



1.3 Plaintiff, **ARAZW YOUNUS QADER** is an Iraqi citizen living in Erbil, Iraq.

1.4 Plaintiff, **ZIRAG YOUNUS QADER** is an Iraqi citizen living in Erbil, Iraq.

1.5 Plaintiff, **BAYDA YAHYA SHAMMA** is an Iraqi citizen living in Erbil, Iraq.

1.6 Defendants, **ERINYS INTERNATIONAL Ltd., ERINYS UK Ltd. and ERINYS IRAQ Ltd.** Based on information and belief, ERINYS, a/k/a ERINYS INTERNATIONAL, Ltd., ERINYS UK Ltd. a/k/a ERINYS IRAQ LIMITED, is a business entity organized under the laws of the United Kingdom and maintaining its principal place of business in the United Kingdom with contacts in Houston, Texas, USA. Defendant is a private British security company that claims to operate on three continents. It claims its expertise in “creating a safe and secure environment rather than just security management within an unsafe and secure environment.” Erinys has grossed more than \$150,000,000 in Iraq and has contracts to protect the U.S. Army Corps of Engineers. A private security guard at Erinys makes approximately \$400 per day and can earn up to \$1,000 per day.

Erinys may be served under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents — to which both the United States and the United Kingdom are parties — by forwarding two copies of the Original Complaint and process to the United Kingdom’s Central Authority, the Senior Master of the Supreme Court, Queen’s Bench Division, Royal Courts of Justice, Strand, London WC2A 2LL, England, U.K. and Her Majesty’s Principal Secretary of State for Foreign Affairs King Charles Street, London, SW1A 2AH, for service further to Michael Hutchings, Chief Executive Officer, ERINYS, a/k/a ERINYS INTERNATIONAL, Ltd., ERINYS UK, Ltd. a/k/a ERINYS IRAQ LIMITED, 25 Grosvenor Street, London W1K 4QN, United Kingdom, and simultaneously by

international registered mail, return receipt requested, of the Original Complaint and process to Michael Hutchings, Chief Executive Officer, ERINYS, a/k/a ERINYS INTERNATIONAL Ltd., ERINYS UK, Ltd. a/k/a ERINYS IRAQ LIMITED, 25 Grosvenor Street, London W1K 4QN, United Kingdom.

1.7 Defendant, **NOUR USA, Ltd.** can be served through its registered agent at its corporate address at 8075 Leesburg Pike, Suite 760, Vienna, Virginia 22182.

1.8 No service is requested at this time for Defendant **ANHAM LLC.**

## II.

### JURISDICTION & VENUE

2.1 SANGAR MAWLOUD MOHAMED, SAHAR SHUKR HAMMASOFI, ARAZW YOUNUS QADER, ZIRAG YOUNUS QADER are citizens of Iraq. Defendant, ERINYS, a/k/a ERINYS INTERNATIONAL, Ltd., ERINYS UK, Ltd a/k/a ERINYS IRAQ Ltd., is a citizen of a foreign state with an office in Houston, Texas, and claim is made for damages well in excess of the minimum jurisdictional limits of this court. Jurisdiction is therefore proper before this Court pursuant to 28 U.S.C. § 1332(a)(2)(alienage jurisdiction). Venue is proper in this Court pursuant to 28 U.S.C. § 1391 as Defendant resides in the Southern District of Texas.

2.2 All Defendants have such minimum contacts with the State of Texas as to confer upon the courts of Texas personal jurisdiction over them, consistent with justice and fair play.

III.

**ACTS OF AGENTS**

3.1 Whenever in this Complaint it is alleged that Defendants – ERINYS INTERNATIONAL Ltd., ERINYS UK Ltd. ERINYS IRAQ Ltd., and NOUR USA, Ltd. or any entity associated with Defendants performed any act or thing, it is meant that of ERINYS INTERNATIONAL Ltd., ERINYS UK Ltd., ERINYS IRAQ Ltd. and NOUR USA, Ltd. or its agents, servants, employees, consultants or representatives performed such act or thing and at the time such act or thing was done, it was done with the full authorization or ratification of, ERINYS INTERNATIONAL Ltd., ERINYS UK Ltd., ERINYS IRAQ LTD, and NOUR USA, Ltd. was done in the normal and routine course and scope of employment and/or consultancy agreement as ERINYS INTERNATIONAL Ltd., ERINYS UK Ltd. and ERINYS IRAQ LTD, and NOUR USA, Ltd. officers, agents, servants, employees, consultants or representatives, unless otherwise specified.

IV.

**FACTUAL BACKGROUND**

4.1 On the morning of October 18, 2007, Plaintiffs Sangar Mohamed, Arazw Qader and Zirag Qader were all passengers in a taxi ("the taxi") being driven by Mr. Hadi Muhammad Amin ("Amin") from Erbil to Sulaimaniya, via Kirkuk, in Northern Iraq. Plaintiff Sangar Mohamed sat next to Amin in the passenger section of the front seat with another passenger seated to his right. Plaintiff, Arazw Qader, sat on the left-most back passenger seat with Plaintiff, Zirag Qader, sitting to her right in the middle of the back passenger seat with another passenger on his immediate right.

4.2 Between approximately 10:30 a.m. and 11:00 a.m., the taxi passed the village of Kara Hanjir, just outside Kirkuk, where the road had a slight upward gradient. The taxi followed a bend in the road when suddenly and without any warning; it was fired upon by Erinys consultants who were in or by an Erinys vehicle, which was parked on the roadside some distance ahead with other Erinys vehicles. The Erinys individuals gave no warning signals before they unloaded a hail of bullets towards the taxi. Specifically, no auditory, verbal, hand or bright light warnings were given by the Erinys consultants before they fired at the taxi. The Plaintiffs were familiar with witnessing private military security company vehicles in the area and with the warning signals they would use from time to time to slow down or stop approaching traffic.

4.3 The Erinys individuals had adequate time to warn the Plaintiffs prior to firing upon them because the taxi was at a considerable distance from the Erinys convoy when it came under fire.

4.4 Amin halted the taxi as soon as it came under fire. Bullets and shrapnel pierced the taxi and entered the passenger section. The bullets fired by the Erinys consultants struck plaintiffs Sangar Mohamed and Zirag Qader and Plaintiffs sustained shrapnel injuries. Following the shooting, the Erinys employees drove off without coming to the aid of the Plaintiffs.

4.5 As a direct and proximate cause of the negligent and intentional torts committed by the Erinys consultants, the Plaintiffs sustained physical injuries of varying degrees of severity, psychiatric injuries and consequential financial loss and damage, including but not limited to diminished earning capacity.

4.6 Plaintiff, Sangar Mohamed, was struck on the side of the head by a bullet, causing him to lose part of his left ear, as a result of which he suffers from impaired hearing. He was also struck by shrapnel, which caused serious and permanent cuts and scars to his face. A large number of shrapnel fragments were embedded in his scalp, neck, torso, left arm and wrist, some of which required immediate surgical intervention but many still remain lodged in his body. Plaintiff, Sangar Mohamed, also has significant scarring and continuing physical difficulties as a result of these injuries. Since the incident, he suffers from mental anguish, emotional distress, nightmares and anxiety. He further feels very depressed and has a diminished ability to concentrate. He has been forced to give up the production and direction of a television show he was working on at the time of the incident, due to his injuries and is no longer able to enjoy his daily activities and hobbies. Following a psychiatric assessment in October 2008, he was diagnosed with post-traumatic stress disorder ("PTSD") and severe depression, caused by the incident. Further, he will require complex surgery to reconstruct his left ear, remove the large number of pellets embedded in his head and face and to restore his hearing. In addition, he has shrapnel in his left arm, which causes him considerable pain and discomfort; surgery will also be required to remove this.

4.7 Plaintiff, Zirag Qader, was struck in the face by a bullet, causing the total loss of his right eye. He was also struck by a large number of pieces of shrapnel, which caused deep cuts to the left part of his face, the right side of his forehead and his scalp. A large number of smaller metal fragments became embedded in his face and skull. He has severe scarring and ongoing physical pain as a consequence of these injuries. Since the incident Zirag Qader suffers from severe chronic headaches and dizziness. He is

depressed most of the time, suffers from fatigue and has severe mental anguish. He has twice attempted suicide. He had been married for just a week at the time of the incident. Following a psychiatric assessment in October 2008, he was diagnosed with PTSD and severe depression caused by the incident. Zirag Qader requires expert surgery to remove the large amount of shrapnel from his face and head. He also needs a prosthetic eye and rehabilitative treatment to fit this.

4.8 Plaintiff, Arazw Qader, was struck in the head by shrapnel, causing cuts to her face and scalp. She witnessed the severe injuries sustained by her brother, Zirag Qader, specifically his right eyeball dangling out of its socket with blood rapidly squirting out, she believed that he was going to die. Since the incident, Arazw Qader has been severely depressed. She prefers to isolate herself, is unable to build or maintain relationships and has lost interest in daily activities and hobbies that she used to enjoy. She too suffers with nightmares about the incident, sometimes waking three times per night, and as a result is constantly fatigued. She has difficulty even with mild physical activities. Following a psychiatric assessment in October 2008, she was diagnosed with PTSD and severe depression caused by the incident.

## V.

### CAUSES OF ACTION

5.1 Defendants' acts and omissions constitute negligence, in that Defendant acting by and through its consultants failed to exercise ordinary care, and the duty of ordinary care proximately caused injuries to Plaintiffs.

5.2 Plaintiffs' claims for assault and battery.

a. Defendants acted with intent when shot at and struck Plaintiffs.

- b. Defendants knew or should have known that its consultants would cause bodily injury towards Plaintiffs with their actions.
- c. Defendants violated Plaintiffs' lawful right to avoid harm when they consciously and discriminately chose to fire their weapons at Plaintiffs.

5.3 Plaintiffs' claims for negligent hiring.

- a. Defendants have a duty to hire competent consultants that know or should know the rules of engagement and the use of weapons on civilians. Defendants violated their duty by hiring incompetent consultants who it knew, or should have known, were incompetent or unfit, and it was foreseeable that the consultants would violate certain duties and responsibilities they have to Plaintiffs.
- b. The evidence will show that Defendants hired consultants that participated in negligent and dangerous behavior and that those Defendants knew or should have known of such conduct.

5.4 Plaintiffs' claims for negligent supervision.

- a. Defendants have a duty to properly train, supervise and discipline its consultants. Defendants have a duty to properly train its consultants in military matters and the use of weapons.
- b. Defendants have a duty to supervise and discipline its consultants when they violate or engage in negligent and dangerous conduct.

5.5 Plaintiffs' claims for intentional infliction of emotional distress.

- a. Defendants by and through the conduct alleged above, willfully, maliciously, and intentionally inflicted emotional distress upon Plaintiffs, to their general damage

and detriment. Defendants' conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible grounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community.

- b. By failing to protect Plaintiffs from the dangerous and negligent conduct of Defendants described herein, Defendants further abused their power to the detriment and well-being of Plaintiffs.
- c. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered and will continue to suffer pain, extreme mental anguish and emotional distress, which they have incurred, and will continue to incur, long into the future.

## VI.

### DAMAGES

6.1 Upon trial of this case, it will be shown that Plaintiffs were caused to sustain injuries and damages as a proximate cause of Defendants' negligence. Plaintiffs respectfully request the Court and jury to determine the amount of loss Plaintiff have incurred in the past and will incur in the future, not only from a financial standpoint, but also in terms of good health and freedom from pain and worry. There are certain elements of damages, provided by law that Plaintiffs are entitled to have the jury in this case consider separately to determine the sum of money for each element that will fairly and reasonably compensate Plaintiffs for the injuries, damages and losses incurred and to be incurred. From the date of the incident in question until the time of trial of this case, those elements of damages to be considered separately and individually for the purpose of determining the sum of money that will fairly and reasonably compensate Plaintiffs for each element are as follows:

1. The physical pain that Plaintiffs have suffered;

2. The mental anguish that Plaintiffs have suffered;
3. The amount of reasonable medical expenses necessarily incurred in the treatment of Plaintiffs' injuries;
4. The loss of earnings sustained by Plaintiffs; and
5. The damages resulting from the physical impairment suffered by Plaintiffs and the resulting inability to do those tasks and services that they ordinarily would have been able to perform.

## VII.

### FUTURE DAMAGES

7.1 From the time of trial of this case, the elements of damages to be considered separately that Plaintiffs will sustain in the future beyond the trial, are such of the following elements that are shown by a preponderance of the evidence upon the trial of this case.

1. The physical pain that Plaintiffs will suffer;
2. The mental anguish that Plaintiffs will suffer;
3. The reasonable value of medical expenses that will necessarily be incurred in the treatment of Plaintiffs' injuries;
4. The loss of or reduction in Plaintiffs' earnings or earning capacity in the future caused by the injuries sustained in the incident in question; and
5. The damages resulting from the physical impairment that Plaintiffs will continue to suffer and the resulting inability to do those tasks and services that they ordinarily would have been able to perform.

## VIII.

### LOSS OF CONSORTIUM CLAIMS

8.1 As a proximate cause of the negligence of Defendants, and Plaintiffs' resulting injuries and disabilities, Plaintiffs, Bayda Yahya Shamma has been deprived of the services of her spouse, Zirag Younus Qader by reason of his inability to carry on his usual duties as a spouse. Bayda Yahya Shamma has suffered a pecuniary loss from the diminished abilities as a spouse and wage earner, including but not limited to, diminished care, maintenance, support, services and contributions of pecuniary value that he would, in reasonable probability, have received during his lifetime, had her husband not been injured so seriously. Bayda Yahya Shamma has suffered additional losses by virtue of the diminution of the husband-wife relationship, including society, emotional support, and happiness. Bayda Yahya Shamma has suffered severe mental depression and anguish, grief and sorrow as a result of the injuries sustained by her husband. For those losses Bayda Yahya Shamma seeks damages in a sum in within the jurisdictional limits of the Court.

8.2 As a proximate cause of the negligence of Defendants, and Plaintiffs' resulting injuries and disabilities, Plaintiffs, Sahar Shukri Hammasofi has been deprived of the services of her spouse, Sangar Mawloud Mohammed by reason of his inability to carry on his usual duties as a spouse. Sahar Shukri Hammasofi has suffered a pecuniary loss from the diminished abilities as a spouse and wage earner, including but not limited to, diminished care, maintenance, support, services and contributions of pecuniary value that he would, in reasonable probability, have received during his lifetime, had her husband not been injured so seriously Sahar Shukri Hammasofi has suffered additional losses by virtue of the diminution of the husband-wife relationship, including society, emotional support, and happiness. Sahar Shukri Hammasofi has suffered severe mental depression and anguish, grief and sorrow as a result of the injuries sustained by her

husband. For those losses Sahar Shukri Hammasofi seeks damages in a sum in within the jurisdictional limits of the Court.

**IX.**

**PUNITIVE DAMAGES**

9.1 The conduct of the Defendants was more than mere negligence and was of such a character as to make the Defendants guilty of gross negligence. Defendants acted with reckless disregard and total want of care as could have resulted only from a conscious indifference to the rights, safety and welfare of the persons who could be foreseeably be affected by Defendants' actions, which would include Plaintiffs. As per the foregoing mentioned, Plaintiffs herein sue for exemplary damages pursuant to the Texas Practice and Remedies Code §41.007(B). Viewed objectively from the standpoint of Defendant at the time of the occurrences, the acts and omission involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others; and Defendant had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety and welfare of others. As a proximate cause of the gross neglect by Defendants, the Plaintiffs were severely injured. Exemplary damages under Article 16, Section 26 of the Texas Constitution are therefore mandated for Defendants' misconduct.

**X.**

**JOINT ENTERPRISE**

10.1 Defendants participated in a joint enterprise to the extent that they collectively had an agreement, either express or implied, whereby they engaged in a common pecuniary purpose, and had a communal and cooperative duty and responsibility that

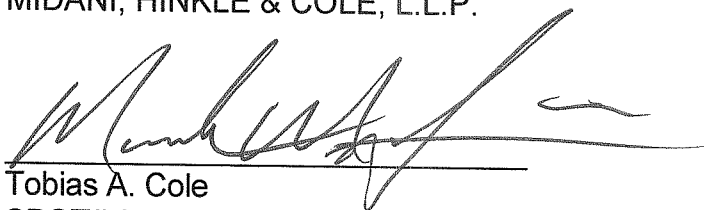
gave each Defendant the right and ability to control the work and activities of the individuals that fired upon Plaintiff.

**Prayer**

WHEREFORE, PREMISES CONSIDERED, SANGAR MAWLOUD MOHAMED, SAHAR SHUKRI HAMMASOFI, ARAZW YOUNUS QADER, BAYDA YAHYA SHAMMA and ZIRAG YOUNUS QADER respectfully request that Defendants be cited to appear and answer, and SANGAR MAWLOUD MOHAMED, SAHAR SHUKRI HAMMASOFI, ARAZW YOUNUS QADER, ZIRAG YOUNUS QADER and BAYDA YAHYA SHAMMA have judgment against Defendants for actual damages in excess of the minimum jurisdictional limits of this Court, exemplary damages allowed by law, pre-judgment and post-judgment interest as allowed by law, costs of suit, and all other relief, at law or in equity, to which Plaintiffs may be entitled.

Respectfully submitted,

MIDANI, HINKLE & COLE, L.L.P.



Tobias A. Cole  
SBOT# 24007021

Mark O. Midani  
SBOT# 14013250

10497 Town & Country Way, Suite 530  
Houston, Texas 77024  
(713) 871-1001 Office  
(713) 871-1054 Facsimile

October 16, 2009

**ATTORNEYS FOR PLAINTIFFS**