

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STANLEY BOIM, Individually and as)
Administrator of the Estate of David Boim,)
deceased, and JOYCE BOIM,)

Plaintiffs,)

v.)

Civil No. 00-cv-2905

QURANIC LITERACY INSTITUTE, HOLY)
LAND FOUNDATION FOR RELIEF AND)
DEVELOPMENT, ISLAMIC ASSOCIATION)
FOR PALESTINE, AMERICAN MUSLIM)
SOCIETY, AMERICAN MIDDLE EASTERN)
LEAGUE FOR PALESTINE, UNITED)
ASSOCIATION FOR STUDIES AND)
RESEARCH, MOHAMMED ABDUL HAMID)
KHALIL SALAH, MOUSA MOHAMMED ABU)
MARZOOK, AMJAD HINAWI, and THE)
ESTATE OF KHALIL TAWFIQ AL-SHARIF,)

Defendants.)

**MEMORANDUM IN SUPPORT OF MOTION FOR JOINDER OF NON-PARTIES
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 25(c)**

It is well established that Federal Rule of Civil Procedure 25(c) may be used in a supplementary, post-judgment proceedings to assert alter-ego or successor liability against a non-party to a judgment and, ultimately, to enforce the judgment against the non-party if alter ego or successor status is established. *See, e.g., Panther Pumps & Equip. Co. v. Hydrocraft, Inc.*, 566 F.2d 8, 23 (7th Cir. 1977); *Rodriguez-Miranda v. Benin*, 829 F.3d 29, 43 (1st Cir. 2016). A proceeding to effectuate a Rule 25(c) joinder or substitution is initiated by filing a motion to join or substitute and providing notice of hearing to the parties. Fed. R. Civ. P. 25(a)(3)(c). This motion seeks to initiate such a proceeding and ultimately to enforce the unpaid portion of the

judgment entered in the above-captioned matter against two entities and three individuals who are alter egos and successors of the judgment debtors.

These are not ordinary judgment debtors, and this is not an ordinary commercial case. The defendants in this action were held liable in this Court under the civil remedies provisions of the Anti-Terrorist Act (“ATA”), 18 U.S.C. §2333, for providing material support to a foreign terrorist group that murdered David Boim, an American teenager. As discussed below—and as will be demonstrated at the hearing on this motion—the judgment debtors here and their individual leaders have deliberately created and hidden behind new legal entities, to obscure their identity and avoid paying the judgment—thereby nullifying the critical purposes of the ATA.

The plaintiffs, Stanley and Joyce Boim, originally filed the above-captioned action (the “*Boim* Action”) under Section 2333 of the ATA after their son, David, was murdered by two agents of the international terrorist organization, Hamas. In 2004, this Court entered judgment (the “*Boim* Judgment”) in the amount of \$156 million in favor of the plaintiffs against certain individuals and organizations (the “*Boim* Defendants”) who provided material support to Hamas. However, when time came to pay the *Boim* Judgment, two of the principal *Boim* Defendants claimed to be out of business with few assets. A third had its assets seized by the government after it, together with its leaders, was convicted of terrorist activities. As a result the Boims have recovered only a small percentage of the total amount of the *Boim* Judgment.

Seemingly, the *Boim* Action brought an end to the defendant organizations. But that was not the case. Prominent *Boim* Defendants are in business today through their successors and alter egos: American Muslims for Palestine (“AMP”) and The Americans for Justice in Palestine Educational Foundation (“AJP”). AMP and AJP were established by former leaders of several *Boim* Defendant entities—including Rafeeq Jaber, Abdelbasset Hamayel and Osama Abu

Irshaid (together, the “Individual Defendants”)—to continue the same enterprise, while avoiding the burden and stigma of the *Boim* Judgment. AMP and AJP continue to be run today by former leaders of the *Boim* Defendant entities; they are headquartered in the same neighborhood; they continue the same enterprise, mission and activities; and they appear to have received assets and funds from those entities. The Individual Defendants exercised control of the *Boim* entities in 1998, and they continue to act as leaders of AMP and AJP today. As alter egos and successors of *Boim* Defendants, AMP, AJP and the Individual Defendants are liable for the unpaid portion of the *Boim* Judgment.

Plaintiffs have initiated this supplementary enforcement proceeding in the *Boim* Action pursuant to 735 ILCS 5/2-1402 (applicable here under Fed. R. Civ. P. 69(a)) by serving citations to discover assets to AMP, AJP and the Individual Defendants. Pursuant to Rule 25(a)(3)(c), this motion seeks to commence Rule 25(c) proceedings to effectuate the joinder of AMP, AJP and the three Individual Defendants because they are alter egos and/or successors of the *Boim* Defendants. Plaintiffs request that the Court: (i) permit appropriate discovery in connection with these Rule 25(c) proceedings; (ii) set a hearing to determine following appropriate discovery whether AMP, AJP and the Individual Defendants are liable as alter-egos and/or successors of one or more of the *Boim* Defendants (or permit submission of evidence through an appropriate motion in the event that there are no material disputed issues of fact); (iii) join AMP, AJP and the Individual Defendants as judgment debtors if the Court determines that they are alter-egos and/or successors; and (iv) order that the *Boim* Judgment is jointly and severally enforceable against AMP, AJP and the Individual Defendants.

BACKGROUND

The Initial *Boim* Action and *Boim* Defendants

In 1996, Stanley and Joyce Boim’s seventeen-year old son David was murdered by a

Hamas gunman while standing with classmates on their way to Jerusalem to attend a review class for their matriculation exams. The Boims filed suit in 2000 in this Court under the civil remedies provision of the ATA. The *Boim* Defendants were individuals and organizations in the United States who provided material support to Hamas in violation of 18 U.S.C. § 2339A, including, *inter alia*, the Holy Land Foundation for Relief and Development (“HLF”), the American Muslim Society (“AMS”), AMS’s alter egos operating under the name Islamic Association for Palestine (“IAP”), and the United Association for Studies and Research (“UASR”). On November 10, 2004, this Court entered summary judgment in favor of the Boims, *Boim v. Quranic Literacy Institute*, 340 F. Supp. 2d 885 (N.D. Ill. 2004), and on December 8, 2004, the jury awarded damages of \$52 million, which were trebled to \$156 million pursuant to the ATA.

In both the trial and appellate courts, IAP, AMS and HLF claimed to be charitable and educational institutions promoting the welfare of Palestinians and educating the American public. The Court of Appeals for the Seventh Circuit, sitting *en banc*, rejected that assertion in a landmark ruling governing civil liability under the ATA, holding that a defendant who provides material support to a terrorist organization such as Hamas—even to its social or charitable wing—with knowledge that the organization engages in terrorism is, as a matter of law, a cause of the organization’s terrorist activity. *Boim v. Holy Land Found.*, 549 F.3d 685, 698-99 (7th Cir. 2008) (*en banc*).

Final judgements were ultimately entered against, *inter alia*, *Boim* Defendants HLF, IAP, AMP and UASR. But as noted above, IAP and AMS claimed to be defunct and without funds; HLF and its principals were convicted and their funds seized. As a result, the Boims have only collected a small percentage of their \$156 million judgment

**AMP and AJP Are Established as Alter Egos and/or Successors
to Continue the Business of the *Boim* Defendants**

At the hearing on this motion, plaintiffs will establish that AMP and AJP are alter egos and successors of the *Boim* Defendants. AMP was established in Palos Hills, Illinois in 2005—shortly after the *Boim* Judgment—by activists involved in IAP and a successor entity to HLF, KindHearts. During an investigation of KindHearts, individuals affiliated with KindHearts and IAP opened the national office for AMP in 2008 in Palos Hills, just down the street from the former offices of AMS and IAP. These purportedly new entities were created by, among others, the Individual Defendants—who had previously managed and controlled AMS and IAP. In 2009, AMP leaders established AJP as a tax-exempt organization run by former leaders of IAP, which acts as the financial supporter of AMP and receives donations on its behalf.

The current management and donors of AMP and AJP are substantially the same as the management and donors of their predecessors, HLF, IAP and AMS. For example, the Mosque Foundation in Bridgeview, Illinois—the charitable arm of the Bridgeview Mosque—is a significant supporter and funder of AMP and AJP just as it was for the *Boim* Defendants. The Mosque Foundation has a history of donating and directing money to terrorist organizations including Hamas and al-Qaeda. The Mosque Foundation’s leader, Sheikh Jamal Said, regularly spoke at IAP events and has been a frequent speaker at AMP conferences and fundraisers. Leaders of AMP and AJP hold prominent positions in the Mosque Foundation and its affiliates.

Numerous other individuals who played important leadership roles in *Boim* Defendant entities have gone on to play key roles in AMP and AJP. The Individual Defendants were especially prominent, both in the predecessor *Boim* Defendant entities, and in AMP and AJP:

- Rafeeq Jaber, former president of AMS, IAP (Chicago), and IAP National, was an

organizer of AJP and prepares its tax forms. He is President of the Board of Directors of the Bridgeview Mosque. His business, Jaber Financial Services, is an AMP donor, and he signed a petition in 2015 as an AMP representative.

- Abdelbasset Hamayel is identified by AMP as its Executive Director. He is AJP's registered agent and head of the Mosque Foundation Community Center. Hamayel was the Director and Secretary General of IAP and the former Wisconsin and Illinois representative for KindHearts.
- Osama Abu Irshaid is an AMP board member and National Political Coordinator. Irshaid was the editor of IAP's newspaper, *Al-Zaytounah*, operating from Washington, D.C. According to Jaber, Irshaid was "from IAP National which is ... Chicago [and] in charge of everything from A to Z in the paper, what comes on the paper and what goes into the paper." Irshaid's salary was paid by AMS. Irshaid has published a similar newspaper, *Al-Meezan*, from Virginia. Among the regular features in *Al-Meezan* is an advertisement for a blog written from prison by Shukri abu Baker, the former President of HLF.

AMS could not and did not operate independently from Jaber, Hamayel and Irshaid. The Individual Defendants were the heart of AMS and they directed and controlled AMS. AMS was created and operated to carry out their agenda in accordance with their directives.

AMP and AJP have continued the *Boim* Defendants' activities and purposes. For example, IAP held major annual conferences featuring prominent speakers identified with Hamas, including leaders and fighters from Gaza and the West Bank. After AMS and IAP purportedly went out of business, beginning in 2006, the IAP Annual Conference became the AMP Annual Conference. The target audience, content, management, speakers, and message,

have remained the same. Speakers have included Rafeeq Jaber, Kifah Mustapha, Abdelbaset Hamayel, and Osama Abu Irshaid, each of which had been featured at prior IAP events.

In short, IAP, AMS and HLF were replaced by AMP and AJP to permit the same ongoing enterprise to continue free and clear of the burden of the *Boim* Judgment and the stigma of liability for aiding and abetting the murder of an American teenager. AMP's establishment in 2005 coincided almost exactly with the *Boim* Judgment. AMP and AJP are IAP, AMS and HLF but just by different names, and the Individual Defendants are alter egos of IAP, AMS and HLF—which they controlled in 1998 and whose mission and purpose they have continued through AMP and AJP. AMP, AJP and the Individual Defendants are therefore liable for the *Boim* Judgment.

Plaintiffs' Enforcement Proceeding and Declaratory Judgment Action

Plaintiffs are initiating supplementary enforcement proceedings in this action by serving citations to discover assets pursuant to 735 ILCS 5/2-1402(a) and Ill. S. Ct. R. 277(b) on AMP, AJP and the Individual Defendants. Plaintiffs are bringing this motion within those enforcement proceedings. As judgment creditors, plaintiffs may “obtain discovery from any person—including the judgment debtor—as provided in [the Federal Rules of Civil Procedure] or by the procedure of [Illinois].” Fed. R. Civ. P. 69(b).

Plaintiffs are concurrently filing in this Court a separate declaratory judgment action (the “Declaratory Action”) under a new caption, seeking (among other things) a declaration that AMP, AJP and the Individual Defendants are successors and/or alter egos of the *Boim* Defendants and are therefore liable for the *Boim* Judgment. A copy of Plaintiffs' Complaint for Declaratory and Monetary Judgment, and Preliminary and Permanent Injunctive Relief is attached hereto as Exhibit A. Because the Declaratory Action is related to the above-captioned action, Plaintiffs are concurrently moving under LR 40.4(c) to reassign the Declaratory Action so

that the actions can be managed and resolved in a single proceeding.¹

ARGUMENT

I. Plaintiffs Will Demonstrate that AMP, AJP and the Individual Defendants Are Alter Egos and/or Successors of Certain of the *Boim* Defendants.

Plaintiffs will demonstrate at the hearing on this motion (or in appropriate briefs if material issues of fact are not disputed) that AMP, AJP and the Individual Defendants are liable for the unpaid portion of the *Boim* Judgment as alter egos and/or successors of one or more of the *Boim* Defendants who are judgment debtors in this matter. Both the alter ego and the successor liability doctrines are applicable in the international terrorism and not-for-profit contexts and provide bases for joinder of AMP, AJP and the Individual Defendants here.

Federal courts have broadly applied the alter ego doctrine to individuals and organizations that engage in or support terrorism. Recognizing that terrorist organizations differ from owned, for-profit entities, these courts have eschewed typical “factors” applied to alter ego and veil piercing claims in the for-profit context in favor of an analysis focused on the “the broader equitable principle” recognized in *First Nat’l City Bank v. Banco Para El Comercio Exterior de Cuba*, 462 U.S. 611, 629-630 (1983) (“*BPECE*”), under which “the doctrine of corporate entity, recognized generally and for most purposes, will not be regarded when to do so would work fraud or injustice” or when it is “interposed to defeat legislative policies.” *Id.* This analysis looks at *dominion and control*—often in the framework of agency law—and whether an entity’s independence is in form only. *Id.* at 629.

For example, in its appeal of its criminal conviction, *Boim* Defendant HLF claimed that it was error to have been represented at trial by the same counsel as its president, Shukri Abu

¹ The judges originally assigned to this case, District Court Judge George W. Lindberg and Magistrate Judge Arlander Keys, are no longer on the bench.

Baker. The Fifth Circuit sent the question back to the trial court for an evidentiary hearing, and the trial court concluded there was no space between Holy Land and its principals:

The evidence clearly established that HLF could not and did not operate independently from Baker, Elashi and El-Mezain. Baker, Elashi and El-Mezain were the heart of HLF and they directed and controlled HLF throughout its lifetime. HLF was created and operated to carry out their agenda in accordance with their directives. Any independence was in form only. In such a situation the court may disregard the legal fiction of the corporate entity. The law recognizes there is no practical distinction between the acts of the individuals and the acts of the corporation in cases like this. Courts may also disregard the corporate existence when the corporate entity is used as a ‘cloak for fraud or illegality or to work an injustice.’

United States v. Holy Land Foundation, No. 3:04-CR-0240-P, Dkt # 1447, page 15 (N.D. Tex. May 24, 2010) (attached as Exhibit B).

Courts have employed the same approach in civil damages cases. In *In re 650 Fifth Ave. & Related Props.*, 881 F. Supp. 2d 533, 548-552 (S.D.N.Y. 2012), the victims of a terrorist bombing of Marine Corps barracks in Beirut sought to enforce money judgments through a turnover order against a New York property owned by entities alleged to be alter egos of the Iranian government. In examining the claim under the Foreign Sovereign Immunities Act, the court held that the entities were alter egos of Iran. Rather than looking to state law, *650 Fifth Avenue* relied on *BPECE* and examined *control* and whether the entities were in effect “agents” of the Iranian government. After finding that the defendant foundation’s charitable giving was driven by Iran, the management of the building was overseen by Iran, and seized documents showed that the defendants could not act without authorization from Tehran, the court found that the defendants were “at least agents” and therefore alter egos.

Similarly, in *In Strauss v. Credit Lyonnais, S.A.*, 925 F. Supp. 2d 414 (E.D.N.Y. 2013), the court examined whether certain charities were alter egos of Hamas for purposes of the

plaintiffs' §2333(a) claims. The court adopted the “alias” standard set forth by the current Chief Justice of the United States Roberts in *Nat'l Council of Resistance of Iran v. Dep't of State*, 373 F.3d 152, 157–58 (D.C. Cir. 2004), that when “one entity so dominates and controls another that they must be considered principal and agent, it is appropriate, under AEDPA, to look past their separate and juridical identities and to treat them as aliases.” *Strauss*, 925 F. Supp. 2d at 435. The court considered traditional veil-piercing factors—i.e. “whether the organizations share leadership, whether they commingle finances, publications, offices, etc., and whether one operates as a division of the other”—but ultimately rejected defendant’s assertion that the plaintiffs must also satisfy these factors, holding “[w]hile these factors may be similar to the factors [used in this case], the court questions whether legitimate corporations are sufficiently analogous to terrorist groups such that every corporate veil piercing factor applies here.” *Id.* at 435 n.14. Courts in numerous other cases have adopted the same approach. *See, e.g., Nat'l Council of Resistance of Iran*, 373 F.3d at 157–58; *Goldberg v. UBS AG*, 660 F. Supp. 2d 410, 432 (E.D.N.Y. 2009); *Gill v. Arab Bank, PLC*, 893 F. Supp. 2d 542, 555 (E.D.N.Y. 2012); *Linde v. Arab Bank, PLC*, 97 F. Supp. 3d 287, 334 (E.D.N.Y. 2015).²

Federal courts have also extended the dominion-and-control concept to hold that *non-contemporaneous* entities are alter egos when they are managed or controlled by the same people and are in reality one enterprise. For instance, in *Sanchez v. Global Parking Management, Inc.*, No. 14–cv–04611, 2015 WL 4429024, at *1 (N.D. Ill. July 20, 2015), this Court held that common management between two seemingly separate successive companies was “relevant to

² Illinois state courts have similarly treated alter ego and “veil piercing” as equitable doctrines that can appropriately be extended to the not-for-profit context, even where the traditional for-profit factors do not fit. *See, e.g., Macaluso v. Jenkins*, 95 Ill. App. 3d 461, 465 (2d Dist. 1981) (organization’s “status as a not for profit corporation in and of itself should not bar a court from applying the equitable remedy of piercing the corporate veil”); *see also Fontana v. TLD Builders, Inc.*, 362 Ill. App. 3d 491, 501 (2d Dist. 2005); *Buckley v. Abuzir*, 2014 IL App (1st) 130469, ¶ 31.

determine whether two seemingly independent businesses are really one enterprise” for purposes of alter ego liability for Fair Labor Standards Act violations. *Id.* at *3. Likewise, courts have commonly found alter ego liability in the ERISA context for successive employers where there is “substantially identical management” and identical “business purpose.” *See, e.g., Laborers’ Pension Fund v. Green Demolition Contractors, Inc.*, 2016 WL 74682, at *2 (N.D. Ill. Jan. 7, 2016) (quoting *Int’l Union of Operating Eng’rs, Local 150, AFL-CIO v. Rabine*, 161 F.3d 427, 433 (7th Cir. 1998)).

Likewise, courts have readily extended the “successor” liability paradigm to not-for-profit entities, even where they do not fit the standards usually applied in the for-profit, corporate context. *See, e.g., Chao v. Int’l Bhd. of Indus. Workers Health & Welfare Fund*, 97 F. Supp. 3d 268, 274 (E.D.N.Y. 2015) (“The Court notes that the standard governing successor liability in the corporate context, although not a perfect fit, is more appropriate for determining successor liability between two non-profit employee benefit trusts”); *Hankinson v. King*, 117 F. Supp. 3d 1068, 1074 (D. Minn. 2015) (courts have gone so far as to either (i) reinterpret the ‘continuity of shareholders’ requirement as a ‘continuity of ownership’ requirement because non-profits have no shareholders, or (ii) simply ignore this prong as inapplicable or irrelevant when considering this exception for non-profits); *Ring v. The Elizabeth Foundation for the Arts*, Index No. 113849/2011, 2014 WL 5908429, at *5 (N.Y. Sup. Nov. 12, 2014) (“court recognized that, because both entities were not-for-profits, they had no owners or shareholders. Therefore, it looked to other indicia of control instead of considering ownership, per se”).

Thus, there is ample authority for extending alter ego and successor liability to the terrorism and not-for-profit context, even where traditional factors might not otherwise apply. As outlined above, Plaintiffs will demonstrate that the Individual Defendants exercised dominion

and control over one or more of the *Boim* Defendant entities and have continued to carry on the same enterprise in the wake of efforts to enforce the *Boim* Judgment. Likewise, Plaintiffs will show that AMP and AJP are simply reincarnations of *Boim* Defendants, created at the time of the *Boim* Judgment to continue the *Boim* Defendants' work without the burden of paying the *Boim* Judgment and to portray a new public face. This proof will be sufficient to demonstrate that AMP, AJP and the Individual Defendants are (1) alter egos and successors of *Boim* Defendants IAP, AMS and HLF, and (2) the same entity or person as these *Boim* Defendants and are liable to Plaintiffs under 18 U.S.C. § 2333(a) for the unpaid portion of the *Boim* Judgment.

II. Rule 25(c) Is a Proper Procedural Mechanism to Join Alter Egos and Successors in a Supplementary Enforcement Proceeding.

Rule of Civil Procedure 25(c) permits substitution or joinder of a transferee where “an interest” has been transferred:

If an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined with the original party.

Fed. R. Civ. P. 25(c). A proceeding to effectuate a Rule 25(c) joinder or substitution is initiated, as Plaintiffs have done here, by filing a motion to substitute and providing notice of hearing to parties as provided in Rule 5 and nonparties as provided in Rule 4. Fed. R. Civ. P. 25(a)(3)(c).

Rule 25(c) may be used as a basis to assert alter ego and successor claims against nonparties in post-judgment supplementary enforcement proceedings. *See, e.g., Panther Pumps*, 566 F.2d at 23-24 (motion to add successor in interest as party in post-judgment contempt proceeding); *Chicago Dist. Council*, 1997 WL 12794, at *1 (Rule 25(c) used to assert ERISA successor liability claim); *Rodriguez-Miranda v. Benin*, 829 F.3d 29, 43 (1st Cir. 2016) (courts have “sanctioned the use of Rule 25(c) to join parties as alter egos and hold them liable for the full judgment”). In the leading Seventh Circuit case, *Panther Pumps*, the court held that the

“charge” in a motion to substitute is that the party to be substituted “is the successor in interest of the judgment debtor and, therefore, liable on the judgment.” *Panther Pumps*, 566 F.2d at 24. The court evaluated the Rule 25(c) motion based on the standards for successor liability, finding that the successor in that case was a “mere continuation” of the judgment debtor and that the transfer was a “fraudulent effort to escape liability.” *Id.* at 25-26; *see also Chicago Dist. Council of Carpenters Pension Fund v. Artistry Woodworking, Inc.*, No. 92 C 2069, 1997 WL 12794, at *1 (N.D. Ill. Jan. 10, 1997) (motion to substitute granted and judgment entered against successor based on meeting ERISA test for successor liability); *Select Creations, Inc. v. Paliafito Am., Inc.*, 852 F. Supp. 740 (E.D. Wisc. 1994) (Rule 25(c) motion based on transfer of toy business to successor, which was set up to avoid liability; alter ego of successor also substituted).

Rule 25(c) proceedings are not limited to recovery of transferred assets. In *Rodriguez-Miranda v. Benin*, 829 F.3d 29 (1st Cir. 2016), the First Circuit recently addressed the question of whether the scope of imposed liability based on a Rule 25(c) substitution would be limited to the amount of the transferred assets—i.e. “reaching the ‘interest only’”—or whether the successor/alter ego would be liable for the whole judgment. 829 F.3d at 42. After noting that the courts in *Panther Pumps*, *Minnesota Min. & Mfg. Co.* and *Explosives Corp. of Am. v. Garlam Enters Corp.*, 817 F.2d 894 (1st Cir. 1987), all permitted liability for the full amount of the judgment, the First Circuit held that the district court properly joined two parties as successors in interest and alter egos and made them liable for the whole judgment:

[W]hen we have never expressly limited Rule 25(c) joinder to the amount of the transferred assets, and other circuits, especially on such similar facts, have sanctioned the use of Rule 25(c) to join parties as alter egos and hold them liable for the full judgment, “any error cannot be plain or obvious.”

Id. at 43. Under the First Circuit’s reasoning—based on cases in this Circuit and elsewhere—this Rule 25(c) motion is a proper basis to impose liability for the entire unpaid amount of the

Boim Judgment on the *Boim* Defendants' successors and alter egos.

III. Following Discovery and an Appropriate Hearing, the Court Should Enforce the Unsatisfied Portion of the *Boim* Judgment against AMP, AJP and the Individual Defendants.

Following appropriate discovery and a hearing (or briefing if there are no disputed issues of material fact) during which Plaintiffs will demonstrate that AMP, AJP and the Individual Defendants are alter egos and/or successors of one or more *Boim* Defendants, Plaintiffs request that this Court join AMP, AJP and the Individual Defendants as judgment debtors and enforce the *Boim* Judgment against them, jointly and severally. This relief is both permitted under Rule 25(c) and equitable under the circumstances.

Indeed, there is a strong public interest in preventing organizations that have provided financial support to terrorist groups from escaping liability by merely dissolving legal entities and replacing them with new legal entities. As explained above, the Anti-Terrorism Act provides a comprehensive scheme of criminal and civil liability aimed at eradicating support for international terrorism, including material support provisions described by the Supreme Court as a “preventive measure—it criminalizes not terrorist attacks themselves, but aid that makes the attacks more likely to occur.” *Holder v. Humanitarian Law Project*, 561 U.S. 1, 35 (2010). Noting that terrorism is *sui generis*, Judge Posner, on behalf of the *en banc* panel in the appeal of the *Boim* Action, fashioned a remedy against even small donors to known terrorist organizations in order to sustain the underlying purpose of the ATA. *See Boim v. Holy Land Foundation*, 549 F.3d 685, 698 (7th Cir. 2004) (*en banc*).

Allowing AMP, AJP, Jaber, Hamayel and Irshaid to escape liability based on the fiction of their separate legal existence would enable the *Boim* Defendants to shield and transfer their assets and continue with their same enterprise and mission—despite having been held to be material supporters of international terrorism. The effective enforcement mechanisms of the

ATA will be thwarted if “fronts” for people and enterprises who support terrorism can avoid liability merely by morphing into new entities not subject to prior ATA judgments. Moreover, the injustice to the victims in this case, and to other victims of international terrorism financed by the *Boim* Defendants’ support, demands that the *Boim* Defendants and Individual Defendants not be allowed to escape liability simply by creating two new legal entities that are in every way identical except for name, and shifting their ongoing mission, operations, activities and assets to those purported new entities.

CONCLUSION

For the foregoing reasons, this Court should grant Plaintiffs’ motion and (i) permit appropriate discovery in connection with these Rule 25(c) proceedings; (ii) set a hearing to determine following appropriate discovery whether AMP, AJP and the Individual Defendants are liable as alter-egos and/or successors of one or more of the *Boim* Defendants (or permit submission of evidence through an appropriate motion in the event that there are no material disputed issues of fact); (iii) join AMP, AJP and the Individual Defendants as judgment debtors if the Court determines that they are alter-egos and/or successors; (iv) order that the *Boim* Judgment is jointly and severally enforceable against AMP, AJP and the Individual Defendants; and (v) grant such further relief as the Court deems just and appropriate.

Dated: May 12, 2017

Respectfully submitted,

/s/ Stephen J. Landes

Stephen J. Landes
Daniel I. Schlessinger
W. Allen Woolley
Michael B. Kind
Joshua Fliegel
LOCKE LORD LLP
111 South Wacker Drive
Chicago, IL 60606
(312) 443-0700

*Attorneys for Stanley Boim, Individually and as the
Administrator of the Estate of David Boim,
Deceased, and Joyce Boim*

Of Counsel

Nathan Lewin (*pro hac* application being filed)
Alyza D. Lewin (*pro hac* application being filed)
LEWIN & LEWIN LLP
888 17th Street NW, 4th Floor
Washington, DC 20006
(202) 828-1000

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on May 12, 2017 he caused the foregoing MEMORANDUM IN SUPPORT OF MOTION FOR JOINDER OF NON-PARTIES PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 25 (c) to be served upon (i) Islamic Association for Palestine (“IAP”); (ii) American Muslim Society (“AMS”); (iii) American Muslims for Palestine (“AMP”); (iv) Americans for Justice in Palestine Educational Foundation (“AJP”); (v) Rafeeq Jaber; (vi) Abdelbasset Hamayel; and (vii) Osama Abu Irshaid, by (1) electronically filing with the Clerk of the Court for the Northern District of Illinois using the CM/ECF system, and thereby serving by e-mail notification upon counsel for all parties of record and (2) U.S. Mail, postage pre-paid, to the following persons at the following addresses:

| | |
|-----|--|
| AMS | Rafeeq Jaber Last Known Registered Agent for AMS Jaber Financial Services 10661 S Roberts Rd, Ste 200 Palos Hills, IL 60465-1988 Rafeeq Jaber 9748 Meade Ave Oak Lawn, IL 60453 |
| IAP | Mohammed Lafi Last Known Registered Agent for IAP 401 S. Sherman #219 Richardson, TX 75081 |
| AMP | Abdelbasset Hamayel Registered Agent for AMP 10101 S Roberts Rd Palos Hills, IL 60465 American Muslims for Palestine 10063 S. 76th Ave Bridgeview, IL 60455 |

| | |
|---------------------|---|
| AJP | <p>Abdelbasset Hamayel Books and Record Keeper for AJP 10101 S Roberts Rd Palos Hills, IL 60465</p> <p>Americans for Justice in Palestine Educational Foundation 10063 S. 76th Ave Bridgeview, IL 60455</p> |
| Rafeeq Jaber | <p>Jaber Financial Services 10661 S Roberts Rd, Ste 200 Palos Hills, IL 60465-1988</p> <p>9748 Meade Ave Oak Lawn, IL 60453</p> |
| Abdelbasset Hamayel | <p>9400 S. Oketo Ave. Bridgeview, IL 60455</p> <p>American Muslims for Palestine 10063 S. 76th Ave Bridgeview, IL 60455</p> |
| Osama Abu Irshaid | <p>8145 Ridge Creek Way Springfield, VA 22153</p> <p>American Muslims for Palestine, DC Office 6404 Seven Corners Place Suite 7 Falls Church, VA 22044</p> |

/s/ Joshua Fliegel