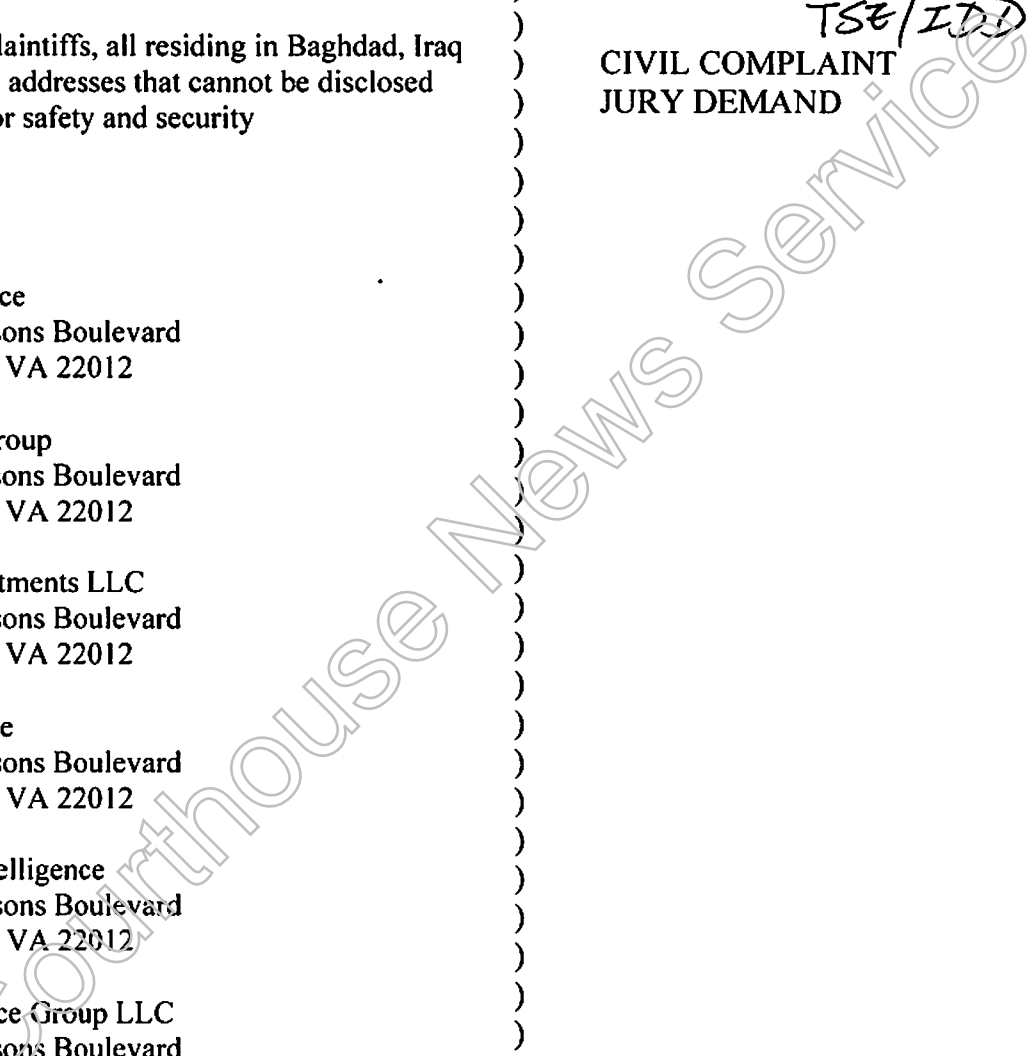
CIVIL ACTION

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

NO. 1:09 cv 615

TSE/IDD

CIVIL COMPLAINT
JURY DEMAND



Moyock, NC 27958)
)
 Blackwater Lodge and Training Center)
 850 Puddin Ridge Road)
 Moyock, NC 27958)
)
 Blackwater Target Systems)
 850 Puddin Ridge Road)
 Moyock, NC 27958)
)
 Blackwater Security Consulting)
 850 Puddin Ridge Road)
 Moyock, NC 27958)
)
 Raven Development Group)
 850 Puddin Ridge Road)
 Moyock, NC 27958,)
)
)
 Defendants)
)
)

COMPLAINT

1. Plaintiffs Estate of Raheem Khalaf Sa’adoon; Wijdan Mohsin Saed; Sajjad Raheem Khalaf; Ali Raheem Kalaf (hereinafter referred to as “Plaintiffs”) hereby allege as follows:

JURISDICTION AND VENUE

2. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. Section 1331 (federal question); 28 U.S.C. Section 1332 (diversity jurisdiction); 28 U.S.C. Section 1350 (Alien Tort Statute); and 28 U.S.C. Section 1367 (supplemental jurisdiction).

3. Venue is proper in this Court pursuant to 28 U.S.C. Section 1391(a)(3) and Section 1391(b)(2).

THE PARTIES

4. Plaintiff is the Estate of Raheem Khalaf Sa'adoon. Before being shot by Xe Blackwater, Raheem Khalaf Sa'adoon was a 32-year old father of two who worked as a security guard for Iraqi Vice-President Adel Abdul Mahdi.

5. Plaintiff Wijdan Mohsin Saed is the widow. She is a 32-year old mother now raising two young sons without her husband.

6. Plaintiffs Sajjad Raheem Khalaf and Ali Raheem Khalaf are the two sons forced to grow up without their father. Now 11 and 8 years, respectively, they have suffered, and continue to suffer greatly, as a result of Xe-Blackwater's misdeeds.

7. Defendant Erik Price is a resident of McLean, Virginia, with business offices at 1650 Tysons Boulevard, McLean, Virginia 22102, who personally and wholly owns holding companies known as The Prince Group and EP Investments LLC. Mr. Price, through these holding companies, owns and controls the various Xe-Blackwater entities, as well as entities known as Greystone and Total Intelligence.

8. Defendant The Prince Group LLC is a holding company located at 1650 Tysons Boulevard, McLean, Virginia 22102.

9. Defendant EP Investments, LLC, is a holding company managed by The Prince Group LLC. EP Investments, LLC is located at 1650 Tysons Boulevard, McLean, Virginia 22102.

10. Defendant Erik Prince, acting through a web of companies operating under the "Xe" or "Blackwater" or "Falcon" or "Greystone" or "Total Intelligence" names, earns billions of dollars providing mercenaries (known as "shooters") for hire. The various Xe-Blackwater, Greystone and The Prince Group corporate entities were formed merely to reduce legal

exposures and do not operate as individual and independent companies outside the control of Erik Prince. Erik Prince personally controls all the various entities.

11. Defendants Xe, Blackwater Worldwide, Blackwater Lodge and Training Center, Inc., Blackwater Target Systems, Blackwater Security Consulting and Raven Development Group are all located at 850 Puddin Ridge Road, Moyock, North Carolina 27958.

12. Defendant Greystone Ltd. and Total Intelligence Solutions LLP are companies through which Erik Prince conducts his mercenary business. Greystone Ltd. and Total Intelligence Solutions LLP are located at 1650 Tysons Boulevard, McLean, Virginia 22102.

13. Defendant Xe-Blackwater and the other entities do business in this District 7685 Siempre Viva Road, San Diego. Defendants had previously conducted business in this District at 5590 Ruffin Road, San Diego.

14. Defendant Andrew Moonen is a resident of Seattle, Washington. Upon information and belief, he resides at 754 S. Rose Street, Seattle, Washington, 98108, and works as a prison guard at the Monroe Correctional Complex. He previously was employed by Xe-Blackwater.

15. On Christmas Eve 2006, a highly-intoxicated and heavily-armed Xe-Blackwater employee named Andrew Moonen, shot and killed a man named Raheem Khalaf Sa'adoon, for no reason. Although Xe-Blackwater learned of their employee's crime shortly after it occurred, Xe-Blackwater acted, and continues to act, in conspiracy with Moonen, to evade any accountability whatsoever. Xe-Blackwater's bad acts include, among other things, spiriting Moonen out of Iraq immediately after the murder, bribing an Iraqi government official, and destroying documents and other evidence relating to this and other Xe-Blackwater shootings.

16. This action seeks damages sufficient to stop Xe, formerly Blackwater, in all of its various corporate incarnations, from continuing its lawless behavior. These companies (including an Xe-Blackwater company called Falcon, which continues to operate in Iraq), are all component parts of a single private company wholly owned and personally controlled by a man named Erik Prince. Xe-Blackwater's unjustified killing of Raheem Khalaf Sa'adoon is but one of a staggering number of senseless deaths that directly resulted from Xe-Blackwater's misconduct.

THE XE-BLACKWATER CHRISTMAS EVE MURDER

17. Xe-Blackwater provides armed forces to protect Department of State personnel in Iraq. These mobile armed forces that accompany diplomats and others in need of protection are consistently referred to by Xe-Blackwater as "shooters."

18. Xe - Blackwater earned more than two billion dollars from the United States. The United States paid Xe - Blackwater these substantial sums based on Xe - Blackwater's misrepresentations that it was a legitimate company able to conduct itself in a lawful manner. But in fact, Xe - Blackwater operates extra-legally, providing heavily-armed mercenaries who flout the laws of this nation and the host nation, Iraq.

19. On Christmas Eve, 2006, Xe-Blackwater employee Andrew Moonen consumed excessive quantities of alcohol at a party being held in an area of Iraq referred to as Little Venice.

20. Numerous other Xe-Blackwater employees were attending the same Christmas party. They all saw Moonen become intoxicated. They all saw Moonen leave the party in an intoxicated state carrying his Xe-Blackwater Glock.

21. No Xe-Blackwater employee did anything to stop Moonen from leaving the Xe-Blackwater party heavily-armed and visibly intoxicated.

22. Xe-Blackwater employee Andrew Moonen, after losing his way and stumbling drunkenly around Little Venice for a short period of time, came across Raheem Khalaf Sa'adoon on guard duty. Moonen, visibly intoxicated, pulled out his Glock and fired at Raheem Khalaf Sa'adoon, killing him for no reason.

23. After Xe-Blackwater employee Moonen killed Raheem Khalaf Sa'adoon, Defendant Xe-Blackwater evaded Iraqi authorities and flew Moonen out of Iraq into the United States.

24. Xe-Blackwater thereafter promised to compensate the widow for the death of her husband by making a series of payments. Xe-Blackwater made an initial payment of US \$20,000, but made no further payments. The widow continued to believe that additional payments would be made until earlier this year.

XE – BLACKWATER'S PATTERN AND PRACTICE OF ILLEGAL ACTIVITY

25. Andrew Moonen's shooting of Raheem Khalaf Sa'adoon was neither the first nor the last time Xe-Blackwater shot and killed innocents for no reason. Xe - Blackwater has a pattern and practice of recklessness in the use of deadly force. Xe - Blackwater has created and fostered a corporate culture in which excessive and unnecessary use of deadly force by its employees is not investigated or punished in any way.

26. Xe - Blackwater routinely sends heavily-armed "shooters" into the streets of Baghdad with the knowledge that some of those "shooters" are chemically influenced by steroids and other judgment-altering substances.

27. Xe-Blackwater routinely gives weapons to men known to be alcoholics or drug users. Xe-Blackwater fails to prevent its employees from carrying their weapons when they are imbibing alcohol or using drugs.

28. Xe – Blackwater management refused to fire or discipline mercenaries who murdered innocent Iraqis. Mercenaries known to have committed “bad shoots” (i.e. murder) would not even be placed on the “do not use” list. Instead, Xe – Blackwater would continue to rehire and deploy mercenaries known to have killed innocents for no reason. Plaintiffs will show at trial a litany of illegal shootings around the globe known to Xe – Xe - Blackwater repeatedly and routinely engages in other illegal conduct. Xe – Blackwater engages in conduct that violates the laws governing the use and sale of firearms. Xe-Blackwater fails to track or monitor its weaponry and ammunition as is required by law.

29. Plaintiffs will show at trial that Xe – Blackwater destroyed hired and continues to hire former military officials known to have been involved in human rights abuses in Latin American and elsewhere. Although Xe – Blackwater tries to pass itself off as a company using retired American military, the company actually recruits mercenaries from the Philippines, Chile, Nepal, Colombia, Ecuador, El Salvador, Honduras, Panama, Peru, Bulgaria, Poland, Romania, Jordan and perhaps South Africa. Xe - Blackwater hires and deploys to Iraq foreign nationals without regard for the fact that they were forbidden by the laws of their country from serving as mercenaries.

30. Given its status as a mercenary or quasi-mercenary organization, Xe – Blackwater violates the law by seeking and accepting work from the United States government. The Anti-Pinkerton Act, 5 U.S.C. § 1803, prohibits the United States from doing business with “[a]n individual employed by the Pinkerton Detective Agency, or similar organization.” The

legislative history of the Act makes it clear that a “similar organization” means any mercenary or quasi-mercenary organization.

31. Xe-Blackwater repeatedly and routinely engages in other illegal conduct. Xe-Blackwater engages in conduct that violates the laws governing the use and sale of firearms. Xe-Blackwater fails to track or monitor its weaponry and ammunition as is required by law.

XE-BLACKWATER’S DESTRUCTION OF EVIDENCE

32. Xe – Blackwater captured much of the illegal conduct on videotape and audiotape. Xe – Blackwater, however, did not report or punish the illegal conduct of its mercenaries. Instead, Xe – Blackwater intentionally destroyed the evidence of illegal conduct, and encouraged the mercenaries to do the same.

33. Reasonable discovery will show that on or about March 18, 2008, Defendants’ high-level executives Messrs. Gary Jackson and Dave Jackson met with others at Xe-Blackwater (then called Blackwater) to discuss ongoing Department of Justice investigations and other legal troubles. Reasonable discovery will show that after that meeting, Xe-Blackwater employees began to destroy documents and other evidence relating to the events at issue in this and other legal proceedings.

DAMAGES

34. Defendants are liable for killing Raheem Khalaf Sa’adoon. Defendants are liable for the pain and suffering caused to Raheem Khalaf Sa’adoon, as well as the pain and suffering and loss of consortium caused to the family members of these victims.

35. Defendants are liable for the physical and mental injuries caused to all Plaintiffs.

36. Plaintiffs seeks compensatory and punitive damages in an amount for each individual in excess of the jurisdictional amount set forth in 28 U.S.C. § 1332. Plaintiff also seeks any and all additional remedies (such as attorneys' fees) available under law and equity.

COUNT ONE – WAR CRIMES

37. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

38. Defendants' acts were deliberate, willful, intentional, wanton, malicious and oppressive and constitute war crimes.

39. Defendants' acts took place during a period of armed conflict.

40. Defendants committed war crimes against Raheem Khalaf Sa'adoon and others.

41. Defendants are liable for their conduct that constitutes war crimes.

42. Defendants' misconduct caused grave and foreseeable injuries to Plaintiff.

COUNT TWO – ASSAULT AND BATTERY

43. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

44. Defendants unlawfully intended to and did inflict immediate injury upon Plaintiff.

45. Defendants intentionally assaulted, battered, and made other offensive contacts; and aided and abetted the assaulting, battering and offensively contacting of the Plaintiff.

46. Plaintiff did not consent to the offensive contacts. Plaintiff feared for his personal safety and felt threatened by Defendants' actions.

47. Defendants committed the assaults and batteries.
48. Defendants' acts caused grave and foreseeable damages to Plaintiff.

COUNT THREE – WRONGFUL DEATH

49. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

50. Defendants' wrongful acts and omissions caused the death of Plaintiff.

51. Defendants set the conditions, directly and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with others to act in the manner that led to the wrongful death.

52. The Estate Plaintiff is the duly appointed personal representative of Raheem Khalaf Sa'adoon.

53. The death of Raheem Khalaf Sa'adoon was the foreseeable result of Defendants' wrongful acts and omissions.

COUNT FOUR – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

54. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

55. Defendants intentionally inflicted severe emotional distress by way of extreme and outrageous conduct on Plaintiff and his family members.

56. Defendants set the conditions, directly and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with others to inflict emotional distress on Plaintiff.

57. Defendants' acts caused grave and foreseeable injuries to Plaintiff and his family members.

COUNT FIVE – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

58. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

59. Defendants negligently inflicted severe emotional distress on Plaintiffs.

60. Defendants breached a duty to Plaintiffs.

61. Defendants' negligence directly and foreseeably harmed Plaintiffs.

COUNT SIX – NEGLIGENT HIRING, TRAINING AND SUPERVISION

62. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

63. Defendants acted negligently and directly harmed Plaintiffs by:

(a) failing to take the appropriate steps in hiring proper personnel to perform services;

(b) failing to properly screen personnel before their hiring;

(c) failing to train personnel properly;

(d) failing to investigate allegations of wrongdoing;

(e) failing to reprimand for wrongful actions;

(f) failing to adequately monitor for and stop illegal substance abuse;

(g) failing to stop Andrew Moonen from wandering around intoxicated with a loaded weapon, and

(h) negligently permitting repeated lawlessness by employees.

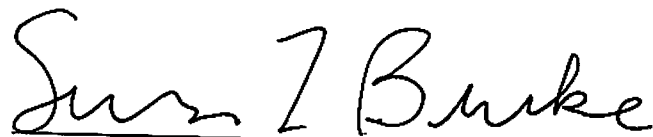
64. Defendants' negligence directly and foreseeably harmed Plaintiffs.

COUNT SEVEN – TORTIOUS SPOILATION OF EVIDENCE

65. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.
66. The Defendants had a legal duty to preserve evidence relating to unauthorized uses of force.
67. Defendants intentionally destroyed that evidence to prevent detection of its wrongdoing.
68. Defendants' destruction of evidence significantly impaired Plaintiffs' ability to prove certain facts in this action.
69. Defendants' intent in destroying the evidence was to lessen the risk that they would be found liable by a jury hearing this action.
70. Defendants' intentional destruction of evidence harmed and continues to harm the Plaintiffs.

PRAYERS AND DAMAGES

71. Plaintiffs, acting when necessary through the Estate, are entitled to any and all remedies available to them as a result of the conduct alleged herein, including, but not limited to:
 - (a) compensatory damages for death, physical, mental and economic injuries;
 - (b) punitive damages in an amount sufficient to strip Defendants of all of the revenue and profits earned from their pattern of constant misconduct and callous disregard for human life; and
 - (c) any attorneys' fees and costs permitted by law.



Susan L. Burke (VA Bar #27769)

William F. Gould

BURKE O'NEIL LLC

4112 Station Street

Philadelphia, PA 19127

(215) 971-5058

sburke@burkeoneil.com

Attorneys for Plaintiffs

Date: June 2, 2009