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**FILED**

**LOS ANGELES SUPERIOR COURT**

AUG 21 2008

JOHN A. CLARKE, CLERK

BY SHAUNYA WESLEY, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

EC396714

RUTHIE ZAHAVI as an Individual and as )  
statutory representative of the Estate of AFIK )  
ZAHAVI; EDWARD YOSEFOV as an )  
Individual and as statutory representative of )  
the Estate of MORDECHAI YOSEFOV; )  
ALBINA IVRAGIMOV as an Individual and )  
as statutory representative of the Estate of )  
MORDECHAI YOSEFOV; RAYA )  
TAMAROV; KEREN ELMALIACH as an )  
Individual, as statutory representative of the )  
Estate of EMI ELMALIACH and as natural )  
guardian of plaintiff JAN ELMALIACH; JAN )  
ELMALIACH, a minor; JACOB )  
ELMALIACH; ARLETTE ELMALIACH; )  
SHANI BEN SAADON as an Individual, as )  
statutory representative of the Estate of )  
MICHAEL BEN SAADON and as natural )  
guardian of plaintiff NEHORAI BEN )  
SAADON; NEHORAI BEN SAADON, a )  
minor; ARLETTE BEN SAADON; ARIK )  
BEN SAADON; IRIS BEN SAADON; )  
ETTIE BELASON as an Individual, as )  
statutory representative of the Estate of )  
PHILIP BELASON and as natural guardian of )  
plaintiffs URI BELASON and LINOR )  
BELASON; URI BELASON, a minor; )  
LINOR BELASON, a minor; LIRAN )  
BELASON; LITAL BELASON; MIRI EREZ )  
as an Individual and as statutory )  
representative of the Estate of VICTOR )  
EREZ; AVIV EREZ; TAL EREZ; HADAR )

CASE NO.:

**PLAINTIFFS' COMPLAINT FOR  
DAMAGES FOR WRONGFUL DEATH  
AND PERSONAL INJURY**

- 1) **NEGLIGENCE UNDER ISRAELI  
LAW;**
- 2) **BREACH OF STATUTORY DUTY  
UNDER ISRAELI LAW;**
- 3) **VICARIOUS LIABILITY UNDER  
ISRAELI LAW;**

**DEMAND FOR JURY TRIAL**

CHECK: 320.00  
CASH:  
CHANGE:  
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CIT/CASE: EC396714 LEA/DEF#:  
RECEIPT #: CCH465980031  
DATE PAID: 08/21/08 11:02:39 AM  
PAYMENT: \$320.00 0310  
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1 EREZ; KEREN HAMIAS; MENACHEM )  
 2 YUNES as an Individual, as statutory )  
 3 representative of the Estate of LILY YUNES )  
 4 and as natural guardian of plaintiff TSACH )  
 5 YUNES; TSACH YUNES, a minor; ASSAF )  
 6 YUNES; BAT EL YUNES; LIDOR YUNES; )  
 7 MIRAIM AMAR as an Individual and as )  
 8 statutory representative of the Estate of )  
 9 BENJAMIN HAFUTA; SUSAN REVIVO as )  
 10 an Individual and as statutory representative )  
 11 of the Estate of BENJAMIN HAFUTA; TITI )  
 12 GOLDBERG as an Individual and as statutory )  
 13 representative of the Estate of BENJAMIN )  
 14 HAFUTA; RACHEL COHEN as an )  
 15 Individual and as statutory representative of )  
 16 the Estate of BENJAMIN HAFUTA; JACKIE )  
 17 HAFUTA as an Individual and as statutory )  
 18 representative of the Estate of BENJAMIN )  
 19 HAFUTA; PROSPER HAFUTA as an )  
 20 Individual and as statutory representative of )  
 21 the Estate of BENJAMIN HAFUTA; )  
 22 RADMILLA SHAULOV as an Individual, as )  
 23 statutory representative of the Estate of )  
 24 DAVID SHAULOV and as natural guardian )  
 25 of plaintiffs IDAN SHAULOV, KARIN )  
 26 SHAULOV and EDEN SHAULOV; IDAN )  
 27 SHAULOV, a minor; KARIN SHAULOV, a )  
 28 minor; EDEN SHAULOV, a minor; MAYA )  
 ANIDZAR as an Individual and as statutory )  
 representative of the Estate of LIOR ELIAHU )  
 ANIDZAR; YOSSE ANIDZAR; YVONNE )  
 ANIDZAR; DAVID ANIDZAR; DALIA )  
 AMAR; PURIM YAAKOBBOV as an )  
 Individual, as statutory representative of the )  
 Estate of YAAKOV YAAKOBBOV and as )  
 natural guardian of plaintiffs SALOMON )  
 YAAKOBBOV and CHANUKA )  
 YAAKOBBOV; SALOMON YAAKOBBOV, a )  
 minor; CHANUKA YAAKOBBOV, a minor; )  
 AMIR RAGOLSKY as an Individual and as )  
 statutory representative of the Estate of )  
 DANA GALKOWICZ; PERLA )  
 GALKOWICZ; NATAN GALKOWICZ; )  
 SHARON GALKOWICZ; ORIAN )  
 GALKOWICZ; MICHAEL SLUTZKER as )  
 an Individual and as statutory representative )  
 of the Estate of FATIMA SLUTZKER; )  
 NATALIA SLUTZKER; IGOR SLUTZKER; )

1 YONATAN ABUKASIS as an Individual, as )  
2 statutory representative of the Estate of ELLA )  
3 ABUKASIS and as natural guardian of )  
4 plaintiff YAAKOV TAMIR ABUKASIS; )  
5 SIMA ABUKASIS as an Individual, as )  
6 statutory representative of the Estate of ELLA )  
7 ABUKASIS and as natural guardian of )  
8 plaintiff YAAKOV TAMIR ABUKASIS; )  
9 RON ABUKASIS; YAAKOV TAMIR )  
10 ABUKASIS, a minor; KEREN ABUKASIS; )  
11 SHLOMIT ABUKASIS; AVRAHAM )  
12 COHEN as an Individual and as natural )  
13 guardian of plaintiff MATAN )  
14 COHEN; COREEN COHEN as an Individual )  
15 and as natural guardian of plaintiff MATAN )  
16 COHEN; MATAN COHEN, a minor; )  
17 HILLEL BASAD as an Individual and as )  
18 natural guardian of plaintiff ADIR )  
19 BASAD; BRURIA BASAD as an Individual )  
20 and as natural guardian of plaintiff ADIR )  
21 BASAD; ADIR BASAD, a minor; and )  
22 YOCHANAN COHEN, )

Plaintiffs,

vs.

BANK OF CHINA LIMITED  
444 South Flower St., 39<sup>th</sup> Floor  
Los Angeles, California 90071

Defendant.

Plaintiffs complain and allege as follows:

### INTRODUCTION

1. This is a civil action for a money judgment arising from a series of terrorist attacks on civilians in Israel carried out by the Palestine Islamic Jihad and Hamas terrorist organizations between May 13, 2004 and January 29, 2007.

2. The plaintiffs are persons injured in the aforementioned terrorist attacks and/or the family members and statutory representatives of the estates of persons killed in the attacks.

3. Defendant BANK OF CHINA LIMITED intentionally, recklessly and/or negligently provided extensive banking services to the Palestine Islamic Jihad and to Hamas, which banking services caused, enabled and facilitated the terrorist attacks in which the plaintiffs and their decedents were harmed and killed.

### PARTIES

4. All plaintiffs are, and at all times mentioned herein were, domiciliaries of the State of Israel.

5. All decedents were at the time of their deaths domiciliaries of the State of Israel.

6. Plaintiff RUTHIE ZAHAVI is the mother of decedent AFIK ZAHAVI. Plaintiff RUTHIE ZAHAVI suffered severe physical injuries and AFIK ZAHAVI was killed in a rocket attack carried out by the Hamas terrorist organization in Sderot, Israel on June 28, 2004 (hereinafter: June 28, 2004 attack). Plaintiff RUTHIE ZAHAVI is the surviving heir at law of AFIK ZAHAVI under the State of Israel's *Inheritance Law, 5725 - 1965* (hereinafter: *Inheritance Law*) and is authorized by the provisions of Part 5 of the *Inheritance Law* to bring this action on behalf of the Estate of AFIK ZAHAVI.

7. Plaintiffs EDWARD YOSEFOV and ALBINA IVRAGIMOV are the son and daughter of decedent MORDECHAI YOSEFOV, who was killed in the June 28, 2004 attack. Plaintiffs EDWARD YOSEFOV and ALBINA IVRAGIMOV are surviving heirs at law of MORDECHAI YOSEFOV under the *Inheritance Law* and are authorized by the provisions of Part 5 of the *Inheritance Law* to bring this action on behalf of the Estate of MORDECHAI YOSEFOV.

8. Plaintiff RAYA TAMAROV is the former wife of decedent MORDECHAI YOSEFOV.

9. Plaintiff KEREN ELMALIACH is the widow of decedent EMI ELMALIACH, who was killed in a terrorist bombing carried out by the Palestine Islamic Jihad ("PIJ") terrorist organization in Eilat, Israel, on January 29, 2007 (hereinafter: January 29, 2007 bombing). Plaintiff KEREN ELMALIACH is a surviving heir at law of EMI ELMALIACH under the

1 Inheritance Law and is authorized by the provisions of Part 5 of the Inheritance Law to bring this  
2 action on behalf of the Estate of EMI ELMALIACH.

3 10. Plaintiff JAN ELMALIACH is the minor son of plaintiff KEREN ELMALIACH  
4 and decedent EMI ELMALIACH, and a surviving heir at law of EMI ELMALIACH under the  
5 Inheritance Law.

6 11. Plaintiffs JACOB ELMALIACH and ARLETTE ELMALIACH are the parents of  
7 decedent EMI ELMALIACH.

8 12. Plaintiff SHANI BEN SAADON is the widow of decedent MICHAEL BEN  
9 SAADON, who was killed in the January 29, 2007 bombing. Plaintiff SHANI BEN SAADON is  
10 a surviving heir at law of MICHAEL BEN SAADON under the Inheritance Law and is  
11 authorized by the provisions of Part 5 of the Inheritance Law to bring this action on behalf of the  
12 Estate of MICHAEL BEN SAADON.

13 13. Plaintiff NEHORAI BEN SAADON is the minor son of plaintiff SHANI BEN  
14 SAADON and decedent MICHAEL BEN SAADON, and a surviving heir at law of MICHAEL  
15 BEN SAADON under the Inheritance Law.

16 14. Plaintiffs ARLETTE BEN SAADON, ARIK BEN SAADON and IRIS BEN  
17 SAADON are, respectively, the mother, brother and sister of decedent MICHAEL BEN  
18 SAADON.

19 15. Plaintiff ETTIE BELASON is the widow of decedent PHILIP BELASON, who  
20 was killed in a terrorist bombing carried out by the PIJ in Tel Aviv, Israel, on April 17, 2006  
21 (hereinafter: April 17, 2006 bombing). Plaintiff ETTIE BELASON is a surviving heir at law of  
22 PHILIP BELASON under the Inheritance Law and is authorized by the provisions of Part 5 of  
23 the Inheritance Law to bring this action on behalf of the Estate of PHILIP BELASON.

24 16. Plaintiffs URI BELASON, minor, LINOR BELASON, a minor, LIRAN  
25 BELASON and LITAL BELASON are the children of plaintiff ETTIE BELASON and decedent  
26 PHILIP BELASON and are surviving heirs at law of PHILIP BELASON under the Inheritance  
27 Law.  
28

1 17. Plaintiff MIRI EREZ is the widow of decedent VICTOR EREZ, who was killed  
2 in the April 17, 2006 bombing. Plaintiff MIRI EREZ is a surviving heir at law of VICTOR  
3 EREZ under the Inheritance Law and is authorized by the provisions of Part 5 of the Inheritance  
4 Law to bring this action on behalf of the Estate of VICTOR EREZ.

5 18. Plaintiffs AVIV EREZ, TAL EREZ, HADAR EREZ and KEREN HAMIAS are  
6 the children of plaintiff MIRI EREZ and decedent VICTOR EREZ and are surviving heirs at law  
7 of VICTOR EREZ under the Inheritance Law.

8 19. Plaintiff MENACHEM YUNES is the widower of decedent LILY YUNES, who  
9 was killed in the April 17, 2006 bombing. Plaintiff MENACHEM YUNES is a surviving heir at  
10 law of LILY YUNES under the Inheritance Law and is authorized by the provisions of Part 5 of  
11 the Inheritance Law to bring this action on behalf of the Estate of LILY YUNES.

12 20. Plaintiffs TSACH YUNES, minor, ASSAF YUNES, BAT EL YUNES and  
13 LIDOR YUNES are the children of plaintiff MENACHEM YUNES and decedent LILY YUNES  
14 and are surviving heirs at law of LILY YUNES under the Inheritance Law.

15 21. Plaintiffs MIRAIM AMAR, SUSAN REVIVO, TITI GOLDBERG, RACHEL  
16 COHEN, JACKIE HAFUTA and PROSPER HAFUTA are the siblings of decedent BENJAMIN  
17 HAFUTA, who was killed in the April 17, 2006 bombing. Plaintiffs MIRAIM AMAR, SUSAN  
18 REVIVO, TITI GOLDBERG, RACHEL COHEN, JACKIE HAFUTA and PROSPER HAFUTA  
19 are surviving heirs at law of BENJAMIN HAFUTA under the Inheritance Law and are  
20 authorized by the provisions of Part 5 of the Inheritance Law to bring this action on behalf of the  
21 Estate of BENJAMIN HAFUTA.

22 22. Plaintiff RADMILLA SHAULOV is the widow of decedent DAVID SHAULOV,  
23 who was killed in the April 17, 2006 bombing. Plaintiff RADMILLA SHAULOV is a surviving  
24 heir at law of DAVID SHAULOV under the Inheritance Law and is authorized by the provisions  
25 of Part 5 of the Inheritance Law to bring this action on behalf of the Estate of DAVID  
26 SHAULOV.  
27  
28



1 23. Plaintiffs IDAN SHAULOV, KARIN SHAULOV and EDEN SHAULOV,  
2 minors, are the children of plaintiff RADMILLA SHAULOV and decedent DAVID SHAULOV  
3 and are surviving heirs at law of DAVID SHAULOV under the Inheritance Law.

4 24. Plaintiff MAYA ANIDZAR is the widow of decedent LIOR ELIAHU  
5 ANIDZAR, who was killed in the April 17, 2006 bombing. Plaintiff MAYA ANIDZAR is a  
6 surviving heir at law of LIOR ELIAHU ANIDZAR under the Inheritance Law and is authorized  
7 by the provisions of Part 5 of the Inheritance Law to bring this action on behalf of the Estate of  
8 LIOR ELIAHU ANIDZAR.

9 25. Plaintiffs YOSSE ANIDZAR and YVONNE ANIDZAR are the parents of  
10 decedent LIOR ELIAHU ANIDZAR and are surviving heirs at law of LIOR ELIAHU  
11 ANIDZAR under the Inheritance Law.

12 26. Plaintiffs DAVID ANIDZAR and DALIA AMAR are, respectively, the brother  
13 and sister of decedent LIOR ELIAHU ANIDZAR.

14 27. Plaintiff PURIM YAAKOBV is the widow of decedent YAAKOV  
15 YAAKOBV, who was killed in a terrorist rocket attack carried out by Hamas in Shaar  
16 HaNegev, Israel on November 21, 2006. Plaintiff PURIM YAAKOBV is a surviving heir at  
17 law of YAAKOV YAAKOBV under the Inheritance Law and is authorized by the provisions  
18 of Part 5 of the Inheritance Law to bring this action on behalf of the Estate of YAAKOV  
19 YAAKOBV.

20 28. Plaintiffs SALOMON YAAKOBV and CHANUKA YAAKOBV, minors, are  
21 the children of plaintiff PURIM YAAKOBV and decedent YAAKOV YAAKOBV and are  
22 surviving heirs at law of YAAKOV YAAKOBV under the Inheritance Law.

23 29. Plaintiff AMIR RAGOLSKY is the widower of decedent DANA GALKOWICZ,  
24 who was killed in a terrorist rocket attack carried out by Hamas in Nativ Ha'asarah, Israel on  
25 July 14, 2005. Plaintiff AMIR RAGOLSKY is a surviving heir at law of DANA GALKOWICZ  
26 under the Inheritance Law and is authorized by the provisions of Part 5 of the Inheritance Law to  
27 bring this action on behalf of the Estate of DANA GALKOWICZ.  
28

1 30. Plaintiffs PERLA GALKOWICZ and NATAN GALKOWICZ are the parents of  
2 decedent DANA GALKOWICZ and are surviving heirs at law of DANA GALKOWICZ under  
3 the Inheritance Law.

4 31. Plaintiffs SHARON GALKOWICZ and ORIAN GALKOWICZ are, respectively,  
5 the sister and brother of decedent DANA GALKOWICZ.

6 32. Plaintiff MICHAEL SLUTZKER is the widower of decedent FATIMA  
7 SLUTZKER, who was killed in a terrorist rocket attack carried out by Hamas in Sderot, Israel on  
8 November 15, 2006. Plaintiff MICHAEL SLUTZKER is a surviving heir at law of FATIMA  
9 SLUTZKER under the Inheritance Law and is authorized by the provisions of Part 5 of the  
10 Inheritance Law to bring this action on behalf of the Estate of FATIMA SLUTZKER.

11 33. Plaintiffs NATALIA SLUTZKER and IGOR SLUTZKER are the daughter and  
12 son of decedent FATIMA SLUTZKER and are surviving heirs at law of FATIMA SLUTZKER  
13 under the Inheritance Law.

14 34. Plaintiffs YONATAN ABUKASIS and SIMA ABUKASIS are the parents of  
15 decedent ELLA ABUKASIS, who was killed in a terrorist rocket attack carried out by Hamas in  
16 Sderot, Israel on January 15, 2005. Plaintiffs YONATAN ABUKASIS and SIMA ABUKASIS  
17 are the surviving heirs at law of ELLA ABUKASIS under the Inheritance Law and are  
18 authorized by the provisions of Part 5 of the Inheritance Law to bring this action on behalf of the  
19 Estate of ELLA ABUKASIS.

20 35. Plaintiffs RON ABUKASIS, YAAKOV TAMIR ABUKASIS, minor, KEREN  
21 ABUKASIS and SHLOMIT ABUKASIS are the siblings of decedent ELLA ABUKASIS.

22 36. Plaintiffs AVRAHAM COHEN and COREEN COHEN are the parents of  
23 plaintiff MATAN COHEN, minor. Plaintiff MATAN COHEN was severely injured in a terrorist  
24 rocket attack carried out by Hamas in Sderot, Israel on December 26, 2006.

25 37. Plaintiffs HILLEL BASAD and BRURIA BASAD are the parents of plaintiff  
26 ADIR BASAD, minor. Plaintiff ADIR BASAD was severely injured in a terrorist rocket attack  
27 carried out by Hamas in Sderot, Israel on December 26, 2006.  
28



1 38. Plaintiff YOCHANAN COHEN was severely injured in a terrorist rocket attack  
2 carried out by Hamas in Sderot, Israel on May 13, 2004.

3 39. Plaintiffs are informed and believe and thereon allege that at all times herein  
4 mentioned, Defendant the BANK OF CHINA LIMITED (hereinafter BOC) is, and was, a  
5 corporation headquartered in and organized under the laws of the People's Republic of China  
6 (hereinafter PRC), which has a branch at 444 South Flower St., Los Angeles, California, and  
7 does extensive business in the State of California.

8 **GENERAL ALLEGATIONS**

9 **The Palestine Islamic Jihad and Hamas**

10 40. The PIJ and Hamas were founded in the Gaza Strip during the 1980s.

11 41. The PIJ and Hamas are radical terrorist organizations. The openly-declared goal  
12 of PIJ and Hamas is the creation of an Islamic state in the territory of Israel, the West Bank and  
13 the Gaza Strip, and the destruction of the State of Israel and the murder or expulsion of its Jewish  
14 residents. The PIJ and Hamas seek to achieve this goal by carrying out terrorist attacks against  
15 Jewish civilians in Israel, the West Bank and the Gaza Strip. The PIJ and Hamas proudly and  
16 openly acknowledge that they use terrorism to achieve their political goals.

17 42. Between the time of their founding and January 29, 2007 (and until the present  
18 day), PIJ and Hamas have carried out thousands of terrorist attacks in Israel, the West Bank and  
19 the Gaza Strip, in which scores of Israeli and U.S. citizens were murdered and hundreds more  
20 wounded.

21 43. Between the time of their founding and January 29, 2007, the policy and practice  
22 of the PIJ and Hamas of carrying out terrorist attacks was and is notorious and well known to the  
23 public at large, including Defendant BOC.

24 44. Between 1999 and January 29, 2007, the courts of the United States published a  
25 large number of decisions finding that PIJ and Hamas were responsible for terrorist attacks in  
26 which American and Israeli citizens were killed or injured.

27 45. The PIJ and Hamas have been designated by the United States as a Foreign  
28

1 Terrorist Organization ("FTO") continuously since 1997 and as a Specially Designated Global  
2 Terrorist ("SDGT") continuously since 2001.

3 **The Terrorist Attacks**

4 46. The plaintiffs were injured and their decedents were killed by a series of terrorist  
5 attacks (hereinafter: Terrorist Attacks) carried out by the PIJ and Hamas, as detailed below.

6 47. On June 28, 2004, Hamas fired a rocket from the Gaza Strip at the town of Sderot,  
7 Israel. The rocket killed decedent AFIK ZAHAVI, a four year-old boy who was on his way to  
8 nursery school, and severely injured his mother, Plaintiff RUTHIE ZAHAVI. This rocket attack  
9 also killed decedent MORDECHAI YOSEFOV, a 49 year-old man.

10 48. As a result of the June 28, 2004 rocket attack Plaintiff RUTHIE ZAHAVI  
11 suffered severe physical, psychological, emotional and financial harm and decedent AFIK  
12 ZAHAVI suffered extreme conscious pain, death and financial harm.

13 49. As a result of the June 28, 2004 rocket attack, Plaintiffs EDWARD YOSEFOV,  
14 ALBINA IVRAGIMOV and RAYA TAMAROV suffered severe psychological, emotional and  
15 financial harm, and decedent MORDECHAI YOSEFOV extreme conscious pain, death and  
16 financial harm.

17 50. On January 29, 2007, the PIJ carried out a terrorist bombing at a bakery in Eilat,  
18 Israel. Decedents EMI ELMALIACH and MICHAEL BEN SAADON, the proprietors of the  
19 bakery, were killed in the bombing.

20 51. As a result of the January 29, 2007 bombing, Plaintiffs KEREN ELMALIACH,  
21 JAN ELMALIACH, JACOB ELMALIACH, ARLETTE ELMALIACH, SHANI BEN  
22 SAADON, NEHORAI BEN SAADON, ARLETTE BEN SAADON, ARIK BEN SAADON and  
23 IRIS BEN SAADON suffered severe psychological, emotional and financial harm, and  
24 decedents EMI ELMALIACH and MICHAEL BEN SAADON suffered extreme conscious pain,  
25 death and financial harm.

26 52. On April 17, 2006, in the midst of the Passover holiday, the PIJ carried out a  
27 suicide bombing at the Rosh Ha'ir restaurant near the old central bus station in Tel Aviv, which  
28 was filled with diners. Decedents PHILIP BELASON, VICTOR EREZ, LILY YUNES,

1 BENJAMIN HAFUTA, DAVID SHAULOV and LIOR ELIAHU ANIDZAR were killed in that  
2 bombing.

3 53. As a result of the April 17, 2006 bombing, plaintiffs ETTIE BELASON, URI  
4 BELASON, LINOR BELASON, LIRAN BELASON; LITAL BELASON; MIRI EREZ, AVIV  
5 EREZ, TAL EREZ, HADAR EREZ, KEREN HAMIAS, MENACHEM YUNES, TSACH  
6 YUNES, ASSAF YUNES, BAT EL YUNES, LIDOR YUNES, MIRAIM AMAR, SUSAN  
7 REVIVO, TITI GOLDBERG, RACHEL COHEN, JACKIE HAFUTA, PROSPER HAFUTA,  
8 RADMILLA SHAULOV, IDAN SHAULOV, KARIN SHAULOV, EDEN SHAULOV, MAYA  
9 ANIDZAR, YOSSEI ANIDZAR, YVONNE ANIDZAR, DAVID ANIDZAR and DALIA AMAR  
10 suffered severe psychological, emotional and financial harm, and decedents PHILIP BELASON,  
11 VICTOR EREZ, LILY YUNES, BENJAMIN HAFUTA, DAVID SHAULOV and LIOR  
12 ELIAHU ANIDZAR suffered extreme conscious pain, death and financial harm.

13 54. On November 21, 2006, Hamas fired a rocket from the Gaza Strip at a poultry  
14 factory in Shaar HaNegev, Israel. The rocket mortally wounded decedent YAAKOV  
15 YAAKOBBOV, a forklift operator at the plant, who died of his wounds later that day.

16 55. As a result of the November 21, 2006 attack, Plaintiffs PURIM YAAKOBBOV,  
17 SALOMON YAAKOBBOV and CHANUKA YAAKOBBOV suffered severe psychological,  
18 emotional and financial harm and decedent YAAKOV YAAKOBBOV suffered extreme conscious  
19 pain, death and financial harm.

20 56. On July 14, 2005, Hamas fired a rocket from the Gaza Strip at Nativ Ha'asarah,  
21 Israel. The rocket killed Decedent DANA GALKOWICZ, a college student, and wounded her  
22 common law spouse Plaintiff AMIR RAGOLSKY.

23 57. As a result of the July 14, 2005 attack, plaintiff AMIR RAGOLSKY suffered  
24 severe physical, psychological, emotional and financial harm, plaintiffs PERLA GALKOWICZ,  
25 NATAN GALKOWICZ, SHARON GALKOWICZ and ORIAN GALKOWICZ suffered severe  
26 psychological, emotional and financial harm and decedent DANA GALKOWICZ suffered  
27 extreme conscious pain, death and financial harm.  
28

1 58. On November 15, 2006, Hamas fired a rocket from the Gaza Strip at Sderot,  
2 Israel. That rocket killed 57 year-old FATIMA SLUTZKER in the presence of her husband,  
3 Plaintiff MICHAEL SLUTZKER.

4 59. As a result of the November 15, 2006 attack, Plaintiffs MICHAEL SLUTZKER,  
5 NATALIA SLUTZKER and IGOR SLUTZKER suffered severe psychological, emotional and  
6 financial harm, and decedent FATIMA SLUTZKER suffered extreme conscious pain, death and  
7 financial harm.

8 60. On January 15, 2005, Hamas fired a rocket from the Gaza Strip at Sderot, Israel.  
9 That rocket killed 17 year-old ELLA ABUKASIS and wounded her ten year-old brother,  
10 Plaintiff YAAKOV TAMIR ABUKASIS, whom ELLA sheltered with her body thereby saving  
11 his life and sacrificing her own.

12 61. As a result of the January 15, 2005 attack Plaintiff YAAKOV TAMIR  
13 ABUKASIS suffered severe physical, psychological, emotional and financial harm, Plaintiffs  
14 YONATAN ABUKASIS, SIMA ABUKASIS, RON ABUKASIS, KEREN ABUKASIS and  
15 SHLOMIT ABUKASIS suffered severe psychological, emotional and financial harm and  
16 decedent ELLA ABUKASIS suffered extreme conscious pain, death and financial harm.

17 62. On December 26, 2006, Hamas fired a rocket from the Gaza Strip at Sderot,  
18 Israel. That rocket severely wounded Plaintiffs MATAN COHEN and ADIR BASAD.

19 63. As a result of the December 26, 2006 attack Plaintiffs MATAN COHEN and  
20 ADIR BASAD suffered severe physical, psychological, emotional and financial harm, and  
21 Plaintiffs AVRAHAM COHEN, COREEN COHEN, HILLEL BASAD and BRURIA BASAD  
22 suffered severe psychological, emotional and financial harm.

23 64. On December 26, 2006, Hamas fired a rocket from the Gaza Strip at Sderot,  
24 Israel, which severely wounded Plaintiff YOCHANAN COHEN. As a result of that attack,  
25 Plaintiff YOCHANAN COHEN suffered severe physical, psychological, emotional and financial  
26 harm.

27 **Bank of China's Provision of Banking Services to the PIJ and Hamas**

28 65. The PIJ and Hamas are subject to strict economic sanctions programs imposed by

1 the United States as the result of their designation as FTOs and SDGTs (collectively hereinafter:  
2 "U.S. Sanctions Regime").

3 66. The U.S. Sanctions Regime is intended to prevent PIJ and Hamas from  
4 conducting banking activities, and thereby limit their ability to plan, to prepare and to carry out  
5 terrorist attacks.

6 67. The U.S. Sanctions Regime is effective when it is observed and enforced. PIJ and  
7 Hamas are unable to conduct banking activities via banks and other financial institutions which  
8 observe and enforce the U.S. Sanctions Regime.

9 68. If all banks and financial institutions around the world observed and enforced the  
10 U.S. Sanctions Regime, the ability of PIJ and Hamas to conduct banking activities would be  
11 severely restricted, and the ability of PIJ and Hamas to plan, to prepare and to carry out terrorist  
12 attacks would be significantly reduced.

13 69. Nearly all banks and financial institutions around the world observe and enforce  
14 the U.S. Sanctions Regime. The PIJ and Hamas are therefore forced to conduct its banking  
15 activities using those very few banks and financial institutions which do not observe and enforce  
16 the U.S. Sanctions Regime.

17 70. Defendant BOC does not observe or enforce the U.S. Sanctions Regime.

18 71. Beginning in July 2003, BOC began to provide extensive banking services to PIJ  
19 and Hamas. Specifically, between 2003 and the date of the Terrorist Bombing, BOC executed  
20 dozens of wire transfers for the PIJ and Hamas, totaling several million dollars. These dollar  
21 transfers were initiated by the PIJ and Hamas leadership in Iran, Syria and elsewhere in the  
22 Middle East, and were executed by and through BOC's branches in the United States. Most of  
23 these transfers were made to account number 4750401-0188-150882-6 at a BOC branch in  
24 Guanzhou, China, in the name of "S.Z.R Alshurafa." The owner of the account, Said al-Shurafa  
25 ("Shurafa") is a senior operative and agent of the PIJ and of Hamas. Other dollar transfers were  
26 made by PIJ via BOC's branches in the United States to another account belonging to Shurafa at  
27 the same BOC branch in Guanzhou. The wire transfers referred to in this paragraph are referred  
28 to collectively hereinafter as the "Wire Transfers."

1 72. Pursuant to instructions from the PIJ and Hamas, upon receiving the Wire  
2 Transfers in his BOC accounts Shurafa moved the sums to the PIJ and Hamas terrorist leadership  
3 in Israel, the West Bank and the Gaza Strip, for the purpose of planning, preparing for and  
4 executing terrorist attacks.

5 73. Terrorist organizations such as PIJ and Hamas need wire transfer and other  
6 banking services in order to plan, to prepare for and to carry out terrorist attacks.

7 74. Provision of wire transfer or other banking services to PIJ and Hamas enables PIJ  
8 and Hamas to plan, to prepare for and to carry out terrorist attacks, and enhances the ability of  
9 the PIJ and Hamas to plan, to prepare for and to carry out such attacks.

10 75. PIJ and Hamas carried out the Wire Transfers in order to transfer and receive  
11 funds necessary for planning, preparing and carrying out terrorist activity, including the Terrorist  
12 Attacks in which the instant plaintiffs were harmed.

13 76. The Wire Transfers substantially increased and facilitated the ability of the PIJ  
14 and Hamas to plan, to prepare for and to carry out terrorist attacks on civilians, including the  
15 Terrorist Attacks in which the instant plaintiffs were harmed.

16 77. The Wire Transfers were enabled, facilitated and proximately caused by the  
17 conduct of Defendant BOC described herein. As the result of BOC's conduct, the PIJ and Hamas  
18 were able to transfer million of dollars in funds to their terrorist leadership in Israel, the West  
19 Bank and the Gaza Strip, which substantially increased and facilitated their ability to plan and  
20 carry out terrorist attacks, including the Terrorist Attacks in which the instant plaintiffs were  
21 harmed. The Terrorist Attacks in which the instant plaintiffs were harmed were thereby enabled,  
22 facilitated and proximately caused by the conduct of Defendant BOC described herein.

23 78. Plaintiffs' injuries are therefore the direct and proximate result of Defendant  
24 BOC's' conduct.

25 79. At all times, BOC had actual knowledge that the Wire Transfers were being made  
26 by the PIJ and Hamas for the purpose of carrying out terrorist attacks, and that the Wire  
27 Transfers enhanced the ability of the PIJ and Hamas to plan, prepare for and carry out such  
28 attacks. In April 2005, officials of the counterterrorism division of the Office of the Prime



1 Minister of the State of Israel (collectively hereinafter: "Israeli officials") met with officials of  
2 the PRC's Ministry of Public Security and the PRC's central bank (collectively hereinafter:  
3 "PRC officials") regarding the Wire Transfers. At that meeting in April 2005, the Israeli officials  
4 emphasized to the PRC officials that the Wire Transfers were being made by the PIJ and Hamas  
5 for the purpose of carrying out terrorist attacks, and that the Wire Transfers enhanced the PIJ's  
6 and Hamas' ability to plan, prepare for and carry out such attacks. At that April 2005 meeting,  
7 the Israeli officials demanded that the PRC officials take action to prevent BOC from making  
8 further such transfers. The PRC officials notified the BOC of both the facts presented by the  
9 Israeli officials and their demand the BOC halt the Wire Transfers, but the BOC (with the  
10 approval of the PRC) ignored this demand and continued to carry out further Wire Transfers  
11 between April 2005 and January 29, 2007 (and subsequently).

12 80. Even prior to the Israeli officials' demand to halt the Wire Transfers, BOC knew  
13 and/or should have known that the Wire Transfers were being made for illegal purposes, *inter*  
14 *alia* in light of the following facts:

- 15 a. Most of the Wire Transfers were made in cash;
- 16 b. Most of the Wire Transfers were withdrawn by Shurafa on the same day they  
17 were received or on the following day, often in cash;
- 18 c. The sums involved were large, mostly in the range of \$100,000 or more;
- 19 d. The intervals between transfers were often short (weeks or days) and the sums  
20 transferred were often identical or similar. For example, many of the transfers  
21 were for \$99,960, \$99,970 or \$99,990;
- 22 e. Many of the transfers were for round figures;
- 23 f. Many of the transfers were structured to be slightly less than round figures.  
24 For example, many of the transfers were for \$99,960, \$99,970, \$99,990 or  
25 \$199,965;
- 26 g. This pattern of transfers continued for a period of years;
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IPT

h. The Wire Transfers have no business or apparent lawful purpose, and there was no reasonable explanation for them.

81. The facts enumerated in the previous paragraph are universally recognized by all professional bankers, including Defendant BOC and its employees, as typical indicia of transactions made for illegal purposes.

82. Even prior to the Israeli officials' demand to halt the Wire Transfers, BOC knew and/or should have known that the Wire Transfers were being made for illegal purposes because BOC had and has statutory duties, *inter alia* under United States law and under the rules promulgated by the Financial Action Task Force ("FATF"), to monitor, report and refuse to execute suspicious and/or irregular banking transactions. The Wire Transfers were facially suspicious and irregular in light of each and all of the facts enumerated in paragraph 80. By executing the Wire Transfers, Defendant BOC breached its statutory duties to monitor, report and refuse to execute suspicious and/or irregular banking transactions.

83. Even prior to the Israeli officials' demand to halt the Wire Transfers, BOC knew and/or should have known that the Wire Transfers were being made for illegal purposes because BOC had and has statutory duties, *inter alia* under United States law and the rules promulgated by FATF, to know its customers and perform due diligence. By executing the Wire Transfers, BOC breached its statutory duties to know its customers and perform due diligence.

### **FIRST CAUSE OF ACTION**

#### **NEGLIGENCE**

**(By All Plaintiffs Against Defendant BOC)**

#### **Under the Law of the State of Israel**

84. Plaintiffs allege and incorporate as though fully set forth herein Paragraphs 1 through 83, above.

85. Causes of action in tort in Israeli law are codified in the *Civil Wrongs Ordinance (New Version) - 1968*, (hereinafter "CWO"). The CWO provides that any person injured or

1 harmed by the civil wrongs enumerated in the CWO is entitled to relief from the person liable or  
2 responsible for the wrong.

3 86. CWO § 35 creates a "civil wrong" of Negligence.

4 87. CWO § 35 provides that a person is liable for the civil wrong of Negligence when  
5 he commits an act which a reasonable and prudent person would not have committed under the  
6 same circumstances; or refrains from committing an act which a reasonable and prudent person  
7 would have committed under the same circumstances; or, in the performance of his occupation,  
8 does not use the skill or exercise the degree of caution which a reasonable person qualified to act  
9 in that occupation would have used or exercised under the same circumstances, and thereby  
10 causes damage to another person toward whom, under those circumstances he is obligated not to  
11 act as he did.

12 88. CWO § 36 provides that the obligation stated in the last sentence of § 35 is toward  
13 all persons, to the extent that a reasonable person would have under the same circumstances  
14 foreseen that, in the ordinary course of events, they were liable to be injured by the act or  
15 omission.

16 89. Under binding precedent of the Israeli Supreme Court, the tort of Negligence also  
17 includes intentional and/or reckless conduct.

18 90. By carrying out the Wire Transfers, Defendant BOC performed acts which a  
19 reasonable and prudent person would not have committed under the same circumstances, within  
20 the meaning of the CWO.

21 91. Defendant BOC refrained from committing acts which a reasonable and prudent  
22 person would have committed under the same circumstances, within the meaning of the CWO, in  
23 that, *inter alia*, Defendant BOC failed to comply with its statutory obligations under United  
24 States law and the FATF rules to know its customers and perform due diligence, and to monitor,  
25 report and refuse to execute illegal, suspicious and/or irregular banking transactions.

26 92. Defendant BOC did not, in the performance of its occupation, use the skill or  
27 exercise the degree of caution which a reasonable person qualified to act in that occupation  
28 would have used or exercised under the same circumstances, within the meaning of the CWO, in

1 that, *inter alia*, BOC carried out the Wire Transfers, failed to comply with its statutory  
2 obligations to know its customers and perform due diligence, and failed to monitor, report and  
3 refuse to execute illegal, suspicious and/or irregular banking transactions.

4 93. Defendant BOC acted negligently in connection with the plaintiffs and the  
5 decedents, toward whom, in the circumstances described herein, defendant BOC had an  
6 obligation not to act as it did. Defendant BOC was obligated not to act as it did because a  
7 reasonable person would, under the same circumstances, have foreseen that, in the ordinary  
8 course of events, persons such as the decedents and the plaintiffs were liable to be harmed by  
9 defendant BOC's acts and omissions described herein.

10 94. Defendant BOC's behavior constitutes Negligence under the CWO, and that  
11 negligent behavior was the proximate cause of the plaintiffs' harm, which includes: death; severe  
12 physical injuries, pain and suffering; loss of pecuniary support; loss of income; loss of  
13 consortium; emotional distress; loss of society and companionship and loss of solatium, in a sum  
14 in excess of the minimum jurisdictional limits of this court.

15 95. Defendant BOC is therefore liable for the full amount of plaintiffs' compensatory  
16 damages.

17 96. Under Israeli case law a plaintiff harmed by an act of Negligence caused by  
18 intentional or reckless conduct is entitled to punitive damages.

19 97. Defendant BOC's conduct was criminal in nature, dangerous to human life,  
20 outrageous, intentional, reckless and malicious, and so warrants an award of punitive damages.

21  
22  
23 **SECOND CAUSE OF ACTION**

24 **BREACH OF STATUTORY DUTY**

25 **(By All Plaintiffs Against Defendant BOC)**

26 **Under the Law of the State of Israel**

27 98. Plaintiffs allege and incorporate as though fully set forth herein Paragraphs 1  
28 through 97 above.

1 99. CWO § 63 creates a civil wrong of Breach of Statutory Duty defined as the  
2 failure to comply with an obligation imposed under any legal statute, if the legal statute is  
3 intended for the benefit or protection of another person, and if the breach of the statute caused  
4 that person damage of the kind or nature intended to be prevented by the statute.

5 100. CWO § 63(b) provides that for the purpose of CWO § 63, a statute is deemed to  
6 have been enacted for the benefit or protection of a specific person, if it is intended for the  
7 benefit or protection of that person, or for the benefit or protection of persons in general, or of  
8 persons of a category or definition to which that specific person belongs.

9 101. Defendant BOC breached and failed to comply with obligations imposed upon it  
10 by numerous statutes, which were intended for the benefit and protection of persons in general,  
11 and for the benefit and protection of persons of the type, category and definition to which  
12 plaintiffs and the decedents belong, within the meaning of the CWO.

13 102. The statutory obligations breached by defendant BOC include, without limitation,  
14 the provisions of the following enactments:

- 15 a. The Bank Secrecy Act (31 U.S.C. § 5311 *et seq.*);  
16 b. 31 C.F.R. Part 103;  
17 c. 18 U.S.C. §§ 2331–2339 (criminal prohibitions on provision of material support  
18 and resources, including banking services, to terrorist organizations).

19 103. All of the statutory enactments listed above are intended for the benefit and  
20 protection of persons in general, for the specific benefit and protection of innocent civilians such  
21 as the plaintiffs and the decedents, in that all of the statutory enactments listed above are  
22 intended to protect all such persons from terrorist attacks and from all the damages which  
23 terrorist attacks are liable to inflict.

24 104. Defendant BOC's breach of its statutory obligations was the proximate cause of  
25 the harm to the plaintiffs and the death of the decedents, and caused plaintiffs and the decedents  
26 damage of the kind and nature intended to be prevented by the statutory enactments which were  
27 breached by BOC, including: death; severe physical injuries, pain and suffering; loss of  
28

1 pecuniary support; loss of income; loss of consortium; emotional distress; loss of society and  
2 companionship and loss of solatium, in a sum in excess of the minimum jurisdictional limits of  
3 this court.

4 105. Defendant BOC committed the civil wrong of Breach of Statutory Duty under  
5 CWO § 63, and is therefore liable for the full amount of plaintiffs' damages.

6 106. Under Israeli case law a plaintiff harmed by an intentional or reckless Breach of  
7 Statutory Duty is entitled to punitive damages.

8 107. Defendant BOC's conduct was criminal in nature, dangerous to human life,  
9 outrageous, intentional, reckless and malicious, and so warrants an award of punitive damages.

### 10 **THIRD CAUSE OF ACTION**

#### 11 **VICARIOUS LIABILITY**

12 **(By All Plaintiffs Against Defendant BOC)**

13 **Under the Law of the State of Israel**

14 108. Plaintiffs allege and incorporate as though fully set forth herein Paragraphs 1  
15 through 107 above.

16 109. Defendant BOC provided PIJ and Hamas with banking services which enabled,  
17 facilitated, supported and assisted PIJ and Hamas to carry out the Terrorist Attacks in which  
18 plaintiffs were harmed and the decedents killed.

19 110. Vicarious liability principles are recognized in Israeli law in § 12 of the CWO,  
20 which provides that a person who participates in, assists, advises or solicits an act or omission,  
21 committed or about to be committed by another person, or who orders, authorizes, or ratifies  
22 such an act or omission, is liable for such act or omission.

23 111. Defendant BOC assisted PIJ and Hamas to carry out the Terrorist Attacks and is  
24 therefore liable under CWO § 12 for the full amount of plaintiffs' damages, described above, in a  
25 sum in excess of the minimum jurisdictional limits of this court.

26 112. Under Israeli case law a plaintiff harmed by intentional or reckless conduct is  
27 entitled to punitive damages.  
28



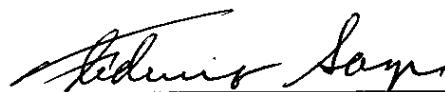
1 113. Defendant BOC's conduct was criminal in nature, dangerous to human life,  
2 outrageous, intentional, reckless and malicious, and so warrants an award of punitive damages.

3 **WHEREFORE**, Plaintiffs pray for judgment against Defendant, for each cause of action,  
4 as follows:

- 5 1. For loss of financial support;
- 6 2. For general damages for loss of love, aid, comfort and society, in an amount to be  
7 proven at time of trial;
- 8 3. For conscious pain and suffering;
- 9 4. For damages for medical and related expenses according to proof;
- 10 5. For damages for loss of earnings according to proof;
- 11 6. For other and further general and special damages in a sum according to proof at  
12 the time of trial;
- 13 7. For punitive damages;
- 14 8. For interest according to law;
- 15 9. For costs of suit incurred herein; and
- 16 10. For such other and further relief as this Court deems just and proper.

17  
18 Dated: August 21, 2008

**LAW OFFICES OF FEDERICO C. SAYRE**

19  
20  
21 By: 

22 Federico C. Sayre  
23 Attorneys for Plaintiffs

24 NITSANA DARSHAN-LEITNER & CO.  
25 Nitsana Darshan-Leitner, Adv.  
26 *Israeli Counsel for Plaintiffs*  
27 10 Hata'as Street  
28 Ramat Gan, 52512  
Israel

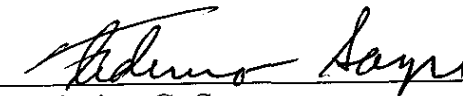
**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury in the above-entitled action.

Dated: August 21, 2008

**LAW OFFICES OF FEDERICO C. SAYRE**

By:



Federico C. Sayre  
Attorney for Plaintiffs

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

FEDERICO C. SAYRE, ESQ. (SBN 067420)  
 LAW OFFICES OF FEDERICO C. SAYRE  
 900 N. Broadway, 4th Floor  
 Santa Ana, California 92701

TELEPHONE NO.: (714) 550-9117 FAX NO.: (724) 550-9125

ATTORNEY FOR (Name): Plaintiffs

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS: 111 NORTH HILL STREET

MAILING ADDRESS:

CITY AND ZIP CODE: LOS ANGELES, CA 90012-3117

BRANCH NAME: CENTRAL DISTRICT

CASE NAME: RUTHIE SAHAVI, et al vs. BANK OF CHINA, et al

FOR COURT USE ONLY

**FILED**

LOS ANGELES SUPERIOR COURT

AUG 21 2008

JOHN A. CLARKE, CLERK

BY SHAUN M. WESLEY, DEPUTY

EC396714

**CIVIL CASE COVER SHEET**

☒ **Unlimited**  
 (Amount  
 demanded  
 exceeds \$25,000)

☐ **Limited**  
 (Amount  
 demanded is  
 \$25,000 or less)

**Complex Case Designation**

☐ **Counter** ☐ **Joinder**  
 Filed with first appearance by defendant  
 (Cal. Rules of Court, rule 3.402)

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

**Auto Tort**☐ Auto (22)☐ Uninsured motorist (46)**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**☐ Asbestos (04)☐ Product liability (24)☐ Medical malpractice (45)☒ Other PI/PD/WD (23)**Non-PI/PD/WD (Other) Tort**☐ Business tort/unfair business practice (07)☐ Civil rights (08)☐ Defamation (13)☐ Fraud (16)☐ Intellectual property (19)☐ Professional negligence (25)☐ Other non-PI/PD/WD tort (35)**Employment**☐ Wrongful termination (36)☐ Other employment (15)**Contract**☐ Breach of contract/warranty (06)☐ Rule 3.740 collections (09)☐ Other collections (09)☐ Insurance coverage (18)☐ Other contract (37)**Real Property**☐ Eminent domain/Inverse condemnation (14)☐ Wrongful eviction (33)☐ Other real property (26)**Unlawful Detainer**☐ Commercial (31)☐ Residential (32)☐ Drugs (38)**Judicial Review**☐ Asset forfeiture (05)☐ Petition re: arbitration award (11)☐ Writ of mandate (02)☐ Other judicial review (39)**Provisionally Complex Civil Litigation**  
(Cal. Rules of Court, rules 3.400-3.403)☐ Antitrust/Trade regulation (03)☐ Construction defect (10)☐ Mass tort (40)☐ Securities litigation (28)☐ Environmental/Toxic tort (30)☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)**Enforcement of Judgment**☐ Enforcement of judgment (20)**Miscellaneous Civil Complaint**☐ RICO (27)☐ Other complaint (not specified above) (42)**Miscellaneous Civil Petition**☐ Partnership and corporate governance (21)☐ Other petition (not specified above) (43)2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:a. ☐ Large number of separately represented parties d. ☐ Large number of witnessesb. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal courtc. ☒ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): Three (3)

5. This case ☒ is ☐ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 21, 2008

FEDERICO C. SAYRE, ESQ. (SBN 067420)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE: RUTHIE ZAHAVI, et al vs. BANK OF CHINA, et al

CASE NUMBER

EC396714

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 30 HOURS/ ☒ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.

**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (See Column C below)**

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

|  | <b>A</b><br>Civil Case Cover Sheet<br>Category No.                 | <b>B</b><br>Type of Action<br>(Check only one)  | <b>C</b><br>Applicable Reasons -<br>See Step 3 Above |
|--|--|---|--|
| Auto Tort  | Auto (22)  | A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death  | 1., 2., 4.   |
|  | Uninsured Motorist (46)  | A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist   | 1., 2., 4.   |
| Other Personal Injury/Property<br>Damage/Wrongful Death Tort | Asbestos (04)  | A6070 Asbestos Property Damage<br>A7221 Asbestos - Personal Injury/Wrongful Death   | 2.<br>2.   |
|  | Product Liability (24)   | A7260 Product Liability (not asbestos or toxic/environmental)   | 1., 2., 3., 4., 8.                                   |
|  | Medical Malpractice (45)   | A7210 Medical Malpractice - Physicians & Surgeons<br>A7240 Other Professional Health Care Malpractice   | 1., 2., 4.<br>1., 2., 4.                             |
|  | Other<br>Personal Injury<br>Property Damage<br>Wrongful Death (23) | A7250 Premises Liability (e.g., slip and fall)<br>A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)<br>A7270 Intentional Infliction of Emotional Distress<br><input checked="" type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death | 1., 2., 4.<br>1., 2., 4.<br>1., 2., 3.<br>1., 2., 4. |
|  | Business Tort (07)   | A6029 Other Commercial/Business Tort (not fraud/breach of contract)   | 1., 2., 3.   |
| Non-Personal Injury/Property<br>Damage/Wrongful Death Tort   | Civil Rights (08)  | A6005 Civil Rights/Discrimination   | 1., 2., 3.   |
|  | Defamation (13)  | A6010 Defamation (slander/libel)  | 1., 2., 3.   |
|  | Fraud (16)   | A6013 Fraud (no contract)   | 1., 2., 3.   |

| SHORT TITLE: RUTHIE ZAHAVI, et al vs. BANK OF CHINA, et al |   | CASE NUMBER  |
|--|---|--|
| EC396714   |   |  |
| A<br>Civil Case Cover Sheet Category No.                   | B<br>Type of Action<br>(Check only one)   | C<br>Applicable Reasons<br>- See Step 3 Above      |
| Professional Negligence (25)                               | A6017 Legal Malpractice<br>A6050 Other Professional Malpractice (not medical or legal)  | 1., 2., 3.<br>1., 2., 3.                           |
| Other (35)   | A6025 Other Non-Personal Injury/Property Damage tort  | 2., 3.   |
| Wrongful Termination (36)                                  | A6037 Wrongful Termination  | 1., 2., 3.   |
| Other Employment (15)                                      | A6024 Other Employment Complaint Case<br>A6109 Labor Commissioner Appeals   | 1., 2., 3.<br>10.                                  |
| Breach of Contract/Warranty (06)<br>(not insurance)        | A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction)<br>A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)<br>A6019 Negligent Breach of Contract/Warranty (no fraud)<br>A6028 Other Breach of Contract/Warranty (not fraud or negligence) | 2., 5.<br>2., 5.<br>1., 2., 5.<br>1., 2., 5.       |
| Collections (09)   | A6002 Collections Case-Seller Plaintiff<br>A6012 Other Promissory Note/Collections Case   | 2., 5., 6.<br>2., 5.                               |
| Insurance Coverage (18)                                    | A6015 Insurance Coverage (not complex)  | 1., 2., 5., 8.                                     |
| Other Contract (37)  | A6009 Contractual Fraud<br>A6031 Tortious Interference<br>A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)   | 1., 2., 3., 5.<br>1., 2., 3., 5.<br>1., 2., 3., 8. |
| Eminent Domain/Inverse Condemnation (14)                   | A7300 Eminent Domain/Condemnation Number of parcels _____   | 2.   |
| Wrongful Eviction (33)                                     | A6023 Wrongful Eviction Case  | 2., 6.   |
| Other Real Property (26)                                   | A6018 Mortgage Foreclosure<br>A6032 Quiet Title<br>A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)   | 2., 6.<br>2., 6.<br>2., 6.                         |
| Unlawful Detainer - Commercial (31)                        | A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)   | 2., 6.   |
| Unlawful Detainer - Residential (32)                       | A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)  | 2., 6.   |
| Unlawful Detainer - Drugs (38)                             | A6022 Unlawful Detainer-Drugs   | 2., 6.   |
| Asset Forfeiture (05)                                      | A6108 Asset Forfeiture Case   | 2., 6.   |
| Petition re Arbitration (11)                               | A6115 Petition to Compel/Confirm/Vacate Arbitration   | 2., 5.   |

| SHORT TITLE: RUTHIE ZAHAVI, et al vs. BANK OF CHINA,<br>et al |  | CASE NUMBER EC396714   |
|---|--|--|
| A<br>Civil Case Cover Sheet<br>Category No.                   | B<br>Type of Action<br>(Check only one)  | C<br>Applicable Reasons -<br>See Step 3 Above                                      |
| Writ of Mandate<br>(02)                                       | A6151 Writ - Administrative Mandamus<br>A6152 Writ - Mandamus on Limited Court Case Matter<br>A6153 Writ - Other Limited Court Case Review   | 2., 8.<br>2.<br>2.   |
| Other Judicial Review<br>(39)                                 | A6150 Other Writ / Judicial Review   | 2., 8.   |
| Antitrust/Trade<br>Regulation (03)                            | A6003 Antitrust/Trade Regulation   | 1., 2., 8.   |
| Construction Defect (10)                                      | A6007 Construction defect  | 1., 2., 3.   |
| Claims Involving Mass<br>Tort (40)                            | A6006 Claims Involving Mass Tort   | 1., 2., 8.   |
| Securities Litigation (28)                                    | A6035 Securities Litigation Case   | 1., 2., 8.   |
| Toxic Tort<br>Environmental (30)                              | A6036 Toxic Tort/Environmental   | 1., 2., 3., 8.   |
| Insurance Coverage<br>Claims from Complex<br>Case (41)        | A6014 Insurance Coverage/Subrogation (complex case only)   | 1., 2., 5., 8.   |
| Enforcement<br>of Judgment<br>(20)                            | A6141 Sister State Judgment<br>A6160 Abstract of Judgment<br>A6107 Confession of Judgment (non-domestic relations)<br>A6140 Administrative Agency Award (not unpaid taxes)<br>A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax<br>A6112 Other Enforcement of Judgment Case | 2., 9.<br>2., 6.<br>2., 9.<br>2., 8.<br>2., 8.<br>2., 8., 9.                       |
| RICO (27)   | A6033 Racketeering (RICO) Case   | 1., 2., 8.   |
| Other Complaints<br>(Not Specified Above)<br>(42)             | A6030 Declaratory Relief Only<br>A6040 Injunctive Relief Only (not domestic/harassment)<br>A6011 Other Commercial Complaint Case (non-tort/non-complex)<br>A6000 Other Civil Complaint (non-tort/non-complex)  | 1., 2., 8.<br>2., 8.<br>1., 2., 8.<br>1., 2., 8.                                   |
| Partnership Corporation<br>Governance (21)                    | A6113 Partnership and Corporate Governance Case  | 2., 8.   |
| Other Petitions<br>(Not Specified Above)<br>(43)              | A6121 Civil Harassment<br>A6123 Workplace Harassment<br>A6124 Elder/Dependent Adult Abuse Case<br>A6190 Election Contest<br>A6110 Petition for Change of Name<br>A6170 Petition for Relief from Late Claim Law<br>A6100 Other Civil Petition   | 2., 3., 9.<br>2., 3., 9.<br>2., 3., 9.<br>2.<br>2., 7.<br>2., 3., 4., 8.<br>2., 9. |



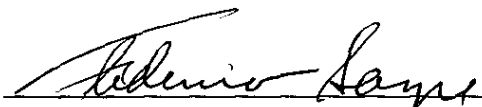
|   |                      |
|---|----------------------|
| SHORT TITLE: RUTHIE ZAHAVI, et al vs. BANK OF CHINA,<br>et al | CASE NUMBER EC396714 |
|---|----------------------|

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

|   |              |                    |                                     |
|---|--------------|--------------------|-------------------------------------|
| REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE  |              |                    | ADDRESS:                            |
| <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. |              |                    | 444 South Flower Street, 39th Floor |
| CITY:<br>Los Angeles  | STATE:<br>CA | ZIP CODE:<br>90071 |                                     |

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the LOS ANGELES SUPERIOR COURT courthouse in the CENTRAL District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: August 21, 2008

  
(SIGNATURE OF ATTORNEY/FILING PARTY)  
FEDERICO C. SAYRE, ESQ.

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.