

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RICHARD RAY PETERS, *et al.*,

Plaintiffs,

v.

THE ESTATE OF MUAMMAR
MOHAMMAD ABU MINYARD QADHAFI,
et al.,

Defendants.

Civil Action No. 21-516 (CKK)

ORDER

(May 24, 2021)

The Court has received Plaintiffs' [8] Motion for Leave to Execute Service of Process by Publication ("Pls.' Mot."). In their Motion, Plaintiffs request that this Court authorize publication by service for Defendants the Estate of Muammar Mohammad Abu Minyar Qadhafi and Saif Al-Islam Qadhafi. Pls.' Mot., ECF No. 8, at 1. In particular, Plaintiffs ask the Court to authorize service by publication in Global Legal Notices, LLC, once a week for six successive weeks. *Id.* at 7. Upon consideration of Plaintiffs' Motion and the record as a whole, the Court **GRANTS** Plaintiffs' Motion.

Federal Rule of Civil Procedure 4(f)(3) states: "Unless otherwise provided by federal law, service upon an individual from whom a waiver has not been obtained and filed . . . may be effected in a place not within any judicial district of the United States . . . by . . . means not prohibited by international agreement as may be directed by the court." This includes, in certain circumstances, service by publication. *See Mwani v. bin Laden*, 417 F.3d 1, 8 (D.C. Cir. 2005); *Kaplan v. Hezbollah*, 715 F. Supp. 2d 165, 167 (D.D.C.2010) (permitting service by publication).

Here, Plaintiffs seek to serve Defendants the Estate of Muammar Mohammad Abu Minyar Qadhafi and Saif Al-Islam Qadhafi by publication. Pls.' Mot., ECF No. 8, at 1. Plaintiffs represent to the Court that Defendants' addresses and locations are presently unknown. *See id.* at 4; *Mwani*, 417 F.3d at 8 (explaining that district court authorized service on defendant when his address was not known or easily ascertainable). Plaintiffs have utilized the services of an international process server with experience in Libya, *see* Decl. of N. Tucker, ECF No. 8-1, ¶¶ 1–12, but have still been unable “to locate and serve the Defendants utilizing traditional investigative and service of process methods,” Pl.'s Mot., ECF No. 8, at 6. Furthermore, Plaintiffs explain that the International Criminal Court and INTERPOL have been similarly unsuccessful in locating Defendant Saif Qadhafi, despite an active warrant out for his arrest for crimes against humanity. *Id.* at 2. Finally, Plaintiffs have also proffered evidence indicating that service of process by mail or through a process server would not be feasible under current conditions in Libya. *See* Decl. of N. Tucker, ECF No. 8-1, ¶ 12.

Accordingly, Plaintiffs propose effectuating service by publication under Rule 4(f)(3). Specifically, Plaintiffs plan to publish notice of this action in “the online legal notice publication, Global Legal Notices, LLC, a website of general circulation which specializes in international service by publication in Libya.” Pls.' Mot., ECF No. 8, at 6. To maximize the efficacy of this form of notice, Plaintiffs plan to publish their notice in Arabic, at minimum, once a week for six successive weeks. *See id.* As Plaintiffs explain, this method of service by publication “allows for a greater opportunity to give actual notice to . . . Defendants than service by publication in a traditional newspaper,” in particular because the proposed notice through Global Legal Notices, LLC, “has worldwide reach and may be accessed through traditional internet search engines from a smartphone or computer.” *Id.* Moreover, Plaintiffs indicate through the declaration of Nelson

Tucker that no newspapers in Libya will publish notice of this action. *See* Decl. of N. Tucker, ECF No. 8-1, ¶ 13. Finally, Plaintiffs also demonstrate that, for the purposes of service under Rule 4(f)(3), no international agreements or treaties exist between the United States and Libya that prevent service by publication. Pls.’ Mot., ECF No. 8, at 3.

As such, the Court concludes that Plaintiffs’ proposed method of service by publication is permissible under Rule 4(f)(3) and is “reasonably calculated, under all circumstances, to apprise [Defendants] of the pendency of the action and afford [them] an opportunity to present [their] objections.” *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950). The Court further finds that “it is not reasonably possible or practicable to give more adequate warning” through another type of service in this case. *Id.* at 317. Service by publication is, therefore, appropriate. Consequently, the Court **GRANTS** Plaintiffs’ [8] Motion.

Accordingly, it is, this 24th day of May 2021,

ORDERED that Plaintiffs are authorized to publish notice of this action through Global Legal Notices, LLC, as identified in their Motion and set forth above. It is,

FURTHER ORDERED that Plaintiffs shall file proof of service of process by or before **AUGUST 23, 2021**, and Plaintiff shall also provide the Court with copies of all material so published.

SO ORDERED.

Date: May 24, 2021

_____/s/_____

COLLEEN KOLLAR-KOTELLY
United States District Judge

To Named Defendants:

THE ESTATE OF MUAMMAR MOHAMMAD
ABU MINYAR QADHAFI

and

SAIF AL-ISLAM QADHAFI

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, *Richard Ray Peters, et al. v. The Estate of Muammar Mohammed Abu Minyar Qadhafi, et al.*, Case No. 1:21-cv-00516-CKK, Judge Colleen Kollar-Kotelly issued an order for service by publication on May 24, 2021. It was ordered that notice of the above-captioned action should be published online for six weeks by Global Legal Notices LLC.

Notice is hereby served on Defendants listed above. Defendants are hereby summoned and required to serve upon The Clerk of the Court, United States District Court for District of Columbia, 333 Constitution Avenue, N.W., Washington, DC 20001, an Answer to the Amended Complaint within sixty (60) days after service of the summons, exclusive of the day of service. If Defendants fail to do so, judgment by default may be taken against the Defendants for the relief demanded in the Amended Complaint. The Amended Complaint was filed for violations of the Torture Victim Protection Act, Pub. L. 102-256, 106 Stat. 73; intentional infliction of emotional distress; and solatium.

This notice as well as the complaint, amended complaint and summonses are posted on the website <https://www.globallegalnotices.com>.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RICHARD RAY PETERS AND
DREMA ("KATIE") G. PETERS)
Plaintiff)

v.)
THE ESTATE OF MUAMMAR MOHAMMAD ABU)
MINYAR QADHAFI AND SAIF AL-ISLAM QADHAFI)
Defendant)

Civil Action No. 21-cv-00516-CKK

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* The Estate of Muammar Mohammad Abu Minyar Qadhafi
Unknown address in Libya

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached ^{amended} complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jodi Westbrook Flowers
Motley Rice LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29466

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 03/19/2021



ANGELA D. CAESAR, CLERK OF COURT

**Tawana
Davis**

Digitally signed by
Tawana Davis
Date: 2021.03.19
11:53:57 -04'00'

Signature of Clerk or Deputy Clerk

Civil Action No. 21-cv-00516-CKK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RICHARD RAY PETERS AND
DREMA ("KATIE") G. PETERS)
Plaintiff)

v.)
THE ESTATE OF MUAMMAR MOHAMMAD ABU)
MINYAR QADHAFI AND SAIF AL-ISLAM QADHAFI)
Defendant)

Civil Action No. 21-cv-00516-CKK

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Saif al-Islam Qadhafi
Unknown address in Libya

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached ^{amended} complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jodi Westbrook Flowers
Motley Rice LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29466


If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 03/19/2021



ANGELA D. CAESAR, CLERK OF COURT

**Tawana
Davis**

 Digitally signed by
Tawana Davis
Date: 2021.03.19
11:58:31 -04'00'

Signature of Clerk or Deputy Clerk

Civil Action No. 21-cv-00516-CKK

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RICHARD RAY PETERS)
2900 N. Government Way)
Apt. 328)
Coeur D’Alene, ID 83815)

DREMA (“KATIE”) G. PETERS)
11142 N. Bartlett Avenue)
Hayden, ID 83835)

Plaintiffs,)

v.)

THE ESTATE OF MUAMMAR)
MOHAMMAD ABU MINYAR QADHAFI,)

SAIF AL-ISLAM QADHAFI,)

Defendants.)

AMENDED COMPLAINT

Civil Action No. 1:21-cv-0516-CKK

**JURY TRIAL
DEMANDED**

INTRODUCTION

Plaintiffs, through their undersigned attorneys, bring this action under the Torture Victims Protection Act, 28 U.S.C. § 1350 (note), seeking damages arising out of the events including kidnapping, captivity, interrogation, torture and solitary confinement of Richard Peters in Tripoli, Libya, that began on or about March 3, 2011 and ended with Mr. Peter’s escape on or about August 19, 2011. Plaintiffs seek a damages judgment against Defendants the Estate of Colonel Muammar Mohammad Abu Minyar Qadhafi (“Muammar Qadhafi”) and Saif Al-Islam Qadhafi (“Saif Qadhafi”).

In support of their Complaint, Plaintiffs aver as follows:

JURISDICTION AND VENUE

1. Jurisdiction over the subject matter of this case arises under 28 U.S.C. §§ 1330(a), 1331, 1332(a)(2), and 1367. Subject matter jurisdiction also arises based on defendants' violations of the Torture Victim Protection Act ("TVPA"), Pub. L. 102-256, 106 Stat. 73 (reprinted at 28 U.S.C. § 1350 note).¹

2. Defendants are subject to personal jurisdiction pursuant to the District of Columbia's long arm statute, D.C. Code § 13-423 and Fed. R. Civ. P. 4(k).

3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(c)(3) permitting suit against a non-United States resident defendant "in any judicial district." Further, 28 U.S.C. §§ 1391(f)(4) provides, in pertinent part, that a civil action against a foreign state may be brought in the United States District Court for the District of Columbia. While this action does not sound against a foreign state defendant, the named Defendants acted on behalf of, and under the color of law, of the Great Socialist People's Libyan Arab Jamahariya when engaging in the acts that give rise to the allegations contained herein. Therefore, Plaintiffs submit that the venue statute applying to foreign states applies with equal force to the activities at issue here.

¹ While the TVPA contains an exhaustion-of-remedies requirement, the U.S. Department of State is unequivocal in its travel assessment stating that Libya falls within the "Do Not Travel" subset of regions due to, *inter alia*: "Outbreaks of violence between competing armed groups can occur with little warning and have the potential to impact U.S. citizens. The capital, Tripoli, and other cities, such as Surman, Al-Jufra, Misrata, Ajdabiya, Benghazi, Sabha, and Derna, have witnessed fighting among armed groups, as well as terrorist attacks. Hotels and airports frequented by Westerners have been the targets of these attacks. Even demonstrations intended to be peaceful can turn confrontational and escalate into violence." U.S. Department of State, "Libya Travel Advisory," accessed at <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/libya-travel-advisory.html> (last accessed February 23, 2021).

PARTIES

I. PLAINTIFFS

4. Plaintiff Richard Ray Peters (“Plaintiffs” or “Richard Peters”) is a United States citizen, a former Navy Seal and resident of Idaho. On March 3, 2011, Plaintiff was operating as a contractor on a construction project in Tripoli, Libya when he was taken hostage and imprisoned by officials operating under the regime of Defendant Muammar Qadhafi.

5. Plaintiff Drema (“Katie”) G. Peters (“Plaintiffs” or “Katie Peters”) is a United States citizen and resident of Idaho. Katie Peters was married to Richard Peters at the time of his imprisonment, capture and torture. The Peters’ were married for 35 years and have five children.

6. During a six-month wrongful capture and imprisonment in Libya, Plaintiff Richard Peters was interrogated, tortured, and denied food and medical treatment. As a result of his kidnapping and imprisonment, Plaintiff Richard Peters lost over one-hundred pounds and his health deteriorated severely. Plaintiffs Richard and Katie Peters, suffered and continue to suffer personal injuries and damages as a result of Richard’s torture and solitary confinement, as well as loss of his business and further business opportunity, loss of consortium, pain and suffering, solatium and grief, loss of the family unit, and related damages as described herein.

7. Plaintiff Richard Peters, was the victim of “hostage taking” as defined by Article 1 of the International Convention Against the Taking of Hostages, “torture” as defined in Section 3 of the Torture Victims Protection Act of 1991 (“TVPA”), (28 U.S.C. § 1350 note), and International Convention Against the Taking of Hostages art. 1, June 3, 1983, U.N. Doc. A/34/46, and suffered personal injury as a result.

II. DEFENDANTS

8. Colonel Muammar Mohammed Abu Minyar Qadhafi served as the leader of Libya from 1969 until his death on October 20, 2011. Muammar Qadhafi held no official title though he was referred to by the phrases “Brotherly Leader and Guide of the Revolution” and “Guide of the First of September Great Revolution of the Socialist People’s Libyan Arab Jamahiriya.” Muammar Qadhafi is believed to have been killed on or about October 20, 2011. Plaintiffs bring this action against the Estate of Muammar Mohammed Abu Minyar Qadhafi (“Muammar Qadhafi”).

9. Defendant Muammar Qadhafi employed or caused to be employed and controlled those members of the Libyan security and military forces that were responsible for the kidnapping, detainment and torture of Plaintiff, Richard Peters.

10. Defendant Saif Al-Islam Qadhafi (“Saif Qadhafi”) is the second son of Defendant Muammar Qadhafi and a former political figure in The Socialist People’s Libyan Arab Jamahiriya. Although he held no official government position during the relevant time period, he was referred to as the “Honorary Chairman of the Gaddafi International Charity and Development Foundation” and the “Libyan de facto Prime Minister.” Defendant Saif Qadhafi is the heir and successor in interest to his father, Defendant Muammar Qadhafi.

11. Defendant Saif Qadhafi employed or caused to be employed and controlled those members of the Libyan security and military forces that operated under his and his father’s control and were responsible for the kidnapping, detainment, torture of and damages to Plaintiffs.

12. Defendants Muammar Qadhafi and Saif Qadhafi, acting by and through their employees and agents, both known and unknown, proximately caused Plaintiff Richard Peters’ personal, physical and mental injuries through his illegal kidnapping, imprisonment and torture.

13. At all relevant times, Defendants Muammar Qadhafi and Saif Qadhafi were under control and command of official Libyan security forces and military forces.

FACTS OF THE CASE

14. Plaintiff Richard Peters traveled to Tripoli, Libya, in January 2011 to work on a construction management company and work as a civilian contractor on an airport construction project. In addition to construction contracts, as a former Navy Seal, Peters' company provided removal and security of landmines.

15. On or about February 15, 2011, the Libyan Revolution erupted with protests against Defendants Muammar Qadhafi and Saif Qadhafi in Benghazi and quickly escalating into a rebellion that spread across the country. Libyan citizens who were against the rule of Defendants Muammar Qadhafi and Saif Qadhafi, hereinafter known as the "Libyan opposition," led the uprising.

16. On February 25, 2011, President Barack Obama issued Executive Order 13566 stating as follows:

I, BARACK OBAMA, President of the United States of America, find that Colonel Muammar Qadhafi, his government, and close associates have taken extreme measures against the people of Libya, including by using weapons of war, mercenaries, and wanton violence against unarmed civilians. I further find that there is a serious risk that Libyan state assets will be misappropriated by Qadhafi, members of his government, members of his family, or his close associates if those assets are not protected. The foregoing circumstances, the prolonged attacks, and the increased numbers of Libyans seeking refuge in other countries from the attacks, have caused a deterioration in the security of Libya and pose a serious risk to its stability, thereby constituting an unusual and extraordinary threat to the national security and foreign policy of the United States, and I hereby declare a national emergency to deal with that threat.

17. In early March 2011, Libyan security and military forces rallied and retook several coastal cities in Libya before reaching Benghazi.

18. Until at least March 10, 2011, the U.S. Government maintained a relationship with the Libyan Embassy in Washington, DC. On March 10, 2011, Secretary of State Hillary Clinton announced the suspension of formal diplomatic relationships with the embassy and announced the U.S. expected them to “end operating as the embassy of Libya.”²

19. While attempting to leave Tripoli on March 3, 2011, Plaintiff Richard Peters was stopped at a checkpoint approximately seventy kilometers outside of Tripoli and taken hostage by Libyan security and military forces operating on behalf of Libya and under the control of Defendants Muammar Qadhafi and Saif Qadhafi.

20. The Libyan security and military forces seized all of Plaintiff Richard Peters’ personal effects, including his Hyundai car, his computers, his phones, his clothes, and cash.

21. On March 3, 2011, Plaintiff Richard Peters was kidnapped, blindfolded and detained in a small Libyan state-run prison controlled by Defendants Muammar Qadhafi and Saif Qadhafi in Tripoli, Libya. Upon information and belief, Richard Peters was one of the first Americans captured during this conflict.

22. For the first two weeks of his captivity, Plaintiff Richard Peters was held in a seven-by-eight-foot cell that was infested with insects and contained nothing but a filthy mattress and blanket. Mr. Peters was regularly beaten and tortured by agents of the Qadhafi regime.

23. Plaintiff Richard Peters was then blindfolded, handcuffed, and taken to a larger prison in the Al Farnaj area of Tripoli, in front of Tripoli Medical Center. Plaintiff Richard Peters was moved to the Maftua Prison, also under the control of Defendants Muammar Qadhafi

² See <https://www.israelnationalnews.com/News/News.aspx/142821>; See also <https://foreignpolicy.com/2011/03/10/a-tale-of-two-libyan-embassies-in-washington-d-c/> (accessed January 4, 2021).

and Saif Qadhafi. Here, Richard Peters was placed in solitary confinement in a cell infested with rats and lice.

24. Plaintiff Richard Peters was repeatedly kicked, beaten, and tortured throughout the duration of his long months in captivity. The guards gave him rotten food and frequently withheld water. Mr. Peters was covered with open sores and his gums were constantly bleeding as a result of malnutrition. Plaintiff Richard Peters lost over one hundred pounds during his duration in captivity. Plaintiff Richard Peters was denied medical treatment when he became ill with infections, even though he was in intense pain and, at times, delirious with fevers.

25. Plaintiff Richard Peters nearly died on three occasions during his imprisonment, torture and solitary confinement. Solitary confinement of this kind is torture *per se*.

26. Approximately forty-five days after Mr. Peters was taken hostage and imprisoned in Tripoli, he was joined in neighboring cells by freelance journalists James Foley, Clare Gillis and Manu Brabo, who were captured in Brega, Libya. Mr. Peters was able to communicate with these fellow prisoners through an electrical socket outlet in the prison wall. Mr. Peters prayed with them over the next few days until they were moved. Journalists James Foley and Clare Gillis both provided statements attesting to their captivity with Plaintiff Richard Peters.

27. During Plaintiff Richard Peters' captivity, he was interrogated multiple times, he recalls three instances of torture lasting three to six hours, and three times, he was tortured for at least ten hours each. During each interrogation, Mr. Peters was handcuffed, blindfolded, beaten, kicked repeatedly, tortured and threatened with death in an effort to coerce a confession that he was operating as an American spy.

28. Plaintiff Richard Peters could hear the screaming and pleading of other detainees in the facility where he was being interrogated and tortured. On one occasion, the guards informed Mr. Peters that another prisoner had hung himself.

29. Throughout Plaintiff Richard Peters' imprisonment from March 3, 2011, to the beginning of July 2011, Katie Peters was unaware of his whereabouts and did not know whether he was alive or dead. Katie Peters lived in constant fear that her husband had been killed in Libya.

30. On or about July 2, 2011, Plaintiff Richard Peters was allowed a brief thirty-second phone call home from Maftua Prison. During this call, Mr. Peters was only able to confirm his captivity and assure his wife, Plaintiff, Katie Peters, and family he was still alive, but being held against his will.

31. Plaintiff Richard Peters was told by his captors that the Qadhafi regime believed the American government had sent him to Libya to rescue other Americans. Mr. Peters was frequently threatened with execution throughout the duration of his captivity. Mr. Peters was near starvation during the last thirty days of his detainment. Mr. Peters could overhear his jailers refer to him as "the American."

32. On or about August 19, 2011, when opposition forces invaded Tripoli in an effort to liberate the country from Defendants' rule, the Libyan security forces occupying Maftua Prison fled, and Plaintiff Richard Peters was able to escape his cell by kicking the cell door repeatedly and knocking it down. Mr. Peters also freed several of the other prisoners that had not yet been released or escaped during his escape.

33. A Libyan family hospitalized Plaintiff Richard Peters for two weeks and then moved him to the Corinthians hotel.

34. After escaping the prison, it was months before Mr. Peters could safely manage to get home to his wife and family in the United States.

35. Thereafter, Plaintiff Richard Peters learned the Qadhafi regime planned to hang him with hundreds of other prisoners in Martyr's square on September 1, 2011.

36. The Plaintiffs' marriage and family life suffered as a result of Plaintiff Richard Peters' torture and detainment. As examples, Richard Peters missed the birth of his grandchild and was unable to walk his daughter down the aisle at her wedding. As a proximate result of the imprisonment and torture and resulting physical and mental injuries, Peters lost his contracting business and his income.

37. The Peters family lost their home due to the loss of Peters' business, and in 2020 after years of reliving the trauma from the experience in Libya, Richard and Katie Peters divorced after 35 years of marriage.

38. The kidnapping, imprisonment and torture has taken a toll on Plaintiffs' health, well-being, wealth and welfare, which all significantly deteriorated since Richard Peters' torture and wrongful imprisonment.

39. Plaintiff's torture and imprisonment has had significant adverse economic consequences; his business dissolved in his absence, resulting in the loss of the home he shared with his family and ultimately resulting in the breakdown of his marriage and his family unit.

40. The conduct of Defendants as described herein was at all relevant times constituted criminal acts of terrorism and torture. See Terrorism Risk Insurance Act of 2002, PL 107-297, November 26, 2002, 116 Stat 2322.

COUNT I

TORTURE VICTIM PROTECTION ACT (TVPA), Pub. L. 102-256, 106 Stat. 73
(reprinted at 28 U.S.C. § 1350, note.)

41. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in all the foregoing paragraphs as if fully set forth herein.

42. The actions of the Defendants Muammar Qadhafi and Saif Qadhafi as described herein subjected Plaintiff Richard Peters to kidnapping and torture within the meaning of the Torture Victim Protection Act, Pub. L. 102-256, 106 Stat. 73 (reprinted at 28 U.S.C.A. § 1350, note (1993)).

43. In carrying out these acts of injury and torture against Plaintiff Richard Peters, the actions of each Defendant were conducted under actual or apparent authority, or under color of law.

44. Defendant Muammar Qadhafi was the leader of Libya and therefore commanded all Libyan security and military forces therein. At all relevant times, Defendant Saif Qadhafi shared power with his father and as such was a de facto ruler of Libya and therefore commanded all Libyan security and military forces therein.

45. Plaintiff Richard Peters was wrongfully kidnapped, detained, and tortured by Libyan security and military forces working for Defendant Muammar Qadhafi and Defendant Saif Qadhafi.

46. Pursuant to the TVPA, and the federal-question jurisdiction conferred therein, Plaintiffs do hereby assert a cause of action for torture as that term is defined in the TVPA against Defendants Muammar Qadhafi and Saif Qadhafi who perpetrated or caused to be perpetrated the acts giving rise to this claim.

47. Plaintiff Richard Peters has exhausted local remedies in Libya and asserts continued pursuit of same would be futile. The statute of limitations for the TVPA is ten years and this action is brought within the statute.

48. Defendants Muammar Qadhafi and Saif Qadhafi willfully and illegally abducted Richard Peters. The wrongful acts constitute false imprisonment and kidnapping upon the person of Richard Peters, causing personal injury to him.

49. As a direct result and proximate result of the wrongful conduct and the willful, wrongful, intentional and reckless acts of Defendants, Plaintiff Richard Peters was held against his will, tortured, and physically injured. Plaintiff Richard Peters, as a result of his kidnapping, torture, solitary confinement and imprisonment, endured and endures extreme mental anguish, physical injury, and pain and suffering, to his damage and detriment.

COUNT II

OUTRAGE/INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

50. Plaintiffs, Richard Peters and his wife Katie Peters, repeat, reallege and incorporate by reference those facts and allegations set forth in all the foregoing paragraphs as if fully set forth herein.

51. The act of kidnapping, detention and torture constituted extreme and outrageous conduct on the part of Defendants. Richard Peters, was interrogated, tortured and denied food and medical treatment. As a result of his kidnapping and imprisonment, Plaintiff Richard Peters lost over one-hundred pounds and his health deteriorated significantly. Plaintiff Richard Peters, suffered and continues to suffer personal injuries and damages as a result of his torture and inhumane, illegal solitary confinement.

52. Katie Peters had no knowledge of her husband's whereabouts in Libya or his condition and suffered extreme emotional distress and trauma as a result of her husband's torture and imprisonment. She suffers from PTSD and a range of other mental traumas as a result of her husband's prolonged absence, torture, psychological and physical damage.

53. The Peter's marriage of 35 years and close family unit and relationships have broken down as a result of the injuries sustained by her husband's torture and the aftermath in violation of TVPA and the federal common law on international terrorism.

54. As a direct result and proximate result of the willful, wrongful, intentional and outrageous acts of Defendants, Plaintiffs suffered extreme emotional distress, along with ongoing pain and suffering and grief for the loss of their marriage and family unit.

55. Accordingly, and under applicable federal, state, foreign statutory and/or common law, Plaintiffs do hereby assert a cause of action for intentional infliction of emotional distress or outrage against Defendants Muammar Qadhafi and Saif Qadhafi, in their official capacities and in connection with the willful, wrongful, intentional and reckless acts of their agents in torturing and holding hostage the Plaintiff Richard Peters.

COUNT III

PUNITIVE DAMAGES AND SOLATIUM DAMAGES

56. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in all the foregoing paragraphs as if fully set forth herein.

57. The actions of the Defendants and their agents, as set forth above were intentional and malicious and in willful, wanton, and reckless disregard of the rights and well-being of Plaintiffs. All of the acts of Defendants Muammar Qadhafi and Saif Qadhafi were facilitated by

intelligence, funding, military protection and arms provided by the prior Libyan regime. That regime is arguably immune from suit under the FSIA, and in any event it no longer exists.

58. Defendants Muammar Qadhafi and Saif Qadhafi, individually and collectively are responsible for carrying out the abduction, imprisonment and torture of Richard Peters. Plaintiffs are entitled to an award of economic damages, solatium, pain and suffering, exemplar or punitive damages, and the same are hereby requested against Defendants for the harmful and outrageous conduct at issue here.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request joint and several judgments against the Defendants as follows:

1. Awarding to Plaintiffs compensatory, economic, pain and suffering and solatium damages against Defendant in amounts set forth herein and as shall be determined by this Court or at trial;
2. Awarding to Plaintiffs punitive or exemplary damages against Defendants, jointly and severally, according to proof to be presented;
3. Awarding to Plaintiffs pre-judgment interest and post-judgment interest on all damages awards computed and calculated at the maximum rate allowable by law;
4. Awarding to Plaintiffs an explicit and separately quantified adjustment of all damages awards that are based on amounts set in historical precedent, in order to offset the effects of inflation on the value of those awards;
5. Awarding to Plaintiffs their costs, disbursements, expert fees and legal fees;
6. Allowing a *lis pendens* notice of action to issue and be noted and enforced by the Court as against Defendants;

7. Leave to amend this Complaint as the interests of justice may allow; and
8. Granting any and all such further relief as the Court may deem just and proper.

WHEREFORE, Plaintiffs demand judgment in their favor against Defendants, jointly, severally, and/or individually, in an amount to be determined by the Court or the trier of fact, plus interest, costs, fees and such other monetary and equitable relief as allowed under the law and as this Honorable Court deems appropriate. Plaintiffs ask the Court to grant Plaintiffs judgment in their favor and against the Defendants on the causes of action stated above plus interest, costs, and such other monetary and equitable relief as the Court deems appropriate.

Dated: March 18, 2021

Respectfully submitted,

/s/ Jodi Westbrook Flowers

Jodi Westbrook Flowers (*Admitted Pro Hac Vice*)

Michael E. Elsner (SC Bar No. 72893, VA Bar No. 41424, NY Bar No. ME8337)

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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RICHARD RAY PETERS)
2900 N. Government Way)
Apt. 328)
Coeur D’Alene, ID 83815)

DREMA (“KATIE”) G. PETERS)
11142 N. Bartlett Avenue)
Hayden, ID 83835)

Plaintiffs,)

v.)

MUAMMAR MOHAMMAD ABU)
MINYAR QADHAFI)
Libya)

SAIF AL-ISLAM QADHAFI)
Libya)

Defendants.)

COMPLAINT

Civil Action No. 1:21-cv-00516

**JURY TRIAL
DEMANDED**

INTRODUCTION

Plaintiffs, through their undersigned attorneys, bring this action under the Torture Victims Protection Act, 28 U.S.C. § 1350 (note), seeking damages arising out of the events including kidnapping, captivity, interrogation, torture and solitary confinement of Richard Peters in Tripoli, Libya, that began on or about March 3, 2011 and ended with Mr. Peter’s escape on or about August 19, 2011. Plaintiffs seek a damages judgment against Defendants Colonel Muammar Mohammad Abu Minyar Qadhafi (“Muammar Qadhafi”) and Saif Al-Islam Qadhafi (“Saif Qadhafi”).

In support of their Complaint, Plaintiffs aver as follows:

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RICHARD RAY PETERS AND DREMA (“KATIE”) G. PETERS,)	
)	
Plaintiffs,)	COMPLAINT
)	
v.)	
)	
MUAMMAR MOHAMMAD ABU MINYAR QADHAFI,)	Civil Action No. _____
)	
SAIF AL-ISLAM QADHAFI,)	JURY TRIAL
)	DEMANDED
Defendants.)	

INTRODUCTION

Plaintiffs, through their undersigned attorneys, bring this action under the Torture Victims Protection Act, 28 U.S.C. § 1350 (note), seeking damages arising out of the events including kidnapping, captivity, interrogation, torture and solitary confinement of Richard Peters in Tripoli, Libya, that began on or about March 3, 2011 and ended with Mr. Peter’s escape on or about August 19, 2011. Plaintiffs seek a damages judgment against Defendants Colonel Muammar Mohammad Abu Minyar Qadhafi (“Muammar Qadhafi”) and Saif Al-Islam Qadhafi (“Saif Qadhafi”).

In support of their Complaint, Plaintiffs aver as follows:

JURISDICTION AND VENUE

1. Jurisdiction over the subject matter of this case arises under 28 U.S.C. §§ 1330(a), 1331, 1332(a)(2), and 1367. Subject matter jurisdiction also arises based on defendants’

violations of the Torture Victim Protection Act (“TVPA”), Pub. L. 102-256, 106 Stat. 73 (reprinted at 28 U.S.C. § 1350 note).¹

2. Defendants are subject to personal jurisdiction pursuant to the District of Columbia’s long arm statute, D.C. Code § 13-423 and Fed. R. Civ. P. 4(k).

3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(c)(3) permitting suit against a non-United States resident defendant “in any judicial district.” Further, 28 U.S.C. §§ 1391(f)(4) provides, in pertinent part, that a civil action against a foreign state may be brought in the United States District Court for the District of Columbia. While this action does not sound against a foreign state defendant, the named Defendants acted on behalf of, and under the color of law, of the Great Socialist People’s Libyan Arab Jamahariya when engaging in the acts that give rise to the allegations contained herein. Therefore, Plaintiffs submit that the venue statute applying to foreign states applies with equal force to the activities at issue here.

PARTIES

I. PLAINTIFFS

4. Plaintiff Richard Ray Peters (“Plaintiffs” or “Richard Peters”) is a United States citizen, a former Navy Seal and resident of Idaho. On March 3, 2011, Plaintiff was operating as a contractor on a construction project in Tripoli, Libya when he was taken hostage and imprisoned by officials operating under the regime of Defendant Colonel Muammar Qadhafi.

¹ While the TVPA contains an exhaustion-of-remedies requirement, the U.S. Department of State is unequivocal in its travel assessment stating that Libya falls within the “Do Not Travel” subset of regions due to, *inter alia*: “Outbreaks of violence between competing armed groups can occur with little warning and have the potential to impact U.S. citizens. The capital, Tripoli, and other cities, such as Surman, Al-Jufra, Misrata, Ajdabiya, Benghazi, Sabha, and Derna, have witnessed fighting among armed groups, as well as terrorist attacks. Hotels and airports frequented by Westerners have been the targets of these attacks. Even demonstrations intended to be peaceful can turn confrontational and escalate into violence.” U.S. Department of State, “Libya Travel Advisory,” accessed at <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/libya-travel-advisory.html> (last accessed February 23, 2021).

5. Plaintiff Drema (“Katie”) G. Peters (“Plaintiffs” or “Katie Peters”) is a United States citizen and resident of Idaho. Katie Peters was married to Richard Peters at the time of his imprisonment, capture and torture. The Peters’ were married for 35 years and have five children.

6. During a six-month wrongful capture and imprisonment in Libya, Plaintiff Richard Peters was interrogated, tortured, and denied food and medical treatment. As a result of his kidnapping and imprisonment, Plaintiff Richard Peters lost over one-hundred pounds and his health deteriorated severely. Plaintiffs Richard and Katie Peters, suffered and continue to suffer personal injuries and damages as a result of Richard’s torture and solitary confinement, as well as loss of his business and further business opportunity, loss of consortium, pain and suffering, solatium and grief, loss of the family unit, and related damages as described herein.

7. Plaintiff Richard Peters, was the victim of “hostage taking” as defined by Article 1 of the International Convention Against the Taking of Hostages, “torture” as defined in Section 3 of the Torture Victims Protection Act of 1991 (“TVPA”), (28 U.S.C. § 1350 note), and International Convention Against the Taking of Hostages art. 1, June 3, 1983, U.N. Doc. A/34/46, and suffered personal injury as a result.

II. DEFENDANTS

1. Defendant Colonel Muammar Mohammed Abu Minyar Qadhafi (“Muammar Qadhafi”) served as the leader of Libya from 1969 until his death on October 20, 2011. Muammar Qadhafi held no official title, he was referred to by the phrases “Brotherly Leader and Guide of the Revolution” and “Guide of the First of September Great Revolution of the Socialist People’s Libyan Arab Jamahiriya.”

2. Defendant Muammar Qadhafi employed or caused to be employed and controlled those members of the Libyan security and military forces that were responsible for the kidnapping, detainment and torture of Plaintiff, Richard Peters.

3. Defendant Saif Al-Islam Qadhafi (“Saif Qadhafi”) is the second son of Defendant Muammar Qadhafi and a former political figure in The Socialist People’s Libyan Arab Jamahiriya. Although he held no official government position during the relevant time period, he was referred to as the “Honorary Chairman of the Gaddafi International Charity and Development Foundation” and the “Libyan de facto Prime Minister.”

4. Defendant Saif Qadhafi employed or caused to be employed and controlled those members of the Libyan security and military forces that operated under his and his father’s control and were responsible for the kidnapping, detainment, torture of and damages to Plaintiffs.

5. Defendants Muammar Qadhafi and Saif Qadhafi, acting by and through their employees and agents, both known and unknown, proximately caused Plaintiff Richard Peters’ personal, physical and mental injuries through his illegal kidnapping, imprisonment and torture.

6. At all relevant times, Defendants Muammar Qadhafi and Saif Qadhafi were under control and command of official Libyan security forces and military forces.

FACTS OF THE CASE

7. Plaintiff Richard Peters traveled to Tripoli, Libya, in January 2011 to work on a construction management company and work as a civilian contractor on an airport construction project. In addition to construction contracts, as a former Navy Seal, Peters’ company provided removal and security of landmines.

8. On or about February 15, 2011, the Libyan Revolution erupted with protests against Defendants Muammar Qadhafi and Saif Qadhafi in Benghazi and quickly escalating into

a rebellion that spread across the country. Libyan citizens who were against the rule of Defendants Muammar Qadhafi and Saif Qadhafi, hereinafter known as the “Libyan opposition,” led the uprising.

9. On February 25, 2011, President Barack Obama issued Executive Order 13566 stating as follows:

I, BARACK OBAMA, President of the United States of America, find that Colonel Muammar Qadhafi, his government, and close associates have taken extreme measures against the people of Libya, including by using weapons of war, mercenaries, and wanton violence against unarmed civilians. I further find that there is a serious risk that Libyan state assets will be misappropriated by Qadhafi, members of his government, members of his family, or his close associates if those assets are not protected. The foregoing circumstances, the prolonged attacks, and the increased numbers of Libyans seeking refuge in other countries from the attacks, have caused a deterioration in the security of Libya and pose a serious risk to its stability, thereby constituting an unusual and extraordinary threat to the national security and foreign policy of the United States, and I hereby declare a national emergency to deal with that threat.

10. In early March 2011, Libyan security and military forces rallied and retook several coastal cities in Libya before reaching Benghazi.

11. Until at least March 10, 2011, the U.S. Government maintained a relationship with the Libyan Embassy in Washington, DC. On March 10, 2011, Secretary of State Hillary Clinton announced the suspension of formal diplomatic relationships with the embassy and announced the U.S. expected them to “end operating as the embassy of Libya.”²

12. While attempting to leave Tripoli on March 3, 2011, Plaintiff Richard Peters was stopped at a checkpoint approximately seventy kilometers outside of Tripoli and taken hostage by Libyan security and military forces operating on behalf of Libya and under the control of Defendants Muammar Qadhafi and Saif Qadhafi.

² See <https://www.israelnationalnews.com/News/News.aspx/142821>; See also <https://foreignpolicy.com/2011/03/10/a-tale-of-two-libyan-embassies-in-washington-d-c/> (accessed January 4, 2021).

13. The Libyan security and military forces seized all of Plaintiff Richard Peters' personal effects, including his Hyundai car, his computers, his phones, his clothes, and cash.

14. On March 3, 2011, Plaintiff Richard Peters was kidnapped, blindfolded and detained in a small Libyan state-run prison controlled by Defendants Muammar Qadhafi and Saif Qadhafi in Tripoli, Libya. Upon information and belief, Richard Peters was one of the first Americans captured during this conflict.

15. For the first two weeks of his captivity, Plaintiff Richard Peters was held in a seven-by-eight-foot cell that was infested with insects and contained nothing but a filthy mattress and blanket. Mr. Peters was regularly beaten and tortured by agents of the Qadhafi regime.

16. Plaintiff Richard Peters was then blindfolded, handcuffed, and taken to a larger prison in the Al Farnaj area of Tripoli, in front of Tripoli Medical Center. Plaintiff Richard Peters was moved to the Maftua Prison, also under the control of Defendants Muammar Qadhafi and Saif Qadhafi. Here, Richard Peters was placed in solitary confinement in a cell infested with rats and lice.

17. Plaintiff Richard Peters was repeatedly kicked, beaten, and tortured throughout the duration of his long months in captivity. The guards gave him rotten food and frequently withheld water. Mr. Peters was covered with open sores and his gums were constantly bleeding as a result of malnutrition. Plaintiff Richard Peters lost over one hundred pounds during his duration in captivity. Plaintiff Richard Peters was denied medical treatment when he became ill with infections, even though he was in intense pain and, at times, delirious with fevers.

18. Plaintiff Richard Peters nearly died on three occasions during his imprisonment, torture and solitary confinement. Solitary confinement of this kind is torture *per se*.

19. Approximately forty-five days after Mr. Peters was taken hostage and imprisoned in Tripoli, he was joined in neighboring cells by freelance journalists James Foley, Clare Gillis and Manu Brabo, who were captured in Brega, Libya. Mr. Peters was able to communicate with these fellow prisoners through an electrical socket outlet in the prison wall. Mr. Peters prayed with them over the next few days until they were moved. Journalists James Foley and Clare Gillis both provided statements attesting to their captivity with Plaintiff Richard Peters.

20. During Plaintiff Richard Peters' captivity, he was interrogated multiple times, he recalls three instances of torture lasting three to six hours, and three times, he was tortured for at least ten hours each. During each interrogation, Mr. Peters was handcuffed, blindfolded, beaten, kicked repeatedly, tortured and threatened with death in an effort to coerce a confession that he was operating as an American spy.

21. Plaintiff Richard Peters could hear the screaming and pleading of other detainees in the facility where he was being interrogated and tortured. On one occasion, the guards informed Mr. Peters that another prisoner had hung himself.

22. Throughout Plaintiff Richard Peters' imprisonment from March 3, 2011, to the beginning of July 2011, Katie Peters was unaware of his whereabouts and did not know whether he was alive or dead. Katie Peters lived in constant fear that her husband had been killed in Libya.

23. On or about July 2, 2011, Plaintiff Richard Peters was allowed a brief thirty-second phone call home from Maftua Prison. During this call, Mr. Peters was only able to confirm his captivity and assure his wife, Plaintiff, Katie Peters, and family he was still alive, but being held against his will.

24. Plaintiff Richard Peters was told by his captors that the Qadhafi regime believed the American government had sent him to Libya to rescue other Americans. Mr. Peters was frequently threatened with execution throughout the duration of his captivity. Mr. Peters was near starvation during the last thirty days of his detainment. Mr. Peters could overhear his jailers refer to him as “the American.”

25. On or about August 19, 2011, when opposition forces invaded Tripoli in an effort to liberate the country from Defendants’ rule, the Libyan security forces occupying Maftua Prison fled, and Plaintiff Richard Peters was able to escape his cell by kicking the cell door repeatedly and knocking it down. Mr. Peters also freed several of the other prisoners that had not yet been released or escaped during his escape.

26. A Libyan family hospitalized Plaintiff Richard Peters for two weeks and then moved him to the Corinthians hotel.

27. After escaping the prison, it was months before Mr. Peters could safely manage to get home to his wife and family in the United States.

28. Thereafter, Plaintiff Richard Peters learned the Qadhafi regime planned to hang him with hundreds of other prisoners in Martyr’s square on September 1, 2011.

29. The Plaintiffs’ marriage and family life suffered as a result of Plaintiff Richard Peters’ torture and detainment. As examples, Richard Peters missed the birth of his grandchild and was unable to walk his daughter down the aisle at her wedding. As a proximate result of the imprisonment and torture and resulting physical and mental injuries, Peters lost his contracting business and his income.

30. The Peters family lost their home due to the loss of Peters' business, and in 2020 after years of reliving the trauma from the experience in Libya, Richard and Katie Peters divorced after 35 years of marriage.

31. The kidnapping, imprisonment and torture has taken a toll on Plaintiffs' health, well-being, wealth and welfare, which all significantly deteriorated since Richard Peters' torture and wrongful imprisonment.

32. Plaintiff's torture and imprisonment has had significant adverse economic consequences; his business dissolved in his absence, resulting in the loss of the home he shared with his family and ultimately resulting in the breakdown of his marriage and his family unit.

33. The conduct of Defendants as described herein was at all relevant times constituted criminal acts of terrorism and torture. See Terrorism Risk Insurance Act of 2002, PL 107-297, November 26, 2002, 116 Stat 2322.

COUNT I

TORTURE VICTIM PROTECTION ACT (TVPA), Pub. L. 102-256, 106 Stat. 73 **(reprinted at 28 U.S.C. § 1350, note.)**

34. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in all the foregoing paragraphs as if fully set forth herein.

35. The actions of the Defendants Muammar Qadhafi and Saif Qadhafi as described herein subjected Plaintiff Richard Peters to kidnapping and torture within the meaning of the Torture Victim Protection Act, Pub. L. 102-256, 106 Stat. 73 (reprinted at 28 U.S.C.A. § 1350, note (1993)).

36. In carrying out these acts of injury and torture against Plaintiff Richard Peters, the actions of each Defendant were conducted under actual or apparent authority, or under color of law.

37. Defendant Muammar Qadhafi was the leader of Libya and therefore commanded all Libyan security and military forces therein. At all relevant times, Defendant Saif Qadhafi shared power with his father and as such was a de facto ruler of Libya and therefore commanded all Libyan security and military forces therein.

38. Plaintiff Richard Peters was wrongfully kidnapped, detained, and tortured by Libyan security and military forces working for Defendant Muammar Qadhafi and Defendant Saif Qadhafi.

39. Pursuant to the TVPA, and the federal-question jurisdiction conferred therein, Plaintiffs do hereby assert a cause of action for torture as that term is defined in the TVPA against Defendants Muammar Qadhafi and Saif Qadhafi who perpetrated or caused to be perpetrated the acts giving rise to this claim.

40. Plaintiff Richard Peters has exhausted local remedies in Libya and asserts continued pursuit of same would be futile. The statute of limitations for the TVPA is ten years and this action is brought within the statute.

41. Defendants, Muammar Qadhafi and Saif Qadhafi willfully and illegally abducted Richard Peters. The wrongful acts constitute false imprisonment and kidnapping upon the person of Richard Peters, causing personal injury to him.

42. As a direct result and proximate result of the wrongful conduct and the willful, wrongful, intentional and reckless acts of Defendants, Plaintiff Richard Peters was held against his will, tortured, and physically injured. Plaintiff Richard Peters, as a result of his kidnapping,

torture, solitary confinement and imprisonment, endured and endures extreme mental anguish, physical injury, and pain and suffering, to his damage and detriment.

COUNT II

OUTRAGE/INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

43. Plaintiffs, Richard Peters and his wife Katie Peters, repeat, reallege and incorporate by reference those facts and allegations set forth in all the foregoing paragraphs as if fully set forth herein.

44. The act of kidnapping, detention and torture constituted extreme and outrageous conduct on the part of Defendants. Richard Peters, was interrogated, tortured and denied food and medical treatment. As a result of his kidnapping and imprisonment, Plaintiff Richard Peters lost over one-hundred pounds and his health deteriorated significantly. Plaintiff Richard Peters, suffered and continues to suffer personal injuries and damages as a result of his torture and inhumane, illegal solitary confinement.

45. Katie Peters had no knowledge of her husband's whereabouts in Libya or his condition and suffered extreme emotional distress and trauma as a result of her husband's torture and imprisonment. She suffers from PTSD and a range of other mental traumas as a result of her husband's prolonged absence, torture, psychological and physical damage.

46. The Peter's marriage of 35 years and close family unit and relationships have broken down as a result of the injuries sustained by her husband's torture and the aftermath in violation of TVPA and the federal common law on international terrorism.

47. As a direct result and proximate result of the willful, wrongful, intentional and outrageous acts of Defendants, Plaintiffs suffered extreme emotional distress, along with ongoing pain and suffering and grief for the loss of their marriage and family unit.

48. Accordingly, and under applicable federal, state, foreign statutory and/or common law, Plaintiffs do hereby assert a cause of action for intentional infliction of emotional distress or outrage against Defendants, Muammar Qadhafi and Saif Qadhafi, in their official capacities and in connection with the willful, wrongful, intentional and reckless acts of their agents in torturing and holding hostage the Plaintiff Richard Peters.

COUNT III

PUNITIVE DAMAGES AND SOLATIUM DAMAGES

49. Plaintiffs repeat, reallege and incorporate by reference those facts and allegations set forth in all the foregoing paragraphs as if fully set forth herein.

50. The actions of the Defendants and their agents, as set forth above were intentional and malicious and in willful, wanton, and reckless disregard of the rights and well-being of Plaintiffs. All of the acts of Defendants Muammar Qadhafi and Saif Qadhafi were facilitated by intelligence, funding, military protection and arms provided by the prior Libyan regime. That regime is arguably immune from suit under the FSIA, and in any event it no longer exists.

51. Defendants Muammar Qadhafi and Saif Qadhafi, individually and collectively are responsible for carrying out the abduction, imprisonment and torture of Richard Peters. Plaintiffs are entitled to an award of economic damages, solatium, pain and suffering, exemplar or punitive damages, and the same are hereby requested against Defendants for the harmful and outrageous conduct at issue here.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request joint and several judgments against the Defendants as follows:

1. Awarding to Plaintiffs compensatory, economic, pain and suffering and solatium damages against Defendant in amounts set forth herein and as shall be determined by this Court or at trial;
2. Awarding to Plaintiffs punitive or exemplary damages against Defendants, jointly and severally, according to proof to be presented;
3. Awarding to Plaintiffs pre-judgment interest and post-judgment interest on all damages awards computed and calculated at the maximum rate allowable by law;
4. Awarding to Plaintiffs an explicit and separately quantified adjustment of all damages awards that are based on amounts set in historical precedent, in order to offset the effects of inflation on the value of those awards;
5. Awarding to Plaintiffs their costs, disbursements, expert fees and legal fees;
6. Allowing a *lis pendens* notice of action to issue and be noted and enforced by the Court as against Defendants;
7. Leave to amend this Complaint as the interests of justice may allow; and
8. Granting any and all such further relief as the Court may deem just and proper.

WHEREFORE, Plaintiffs demand judgment in their favor against Defendants, jointly, severally, and/or individually, in an amount to be determined by the Court or the trier of fact, plus interest, costs, fees and such other monetary and equitable relief as allowed under the law and as this Honorable Court deems appropriate. Plaintiffs ask the Court to grant Plaintiffs

judgment in their favor and against the Defendants on the causes of action stated above plus interest, costs, and such other monetary and equitable relief as the Court deems appropriate.

Dated this 26th of February, 2021

Respectfully submitted,

/s/ Robert T. Haefele

Jodi Westbrook Flowers (SC Bar No. 066300)

Michael E. Elsner (SC Bar No. 72893, VA Bar No. 41424, NY Bar No. ME8337)

John M. Eubanks (SC Bar No. 79816, MD Bar No. 0401050004)

Robert T. Haefele (SC Bar No. 75266, DC Bar No. 1007583, NJ Bar No. 58293, PA Bar No. 57937, NY Bar No. 845666)

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RICHARD RAY PETERS AND
DREMA ("KATIE") G. PETERS

Plaintiff)

v.
MUAMMAR MOHAMMAD ABU MINYAR
QADHAFI AND SAIF AL-ISLAM QADHAFI

Defendant)

Civil Action No. 21-cv-00516-CKK

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Muammar Mohammad Abu Minyar Qadhafi
Unknown address in Libya

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Robert T. Haefele
Motley Rice LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29466

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: 3/2/2021



/s/ Anson Hopkins
Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RICHARD RAY PETERS AND
DREMA ("KATIE") G. PETERS

Plaintiff)

v.
MUAMMAR MOHAMMAD ABU MINYAR
QADHAFI AND SAIF AL-ISLAM QADHAFI

Defendant)

Civil Action No. 21-cv-00516-CKK

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Saif Al-Islam Qadhafi
Unknown address in Libya

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Robert T. Haefele
Motley Rice LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29466

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: 3/2/2021



/s/ Anson Hopkins
Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: