



Linde Plaintiffs' Statement Regarding Court of Appeals Technical Remand of Landmark Civil Victory in *Linde v. Arab Bank, PLC* Terror Financing Case

New York (February 9, 2018) – Today, the U.S. Court of Appeals for the Second Circuit technically reversed and remanded a judgment affirming the 2014 jury verdict in Brooklyn, N.Y. finding Arab Bank of Jordan civilly liable for knowingly providing material support to Hamas, a U.S.-designated Foreign Terrorist Organization. The decision formally displaces an April 2015 post-trial ruling by U.S. District Judge Brian M. Cogan which found no grounds to overturn the jury's verdict concerning Arab Bank's liability for 22 terrorist attacks between 2001 and 2003.

The 2014 verdict marked the first time a financial institution was held liable under the Anti-Terrorism Act ("ATA"). Ordinarily, a decision of the kind the Court of Appeals issued today would send the case back to the District Court for a new trial. But in August 2015, the parties entered a settlement which allowed Arab Bank to take a one-time appeal before the Second Circuit that would determine how much the Bank would pay Plaintiffs, so today's decision ends the cases pending before the District Court.

Gary M. Osen, managing partner at Osen LLC (www.osenlaw.com), the law firm that served as Plaintiffs' lead attorneys of record, stated: "We would have liked a sweeping victory, but we're still very satisfied with the result. The plaintiffs will receive meaningful and very substantial compensation for their injuries, and today's decision doesn't diminish the fact a jury found Arab Bank liable for knowingly supporting Hamas. For other victims of terrorism, this ruling makes clear that the Anti-Terrorism Act can still provide the justice and accountability they deserve."

Plaintiff Sarri Singer, who was injured in a 2003 Hamas suicide bombing of a Jerusalem bus, added, "I'm not a lawyer and the technical reasons for the decision don't matter very much to me. The bottom line remains that we got our day in court, a jury held Arab Bank accountable for knowingly supporting terrorism, and the families hurt by them are going to get the help they need."

Osen LLC serves as co-lead counsel in five other Anti-Terrorism Act cases currently being litigated in U.S. federal courts:

- *Strauss v. Crédit Lyonnais, S.A.*: 40 families who were victims of Hamas terrorist attacks allege Crédit Lyonnais knowingly provided banking services and maintained accounts for CBSP, a French entity designated a Specially Designated Global Terrorist by the U.S. Government.
- *Weiss v. National Westminster Bank Plc*: 35 families who were victims of Hamas terrorist attacks allege that multinational bank NatWest provided banking services for Interpal, a U.K.-registered charity designated a Specially Designated Global Terrorist by the U.S. Government.
- *Freeman v. HSBC*: The first lawsuit of its kind brought on behalf of Goldstar families alleges that HSBC and other banks conspired to launder money which Iran used to murder and maim Americans in Iraq.
- *Shaffer v. Deutsche Bank*: Families of American soldiers who were victims of Iranian-supported terrorism in Iraq allege that Deutsche Bank conspired with Iran to move money through accounts in the U.S. to benefit Hezbollah and Iran's Islamic Revolutionary Guard Corps (IRGC).

- *Karcher v. Iran*, which alleges that Iran has long used terrorist surrogates, including Hezbollah, to target U.S. forces, diplomats, and facilities in Iraq. This suit was filed under the Terrorism Exception of the Foreign Sovereign Immunities Act ("FSIA").

Osen LLC also served as co-counsel in *Julin v. Chiquita Brands Int'l, Inc.*, a case brought by the families of 5 American missionaries who were kidnapped and murdered by the FARC in Colombia. That case was scheduled to begin jury selection on February 5, 2018, but settled that same day.

Overview of the Linde v. Arab Bank Case

July 2004: Families of American victims of terrorist attacks during the Second Intifada in Israel and the Palestinian Territories sue Arab Bank, the largest financial institution in the Kingdom of Jordan, alleging that it knowingly provided material support to various U.S.-designated Foreign Terrorist Organizations, including Hamas.

August 2005: As a result of the civil suit, federal regulators first investigated and later fined Arab Bank's New York branch 24 million dollars, citing the branch's systemic failures to adequately comply with U.S. regulations designed to combat money laundering and terrorist financing.

July 2010: The trial judge overseeing the case at that time issued discovery sanctions against the Bank after its sweeping refusal to produce most records sought in the case. The Bank claimed that Palestinian, Lebanese, Jordanian and other Middle Eastern states' financial privacy laws prohibited it from complying with the Court's orders directing the Bank to produce.

January 2013: A three-judge federal appellate panel for the Second Circuit rejected the Bank's effort to vacate the sanctions, concluding that there was no abuse of discretion warranting immediate review and that they were reviewable post-trial. Arab Bank petitioned the U.S. Supreme Court to reverse the appellate court and vacate the sanctions, but the Supreme Court denied the petition, sending the case back to the district court.

August 2014: At trial, which centered on 24 Hamas terrorist attacks, the jury unanimously found that the Bank knowingly provided material support to Hamas after being presented with weeks of evidence demonstrating that the Bank maintained accounts for well-known Hamas leaders, operatives, and front organizations (a number of whom were officially designated as terrorists by the U.S. Government). Plaintiffs also established that a purported Saudi charity called the Saudi Committee for the Support of the Intifada al-Quds paid millions of dollars to the families of suicide bombers and other terrorists through local branches of Arab Bank in the Palestinian Territories.

February 2018: In its decision, authored by J. Raggi, and joined by J. Carney and District Judge Kaplan, the Second Circuit held that it was "prejudicial error requiring vacatur and remand to charge the jury that proof of Arab Bank's material support to a known terrorist organization in violation of § 2339B was by itself sufficient to prove the bank's own commission of an act of international terrorism as a matter of law."

The Court also noted that "Arab Bank's sufficiency challenge to the evidence of causation does not warrant reversal because the challenge is directed at plaintiffs' trial theory that the bank itself committed an act of international terrorism. After JASTA, plaintiffs can defend against this challenge on an aiding and abetting theory of bank liability."

Peter Raven-Hansen, of counsel to Osen LLC, argued the appeal on behalf of Plaintiffs. Tab Turner of Turner & Associates, P.A., Little Rock, AR played a leading role at trial.

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