

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

06102254

ELIZABETH ANN TWITTY and DAVE
EDWARD HOLLOWAY,

Plaintiffs,

-against-

JORAN VAN DER SLOOT and PAULUS VAN
DER SLOOT,

Defendants.

Index No.

COMPLAINT

Plaintiffs Elizabeth Ann Twitty and Dave Edward Holloway, by their attorneys, The Kelly Group, P.C. and Chadbourne & Parke LLP, for their Complaint, allege as follows:

PRELIMINARY STATEMENT

1. This is a case about a high-school graduation trip to a tropical paradise that turned into a tragedy. The trip was an opportunity for a group of young people to celebrate the end of one phase of their lives and the beginning of another. But for one young woman on that ill-fated trip, paradise it was not. For that young woman, Natalee Holloway, the trip was a brutal contrast to a life full of promise and hope.

THE PARTIES

2. Plaintiff Elizabeth Ann Twitty ("Ms. Twitty") is a citizen of the State of Alabama and the mother and legal guardian of Natalee Holloway ("Natalee" or "Natalee Holloway"). In May 2005, Natalee was a minor under Alabama law.

3. Plaintiff Dave Edward Holloway ("Mr. Holloway") is a citizen of the State of Mississippi, and Natalee's biological father.

4. Defendant Joran van der Sloot ("Joran" or "Joran van der Sloot"), born on August 6, 1987, is currently a resident of the city of Arnhem, in the Netherlands. In May 2005, Joran was a resident of Aruba.

5. Defendant Paulus van der Sloot ("Paulus" or "Paulus van der Sloot") is Joran's father. At all times relevant to this Complaint, Paulus van der Sloot was a resident of Aruba.

JURISDICTION AND VENUE

6. This Court has personal jurisdiction over the defendants insofar as they were personally served in the State of New York with a Summons and Complaint.

7. Venue is proper in this county pursuant to Section 503(a) of the New York Civil Practice Law and Rules on the grounds that none of the parties hereto reside in the State of New York and this county is designated by plaintiffs.

BACKGROUND

A. The Graduation Trip

8. Natalee Holloway was one of about 120 students from Mountain Brook High School in Birmingham, Alabama, on a four-day senior-class graduation trip to the Caribbean island of Aruba, accompanied by seven chaperones.

9. The group began its trip on May 26, 2005, and was scheduled to return to the United States on May 30, 2005.

10. One of those students, Natalee Holloway, never returned.

B. The Predator

11. Joran van der Sloot is no stranger to sexual assault on young women.

12. On at least three occasions prior to May 2005, young Aruban women alleged that they were the victims of "date rape" perpetrated by Joran and his accomplices.

13. Using Ecstasy as his "date rape" drug of choice, Joran prowled the island, seeking to prey upon young female tourists, especially blondes.

14. Joran's proclivities were known, at a young age, to both of his parents, Paulus van der Sloot and his wife, Anita.

15. As recently as May 2005, Joran was receiving psychological counseling for his problems.

16. In May 2005, Joran resided in his parents' home in Aruba.

17. Despite being aware of their son's dangerous tendencies, Joran's parents did nothing to control him, or to protect potential victims from him.

18. To the contrary, Joran's parents turned a blind eye to their son's violent and anti-social lifestyle and, in many ways, encouraged and enabled it.

19. Although Joran was only 17 years old in May 2005--under the legal age for gambling and alcohol consumption in Aruba--his parents allowed him to spend much of his leisure time in island bars and casinos, consuming alcohol; playing poker, blackjack and other games of chance; and trawling for victims. In fact, Joran frequently used his father's lines of credit at island casinos, and was often accompanied by his father when Joran went out drinking and gambling.

20. On the afternoon of May 29 in particular, Paulus van der Sloot personally delivered and accompanied his underage son Joran to one of Aruba's casinos in order that both of them could, as they had many times in the past, play in a poker tournament. It was at that casino that Joran first met Natalee.

21. Joran would frequently leave his parents' home late at night and head to the island's bars, hotels and casinos.

22. Joran's parents knew of his late night escapades, but did nothing to stop him, allowing him to leave the house unsupervised, night after night after night.

23. Joran's parents also knew that he possessed, and frequently used, a VIP Pass for a local island nightclub called Carlos'n Charlie's ("C&C"). Joran's parents knew that he used this pass to facilitate his underage drinking and his habitual stalking of

women. On the night of May 29 and early morning hours of May 30, 2005, Joran engaged in further contact with Natalee at C&C.

24. On the night of May 29 and early morning hours of May 30, 2005, this wholly permissive environment that passed as the van der Sloot home had dire consequences for Natalee Holloway.

C. Joran Meets Natalee

25. While not everything that occurred on the night of Sunday, May 29, and the early morning hours of Monday, May 30, 2005, is yet known, many facts are not in dispute.

26. Joran spent much of Sunday afternoon gambling with his father. When Paulus finally went home, Joran (with Paulus's knowledge and consent) remained at the casino.

27. Joran met a group of young women, including Natalee, that evening at a blackjack table. The women told Joran that they were planning to go to C&C later that night.

28. Shortly before 10 p.m., Joran telephoned his father and asked that he be picked up at a McDonald's restaurant near the hotel. Paulus van der Sloot agreed.

29. Paulus van der Sloot picked Joran up at the McDonald's, as promised, and brought him home.

30. Approximately two hours later, however, Joran's friends, Deepak Kalpoe ("Deepak") and his brother, Satish Kalpoe ("Satish"), arrived at Joran's house.

31. Joran left his house at approximately 12:15 a.m. on May 30 and, along with Deepak and Satish, went to C&C.

32. At C&C, the trio met Natalee. After buying and serving Natalee with alcoholic beverages, Joran, Deepak and Satish induced her to leave with them.

33. At approximately 1:30 a.m., Natalee, in an intoxicated state, left C&C and entered a silver Nissan sedan owned by Deepak. Deepak drove, with Satish in the front passenger seat and Joran and Natalee in the back seat. The car drove off.

34. A short distance from C&C, several of Natalee's friends saw her in the car with the three young men. Her friends implored Natalee to get out of the car. Natalee did not heed their warning.

D. Natalee's Nightmare

35. The next hours of Natalee's young life were marked by torment, terror and debasement.

36. Kept against her will, Natalee was sexually assaulted, was fondled and was touched without her consent by Joran and his accomplices, over and over again, as she drifted in and out of consciousness.

37. Natalee did not consent to these sexual acts nor, in light of her intoxication at the hands of Joran and her periodic unconsciousness, could she.

38. Natalee was wrongfully detained by Joran.

39. Joran returned home at approximately 3:30 a.m. on Monday morning, May 30, wearing no shoes.

40. In the early hours of Monday morning, Deepak methodically and uncharacteristically cleaned his silver Nissan, claiming after the fact that "it had ants in it."

41. Natalee never returned to the Holiday Inn where she and her classmates had been staying. Nor did she make the return flight to Alabama with the rest of her senior class at noon on May 30. Natalee has not been seen or heard from since entering Deepak's car with Joran.

E. The Cover-Up

42. In the aftermath of Natalee's disappearance, it did not take long for attention to focus on Joran.

43. Knowing that witnesses had seen Natalee leave C&C with them, Joran, Deepak and Satish immediately fabricated a story in an effort to distance themselves from her disappearance.

44. Paulus van der Sloot knew of the young men's efforts to concoct an alibi. He advised them to "get their stories straight," to refrain from cell phone conversations because they "could be bugged," and not to use e-mail because their hard drives could be seized as evidence.

45. On Monday night, May 30, less than a day after Natalee's disappearance, Ms. Twitty arrived in Aruba to try to find her daughter. Accompanied by friends and family, she, along with members of the Aruban police department, went to the van der Sloot residence in a search for answers.

46. Outside the van der Sloot residence, Paulus van der Sloot advised his son that he and the others "don't have to say anything" and that Ms. Twitty had "no jurisdiction" in Aruba. Paulus van der Slott sneered at those he described as "rude Americans."

47. Joran did not heed his father's advice and instead told the first of many false tales about the events of May 29 and May 30.

48. During the days and weeks that followed, Joran, Deepak and Satish were under a media microscope and at the epicenter of a police investigation. In Joran's own words, that investigation was marked by "police incompetence and jailhouse corruption."

49. Joran and his father obtained copies of files maintained by the United States Federal Bureau of Investigation, and more than a thousand pages of interrogation documents prepared by the Aruban police.

50. Despite his best efforts to cover up his wrongful acts, Joran's web of lies began to unravel. Although Joran, Deepak and Satish collectively told stories containing more than a dozen variations of what happened that night, rife with inconsistencies as to time and place and circumstances, Joran essentially told three distinct stories to investigators and the media.

F. Joran's First Set of Lies

51. In the first iteration of the story, Joran and the others claimed that they left C&C and drove Natalee to a lighthouse because "she wanted to see sharks." Any sexual conduct between Joran and Natalee, so the story goes, occurred in the car, was

initiated by Natalee, and was wholly consensual. As Satish described it, Natalee "never stepped out of Deepak's car."

52. Joran then claimed that Natalee wanted to have sexual intercourse with him but that she was extremely intoxicated and that he, in an act of chivalry, decided that she should go back to her hotel instead.

53. Then, the trio claimed, they dropped Natalee off at the Holiday Inn, where she stumbled off until she was approached by a dark-skinned security guard wearing a black T-shirt and holding a walkie-talkie. This fabrication ultimately resulted in two innocent men being arrested.

54. Joran's lie quickly unraveled. Security videos taken at the Holiday Inn revealed that Natalee never returned, and that the claims about the dark-skinned security guard were nothing more than a cynical and desperate frame job. Inconsistencies among the stories told by Joran, Deepak and Satish began to mount.

55. By Joran's own admission, this tale of driving Natalee back to the hotel and leaving her there was a blatant lie.

G. Joran's Second Set of Lies

56. In a second version of the story, Joran claimed that Deepak and Satish dropped him off at home at 1:40 a.m. on May 30 (ten minutes after they left C&C), and that Deepak and Satish agreed to take Natalee back to her hotel.

57. Joran claimed that he telephoned Deepak at 3:30 a.m. to ask, "How's it going? Did you drop the girl off at the Holiday Inn?"

58. This story was also a lie.

H. Joran's Third Story

59. In Joran's third rendition of the facts, he and Natalee left C&C and ended up next to a fisherman's hut on the beach right next to the Marriott Hotel, a half mile north of the Holiday Inn.

60. Joran told this version of the story to the Aruban police in a June 13, 2005 interview that he said was "now the truth."

61. Joran then claimed that, because he "had school the next day," he telephoned Deepak to come pick him and Natalee up so that she could be brought back to her hotel.

62. According to Joran, when he returned to the fisherman's hut, Natalee was sleeping on the beach.

63. Although he tried his best to wake her or carry her to the car, she insisted on being left alone.

64. Joran claimed that he left Natalee (and his shoes) on the beach next to that fisherman's hut.

65. Only Joran--along with Deepak, Satish and perhaps Paulus--knows what became of Natalee.

AS AND FOR A FIRST CAUSE OF ACTION
(Against Joran van der Sloot for Injury to
a Minor Child Under Alabama Code § 6-5-390 and At Common Law)

66. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 65 as if fully set forth herein.

67. Plaintiffs are the biological parents of Natalee Holloway.

68. Plaintiffs have a right to Natalee's services and affection, and have been deprived of such services and affection.

69. Defendant Joran van der Sloot willfully caused personal injury to Natalee as the result of his sexual assault upon her.

70. Plaintiffs suffered damages as the natural and proximate result of the injuries sustained by Natalee.

71. Defendant Joran van der Sloot is liable to plaintiffs under Alabama Code §6-5-390 and at common law.

AS AND FOR A SECOND CAUSE OF ACTION
(Against Joran van der Sloot for False
Imprisonment Under Ala. Code § 6-5-170 and At Common Law)

72. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 71 as if fully set forth herein.

73. Joran van der Sloot wrongfully, unlawfully and intentionally detained and directly restrained Natalee Holloway, depriving her of her personal liberty through force and/or the threat of force.

74. As a natural and proximate result of Joran van der Sloot's false imprisonment of Natalee, plaintiffs have suffered damages.

75. Defendant Joran van der Sloot is liable to plaintiffs under Alabama Code §6-5-170 and at common law.

**AS AND FOR A THIRD CAUSE OF ACTION
(Against Joran van der Sloot for Intentional
and Malicious Interference with Custodial Relations)**

76. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 75 as if fully set forth herein.

77. Plaintiffs have a right to the care, custody, services and companionship of Natalee.

78. Joran van der Sloot, with knowledge, or with reason to believe, that her parents would not consent, abducted Natalee Holloway and prevented her from returning to the custody of her parents, plaintiffs.

79. Plaintiffs have been injured as a natural and proximate result of Joran van der Sloot's intentional and malicious interference with their custodial relations.

**AS AND FOR A FOURTH CAUSE OF ACTION
(Against Paulus van der Sloot for Injury to
a Minor Child Under Ala. Code § 6-5-390 and At Common Law)**

80. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 79 as if fully set forth herein.

81. Defendant Paulus van der Sloot knew that his minor child, Joran van der Sloot, had a long history of sexual assaults on young women.

82. Defendant Paulus van der Sloot knew that his minor child, Joran van der Sloot, engaged in underage drinking and gambling and that he would leave his house late at night.

83. Defendant Paulus van der Sloot created a permissive environment, utterly without boundaries, in which his minor child's criminal proclivities were permitted to fester and be acted upon, unchecked.

84. On May 29, 2005, Paulus knowingly facilitated his own son's predatory and tortious behavior toward Natalee Holloway.

85. Defendant Paulus van der Sloot owed a duty of care to all reasonably foreseeable victims of his son's dangerous and violent proclivities.

86. Natalee Holloway was a reasonably foreseeable victim of Joran van der Sloot's dangerous and violent proclivities.

87. Paulus van der Sloot breached his duty to Natalee Holloway, and to plaintiffs, by failing to take reasonable steps to prevent Joran van der Sloot from sexually assaulting Natalee Holloway.

88. As a natural and proximate result of Paulus van der Sloot's negligence, plaintiffs have been injured.

89. Defendant Paulus van der Sloot is liable to plaintiffs under Alabama Code §6-5-390 and at common law.

WHEREFORE, plaintiffs Elizabeth Ann Twitty and Dave Edward Holloway respectfully demand judgment against the defendants in an amount to be determined at trial, plus interest, costs, attorneys' fees and any and all other relief that this Court may deem just and proper. In addition, by virtue of defendant Joran van der Sloot's malicious, wanton and willful disregard of the rights, safety and well-being of the plaintiffs and their daughter, Natalee Holloway, plaintiffs demand punitive damages in an amount to be determined at trial.

Dated: February 16, 2006

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