

*United States District Court
Northern District of Illinois
Eastern Division*

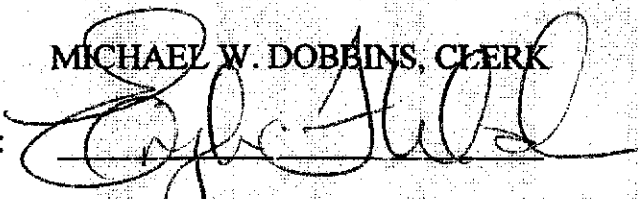
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I, Michael W. Dobbins, Clerk of the United States District Court for the Northern District of Illinois, do hereby attest and certify that the annexed document(s) is(are) a full, true, and correct copy of the original(s) on file in my office and in my legal custody.

IN TESTIMONY WHEREOF: I have hereunto
subscribed my name and affixed the seal of the
foresaid court at Chicago, Illinois, on JUL 23 2007

MICHAEL W. DOBBINS, CLERK

By:



Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

STANLEY BOIM, Individually and)
as Administrator of the Estate)
DAVID BOIM, deceased, and)
JOYCE BOIM,)

Plaintiffs,)

v.)

QURANIC LITERACY INSTITUTE and)
HOLY LAND FOUNDATION FOR RELIEF)
AND DEVELOPMENT,)

Defendants.)

DOCKETED

AUG 26 2003

Civil No. 1:00-CV-2905

Magistrate Judge Keys

FILED

AUG 25 2003

MICHAEL W. DOBINS
CLERK, U.S. DISTRICT COURT

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on **Monday, August 25, 2003**, the undersigned filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, **Defendant Holy Land Foundation for Relief and Development's Answer to Plaintiffs' First Amended Complaint**, a copy of which is attached and hereby served upon you.

Respectfully submitted,

HOLY LAND FOUNDATION FOR RELIEF AND DEVELOPMENT

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SERVICE LIST

Boim, et al. v. Quranic Literacy Institute, et al.

Civil No. 1:00-CV-2905

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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STANLEY BOIM, Individually and as Administrator of the
Estate of DAVID BOIM, deceased, and JOYCE BOIM,

MICHAEL W. DOERING
CLERK, U.S. DISTRICT COURT

Plaintiffs,

v.

Civil No. 1:00-CV-2905

QURANIC LITERACY INSTITUTE, *et al.*,

Magistrate Judge Keys

Defendants.

DOCKETED

AUG 26 2003

**DEFENDANT HOLY LAND FOUNDATION FOR RELIEF AND DEVELOPMENT'S
ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT**

Defendant Holy Land Foundation for Relief and Development ("HLF"), through undersigned counsel, submits this Answer to Plaintiffs' First Amended Complaint.

1. HLF admits that this action arises out the death of David Boim, the son of Joyce and Stanley Boim. HLF admits that Plaintiffs bring this action under the Antiterrorism Act of 1990. HLF denies the remaining allegations in paragraph 1 of Plaintiffs' First Amended Complaint.

2. HLF is without sufficient information to admit or deny the allegations in paragraph 2 of Plaintiffs' First Amended Complaint and therefore denies them.

3. HLF is without sufficient information to admit or deny the allegations in paragraph 3 of Plaintiffs' First Amended Complaint and therefore denies them.

4. HLF is without sufficient information to admit or deny the allegations in paragraph 4 of Plaintiffs' First Amended Complaint and therefore denies them.

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5. HLF is without sufficient information to admit or deny the allegations in paragraph 5 of Plaintiffs' First Amended Complaint and therefore denies them.

6. HLF admits that it is a California corporation. HLF admits that it was originally incorporated in California in 1989 under the name "Occupied Land Fund." HLF admits that it changed its name to "Holy Land Foundation for Relief and Development" in 1991. HLF admits that it is a not-for-profit charitable organization, and that its mission is to fund and conduct a variety of humanitarian relief and development efforts. HLF admits that OFAC designated HLF a "Specially Designated Terrorist" in December 2001. HLF states that OFAC's designation was erroneous, and that HLF is not a terrorist organization. HLF admits that the FBI seized HLF's assets in December 2001. HLF denies the remaining allegations in paragraph 6 of Plaintiffs' First Amended Complaint. HLF states that the opinion of the Court of Appeals for the District of Columbia Circuit Holy Land Foundation for Relief and Development v. Ashcroft, 333 F.3d 156, 161 (D.C. Cir. 2003) does not substantiate nor could it legally substantiate the allegations preceding it in paragraph 6 of Plaintiffs' First Amended Complaint.

7. HLF is without sufficient information to admit or deny the allegations in paragraph 7 of Plaintiffs' First Amended Complaint and therefore denies them.

8. HLF is without sufficient information to admit or deny the allegations in paragraph 8 of Plaintiffs' First Amended Complaint and therefore denies them.

9. HLF is without sufficient information to admit or deny the allegations in paragraph 9 of Plaintiffs' First Amended Complaint and therefore denies them.

10. HLF is without sufficient information to admit or deny the allegations in paragraph 10 of Plaintiffs' First Amended Complaint and therefore denies them.

11. HLF is without sufficient information to admit or deny the allegations in paragraph 11 of Plaintiffs' First Amended Complaint and therefore denies them.

12. HLF is without sufficient information to admit or deny the allegations in paragraph 12 of Plaintiffs' First Amended Complaint and therefore denies them.

13. HLF admits that the United States District Court for the Southern District of New York ordered the extradition of Mousa Mohammad Abu Marzook to Israel for his alleged involvement in several offenses including murder, attempted murder, and conspiracy. HLF states that the Court did not order the extradition of Marzook for any alleged crime involving the death of David Boim. HLF admits that the Court stated that, "There is more than sufficient evidence to show that Abu Marzook was a member of the conspiracy known as Hamas." Matter of Extradition of Marzook, 924 F. Supp. 565, 586 (S.D.N.Y. 1996). HLF is without sufficient information to admit or deny the remaining allegations in paragraph 13 of Plaintiffs' First Amended Complaint and therefore denies them.

14. HLF admits that Plaintiffs' claims against Defendant Hinawi have been severed pursuant to the Court's November 21, 2002 Order. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 14 of Plaintiffs' First Amended Complaint and therefore denies them.

15. HLF admits that former Defendant Al-Sharif was dismissed from this case on November 21, 2002 because Plaintiffs failed to serve him. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 15 of Plaintiffs' First Amended Complaint and therefore denies them.

16. HLF admits that the Court has subject matter jurisdiction.

17. HLF admits that venue is proper.

18. HLF is without sufficient information to admit or deny the allegations in paragraph 18 of Plaintiffs' First Amended Complaint and therefore denies them.

19. HLF admits that it has obtained a certificate to conduct business in Illinois. HLF admits that it is subject to the jurisdiction of this Court.

20. HLF is without sufficient information to admit or deny the allegations in paragraph 20 of Plaintiffs' First Amended Complaint and therefore denies them.

21. HLF is without sufficient information to admit or deny the allegations in paragraph 21 of Plaintiffs' First Amended Complaint and therefore denies them.

22. HLF is without sufficient information to admit or deny the allegations in paragraph 22 of Plaintiffs' First Amended Complaint and therefore denies them.

23. HLF is without sufficient information to admit or deny the allegations in paragraph 23 of Plaintiffs' First Amended Complaint and therefore denies them.

24. HLF is without sufficient information to admit or deny the allegations in paragraph 24 of Plaintiffs' First Amended Complaint and therefore denies them.

25. HLF is without sufficient information to admit or deny the allegations in paragraph 25 of Plaintiffs' First Amended Complaint and therefore denies them.

26. HLF is without sufficient information to admit or deny the allegations in paragraph 26 of Plaintiffs' First Amended Complaint and therefore denies them.

27. HLF admits that President William J. Clinton designated Hamas a terrorist

organization by executive order on January 23, 1995. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 27 of Plaintiffs' First Amended Complaint and therefore denies them.

28. HLF is without sufficient information to admit or deny the allegations in paragraph 28 of Plaintiffs' First Amended Complaint and therefore denies them.

29. HLF is without sufficient information to admit or deny the allegations in paragraph 29 of Plaintiffs' First Amended Complaint and therefore denies them.

30. HLF is without sufficient information to admit or deny the allegations in paragraph 30 of Plaintiffs' First Amended Complaint and therefore denies them.

31. HLF denies that it is a front organization for Hamas. HLF is without sufficient information to admit or deny the other allegations in paragraph 31 of Plaintiffs' First Amended Complaint and therefore denies them.

32. HLF admits that Shukri Abu Baker attended a meeting in 1993, during which some of the attendees discussed opposition to the 1993 Oslo Accords. HLF denies that Ghassan Elashi attended the 1993 meeting. HLF denies that it has ever organized a meeting of Hamas operatives. HLF denies that the 1993 meeting was a meeting of Hamas operatives. HLF denies that the attendees of the 1993 meeting spoke of their relationships with Hamas. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 32 of Plaintiffs' First Amended Complaint and therefore denies them.

33. HLF denies the allegations in paragraph 33 of Plaintiffs' First Amended Complaint.

34. HLF is without sufficient information to admit or deny the allegations in paragraph 34 of Plaintiffs' First Amended Complaint and therefore denies them.

35. HLF is without sufficient information to admit or deny the allegations in paragraph 35 of Plaintiffs' First Amended Complaint and therefore denies them.

36. HLF denies that it is part of any conspiracy whatsoever, including a conspiracy to promote Hamas or to raise funds in the United States for any terrorist operations. HLF denies that it has ever worked to further the terrorist goals of Hamas. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 36 of Plaintiffs' First Amended Complaint and therefore denies them.

37. HLF denies that it is a front organization for Hamas. HLF denies that it has ever raised or laundered money for Hamas. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 37 of Plaintiffs' First Amended Complaint and therefore denies them.

38. HLF is without sufficient information to admit or deny the allegations in paragraph 38 of Plaintiffs' First Amended Complaint and therefore denies them.

39. HLF admits that Ghassan Elashi incorporated a branch of IAP in California in 1986. HLF admits that Ghassan Elashi incorporated HLF, then known as the Occupied Land Fund, in California in 1989. HLF admits that Ghassan Elashi was HLF's treasurer from 1988 through 1993. HLF admits that Shukri Abu Baker, for a time, held the title of Secretary and Executive Director of HLF and later became HLF's Chief Executive Officer and President. HLF admits that Abu Baker was at one time a member of IAP's advisory board. HLF admits that Kifah Mustapha was HLF's registered agent in Illinois. HLF believes that he was involved in

some respect in IAP National's 1999 Annual Conference, but not as a HLF representative. HLF denies that HLF and IAP have cooperated on projects in the past, although HLF has engaged IAP's network of volunteers to assist in fundraising. HLF denies that it has ever sponsored a Hamas leadership meeting. HLF denies that the 1993 meeting was a Hamas leadership meeting. HLF denies that IAP solicited contributions for HLF, but HLF raised funds at IAP conferences and advertised in IAP publications. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 39 of Plaintiffs' First Amended Complaint and therefore denies them.

40. HLF is without sufficient information to admit or deny the allegations in paragraph 40 of Plaintiffs' First Amended Complaint and therefore denies them.

41. HLF admits that Marzook has donated money to HLF in the past. HLF denies the remaining allegations in paragraph 41 of Plaintiffs' First Amended Complaint.

42. HLF is without sufficient information to admit or deny the allegations in paragraph 42 of Plaintiffs' First Amended Complaint and therefore denies them.

43. HLF is without sufficient information to admit or deny the allegations in paragraph 43 of Plaintiffs' First Amended Complaint and therefore denies them.

44. HLF is without sufficient information to admit or deny the allegations in paragraph 44 of Plaintiffs' First Amended Complaint and therefore denies them.

45. HLF is without sufficient information to admit or deny the allegations in paragraph 45 of Plaintiffs' First Amended Complaint and therefore denies them.

46. HLF denies that it is a front organization for Hamas. HLF denies that it has ever

solicited contributions for Hamas. HLF admits that it has solicited charitable donations over the Internet to be used for humanitarian relief. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 46 of Plaintiffs' First Amended Complaint and therefore denies them.

47. HLF admits that it is illegal to provide financial support to designated terrorist organizations. HLF states that it has never participated in fundraising activities for Hamas or any other terrorist organization. HLF denies that it has ever handled charitable contributions it has received with the intent to deceive anyone. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 47 of Plaintiffs' First Amended Complaint and therefore denies them.

48. HLF denies that it has ever laundered money. HLF denies that it has ever channeled money to Hamas. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 48 of Plaintiffs' First Amended Complaint and therefore denies them.

49. HLF is without sufficient information to admit or deny the allegations in paragraph 49 of Plaintiffs' First Amended Complaint and therefore denies them.

50. HLF denies that it is a front organization for Hamas. HLF denies that it has ever used any of the means described in paragraph 50 of Plaintiffs' First Amended Complaint or any other means to launder money. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 50 of Plaintiffs' First Amended Complaint and therefore denies them.

51. HLF denies that it has ever sent money it collected in the United States or

anywhere else to Hamas operatives for the purpose of financing terrorist activities. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 51 of Plaintiffs' First Amended Complaint and therefore denies them.

52. HLF denies that it has ever wired money from the United States to Hamas operatives in the West Bank and Gaza to buy weapons and carry out terrorist attacks. HLF denies participating in the creation of a pool of funds to be used for the purposes described in paragraph 52 of Plaintiffs' First Amended Complaint. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 52 of Plaintiffs' First Amended Complaint and therefore denies them.

53. HLF incorporates paragraphs 1 through 52 of this Answer as if set forth fully herein.

54. HLF denies that it played any role in the killing of David Boim. HLF denies that it is civilly liable to Plaintiffs for the death of David Boim. HLF denies that it provided material support or resources to Hamas. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 54 of Plaintiffs' First Amended Complaint and therefore denies them.

55. HLF denies that it has ever conspired with any of the named defendants or with anyone else to provide material support to Hamas. HLF denies that it ever intended to further violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or that would be a criminal violation if committed within the jurisdiction of the United States. HLF denies that it has ever conspired with any of the named defendants or with anyone else to support acts intended to intimidate or coerce a civilian population, to influence the policy

of a government by intimidation or coercion, and to affect the conduct of a government by mass destruction, assassination or kidnapping, and which occur primarily outside the territorial jurisdiction of the United States, or anywhere else. HLF denies that it has conspired with others or acted alone with the goal of overthrowing and destroying the State of Israel. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 55 of Plaintiffs' First Amended Complaint and therefore denies them.

56. HLF denies that it has ever been part of the conspiracy described in Plaintiffs' First Amended Complaint. HLF denies that it has ever conspired with any of the named defendants or anyone else to support Hamas. HLF denies that it has ever conspired with any of the named defendants or anyone else to provide financial or material support to Hamas terrorists within Israel, the West Bank, and Gaza. HLF denies that it has ever provided financial or material support to Hamas terrorists within Israel, the West Bank, and Gaza. HLF denies that it has ever raised or distributed money to provide financial or material support to Hamas terrorists within Israel, the West Bank, and Gaza. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 56 of Plaintiffs' First Amended Complaint and therefore denies them.

57. HLF denies that Plaintiffs have incurred damages as a result of HLF's conduct. HLF denies that it is liable to Plaintiffs for treble damages. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 57 of Plaintiffs' First Amended Complaint and therefore denies them.

58. HLF denies that it is liable to Plaintiffs for compensatory damages, punitive

damages, costs, and attorneys' fees, and treble damages. HLF is without sufficient information to admit or deny the remaining allegations in paragraph 58 of Plaintiffs' First Amended Complaint and therefore denies them.

59. HLF is without sufficient information to admit or deny the allegations in paragraph 59 of Plaintiffs' First Amended Complaint and therefore denies them.

60. HLF admits that its assets are currently blocked by the Office of Foreign Assets Control. HLF denies that its blocked assets were raised or used to support terrorist activities. HLF denies that its blocked assets were raised or used to support the killing of David Boim. HLF states that there is no legal or factual basis for the prayer for special relief set forth in paragraph 60 of Plaintiffs' First Amended Complaint.

61. HLF denies that it has ever collected funds for the support of Hamas. For that reason, HLF states that there is no reason for the Court to grant the prayer for special relief set forth in paragraph 61 of Plaintiffs' First Amended Complaint.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Plaintiffs' First Amended Complaint is based on statutes that would be unconstitutional as applied to HLF.

Second Affirmative Defense

Plaintiffs and David Boim assumed the risk resulting in the death of David Boim.

Third Affirmative Defense

The negligence of Plaintiffs and David Boim contributed to the death of David Boim.

Fourth Affirmative Defense

Plaintiffs' First Amended Complaint fails to state a claim for relief.

Fifth Affirmative Defense

Plaintiffs' claims are barred by applicable statutes of limitations.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Boim, et al. v. Quranic Literacy Institute, et al.

Civil No. 1:00-CV-2905

I certify that a copy of Defendant Holy Land Foundation for Relief and Development's Answer to Plaintiffs' First Amended Complaint was sent by facsimile to the following counsel this 25th day of August, 2003.

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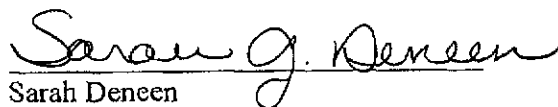
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