

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JOSE OSCAR CHAVEZ, ANA PATRICIA)
CHAVEZ, HAYDEE DURAN, CECILIA)
SANTOS, JOSE FRANCISCO CALDERON,)
JANE DOE I AND JANE DOE II,)
Plaintiffs,) No. _____
v.) JURY TRIAL
NICOLAS CARRANZA,)
Defendant.)

COMPLAINT

Plaintiffs Jose Oscar Chavez, Ana Patricia Chavez, Haydee Duran, Cecilia Santos, Jose Francisco Calderon, Jane Doe I and Jane Doe II (collectively “Plaintiffs”) complain and allege as follows:

PRELIMINARY STATEMENT

1. This is an action for compensatory and punitive damages for torts in violation of international and domestic law. Plaintiffs institute this action against Defendant Nicolas Carranza Rivera (“Carranza”) for his responsibility for the extrajudicial killing of Decedents Guillermmina Penate de Chavez and Oscar Humberto Chavez, the parents of Plaintiffs Jose Oscar Chavez, Ana Patricia Chavez, and Haydee Duran; for the torture and cruel, inhuman or degrading treatment or punishment of Ana Patricia Chavez; for the torture of Plaintiff Cecilia Santos; for the extrajudicial killing of Decedent Juan Francisco Calderon, father of Plaintiff Jose Francisco Calderon and relative of Plaintiff Jane Doe I; for the torture of Jose Francisco Calderon; and for the extrajudicial killing of John Doe, husband of Plaintiff Jane Doe II.

2. Plaintiffs allege that Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces of El Salvador, or persons or groups acting in coordination with the Security Forces or under their control, to commit acts of extrajudicial killing, torture, crimes against humanity, and cruel, inhuman or degrading treatment or punishment, and to cover up these abuses. Accordingly, Plaintiffs assert that Defendant is liable under domestic and international law for their injuries, pain, and suffering.

JURISDICTION AND VENUE

3. Plaintiffs allege that Defendant is liable for acts of torture and extrajudicial killing as defined by customary international law and the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350, note). Plaintiffs further allege that Defendant is liable for crimes against humanity and cruel, inhuman or degrading treatment or punishment contrary to customary international law. Accordingly, this Court has jurisdiction over this action based on 28 U.S.C. § 1350 (the Alien Tort Claims Act), and 28 U.S.C. § 1331.

4. On information and belief, Defendant resides in Memphis, Tennessee. Therefore venue is proper in the United States District Court for the Western District of Tennessee pursuant to 28 U.S.C. § 1391(b).

PARTIES

Defendant

5. On information and belief, Defendant Nicolas Carranza Rivera is a native of El Salvador and naturalized United States citizen, and currently resides in Memphis, Tennessee.

6. From about October 1979 to about January 1981, Defendant Carranza was Vice-Minister of Defense and Public Security of El Salvador. At all relevant times, as Vice-Minister of Defense and Public Security, Defendant Carranza possessed and exercised command and

control over the three units of the Salvadoran Security Forces – the *Guardia Nacional* (“National Guard”), *Policia Nacional* (“National Police”) and *Policia de Hacienda* (“Treasury Police”). Defendant was removed from this position in or about January 1981.

7. In or about June 1983, Defendant Carranza became Director of the Treasury Police. At all relevant times, as Director of the Treasury Police, Defendant Carranza possessed and exercised command and control over the Treasury Police. Defendant was removed from this position in or about April 1984.

Plaintiffs

8. Jose Oscar Chavez (“Oscar Chavez”) is a native of El Salvador, a naturalized U.S. citizen and a resident of California. He brings this action in his individual capacity for the extrajudicial killing of his mother, Guillermina Penate de Chavez (“Guillermina Chavez”), and his father, Oscar Humberto Chavez (“Humberto Chavez”), on or about July 26, 1980, by members of the Salvadoran Security Forces or persons or groups acting in coordination with the Security Forces or under their control. Oscar Chavez is the brother of Plaintiffs Haydee Duran and Ana Patricia Chavez.

9. Ana Patricia Chavez is a citizen of El Salvador, a legal permanent resident of the United States and a resident of California. She brings this action in her individual capacity for the extrajudicial killing of her mother, Guillermina Chavez, and her father, Humberto Chavez, on or about July 26, 1980, by members of the Salvadoran Security Forces or persons or groups acting in coordination with the Security Forces or under their control, and for her own torture and cruel, inhuman or degrading treatment or punishment for being forced to witness her mother’s murder. Ana Patricia Chavez is the sister of Plaintiffs Haydee Duran and Oscar Chavez.

10. Haydee Duran is a native of El Salvador, a naturalized U.S. citizen and a resident of California. She brings this action in her individual capacity for the extrajudicial killing of her mother, Guillermina Chavez, and her father, Humberto Chavez, on or about July 26, 1980, by members of the Salvadoran Security Forces or persons or groups acting in coordination with the Security Forces or under their control. Haydee Duran is the sister of Plaintiffs Oscar Chavez and Ana Patricia Chavez.

11. Cecilia Santos is a native of El Salvador, a naturalized U.S. citizen and a resident of New York. She brings this action for the torture she suffered at the hands of the Salvadoran National Police or persons or groups acting in coordination with the National Police or under their control.

12. Plaintiff Jose Francisco Calderon (“Francisco Calderon”) is a native of El Salvador, a naturalized U.S. citizen and a resident of California. He brings this action in his individual capacity for the extrajudicial killing of his father, Juan Francisco Calderon (“Paco Calderon”), on or about September 11, 1980, by members of the Salvadoran National Police or persons or groups acting in coordination with the National Police or under their control, and for his own torture for being forced to witness his father’s murder. He is a relative of Plaintiff Jane Doe I.

13. Plaintiff Jane Doe I is a native and citizen of El Salvador who resides in the United States. Jane Doe I brings this action in her individual capacity for the extrajudicial killing of her relative, Paco Calderon, on or about September 11, 1980, by members of the Salvadoran National Police or persons or groups acting in coordination with the National Police or under their control. She is a relative of Plaintiff Francisco Calderon. Plaintiff Jane Doe I seeks to proceed under a pseudonym because she fears reprisals against her as a result of her participation in this lawsuit should she return to El Salvador.

14. Plaintiff Jane Doe II is a native and citizen of El Salvador who also resides in El Salvador. Jane Doe II brings this action in her individual capacity for the extrajudicial killing of her husband, John Doe, on or about November 27, 1980, by members of the Salvadoran Security Forces or persons or groups acting in coordination with the Security Forces or under their control. Plaintiff Jane Doe II seeks to proceed under a pseudonym because she fears reprisals against her as a result of her participation in this lawsuit.

STATEMENT OF FACTS

15. Beginning in the late 1970s, the Salvadoran Armed Forces, and particularly the Security Forces, were responsible for rampant human rights abuses against the civilian population of El Salvador, including the widespread and systematic use of torture, forced disappearances, arbitrary detention and extrajudicial killing. This deliberate reign of state terror was most acute during the time Defendant Carranza was Vice-Minister of Defense and Public Security, from October 1979 to January 1981. Experts estimate that 10,000 to 12,000 unarmed civilians were assassinated in 1980 alone. The Security Forces carried out numerous abuses against suspected political “subversives,” including opposition political figures, members of labor unions, and people who simply worked in areas of social advancement, such as teachers, doctors, rescue workers and priests.

16. The Security Forces often worked hand-in-hand with paramilitary groups known as “death squads.” These death squads were commonly composed of active and former members of the Armed Forces as well as civilians. Members of the death squads usually dressed in civilian clothes and often wore masks to hide their faces. The death squads frequently acted in coordination with or under the control of the Security Forces, often conducted joint operations with uniformed members of the Security Forces, and operated with the tacit approval and permission of the Security Forces and their commander, Defendant Carranza. Death squads

acting in coordination with or under the control of the Security Forces were responsible for the widespread and systematic use of torture, forced disappearances, arbitrary detention and extrajudicial killing against the civilian population of El Salvador.

17. The overwhelming repression carried out by the Security Forces and death squads led to a civil war that lasted from about January 1981 to about January 1992. During the entire conflict, an estimated 75,000 civilians were killed. The United Nations Commission on the Truth for El Salvador (“Truth Commission”) concluded that 85% of the human rights abuses during the civil war were committed by government forces and the paramilitary groups and death squads allied with them. A major component of the Peace Accords negotiated under the auspices of the United Nations, and signed on January 16, 1992, by the Salvadoran government and guerrilla forces, was the dismantling of all three branches of the Security Forces. However, the neutralization of the power of the Security Forces and a reduction in death squad activity did not actually occur until long after the signing of the Peace Accords.

18. Among the most gruesome and shocking incidents carried out by the Security Forces during 1980, and one which led directly to the commencement of the civil war, was the assassination of six of the leaders of the *Frente Democratico Revolucionario* (Democratic Revolutionary Front, “FDR”), the main political coalition of the opposition to the ruling junta. Decedent John Doe was one of the six FDR leaders assassinated by the Security Forces in 1980.

19. In or about October 1979, reformist officers in the Salvadoran Armed Forces carried out a coup and put in place a governing junta (“first junta”) composed of civilians and military figures. By the beginning of 1980, the evidence was clear that the first junta had failed to stop the widespread human rights abuses being carried out by the Security Forces and death squads.

20. A dramatic downturn in the economy, a growing unemployment rate and the surging violence led to the downfall of the first junta in or about January 1980. When a new governing junta (“second junta”), composed of only military figures and members of the Christian Democrat party, was created, the remaining pro-democracy parties created a political alliance with labor unions and other popular organizations. The alliance attempted to initiate a national dialogue working toward a pluralist and democratic system of government. From its creation, the FDR, as the alliance came to be known, constituted the only serious political opposition to the ruling government, even after several members of the Christian Democrat party left the second junta in or about March 1980 after the assassination of a prominent Christian Democrat leader. All the pro-democracy political parties and most of the labor unions and popular organizations were part of the FDR.

21. The FDR had several elected leaders, who were all members of major political parties or labor unions. Many of them had held prominent positions in the first junta. The leaders included: Enrique Alvarez Cordoba, the FDR president and a former Minister of Agriculture; Juan Chacon, the general secretary of the *Bloque Popular Revolucionario* (Popular Revolutionary Block); Enrique Escobar Barrera, a member of the *Movimiento Nacional Revolucionario* (National Revolutionary Movement); Manuel de Jesus Franco Ramirez, a member of the *Union Democratica Nacionalista* (Nationalist Democratic Union); Humberto Mendoza, a member of the *Movimiento de Liberacion Popular* (Popular Liberation Movement); Doroteo Hernandez, a journalist and leader of the *Union de Pobladores de Tugurios* (Union of Slum Dwellers); Leonicio Pichinte and Juan Jose Martel.

22. On or about November 27, 1980, while Enrique Alvarez, Juan Chacon, Enrique Escobar, Manuel Franco, Humberto Mendoza and Doroteo Hernandez were meeting at Colegio San Jose, a Jesuit school in San Salvador, members of the Security Forces and persons or groups

acting in coordination with the Security Forces or under their control entered the school and abducted the six FDR leaders. The six men were tortured and murdered and their bodies were dumped later that day outside of San Salvador.

23. The murder of the FDR leaders, including Decedent John Doe, was, according to the Truth Commission, “an act that outraged national and international public opinion and closed the door to any possibility of a negotiated solution to the political crisis at the end of 1980.” The killings typified the repressive pattern exercised by the Security Forces and death squads throughout 1980. Once the possibility of a negotiated solution disappeared, the civil war erupted in or about January 1981.

Plaintiffs Oscar Chavez, Ana Patricia Chavez and Haydee Duran

24. At the time of the events at issue, Plaintiffs Haydee Duran and Oscar Chavez were living with their parents, Guillermina Chavez and Humberto Chavez, in Ahuachapan, El Salvador.

25. At the time of the events at issue, Plaintiff Ana Patricia Chavez was living with her partner, Omar, and her child in San Salvador, El Salvador. Each weekend, she stayed at her parents’ house in Ahuachapan.

26. Decedents Guillermina and Humberto Chavez, the parents of Plaintiffs Oscar Chavez, Ana Patricia Chavez and Haydee Duran, were active members of the Ahuachapan community. They were both teachers and members of *Andes 21 de Junio*, a teacher’s union. Humberto Chavez was also a Red Cross volunteer.

27. In or about July 1980, Humberto Chavez was walking in the fields that he owned near Achapuco, El Salvador, when one or more men from the Treasury Police stopped him and asked him several questions about where he was coming from and what he was doing. Prior to this time, Humberto Chavez had never had any encounters with the Security Forces.

28. On or about July 26, 1980, at about 6:30 a.m., several armed men wearing civilian clothes and masks entered the Ahuachapan home of Guillermina and Humberto Chavez. The men carried G-3 rifles, the weapons commonly used by the Security Forces and death squads.

29. One of the armed men shoved Guillermina Chavez and Ana Patricia Chavez into a bedroom, where the other armed men were waiting. They started beating and interrogating Guillermina Chavez. When she did not answer them, the men threw her onto the bed and beat her more severely as Ana Patricia stood watching. One of the men turned up the radio so that neighbors could not hear the beating.

30. After several minutes, one or more of the men pushed Ana Patricia Chavez onto the bed next to her mother. They continued to viciously beat Guillermina Chavez while her daughter lay next to her on the bed. Then, one of the armed men shot Guillermina Chavez in the head at close range while she was lying on her back, killing her. Ana Patricia Chavez was forced to witness her mother's murder. She remained on the bed next to her mother until the armed men left the room through the back patio.

31. After the armed men left, Ana Patricia Chavez ran out of the bedroom. She found her father, Humberto Chavez, dead on the floor, lying on his stomach with his thumbs tied behind his back, a practice consistently used by the Security Forces and death squads. When she ran outside, neighbors told Ana Patricia Chavez that nearly fifteen members of the National Guard had been outside her parents' house and involved in the operation.

32. A neighbor informed Ana Patricia Chavez that her partner, Omar, had hidden in a nearby house. She went to the house and found Omar, who was dead from a gunshot to the temple. When Ana Patricia Chavez returned to the Chavez home, the house was surrounded by several uniformed members of the National Guard who also carried G-3 rifles. The house continued to be surrounded by uniformed members of the National Guard for several hours. In

1982, Oscar Chavez fled to the United States. In 1983, Ana Patricia Chavez and Haydee Duran fled to the United States.

Plaintiff Cecilia Santos

33. At the time of the events at issue, Plaintiff Cecilia Santos was studying mathematics at the National University of El Salvador in San Salvador. She was also working in the statistics department of the Ministry of Education.

34. On or about September 25, 1980, Plaintiff Cecilia Santos was shopping at *Supermercados Todos*, a shopping center in San Salvador. While she was in the bathroom, two private security officers entered. The officers took Santos to the basement of the shopping center. Two additional men in civilian clothing arrived and took her out of the shopping center. They forced her into a taxi. The taxi stopped one block away from the headquarters of the National Police. One of the men grabbed Santos' arm and walked her into the National Police building.

35. Inside the building, Santos was taken to the second floor and blindfolded by her captors. She was led through a tunnel. Despite her blindfold, she could feel and hear that the floor of the tunnel was covered with the bodies of many people in pain and crying. She was taken into a small room and forced to sit at a desk. Despite the blindfold, Santos was able to ascertain that there were several men in the room. One of the men caressed her legs and tried to put his hands inside her blouse. One man, in particular, interrogated her. After a while, the men removed the blindfold; she then could see that one or more men wore masks and were taking her picture. After some time, she was blindfolded again, and the men renewed her interrogation. They threatened to harm her family. They poured acid on her hands, particularly in the area separating the fingers, and inserted Q-tips soaked with acid in her nostrils.

36. Santos asked to use the bathroom and while she was in the restroom, despite being tied to the door, she managed to loosen the blindfold with one hand. When she and her captors returned to the small room, she then was able to see that the interrogators wore khaki pants and shirts, the typical uniform of the National Police.

37. As Santos remained in the interrogation room that first day of her capture, she was forced to listen to the sounds of other people being tortured during the same time that she was being tortured. She was subjected to continuing torture as the men applied electrical shocks to her arms, hands, mouth and breasts, causing her extreme pain. She nearly lost consciousness each time the shocks were applied. She was not given any food or water until after the torture was finished many hours later. The men forced her to sign a blank piece of paper which could later be used as a confession.

38. Early the next morning, Santos was registered as a political prisoner and placed in a cell in another part of the National Police headquarters. While there a uniformed police officer began touching her breast and putting his hand up her skirt. She was held in the National Police cell for approximately eight days.

39. On or about October 3, 1980, Santos was transferred to the women's prison in Ilopango, El Salvador. She was detained there for nearly three years. During the first year at Ilopango, Santos suffered a stroke which, according to the doctor who treated her, was precipitated by the torture she experienced at the National Police headquarters.

40. After about one month at Ilopango, Santos was placed in a special proceeding with a military judge and charged with being a "subversive." A man from the National Police told her to sign a declaration admitting that she was a subversive. She refused to sign the statement. She never was allowed to consult an attorney. She was not brought before any type of

tribunal or court thereafter. She was held at Ilopango until about June 2, 1983, when she was released under a general amnesty. About eight days later, Santos fled to the United States.

Plaintiffs Francisco Calderon and Jane Doe I

41. At the time of the events at issue, Plaintiff Francisco Calderon was working at a cigarette factory in San Salvador helping his father pay for his younger stepsisters to go to school. Plaintiff Jane Doe I also lived in El Salvador at that time.

42. Decedent Paco Calderon was the principal of a school in Ahuachapan, El Salvador, and was one of the leaders of the *Andes 21 de Junio* teachers' union in that city. In 1979, the Salvadoran government presented him with a medal for being one of the three best teachers in El Salvador, but he refused to accept the honor because of the government's repression of the teachers' union. On or about June 16, 1980, he was in Ahuachapan handing out brochures that provided instructions to civilians on what to do in the event of an attack by the army or guerrilla forces. Several members of the Salvadoran Army observed Calderon handing out brochures and arrested him. The family was unable to discover his whereabouts until the next day. When a crowd followed the family to the jail where Calderon was being held, the military forces dispersed the crowd.

43. After Calderon was released, he moved to San Salvador to live with one of his daughters and his son, Plaintiff Francisco Calderon. He rarely left the house.

44. On or about September 11, 1980, at approximately 10:00 p.m., several uniformed members of the National Police knocked on the door of the Calderons' house in the Antiguo Cuzcatlan section of San Salvador. Plaintiff Francisco Calderon came to the door, and the uniformed men ordered him to unlock the door. As he opened the door, the uniformed men stepped back, and several men wearing civilian clothes and masks grabbed Francisco Calderon and forced him to the floor. One of the men kept Francisco Calderon pinned to the floor and

pointed a gun at his back. All the men in civilian clothes and masks carried G-3 rifles, the weapons commonly used by the Security Forces and death squads. Other armed men were positioned on the roof of the house.

45. Decedent Paco Calderon, who had been preparing for bed, saw his son, Francisco Calderon, pinned to the floor by the armed men. He came into the room where Francisco Calderon was being held and told the armed men to release his son. Then several armed men grabbed Paco Calderon and tried to drag him out of the house. After a brief struggle, one or more of the armed men shot and killed Paco Calderon. They shot him five times in the back, arm and head. The armed men then exited the house, leaving Paco Calderon's body on the floor. Plaintiff Francisco Calderon was forced to witness his father's murder.

Plaintiff Jane Doe II

46. At the time of the events at issue, Plaintiff Jane Doe II was living with her husband, John Doe, in San Salvador, El Salvador. John Doe was a leader of the FDR.

47. On or about November 27, 1980, six of the leaders of the FDR, including John Doe, were meeting at the Jesuit school, Colegio San Jose, in San Salvador. Between about 9:00 a.m. and 10:00 a.m., a large group of heavily armed men, some wearing the uniforms of the Security Forces and some in civilian clothes, surrounded the school. Once at the main gate, they forcibly moved the doorman away from the gate and allowed several vehicles carrying other armed men to enter the school. Most of the men carried machine guns and G-3 rifles, the weapons commonly used by the Security Forces and death squads. Many of the men in the vehicles were members of the Security Forces.

48. Once inside, the armed men forced the school's occupants to lie on the floor. Some of the men then entered the offices where the six FDR leaders, including John Doe, were meeting and abducted them. The armed men took their captives outside and put them in a

vehicle that subsequently drove away. The entire operation lasted approximately twenty minutes.

49. Later that afternoon, the dead bodies of four of the abducted men, including John Doe, appeared along the highway to the city of Apulo in the district of Ilopango. All four bodies showed signs of brutal torture, mutilation, strangulation and bullet wounds. They also showed deep burns around the necks. Their shoes, watches, belts and other belongings had been stolen. The next day, the body of another of the FDR leaders was found at the same location. His body also showed signs of brutal torture and bullet wounds.

50. The day of the abductions, at or about 4:00 p.m., heavily armed individuals wearing civilian clothes arrived at Colegio San Jose. They identified themselves as agents of the National Police and claimed that they were carrying out an investigation concerning the morning's operation.

51. When the bodies were found, a judge in Ilopango initiated an investigation and opened a dossier. The dossier was transferred to the Fourth Criminal Court in San Salvador. The Fourth Criminal Court failed to conduct a proper investigation and failed to perform mandatory autopsies of the bodies. The case was closed without further action on or about October 8, 1982. No individuals were ever arrested or tried for the murder of John Doe or the other five men who were killed.

GENERAL ALLEGATIONS

52. The acts described herein were carried out under actual or apparent authority or color of law of the government of El Salvador. The acts of torture, extrajudicial killing, and cruel, inhuman or degrading treatment or punishment inflicted upon Plaintiffs and Decedents were part of a pattern and practice of systematic or widespread human rights violations committed against the civilian population in El Salvador from 1979 to 1984, for which

Defendant Carranza, acting as Vice-Minister of Defense and Public Security, and later as Director of the Treasury Police, bears responsibility.

53. At all relevant times between October 1979 and January 1981, Defendant Carranza, as Vice-Minister of Defense and Public Security, possessed and exercised command and control over the National Guard, National Police and Treasury Police. He also acquiesced in and permitted persons or groups acting in coordination with the National Guard, National Police or Treasury Police or under their control to commit human rights abuses.

54. At all relevant times between June 1983 and April 1984, Defendant Carranza, as Director of the Treasury Police, was the highest-ranking member within the Treasury Police and possessed and exercised command and control over the Treasury Police. He also acquiesced in and permitted persons or groups acting in coordination with the Treasury Police or under their control to commit human rights abuses.

55. At all relevant times between October 1979 and January 1981, as Vice-Minister of Defense and Public Security, Defendant Carranza had the legal authority and practical ability to exert control over subordinates in the Security Forces that participated in the extrajudicial killing of Decedents Guillermina Chavez, Humberto Chavez, Paco Calderon and John Doe, and the torture of Plaintiffs Cecilia Santos, Ana Patricia Chavez and Francisco Calderon. Defendant Carranza's command over such forces included the authority and responsibility to give orders to, set policy for, and manage the affairs of forces under his control, and to appoint, remove and discipline personnel of such forces.

56. At all relevant times between June 1983 and April 1984, as Director of the Treasury Police, Defendant Carranza had the legal authority and practical ability to exert control over subordinates in the Treasury Police. Defendant Carranza's command over such forces

included the authority and responsibility to give orders to, set policy for, and manage the affairs of forces under his control, and to appoint, remove and discipline personnel of such forces.

57. At all relevant times between October 1979 and January 1981, as Vice-Minister of Defense and Public Security, Defendant Carranza had a duty under customary international law, multilateral treaties and Salvadoran law to ensure the protection of civilians, to prevent violations of international and Salvadoran law by the Security Forces, and to ensure that all persons under his command were trained in, and complied with, the laws of warfare and international and Salvadoran law, including the prohibitions against torture, extrajudicial killing, crimes against humanity, and cruel, inhuman or degrading treatment or punishment. Furthermore, Defendant Carranza was under a duty to investigate, prevent and punish violations of international and Salvadoran law committed by members of the Security Forces under his command.

58. At all relevant times between June 1983 and April 1984, as Director of the Treasury Police, Defendant Carranza had a duty under customary international law, multilateral treaties and Salvadoran law to ensure the protection of civilians, to prevent violations of international and Salvadoran law by the Treasury Police, and to ensure that all persons under his command were trained in, and complied with, the laws of warfare and international and Salvadoran law, including the prohibitions against torture, extrajudicial killing, crimes against humanity, and cruel, inhuman or degrading treatment or punishment. Furthermore, Defendant Carranza was under a duty to investigate, prevent and punish violations of international and Salvadoran law committed by members of the Treasury Police under his command.

59. The acts of torture, extrajudicial killing, and cruel, inhuman or degrading treatment or punishment inflicted upon Plaintiffs and Decedents were part of a pattern and practice of systematic or widespread human rights violations against the civilian population of El

Salvador. At all relevant times, Defendant Carranza knew or reasonably should have known of the pattern and practice of gross human rights abuses perpetrated against the civilian population by subordinates under his command, including the abuses committed against Plaintiffs and Decedents.

60. Defendant Carranza failed or refused to take all necessary measures to investigate and prevent these abuses, or to punish personnel under his command for committing such abuses.

61. Defendant Carranza, as Vice-Minister of Defense and Public Security, exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to commit acts of extrajudicial killing, torture, crimes against humanity, and cruel, inhuman or degrading treatment or punishment, and to cover up these abuses. As Director of the Treasury Police, he exercised command responsibility over, conspired with, or aided and abetted subordinates in the Treasury Police or persons or groups acting in coordination with the Treasury Police or under their control to commit acts of extrajudicial killing, torture, crimes against humanity, and cruel, inhuman or degrading treatment or punishment, and to cover up these abuses. These actions and omissions were outside the scope of his lawful authority and were not authorized by Salvadoran or international law.

Absence of Remedies in El Salvador

62. In March 1993, the Salvadoran legislature adopted a broad and unconditional amnesty for any individual implicated in “political offenses.” The amnesty law foreclosed both civil and criminal liability for all individuals who had participated in any way in the commission of political crimes, common crimes related to political crimes, or common crimes committed before January 1, 1992. This law precludes liability under Salvadoran law for those responsible for the abuses perpetrated against Plaintiffs and Decedents. To date, the government of El

Salvador has not proceeded, nor has it shown any intention of proceeding, against Defendant Carranza for his involvement in human rights violations committed when he served as Vice-Minister of Defense and Public Security or Director of the Treasury Police. There are no adequate and available remedies for Plaintiffs to exhaust in El Salvador.

FIRST CLAIM FOR RELIEF

*(Extrajudicial Killing of Humberto Chavez –
Plaintiffs Oscar Chavez, Ana Patricia Chavez and Haydee Duran)*

63. Plaintiffs Oscar Chavez, Ana Patricia Chavez and Haydee Duran re-allege and incorporate by reference the allegations set forth in paragraphs 1 through 62 as if fully set forth herein.

64. The murder of Humberto Chavez constitutes an extrajudicial killing as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note). Additionally, as to Plaintiff Ana Patricia Chavez, the extrajudicial killing of Humberto Chavez constitutes a “tort … committed in violation of the law of nations or a treaty of the United States” under the Alien Tort Claims Act, 28 U.S.C. § 1330, in that it was in violation of customary international law prohibiting extrajudicial killing as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

65. The extrajudicial killing of Humberto Chavez was not authorized by any court judgment, and was unlawful under the laws of El Salvador that existed at that time. Humberto Chavez was never charged with, convicted of or sentenced for any crime.

66. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to murder Humberto Chavez. Furthermore,

Defendant knew or should have known that extrajudicial killings were being committed by his subordinates and failed to prevent abuses or punish those responsible.

67. Defendant's acts and omissions described above, and the acts committed by his subordinates against Humberto Chavez, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

68. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the extrajudicial killing of Humberto Chavez, and caused Plaintiffs Oscar Chavez, Ana Patricia Chavez and Haydee Duran to suffer severe mental pain and suffering.

69. As a result of the extrajudicial killing of Humberto Chavez, Plaintiffs Oscar Chavez, Ana Patricia Chavez and Haydee Duran have suffered damages in an amount to be determined at trial.

70. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

SECOND CLAIM FOR RELIEF

*(Extrajudicial Killing of Guillermina Chavez –
Plaintiffs Oscar Chavez, Ana Patricia Chavez and Haydee Duran)*

71. Plaintiffs Oscar Chavez, Ana Patricia Chavez and Haydee Duran re-allege and incorporate by reference the allegations set forth in paragraphs 1 through 62 as if fully set forth herein.

72. The murder of Guillermina Chavez constitutes an extrajudicial killing as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note). Additionally, as to Plaintiff Ana Patricia Chavez, the extrajudicial killing of Guillermina Chavez constitutes a “tort … committed in violation of the law of nations or a

treaty of the United States" under the Alien Tort Claims Act, 28 U.S.C. § 1330, in that it was in violation of customary international law prohibiting extrajudicial killing as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

73. The extrajudicial killing of Guillermina Chavez was not authorized by any court judgment, and was unlawful under the laws of El Salvador that existed at that time. Guillermina Chavez was never charged with, convicted of or sentenced for any crime.

74. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to murder Guillermina Chavez. Furthermore, Defendant knew or should have known that extrajudicial killings were being committed by his subordinates and failed to prevent abuses or punish those responsible.

75. Defendant's acts and omissions described above, and the acts committed by his subordinates against Guillermina Chavez, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

76. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the extrajudicial killing of Guillermina Chavez, and caused Plaintiffs Oscar Chavez, Ana Patricia Chavez and Haydee Duran to suffer severe mental pain and suffering.

77. As a result of the extrajudicial killing of Guillermina Chavez, Plaintiffs Oscar Chavez, Ana Patricia Chavez and Haydee Duran have suffered damages in an amount to be determined at trial.

78. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

THIRD CLAIM FOR RELIEF
(Torture – Plaintiff Ana Patricia Chavez)

79. Plaintiff Ana Patricia Chavez re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 62 as if fully set forth herein.

80. The acts described herein, namely forcing Ana Patricia Chavez to witness the murder of her mother, Guillermina Chavez, constitute torture as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note). Additionally, they constitute a “tort … committed in violation of the law of nations or a treaty of the United States” under the Alien Tort Claims Act, 28 U.S.C. § 1330, in that they were in violation of customary international law prohibiting torture as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

81. The acts described herein were inflicted deliberately and intentionally for purposes that include, among others, punishing Ana Patricia Chavez for an act her mother, Guillermina Chavez, was suspected of having committed, intimidating or coercing Ana Patricia Chavez, or discriminating against her or her parents for her parents’ presumed political beliefs.

82. The torture of Ana Patricia Chavez did not arise from and was not inherent in or incidental to lawful sanctions.

83. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to torture Ana Patricia Chavez. Furthermore, Defendant knew or should have known that torture was being committed by his subordinates and failed to prevent abuses or punish those responsible.

84. Defendant's acts and omissions described above, and the acts committed by his subordinates against Ana Patricia Chavez, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

85. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the torture of Ana Patricia Chavez, and caused her to suffer severe mental pain and suffering, including prolonged mental harm resulting from the threat of imminent death to her and the threat that her mother, Guillermina Chavez, would imminently be subjected to death or severe physical pain or suffering.

86. As a result of the torture of Ana Patricia Chavez, she has suffered damages in an amount to be determined at trial.

87. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

FOURTH CLAIM FOR RELIEF

(Cruel, Inhuman or Degrading Treatment or Punishment – Plaintiff Ana Patricia Chavez)

88. Plaintiff Ana Patricia Chavez re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 62 as if fully set forth herein.

89. The acts described herein, namely forcing Ana Patricia Chavez to witness the murder of her mother, Guillermina Chavez, constitute a "tort ...committed in violation of the laws of nations or a treaty of the United States" under the Alien Tort Claims Act, 28 U.S.C. § 1330, in that they were in violation of customary international law prohibiting cruel, inhuman or degrading treatment or punishment as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

90. The acts of cruel, inhuman or degrading treatment or punishment described herein had the intent and effect of grossly humiliating and debasing Ana Patricia Chavez and inciting fear and anguish. As an intended result of these acts, Ana Patricia Chavez was placed in great fear of her life and suffered psychological abuse and agony.

91. The cruel, inhuman and degrading treatment or punishment of Ana Patricia Chavez did not arise from and was not inherent in or incidental to lawful sanctions.

92. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to inflict cruel, inhuman or degrading treatment or punishment on Ana Patricia Chavez. Furthermore, Defendant knew or should have known that cruel, inhuman or degrading treatment or punishment was being committed by his subordinates and failed to prevent abuses or punish those responsible.

93. Defendant's acts and omissions described above, and the acts committed by his subordinates against Ana Patricia Chavez, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

94. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the cruel, inhuman or degrading treatment or punishment of Ana Patricia Chavez, and caused her to suffer severe mental pain and suffering.

95. As a result of the cruel, inhuman or degrading treatment or punishment of Ana Patricia Chavez, she has suffered damages in an amount to be determined at trial.

96. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

FIFTH CLAIM FOR RELIEF
(Crimes Against Humanity – Plaintiff Ana Patricia Chavez)

97. Plaintiff Ana Patricia Chavez re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 62 as if fully set forth herein.

98. The extrajudicial killings of Humberto Chavez and Guillermina Chavez and the torture and cruel, inhuman or degrading treatment or punishment of Ana Patricia Chavez described herein were committed as part of a widespread or systematic attack against a civilian population. The acts constitute a “tort ...committed in violation of the laws of nations or a treaty of the United States” under the Alien Tort Claims Act, 28 U.S.C. § 1330, in that they were in violation of customary international law prohibiting crimes against humanity as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

99. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to commit crimes against humanity, including the extrajudicial killings of Humberto Chavez and Guillermina Chavez and the torture and cruel, inhuman or degrading treatment or punishment of Ana Patricia Chavez. Furthermore, Defendant knew or should have known that extrajudicial killings, torture and cruel, inhuman or degrading treatment or punishment were being committed by his subordinates and that they were being committed as part of a widespread or systematic attack against a civilian population, and he failed to prevent these abuses or punish those responsible.

100. Defendant’s acts and omissions described above, and the acts committed by his subordinates against Guillermina Chavez, Humberto Chavez and Ana Patricia Chavez, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

101. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the extrajudicial killings of Humberto Chavez and Guillermina Chavez and the torture and cruel, inhuman and degrading treatment or punishment of Ana Patricia Chavez, and caused Ana Patricia Chavez to suffer severe mental pain and suffering.

102. As a result of Defendant's acts and omissions, Ana Patricia Chavez has suffered damages in an amount to be determined at trial.

103. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

SIXTH CLAIM FOR RELIEF
(Torture – Plaintiff Cecilia Santos)

104. Plaintiff Cecilia Santos re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 62 as if fully set forth herein.

105. The acts described herein constitute torture as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note).

106. The acts described herein were inflicted deliberately and intentionally for purposes that include, among others, obtaining from Cecilia Santos information or a confession, punishing her for an act she was suspected of having committed, intimidating or coercing her, or discriminating against her for her presumed political beliefs.

107. The torture of Cecilia Santos did not arise from and was not inherent in or incidental to lawful sanctions.

108. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the National Police or persons or groups acting in coordination with the National Police or under their control to torture Cecilia Santos. Furthermore, Defendant

knew or should have known that torture was being committed by his subordinates and failed to prevent abuses or punish those responsible.

109. Defendant's acts and omissions described above, and the acts committed by his subordinates against Cecilia Santos, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

110. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the torture of Cecilia Santos, and caused her to suffer severe physical and mental pain and suffering.

111. As a result of the torture of Cecilia Santos, she has suffered damages in an amount to be determined at trial.

112. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

SEVENTH CLAIM FOR RELIEF
*(Extrajudicial Killing of Paco Calderon –
Plaintiffs Francisco Calderon and Jane Doe I)*

113. Plaintiffs Francisco Calderon and Jane Doe I re-allege and incorporate by reference the allegations set forth in paragraphs 1 through 62 as if fully set forth herein.

114. The murder of Paco Calderon constitutes an extrajudicial killing as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note). Additionally, as to Plaintiff Jane Doe I, the extrajudicial killing of Paco Calderon constitutes a “tort … committed in violation of the law of nations or a treaty of the United States” under the Alien Tort Claims Act, 28 U.S.C. § 1330, in that it was in violation of customary international law prohibiting extrajudicial killing as reflected, expressed, defined and

codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

115. The extrajudicial killing of Paco Calderon was not authorized by any court judgment, and was unlawful under the laws of El Salvador that existed at that time. Paco Calderon was never charged with, convicted of or sentenced for any crime.

116. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the National Police or persons or groups acting in coordination with the National Police or under their control to murder Paco Calderon. Furthermore, Defendant knew or should have known that extrajudicial killings were being committed by his subordinates and failed to prevent abuses or punish those responsible.

117. Defendant's acts and omissions described above, and the acts committed by his subordinates against Paco Calderon, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

118. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the extrajudicial killing of Paco Calderon, and caused Plaintiffs Francisco Calderon and Jane Doe I to suffer severe mental pain and suffering.

119. As a result of the extrajudicial killing of Paco Calderon, Plaintiffs Francisco Calderon and Jane Doe I have suffered damages in an amount to be determined at trial.

120. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

EIGHTH CLAIM FOR RELIEF
(Torture - Plaintiff Francisco Calderon)

121. Plaintiff Francisco Calderon re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 62 as if fully set forth herein.

122. The acts described herein, namely forcing Francisco Calderon to witness the murder of his father, Paco Calderon, constitute torture as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note).

123. The acts described herein were inflicted deliberately and intentionally for purposes that include, among others, punishing Francisco Calderon for an act his father, Decedent Paco Calderon, was suspected of having committed, intimidating or coercing Francisco Calderon, or discriminating against him or his father for his father's presumed political beliefs.

124. The torture of Francisco Calderon did not arise from and was not inherent in or incidental to lawful sanctions.

125. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the National Police or persons or groups acting in coordination with the National Police or under their control to torture Francisco Calderon. Furthermore, Defendant knew or should have known that torture was being committed by his subordinates and failed to prevent abuses or punish those responsible.

126. Defendant's acts and omissions described above, and the acts committed by his subordinates against Francisco Calderon, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

127. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the torture of Francisco Calderon, and caused him to suffer severe mental pain and suffering, including prolonged mental harm resulting from the threat of imminent death

to him and the threat that his father, Paco Calderon, would imminently be subjected to death or severe physical pain or suffering.

128. As a result of the torture of Francisco Calderon, he has suffered damages in an amount to be determined at trial.

129. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

NINTH CLAIM FOR RELIEF

(Crimes Against Humanity – Plaintiff Jane Doe I)

130. Plaintiff Jane Doe I re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 62 as if fully set forth herein.

131. The extrajudicial killing of Paco Calderon described herein was committed as part of a widespread or systematic attack against a civilian population. The act constitutes a “tort...committed in violation of the laws of nations or a treaty of the United States” under the Alien Tort Claims Act, 28 U.S.C. § 1330, in that it was in violation of customary international law prohibiting crimes against humanity as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

132. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the National Police or persons or groups acting in coordination with the National Police or under their control to commit crimes against humanity, including the extrajudicial killing of Paco Calderon. Furthermore, Defendant knew or should have known that extrajudicial killings were being committed by his subordinates and that they were being

committed as part of a widespread or systematic attack against a civilian population, and he failed to prevent these abuses or punish those responsible.

133. Defendant's acts and omissions described above, and the acts committed by his subordinates against Paco Calderon, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

134. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the extrajudicial killing of Paco Calderon, and caused Jane Doe I to suffer severe mental pain and suffering.

135. As a result of Defendant's acts and omissions, Jane Doe I has suffered damages in an amount to be determined at trial.

136. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

TENTH CLAIM FOR RELIEF
(Extrajudicial Killing of John Doe – Plaintiff Jane Doe II)

137. Plaintiff Jane Doe II re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 62 as if fully set forth herein.

138. The murder of John Doe constitutes an extrajudicial killing as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note). Additionally, the extrajudicial killing of John Doe constitutes a “tort … committed in violation of the law of nations or a treaty of the United States” under the Alien Tort Claims Act, 28 U.S.C. § 1330, in that it was in violation of customary international law prohibiting extrajudicial killing as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

139. The extrajudicial killing of John Doe was not authorized by any court judgment, and was unlawful under the laws of El Salvador that existed at that time. John Doe was never charged with, convicted of or sentenced for any crime.

140. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to murder John Doe. Furthermore, Defendant knew or should have known that extrajudicial killings were being committed by his subordinates and failed to prevent abuses or punish those responsible.

141. Defendant's acts and omissions described above, and the acts committed by his subordinates against John Doe, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

142. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the extrajudicial killing of John Doe, and caused Plaintiff Jane Doe II to suffer severe mental pain and suffering.

143. As a result of the extrajudicial killing of John Doe, Plaintiff Jane Doe II has suffered damages in an amount to be determined at trial.

144. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

ELEVENTH CLAIM FOR RELIEF
(Crimes Against Humanity – Plaintiff Jane Doe II)

145. Plaintiff Jane Doe II re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 62 as if fully set forth herein.

146. The extrajudicial killing of John Doe described herein was committed as part of a widespread or systematic attack against a civilian population. The act constitutes a “tort...committed in violation of the laws of nations or a treaty of the United States” under the Alien Tort Claims Act, 28 U.S.C. § 1330, in that it was in violation of customary international law prohibiting crimes against humanity as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

147. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to commit crimes against humanity, including the extrajudicial killing of John Doe. Furthermore, Defendant knew or should have known that extrajudicial killings were being committed by his subordinates and that they were being committed as part of a widespread or systematic attack against a civilian population, and he failed to prevent these abuses or punish those responsible.

148. Defendant’s acts and omissions described above, and the acts committed by his subordinates against John Doe, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

149. Defendant’s acts and omissions described above, and the acts committed by his subordinates, caused the extrajudicial killing of John Doe, and caused Jane Doe II to suffer severe mental pain and suffering.

150. As a result of Defendant’s acts and omissions, Jane Doe II has suffered damages in an amount to be determined at trial.

151. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

- (a) For compensatory damages according to proof;
- (b) For punitive and exemplary damages according to proof;
- (c) For reasonable attorneys' fees and costs of suit, according to proof; and
- (d) For such other and further relief as the court may deem just and proper.

A jury trial is demanded on all issues.

DATED: December 10, 2003

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