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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT,
DISTRICT OF UTAH, CENTRAL DIVISION**

**LAYNE MORRIS, an individual;
TABITHA SPEER, in her own right;
TABITHA SPEER, as Executrix of the
ESTATE OF CHRISTOPHER SPEER; and
TABITHA SPEER on behalf of her minor
children TARYN SPEER and TANNER
SPEER,**

Plaintiffs,

v.

**AHMAD SA'ID KHADR, an individual,
a.k.a AHMAD SAID KHADR, a.k.a.
AHMED SAID KHADR, a.k.a. AL-
KANADI, a.k.a. ABU ABD AL-RAHMAN,**

Defendant.

COMPLAINT

Judge Paul G. Cassell
DECK TYPE: Civil
DATE STAMP: 08/06/2004 @ 09:57:28
CASE NUMBER: 2:04CV00723 PGC

COME NOW the plaintiffs Layne Morris, Tabitha Speer, Tabitha Speer, as Executrix of the Estate of Christopher Speer, and Tabitha Speer on behalf of her minor children Taryn Speer and Tanner Speer and complain against defendant Ahmad Sa'id Khadr ("Khadr") as follows:

PARTIES, JURISDICTION AND VENUE

1. Layne Morris is a resident of Salt Lake County, State of Utah who was injured as a result of a terrorist ambush in Afghanistan.
2. Tabitha Speer is a resident of Pinehurst, North Carolina and is the surviving spouse of Christopher Speer, a decedent who was killed as a result of a terrorist ambush in Afghanistan.
3. Tabitha Speer has been appointed the Executrix of the Estate of Christopher Speer.
4. Tabitha Speer brings this action on her own behalf and on behalf of her minor children, Taryn Speer and Tanner Speer. Tabitha Speer and her children are the survivors and heirs of Christopher Speer who is deceased.
5. Khadr was a citizen of Canada. The whereabouts of Khadr are unknown, but upon information and belief, Khadr is deceased.
6. If Khadr is deceased, the plaintiffs herein reserve the right to amend this complaint to assert a cause of action *in rem* against Khadr's assets believed to be blocked or frozen by the United States Treasury Office of Foreign Assets Control ("OFAC") as well as a cause of action *in rem* against Khadr's assets believed to be blocked or frozen by the Canadian government pursuant to UN SECURITY COUNCIL RESOLUTION 1373 (2001); the *United Nations Act*, R.S. 1985, c. U-2, (An Act respecting Article 41 of the Charter of the United Nations); *United Nations Suppression of Terrorism Regulations*, SOR/2001-360 2 October, 2001; *United Nations Afghanistan Regulations* (U-2 -- SOR/99-444) and *The Anti-Terrorism Act*, 2001, c.41 (as amended).

7. This Court has jurisdiction pursuant to 18 U.S.C. §§ 2333(a) and 2334(a).
8. Venue is proper pursuant to 18 U.S.C. § 2334(a).

GENERAL FACTUAL ALLEGATIONS

9. Layne Morris and Christopher Speer were at all times material hereto soldiers in the Armed Forces of the United States of America in Afghanistan.

10. Al Qaeda is an unincorporated association and terrorist organization dedicated to the destruction of the United States and its citizens. Al Qaeda is an organization created for the purpose of committing acts of international terrorism, including the actions complained of herein. At relevant times, the Al Qaeda organization was headquartered in Afghanistan and involved a cluster of military-ideological camps dedicated to their goal of establishing a universal Islamic State through the use of violence. Al Qaeda maintains terrorist cells throughout the world.

11. Al Qaeda is not a foreign state or an agency of a foreign state. Al Qaeda's members, including the defendant named herein, are not officers or employees of a foreign state or an agency of a foreign state or a foreign state's military service, nor do they act in an official capacity or under color of legal authority of a foreign state.

12. The acts complained of herein are not acts of war.

13. Khadr was a Canadian citizen. Khadr was a member of Al Qaeda. Khadr was the father of Omar Khadr, also a member of Al Qaeda. Khadr conspired, assisted, aided and abetted Al Qaeda and its members, including his son Omar Khadr, in committing acts of international terrorism, including the acts complained of herein. Khadr accomplished these actions by providing substantial financial assistance, personnel and other substantial material support to Al

Qaeda and its members, including his son, Omar Khadr. Khadr engaged in the foregoing conduct with full knowledge of Al Qaeda's and his son, Omar Khadr's, criminal use of the assistance he provided. As a result, Khadr caused the acts, consequent death and injuries complained of herein.

14. On July 27, 2002 a United States Army unit in Afghanistan consisting of Layne Morris, Christopher Speer and other American soldiers were attacked by a number of heavily-armed Al Qaeda members, including Omar Khadr.

15. As a result of this attack, Layne Morris was wounded and suffered severe injuries, including the loss of sight in one eye.

16. Christopher Speer was severely injured and later died of his wounds on August 6, 2002.

17. The mortal wounds to Christopher Speer were inflicted by and caused by Omar Khadr. The severe injuries to Layne Morris were caused by, or assisted, aided and abetted by Omar Khadr.

18. Khadr knowingly provided material support and resources in the form of money and services, as well as his flesh and blood, to wit: his son Omar Khadr, to Al Qaeda.

19. Omar Khadr was captured during the aforementioned attack and upon information and belief is presently a prisoner in the custody of the United States government at Guantanamo, Cuba.

20. As a result of the attack, Layne Morris suffered severe injuries, including, but not limited to, the loss of one eye, pain, suffering and permanent scarring and disfigurement.

21. As a result of the attack and consequent death of Christopher Speer, Tabitha Speer has suffered the loss of financial support, loss of society, comfort, care, protection, marital relations, affection and companionship of her husband, Christopher Speer.

22. As a result of the attack and consequent death of Christopher Speer, his minor children, Taryn Speer and Tanner Speer, have suffered the loss of financial support, loss of society, comfort, care, protection, affection, companionship and relationship with their father, Christopher Speer.

COUNT ONE

PERSONAL INJURY TO LAYNE MORRIS

23. Layne Morris brings this action for personal injuries caused by the defendant engaging in, sponsoring, financing, aiding and abetting and otherwise conspiring to commit acts of terror, including the acts complained of herein.

24. Layne Morris was injured as a result of Khadr's conspiracy, assistance, aiding and abetting Al Qaeda and its members, including Omar Khadr, in his son's violent, dangerous and criminal acts of international terrorism.

25. Layne Morris has suffered general and special damages in an amount to be proven at trial.

26. Layne Morris is entitled to recover a judgment against defendant for the intentional infliction of injury, pain and suffering and other general and special damages inflicted upon him in an amount to be proven at trial, but which is presently believed to exceed Two Million, Five Hundred Thousand Dollars (\$2,500,000).

COUNT TWO

WRONGFUL DEATH OF CHRISTOPHER SPEER

27. The foregoing paragraphs are fully incorporated herein by this reference.

28. Tabitha Speer, for herself, the Estate of Christopher Speer and her minor children bring this action for wrongful death proximately caused by the defendant engaging in, sponsoring, financing, aiding and abetting and otherwise conspiring to commit acts of terrorism, including the acts complained of herein.

29. Christopher Speer was injured and ultimately died from his wounds as a result of Khadr's conspiracy, assistance, aiding and abetting Al Qaeda and its members, including Omar Khadr, in his son's violent, dangerous and criminal acts of international terrorism.

30. As a result of Christopher Speer's death, he was deprived of his relationship with his family, deprived of his career and earnings and deprived of the pleasures of life.

31. As a result of the wrongful death of Christopher Speer, his heirs and family have been deprived of future aid, income, assistance, services, comfort, support, parental care, companionship, loss of accretion to their estates, affection, financial support, consortium, loss of family, earnings and other items of damages in an amount to be proven at trial.

32. As a result of defendant's acts of terrorism resulting in Christopher Speer's wrongful death, the heirs and families of the decedent suffer and will continue to suffer permanent emotional distress, severe trauma and psychological injuries.

33. Tabitha Speer, the Estate of Christopher Speer, Taryn Speer and Tanner Speer are entitled to damages in an amount to be proven at trial, but which is presently believed to exceed Five Million Dollars (\$5,000,000).

COUNT THREE

SURVIVAL BY CHRISTOPHER SPEER

34. The foregoing paragraphs are fully incorporated herein by this reference.

35. As a result of the violent, dangerous and criminal acts of international terrorism by Khadr, Christopher Speer was placed in severe and prolonged extreme apprehension, suffered extreme fear, terror, anxiety, emotional, physical and psychological distress and trauma as a result of his injuries which ultimately led to his death.

36. Christopher Speer was mentally, physically and emotionally damaged prior to his death.

37. Christopher Speer is entitled to damages in an amount to be proven at trial, but which is presently believed to exceed Two Million, Five Hundred Thousand Dollars (\$2,500,000).

COUNT FOUR

NEGLIGENCE & INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

38. The foregoing paragraphs are fully incorporated herein by this reference.

39. Khadr had a duty as a parent to exercise reasonable care to control his minor child, Omar Khadr, to prevent him from intentionally harming others or from conducting himself as to create an unreasonable risk of bodily harm to another.

40. Khadr breached that duty, and in fact coerced, aided, instructed and promoted his minor child, Omar Khadr, to commit violent, dangerous and criminal acts of international terrorism.

41. Khadr's acts were the cause of personal injuries to Layne Morris and injuries and ultimate death of Christopher Speer.

42. Khadr's acts were intentional, extreme, outrageous and beyond the bounds of decency.

43. Plaintiffs are entitled to damages in an amount to be proven at trial as set forth above.

COUNT FIVE

18 U.S.C. §2333 – TREBLE DAMAGES FOR U.S. NATIONALS

44. The foregoing paragraphs are fully incorporated herein by this reference.

45. Christopher Speer and Layne Morris were at all times relevant hereto, United States citizens.

46. As set forth above, defendant caused the injuries to Layne Morris and injuries and death to Christopher Speer through and by reason of violent, dangerous and criminal acts of international terrorism.

47. As set forth above, defendant provided material support and resources to Al Qaeda, as well as his flesh and blood, to wit: his son, Omar Khadr, allowing Omar Khadr to kill Christopher Speer and permanently and severely injure Layne Morris.

48. As a result of defendant's acts in furtherance of international terrorism, Christopher Speer and Layne Morris suffered the damages as set forth herein.

49. Pursuant to 18 U.S.C. §§2333, *et. seq.*, any national injured in his or her person, his or her estate, survivors, or heirs are entitled to recover threefold the damages they have sustained and the cost of suit, including attorney fees.

COUNT SIX

PUNITIVE DAMAGES

50. The foregoing paragraphs are fully incorporated herein by this reference.

51. The actions of Khadr, acting in concert or otherwise conspiring to carry out, aid and abet these unlawful objectives of terrorism, were violent, dangerous and criminal acts of international terrorism performed in complete disregard of the rights and safety of Layne Morris and Christopher Speer.

52. Khadr intended his minor son, Omar Khadr, to carry out actions that would maim, deform and end the lives of U.S. Nationals.

53. As a result of Khadr's violent, dangerous and criminal acts of international terrorism, plaintiffs are entitled to punitive damages in an amount to be proven at trial.

JURY DEMAND

Plaintiffs demand trial by a jury on all issues so triable.

WHEREFORE, plaintiffs pray for relief against defendant as follows:

1. Plaintiffs are entitled to a judgment against defendant for damages and other relief in an amount to be proven at trial, but which is presently believed to exceed Ten Million Dollars (\$10,000,000).

2. Plaintiffs are entitled to a judgment against defendant for treble these damages and other relief as set forth in 18 U.S.C. § 2333(a).

3. Pursuant to 18 U.S.C. § 2333(a), plaintiffs are entitled to recover their costs of suit, including attorney fees, in an amount to be determined at trial.

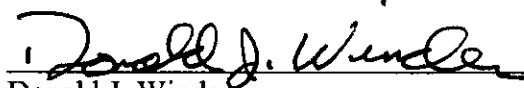
4. Plaintiffs are entitled to recover interest on their special damages as may be allowed by law.

5. Plaintiffs are entitled to an award of punitive damages in an amount to be proven at trial.

6. For such other and further relief this Court deems just and proper.

DATED this 6th day of August, 2004.

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