

**IN THE UNITED STATES DEPARTMENT OF JUSTICE
FOREIGN CLAIMS SETTLEMENT COMMISSION**

(b) (6)

Petitioner

* In Re: Claims Settlement
* Agreement between the United States of
* America and the Great Socialist People's
* Libyan Arab Jamahiriya dated August 14,
* 2008.
*
* Pursuant to
*
* *Franqui, et al. v Syrian Arab Republic, et al.*
* (D.D.C.) 06-CV-734 (RBW)
*
* Claim No. LIB-I-034

PETITIONER'S SUPPLEMENTAL

STATEMENT OF CLAIM

Petitioner (b) (6)

("Petitioner (b) (6) by and through his undersigned attorney

hereby submits this Supplemental Statement of Claim and incorporates by reference his initial Statement of Claim as if fully set forth herein, and in support thereof, states as follows:

I.

INTRODUCTION

1. On July 6, 2009, Petitioner ^{(b) (6)}, a victim of the May 30, 1972, Lod Airport massacre in Tel Aviv, Israel, filed his initial Statement of Claim with the Foreign Claims Settlement Commission of the United States (the "Commission"). The initial Statement of Claim along with the supporting exhibits extensively details the severity of the injuries Petitioner ^{(b) (6)} suffered as a direct result of the Lod Airport massacre.

2. On July 13, 2009, the Commission wrote to the undersigned counsel, noting that Petitioner ^{(b) (6)} had provided evidence of his U.S. nationality by birth and that he was a litigant

in Civil Action No. 06-CV-734 against Libya. The letter also requested “additional medical records from physicians who treated [Petitioner (b) (6)] for his physical injuries” or other medical records documenting those injuries so that the Commission could determine the cause and extent of Petitioner (b) (6) injuries. (See Ex. 14¹ Letter from Jaleh F. Barrett, Esq. to Joshua M. Ambush, Esq. (7/13/09)).

3. On September 10, 2009, petitioner’s counsel wrote to the Commission, enclosing Petitioner’s (b) (6) discharge summary/disease summation from the Tel Hashomer/Haim Sheba Medical Center.² (See Ex. 15 Letter from Joshua M. Ambush, Esq. to Jaleh F. Barrett, Esq. (9/10/09)). Counsel explained that the Tel Hashomer/Haim Sheba Medical Center’s policy was that after 25 years from the date of the incident, the hospital only retained the patient’s discharge summaries, destroying all other records. Consequently Petitioner (b) (6) x-rays, surgical notes, and other medical records from Tel Aviv were unavailable. (See *id.*) However, the enclosed discharge summary/disease summation detailed the nature and severity of Petitioner (b) (6) injuries and clearly indicated that those injuries were sustained during the Lod Airport massacre. (See *id.*)

4. On October 29, 2009, the Commission once again wrote to counsel for Petitioner (b) (6) noting that Petitioner (b) (6) needed to provide the Commission with documentation such as a current passport, a voter registration card, or any other appropriate document “demonstrating his continuous U.S. nationality.” (See Ex. 16 Letter from Sean Elliott, Esq. to Joshua M.

¹ For the sake of consistency and clarity, Petitioner (b) (6) will continue the numbering of exhibits from the initial Statement of Claim.

² In 1972, the Haim Sheba Medical Center was known as the Tel Hashomer District Hospital. http://eng.sheba.co.il/About_Us/ For purposes of consistency Petitioner (b) (6) will refer to the hospital as Tel Hashomer/Haim Sheba Medical Center.

Ambush, Esq. (10/29/09)). Although the discharge summary from the Tel Hashomer/Haim Sheba Medical Center reflected Petitioner (b) (6) admission date of May 30, 1972 (the date of the attack) and documented Petitioner (b) (6) "shrapnel wounds due to an explosion" the Commission suggested Petitioner (b) (6) submit "additional contemporaneous documents" such as Petitioner (b) (6) passport from 1972, Petitioner (b) (6) 1972 travel records, any records of leave, or a police report from that time to further establish Petitioner (b) (6) was present during the Lod Airport Massacre. Additionally, the Commission suggested Petitioner (b) (6) submit an English translation of the photo caption contained in Exhibit 3 of the original claim packet and a copy of the article with the date of publication. (*See id.*)

5. Due to the passage of time, most of the medical records documenting Petitioner (b) (6) injuries no longer exist. For instance, Petitioner (b) (6) was unable to directly obtain his medical records from Dr. Gomez and Dr. Vigoreaux because those doctors are now reportedly deceased.

6. However, on approximately October 15, 2009, Petitioner (b) (6) was able to obtain a certified copy of his disability benefits file from the National Insurance Institute of Israel, an Israeli government agency administering disability benefits for victims of terrorist attacks in Israel. (*See Ex. 17.1 Certified Translated Copy of Letter from Osnat Cohen, Manager of the Department for the Victims of Hostile Actions, The Head Office, National Insurance Institute of Israel (10/15/09)*) His file contains true and correct copies of Petitioner (b) (6) medical records originally in the custody of the United States Social Security Administration, the United States Veterans Administration, and the United States Military, which were submitted to the Israeli government in conjunction with Petitioner (b) (6) claim for benefits from the Israeli government.

(See Ex. 17) Specifically, Petitioner(b) (6) file contains the following medical records relevant to his claim:

- **Exhibit 17.2** A copy of Petitioner (b) (6) November 22, 1972, Disease Summation from the Tel Hashomer/Haim Sheba Medical Center, documenting Petitioner (b) (6) was admitted on May 30, 1972, the date of the Lod Airport massacre, for treatment for “shrapnel [sic] wounds due to an explosion,” and documenting his discharge for “further medical treatment” on June 7, 1972.
- **Exhibit 17.3** A copy of Petitioner (b) (6) Treatment Records from the Veterans Administration (“VA”) Hospital in Puerto Rico from June 8, 1972 through July 6, 1972, submitted to the Israeli National Insurance Institute on January 4, 1973. The VA treatment records further document Petitioner (b) (6) physical injuries resulting from the Lod Airport massacre. Additionally, the VA treatment records provide further corroboration that Petitioner(b) (6) was present and injured at the Lod Airport Massacre.
- **Exhibits 17.4-17.5** Copies of treatment notes from Dr. R. Rodriguez Buxo, spanning from December 20, 1972 through April 24, 1974, documenting Petitioner (b) (6) was “wounded at Lod airport by terrorist-guerrillas” and describing his physical and psychiatric injuries resulting from the Lod Airport massacre.
- **Exhibit 17.6** A report dated May 25, 1974, from Dr. Buxo to the Israeli National Insurance Institute, documenting his treatment of Petitioner (b) (6) who “was wounded during terrorist guerrilla action at Lod Airport.”

- **Exhibit 17.7** A copy of Petitioner (b) (6) United States Social Security Administration Disability claim file, including copies of (1) Petitioner Ruiz's VA treatment records dated December 29, 1975, January 27, 1976, and March 5, 1976; (2) Petitioner (b) (6) medical report prepared for the Social Security Administration dated March 28, 1976; (4) Dr. Angel L. Rodriguez Gomez's initial psychiatric evaluation dated June 19, 1976.
- **Exhibit 17.8** A copy of a report of the United States Social Security Administration with Doctor's Progress Notes from February 12, 1977, attached. The report notes that Petitioner (b) (6) disability claim for social security benefits had been approved.
- **Exhibit 17.9** A copy of a letter dated February 8, 1978, from the United States Veterans Administration to (b) (6) , Petitioner (b) (6) wife, stating Petitioner (b) (6) did not appear to be psychiatrically competent to manage his pension funds.

7. These records were submitted to the United States, Social Security Administration, the United States Veterans Administration, and the Israeli government. These government agencies relied upon these documents to determine (1) Petitioner (b) (6) suffered severe physical and psychiatric injuries as a result of the Lod Airport massacre; and (2) the severity Petitioner (b) (6) psychiatric injuries rendered him disabled. Indeed, based on these records, the United States Social Security Administration awarded Petitioner Ruiz 100% disability benefits as of January 1977. (*See* Ex. 17.8 at 1.)

8. Per the Commission's October 29, 2009, letter, Petitioner (b) (6) has enclosed a copy of his current United States passport. (*See* Ex. 18.) Additionally, Petitioner (b) (6) has

enclosed a certified translated copy of the photo caption originally submitted as exhibit 3 along with a copy of the article showing the date of publication. (See Ex. 19.)

9. Additionally, per the Commission's suggestion in its July 13, 2009 letter, Petitioner^{(b) (6)} is also submitting copies of additional medical records in his possession detailing the nature and extent of his physical and psychiatric injuries and demonstrating those injuries were received as a result of the Lod Airport massacre in Tel Aviv. (See Exs. 20-25.)

10. Per the Commission's request, these records, along with the evidence contained in the initial Statement of Claim conclusively establish Petitioner^{(b) (6)} was present and injured at the Lod Airport massacre. The records also detail Petitioner^{(b) (6)} severe physical and psychiatric injuries resulting from the Lod Airport massacre. Furthermore, the records establish that, notwithstanding the initial statement of claim's discussion of Petitioner^{(b) (6)} "mental and emotional anguish," as recognized by the United States Social Security Administration, the United States Military, the United States Veterans' Administration, and the Israeli Government Petitioner^{(b) (6)} was psychiatrically injured from the Lod Airport massacre and disabled as result of those injuries. (See Statement of Claim ¶ 9) Therefore, to the extent that the initial statement of claim could be read to suggest Petitioner^{(b) (6)} merely suffered from mental and emotional anguish after the Lod Airport massacre, this supplemental statement of claim hereby supplants and amends such language.

II.

SUPPLEMENTAL INFORMATION FURTHER ESTABLISHING PETITIONER^{(b) (6)}
WAS INJURED AT THE SCENE OF THE LOD AIRPORT MASSACRE AND
FURTHER DESCRIBING THOSE INJURIES SUFFERED

11. Petitioner (b) (6) further submits that his injuries meet the Commission's standard for physical injury as outlined in *Claim of* (b) (6), Claim No. LIB-I-032, Decision NO LIB-I-025 (2009). In order for a claim for physical injury to be considered compensable under that standard, a claimant:

- Must have suffered a discernible physical injury, more significant than a superficial injury, as a result of an incident related to the pending litigation;
- Must have received medical treatment for the physical injury within a reasonable time; and
- Must verify the injury with medical records.

(*Id.*)

12. Petitioner (b) (6) is a high school graduate and a veteran of the United States Army. (*See* Ex. 22 VA Psychiatric Examination By Dr. F. Lopez Elias of (b) (6) for Purposes of Rating VA Pension (April 20, 1977)). He is married with three children. (*See id.*) Upon his honorable discharge from the army in 1965, he attended a vocational school, training as an electrician. (*See id.*) He also joined the National Guard. (*See* Ex. 10.) On May 30, 1972, Petitioner (b) (6) was one of a group of Puerto Rican pilgrims attacked by Japanese terrorists working as agents of the PLO and Libyan government in the Lod Airport in Tel Aviv Israel. (*See* initial Statement of Claim ¶ 5, 8) Before the Lod Airport massacre, Petitioner (b) (6) had a successful career as an assistant electrician with a construction company. (*See* Ex. 22) He was in good physical health with no history of mental illness. (*See* Ex. 9, Examination of Dr. Mortimer F. Shapiro at 2 (February 6, 1978); *see also* Ex. 10, Psychiatric Evaluation by Dr. Jose Vigoreaux at 2 (February 7, 1978)). However, the Lod Airport massacre destroyed all that forever. Petitioner (b) (6) suffered devastating physical and psychiatric injuries, placing him in

constant physical and mental anguish and rendering him unable to work. (*See infra* Exs. 17-25) Indeed, Petitioner (b) (6) psychiatric injuries were so devastating that this former electrician and high school graduate lost many of his basic reasoning skills and could no longer perform basic math. (*See* Ex. 17.7 at 1-2.) The records below detail the devastating physical and psychiatric injuries Petitioner (b) (6) suffered as result of the Lod Airport massacre.

13. As explained in the initial statement of claim, on May 30, 1972, Petitioner (b) (6) was struck down by gunfire and shrapnel during the Lod Airport massacre. (*See* Statement of Claim ¶ 9) Petitioner (b) (6) along with many victims of the Lod Airport massacre was rushed to The Tel Hashomer/Haim Sheba Medical Center. (*See* Ex. 17.2 November 22, 1972, Disease Summation from The Tel Hashomer/Haim Sheba Medical Center)

14. The Disease Summation from the Tel Hashomer/Haim Sheba Medical Center conclusively establishes Petitioner (b) (6) was present and severely injured at the Lod Airport massacre. As documented by the Tel Hashomer/Haim Sheba Medical Center's Disease Summation, Petitioner (b) (6) was admitted to the hospital on May 30, 1972, the day of the Lod Airport massacre. (*See id.*) Petitioner (b) (6) suffered "shrapnel [sic] wounds due to an explosion." (*See id.*) He received two wounds in the "soft tissues of [his] chest[.]" and "three superficial wounds on [the] lower 1/3 of [the] dorsal aspect of [his right] leg." (*See id.*) He also suffered a "shrapnel [sic] wound" in his right buttock. (*See id.*) Although the Tel Hashomer/Haim Sheba Medical Center excised the wounds, Petitioner (b) (6) "require[d] further medical treatment to his wounds." (*See id.*)

15. On June 7, 1972, Petitioner (b) (6) was discharged from the Tel Hashomer/Haim Sheba Medical Center at his own request, flying to Puerto Rico for further medical treatment. (*See id.*) Due to the extensive nature of the wounds to his buttock, Petitioner (b) (6) was only able

to fly “while lying on his abdomen.” (*See id.*) This is why in Exhibit 19, originally submitted as Exhibit 3, Petitioner ^{(b) (6)} is shown lying on his stomach while being transported to Puerto Rico. (*See* Ex. 17.1 *with* Ex. 19, Translated Copy of News Photograph Showing Petitioner ^{(b) (6)} being Transported to Puerto Rico from Tel Aviv on June 7, 1972 for Further Medical Treatment for His Physical Injuries Suffered as a Result of the Lod Airport Massacre.)

16. The very next day, on June 8, 1972, Petitioner ^{(b) (6)} a U.S. veteran and then a member of the National Guard, began treatment at the Veteran’s Administration (“VA”) Hospital in Puerto Rico. (*See* Ex. 17.3 Petitioner ^{(b) (6)} Treatment Records from the VA Hospital, Puerto Rico dated June 8, 1972 through July 6, 1972, at 3.) The VA’s treatment records provide further evidence that Petitioner ^{(b) (6)} was present at the Lod Airport Massacre and injured in the attack. The VA treatment records also describe Petitioner ^{(b) (6)} physical injuries. The VA’s treatment records explicitly note that Petitioner ^{(b) (6)} was being treated at the VA Hospital for “[b]ullet wounds in chest, buttock, and rt [sic] leg” which he “received . . . at Tel Aviv.” (*See id.*) As documented in the VA’s treatment records, Petitioner ^{(b) (6)} was admitted to the VA Hospital’s General Surgery Clinic, where he received surgery to reconstruct an unclosed bullet wound. (*See id.* at 3-4)

17. In December 1972, Petitioner Ruiz began treatment with Dr. R. Rodriguez Buxo, for his injuries resulting from the Lod Airport massacre. (*See* Ex. 17.4 Treatment Note for ^{(b) (6)} ^{(b) (6)} (December 20, 1972); *see also* Ex. 17.6 Letter from Dr. R. Rodriguez Buxo to the National Insurance Institute of Israel (May 25, 1974)). Dr. Buxo’s treatment notes document both Petitioner ^{(b) (6)} physical injuries and Petitioner ^{(b) (6)} psychiatric injuries resulting from the Lod Airport massacre. (*See* Ex. 17.4 Treatment Note for ^{(b) (6)} ^{(b) (6)} (December 20,

1972); *see also* Ex. 17.5, Treatment Notes for (b) (6)

January 13, 1973 through April

24, 1974).

18. Examining Petitioner (b) (6) on December 20, 1972, Dr. Buxo noted Petitioner (b) (6) was "wounded at Lod Airport by terrorist - guerilla actions." (*See* Ex. 17.4) He then documented the extent of Petitioner (b) (6) physical injuries as a result of the attack: "[h]e received machine gun bullets thru [sic] soft tissue at [sic] right axillary base. Thru soft tissue of right pelvis and multiple wounds at middle third of [his] right leg." (*See id.*) Dr. Buxo also noted that, since the Lod Airport massacre, Petitioner (b) (6) "has developed continued nervousness, excitability, irritability." (*See id.*) Petitioner (b) (6) was also "very anxious and given to temperamental moods and depressive states." (*See id.*) Petitioner (b) (6) was unable to concentrate, had poor memory, and "bad dreams[.]" (*See id.*) A physical examination noted that Petitioner (b) (6) was a "well nourished very nervous male." (*See id.*) His reflexes were "diminished." (*See id.*) Examining Petitioner (b) (6) skin, Dr. Buxo observed "bullets scar tissue at lower base . . . at pelvis and with multiple scars at upper and middle third of right leg. Sharp pains upon pressure at calve . . . muscle and right sciatic" (*See id.*) Dr. Buxo initially diagnosed Petitioner (b) (6) with "(1) Secondary post traumatic neuritis at right pelvis and right leg and axilla [sic]; [and] (2) anxiety neurosis with depression (progressive)." (*See id.*)

19. On January 13, 1973, Dr. Buxo noted Petitioner (b) (6) "was still very depressed and nervous" and prescribed valium. (*See* Ex. 17.5. Treatment Notes for (b) (6) January 13, 1973 through April 24, 1974.)

20. On June 25, 1973, Petitioner (b) (6) was "now suffering from headaches[, was] still depressed and very weak." (*See id.*)

21. On October 19, 1973, Petitioner (b) (6) "developed extreme weakness, cramps, and pain at [right] leg" (*See id.*)

22. On January 15, 1974, Petitioner (b) (6) was still "very nervous [and] [e]xcited." (*See id.*) He continued to feel weak and was unable to concentrate. (*See id.*)

23. On April 24, 1974, Dr. Buxo noted "cramps [and] pains of [Petitioner (b) (6) right] leg are getting worse." Petitioner (b) (6) was unable to "be on his feet or prolonged upright positions because of low back pain and cramps." (*See id.*) Petitioner (b) (6) was not working. (*See id.*) Dr. Buxo also noted that Petitioner (b) (6) "neurotic pain at axillary base was getting worse and more frequent." Dr. Buxo "advised [Petitioner (b) (6)] to have a consultation with a neurologist and a psychiatrist." (*See id.*)

24. In a letter to the National Insurance Institute of Israel dated May 25, 1974, Dr. Buxo described his treatment of Petitioner (b) (6) medical condition as follows:

I have been treating and periodically examining [Petitioner] (b) (6) who was wounded during terrorist guerrilla action at Lod airport. . . . [T]he high points in his condition thru [sic] all this past months [sic] are the following:

- 1- Right after the accident he, has been suffering from anxiety neurosis with periods of mild depression which still persist and inhibits him from performing active physical and mental work.
- 2- Development of axillary (Right) neuritis and low back pains together with progressive pains and cramps in right leg, possibly due to poor deep vascularity and operative procedures at the said extremity. **This conditions [sic] doesn't permit him to be on his feet during prolonged periods [sic] and consequently he can't do any active physical task.**

I feel that his condition will be continually progressing and have recommended him consultation with a neurologist and a psychiatrist.

(*See Ex. 17.6 Letter from Dr. R. Rodriguez Buxo to National Insurance Institute of Israel (May 25, 1974)) (Emphasis added).*

25. As noted in the initial Statement of Claim, Petitioner^{(b) (6)} received physical and psychiatric treatment at the VA Hospital for his physical and psychiatric injuries following his discharge in 1972. (See Statement of Claim ¶ 9; see also Ex. 17.7 Petitioner^{(b) (6)} United States Social Security Administration Disability Claim File at 10-14.) As of December 29, 1975, Petitioner^{(b) (6)} was described in the VA treatment records as "very tense & unstable." (See Ex. 17.7 at 13) He was unable to "tolerate noises." (See *id.*) Petitioner^{(b) (6)} "th[ought] other people blame him for . . . Tel Aviv." (See *id.*) At that time Petitioner^{(b) (6)} did not display any homicidal or suicidal thoughts and there was no evidence of hallucinations. (See *id.* at 14.) However, Petitioner^{(b) (6)} was referred for follow-up at the mental hygiene clinic. (See *id.*)

26. On January 27, 1976, Petitioner^{(b) (6)} once again visited the VA Hospital, in "acute physical distress." (See *id.* at 11.) He was suffering pain in his right shoulder, the back of his right leg, and in his right foot. (See *id.*) He was also suffering from insomnia. (See *id.*) The VA treatment notes document that Petitioner^{(b) (6)} "had been feeling these pains for several years[.]" (See *id.*) Petitioner^{(b) (6)} was advised to continue with his treatment at the mental hygiene clinic. (See *id.*)

27. On March 5, 1976, Petitioner^{(b) (6)} visited the VA's mental hygiene clinic. (See Ex. 20 Petitioner^{(b) (6)} Treatment Records from the Veteran's Administration March 5, 1976 through January 11, 1979 at 1.) The VA's treatment records reflect Petitioner^{(b) (6)} was suffering from "insomnia [and] nightmares." (See *id.*) He was "jumpy, sleepy, anxious, tense." (See *id.*) Petitioner^{(b) (6)} demonstrated "[o]utbursts of anger and violent behavior." (See *id.*) He was "irritable [and] easily gets excited." (See *id.*) Petitioner^{(b) (6)} demeanor was silent and withdrawn, and he "smil[ed] at times in a silly manner." (See *id.*) It was recommended that

Petitioner ^{(b) (6)} “continue on [outpatient] psych[iatric] treatment” and continue his medication of valium, darvon, and dalmane.” (*See id.*; *see also* Ex. 13.)

28. A medical report for Petitioner ^{(b) (6)} submitted to the Social Security Administration dated March 8, 1976, further describes Petitioner ^{(b) (6)} physical and psychiatric injuries, noting Petitioner ^{(b) (6)} “has been under treatment for the past [three] years because of nervousness, . . . insomnia, and abnormal behavior. Leg numbness.” (*See* Ex. 17.7 at 4, 7.) The medical report also notes Petitioner ^{(b) (6)} “condition has been worsening lately.” (*See id.*) Physically, Petitioner ^{(b) (6)} was described as “nervous.” (*See id.* at 5.)

29. On April 13, 1976, Petitioner ^{(b) (6)} underwent a general surgery exam at the VA Hospital. (*See* Ex. 21 General Surgery Exam Report for ^{(b) (6)} (April 13, 1976)). This medical record documents the physical injuries Petitioner ^{(b) (6)} received as a result of the Lod Airport massacre, explicitly noting “on May 30, 1972, [Petitioner ^{(b) (6)} was] wounded by machine gun fire by terrorists at Tel Aviv airport, Israel.” (*See id.* at 2.) The report notes Petitioner ^{(b) (6)} “suffered [gunshot wounds] to [the right] side of [his] chest [and] laterally, [right] buttock and [right] lower leg” (*See id.*) Petitioner ^{(b) (6)} “complain[ed] of pains and cramps [in his right] leg, numbness [in his right] buttock, [and] occasional pain [in his right] arm.” (*See id.*) An exam revealed “[gunshot wound] scars of entry [and] exit” on Petitioner ^{(b) (6)} right lower leg. (*See id.*) There were also “[gunshot wound] entry and exit scars” at Petitioner ^{(b) (6)} right buttock and chest. (*See id.*) He was diagnosed with “scars of [gunshot wounds]” of his right chest, right buttock and right leg. (*See id.*)

30. On May 5, 1976, Petitioner ^{(b) (6)} once again visited the VA’s mental hygiene clinic. (*See* Ex. 20 at 1-2.) Notably, the VA’s treatment notes once again document that Petitioner ^{(b) (6)} “was one of a group of 40 evangelical pilgrims, who were shot in the Lod Airport

in Israel about 4 years ago.” (*See id.* at 1.) Petitioner^{(b) (6)} was in physical pain, complaining of “pain in [his] right leg (3 bullets), right buttock and right chest.” (*See id.* at 1.) Petitioner^{(b) (6)} right arm also felt weak. (*See id.*) Once again, the VA treatment notes report Petitioner^{(b) (6)} was suffering from “insomnia, nightmares.” (*See id.*) He had “outbursts of rage.” (*See id.*) It was recommended Petitioner^{(b) (6)} “continue on [outpatient] psych[iatric] treatment.” (*See id.* at 2.)

31. On June 19, 1976, Petitioner^{(b) (6)} was evaluated by Dr. Angel L. Rodriguez Gomez, a psychiatrist. (*See Ex. 17.7* at 3-4.) As Dr. Rodriguez Gomez noted, Petitioner^{(b) (6)} was “one of the Puerto Ricans wounded in the Tel Aviv massacre by Arab [sic] terrorists.” (*See Ex. 17.7* at 3.) However, after the Lod Airport massacre, Petitioner^{(b) (6)} had not worked regularly since 1973. (*See id.*) He was largely disoriented and suffered from nightmares and insomnia. (*See id.*) This high school graduate could no longer perform basic math. (*See id.*) His memory skills had so deteriorated that he could not remember when he graduated from high school and he was only able to relay his date of birth by looking at his birth certificate. (*See id.*) In fact, he had to rely on his wife to relay to Dr. Rodriguez Gomez simple background facts. (*See id.*)

32. As of June 19, 1976, Dr. Rodriguez Gomez’s initial impression of Petitioner^{(b) (6)} psychiatric injury was as follows:

Alleges recurrent nightmares and insomnia. No hallucinations. No delusive ideation nor behavior. His memory is badly impaired in both proximal and distal areas. His orientation is poor. He can’t recall dates even most basic. He is not oriented in time, poorly oriented in space. His motor control is within normal limits during interview. He evidences no extreme anxiety. His affect is very superficial, irrelevant behavior and ideation.

His intellectual functions are poor. There is no mathematical thinking, no abstract thinking. There is evidence of a severe personality disorganization with moderate caterioration.

He is able to take care of his needs only with supervision. He is not able to manage funds. His ability to relate with other is very poor due to his irrelevant ideation and behavior.

(*See id.* at 3-4.)

33. Dr. Rodriguez Gomez initially diagnosed Petitioner^{(b) (6)} with non-differentiated schizophrenia, noting that "[Petitioner^{(b) (6)}] behavior, ideation, and content of thought . . . reminds me of the organic brain syndrome following severe brain concussion." (*See id.* at 4.)

34. Dr. Rodriguez Gomez also conducted a disability evaluation of Petitioner^{(b) (6)} on June 19, 1976. (*See Ex. 17.7* at 5.) When asked the extent to which Petitioner^{(b) (6)} would "be able to meet the mental demands required by his customary work," Dr. Gomez replied "poorly." (*See id.*)

35. On July 8, 1976, Petitioner^{(b) (6)} once again returned to the VA's mental hygiene clinic for follow-up treatment. (*See Ex. 20* at 2.) This "angry patient who is anxious" was further described as "oriented, coherent, . . . [and] hostile." (*See id.*) Once again, it was recommended that Petitioner^{(b) (6)} continue outpatient treatment and continue on his medications of valium, dalvane, and darvon. (*See id.*; *see also Ex. 13.*)

36. On September 9, 1976, Petitioner^{(b) (6)} returned to the VA's mental hygiene clinic, demonstrating "pain of [the] right leg," in the right lumbar area region. (*See Ex. 20* at 2-3.) He had "early insomnia" and was "anxious." (*See id.* at 3.) Once again, it was recommended Petitioner^{(b) (6)} continue "continue [with] psychiatric treatment." (*See id.*)

37. Due to the severity of his psychiatric injuries, in January 1977, Petitioner^{(b) (6)} was awarded 100% disability benefits from the Social Security Administration. (*see Ex. 17.7* Petitioner^{(b) (6)} United States Social Security Administration Disability Claim File; *see also*

17.8 Report of the United States Social Security Administration with Medical Records Attached
Approving Petitioner Ruiz's Disability Claim)

38. On February 9, 1977, Petitioner (b) (6) returned to the VA's mental hygiene clinic. (See Ex. 20 at 3-4.) He was "bad tempered." (See *id.* at 3.) His sleep patterns had "altered for no apparent reason," rendering him only able to sleep during the day. (See *id.*) He was unable to "function well alone" and was "easily disorientated." (See *id.* at 3-4.) Consequently, Petitioner (b) (6) "need[ed an] attendant." (See *id.* at 4.)

39. Not surprisingly, as of February 12, 1977, Petitioner (b) (6) physical and psychiatric injuries were so severe that he was declared unfit for service in the National Guard. (See Ex. 17.8 Report of the United States Social Security Administration containing a February 12, 1977, doctor's progress note from the VA declaring Petitioner (b) (6) unfit for retention in the National Guard) As detailed in the initial statement of claim, upon his honorable discharge from the army Petitioner (b) (6) had also served in the National Guard. (See Statement of Claim ¶ 10; see also Ex. 10.) A February 12, 1977, doctor's progress note describes Petitioner (b) (6) "who was involved in the Lod Airport Terrorist Attack[,] as "wounded in the [right] chest, [right] pelvis, [right] leg. [With] shrapnel [sic] wounds in [his] left leg." (See *id.* at 2.) Physically, Petitioner (b) (6) exhibited "limitation of [the right] hip flexion." (See *id.*) Psychiatrically, Petitioner (b) (6) was "under treatment at San Juan VA Hospital" and "receive[d] medication continuously" including etrafon triavil valium, and dalmane. (See Ex. 17.8 at 2; see also initial Statement of Claim ¶ 11) Based on this evidence, Petitioner (b) (6) was declared unfit for retention in the National Guard. (See *id.* at 3.)

40. Petitioner (b) (6) also received a pension from the Veterans Administration. (See Ex. 22 VA Psychiatric Examination By Dr. F. Lopez Elias of (b) (6) for Purposes of

Rating VA Pension (April 20, 1977)). Due to the severity of Petitioner (b) (6) psychiatric injury the Veteran's Administration decided to reevaluate his pension rating. (*See id.* *See also* Ex. 23 VA Psychiatric Examination By Dr. F. Lopez Elias of (b) (6) for Purposes of Rating VA Pension (November 23, 1977)).

41. On April 20, 1977, Petitioner (b) (6) underwent a psychiatric exam by Dr. Lopez Elias at the VA to determine the extent of his disability for purposes of his pension. (*See id.*) Dr. Lopez Elias first noted Petitioner (b) (6) "worked in a construction company as an Assistant Electrician until the accident in Lod Airport in Israel where he was wounded."³ (*See id.*) Dr. Lopez Elias described Petitioner Ruiz's reactions to the Lod Airport massacre, observing:

Affect is labile and at times, inappropriate, laughing hysterically when examiner tries to probe into his memory of the events on the day of the accident. He cries he is pin [sic] down to think of it. Mood is depressed, irritable. He is insomniac with nightmares. He does not tolerate noise of crows and resents his visits to social service offices or here.

He is oriented. Memory is defective and so is concentration. Judgment is good.

DIAGNOSIS: Anxiety neurosis with depressive and hysterical features.

Disability: Severe

(*See id.*) (emphasis added).

42. However, by August 23, 1977, Petitioner (b) (6) condition had further deteriorated. (*See* Ex. 20 at 5-6.) Treatment records from the VA's mental hygiene clinic reflect

³ Although Dr. Lopez Elias initially referred to the incident involving Petitioner (b) (6) at Lod Airport as an "accident," in later treatment records, Dr. Lopez Elias made clear Petitioner (b) (6) was injured at the Lod Airport massacre, referring to the incident as a "commando raid of Lod Airport in Israel." (*See* Ex. 23 VA Psychiatric Examination By Dr. F. Lopez Elias of (b) (6) (b) (6) for Purposes of Rating VA Pension (November 23, 1977)).

that Petitioner (b) (6) was now hearing voices. (*See id.* at 6.) He was unable to sleep, and poorly alert. (*See id.*) Petitioner (b) (6) was referred to community facilities for further treatment. (*See id.* at 6, 8.)

43. In a November 23, 1977, follow-up psychiatric evaluation, Dr. Lopez Elias noted Petitioner (b) (6) marked decline in the few months since his initial psychiatric evaluation.: (*See* Ex. 23. VA Psychiatric Examination by Dr. F. Lopez Elias of (b) (6) for Purposes of Rating VA Pension (November 23, 1977)).

[Petitioner (b) (6) is a well developed, obese, short male who comes to the interview accompanied by his wife. He is well dressed and well groomed, but unshaved. He carries himself with normal posture and gait. **There is a great difference in [Petitioner (b) (6)] appearance today from the one seen by examiner before and even from the one described by psychiatrists in [the mental hygiene clinic]. He appears to be out of contact most of the time, autistic, suspicious and frightened.** He was reluctant to stay in the room with the examiner and his wife told about his behavior. He is restless and asks to leave on several occasions. Thought content is paranoid and talks of people who want to kill him. He has auditory hallucinations and is unable to sleep at night, getting and pacing the house or wandering out. Affect is flat, inappropriate. Mood is depressed, frightened with crying spells. His productions are scanty so that thinking processes could be evaluated but his associations appear to be loose. He is not known to be destructive to self or others.

He is disorientated to time when examined. He follows his wife's instructions and depends on her for everything. Concentration is very poor. Judgment is poor. He has no insight.

DIAGNOSIS: Schizophrenia, undifferentiated type.

**DISABILITY: Severe.
[Petitioner(b) (6) is NOT competent.**

(*See id.*) (emphasis added).

44. As noted in the initial Statement of Claim, around this time Petitioner (b) (6) was examined by Dr. Jose R. Vigoreaux on January 26, 1978 and on January 31, 1978. (*See* Ex. 10).

Dr. Vigoreaux's treatment records reflect the same psychiatric injuries as described in the the VA's treatment records. Additionally, this record serves the important function of further describing Petitioner (b) (6) physical injuries, noting he "received bullets and shrapnel wounds in [the] right side of [his] chest, right pelvis, right leg and left leg, during a terrorist attack at [the] Tel-Aviv airport while visiting [Israel.]" (*See id.*)

45. Dr. Vigoreaux's record also further describes Petitioner (b) (6) "irrational and extravagant behavior" that he exhibited since the Lod Airport massacre. (*See id.* at 2.) Dr. Vigoreaux documented that Petitioner (b) (6) "verbal communication was scant and referred [sic] mostly to physical complaints in the form of pain in the back, right thigh, and right leg which he touched while claiming 'it hurts.'" (*See id.* at 3.) Notably, when Petitioner (b) (6) was questioned about the Lod Airport massacre, he was unable to "offer any recount of the shooting and his only voluntary remark was that 'they have killed [my] father-in-law.'" (*See id.* at 4) Rather, Petitioner (b) (6) mostly "assumed [the] posture of shooting at random with machine guns while uttering sounds of bullet firing." (*See id.*)

46. Due to Petitioner (b) (6) detachment from reality, anxiety, and hallucinations, Dr. Vigoreaux diagnosed Petitioner (b) (6) with chronic and severe, undifferentiated schizophrenia. (*See id.*) Dr. Vigoreaux further concluded that Petitioner (b) (6) was totally and permanently occupationally disabled, and would require indefinite psychiatric treatment (*See id.*)

47. Petitioner (b) (6) also redirects the Commission to Exhibit 9, a letter from Dr. Mortimer F. Shapiro, detailing his examination of Petitioner (b) (6) on January 27, 1978. (*See Ex. 9*) This letter details Petitioner (b) (6) medical treatment in Puerto Rico after the Lod Airport massacre, referring to documents that are now unavailable. (*See id.* at 1-2) For instance, Dr. Shapiro reviewed a report by Dr. Juan Llompart, dated September 20, 1977. (*See id.* at 1.) The

interview was conducted mainly through Petitioner (b) (6) wife, since Petitioner (b) (6) "appeared to be mentally ill and unable to answer questions or follow instructions." Dr. Llompart, discussing Petitioner (b) (6) physical injuries, diagnosed "a mild degree of permanent residual disability in relation to the right leg of about 5%."

48. Conducting his own in-person evaluation of Petitioner Ruiz, Dr. Shapiro noted Petitioner (b) (6) exhibited the same symptoms as doctors at the VA's mental hygiene clinic, Dr. Vigoreaux, and Dr. Gomez had observed. (*See id.* with Exs. 10, 12, 17 and 20.) He was anxious, unable to answer questions, out of touch with reality, relayed hearing voices, and erratic. (*See* Ex. 9 at 2.) At times he made gestures "quite unrelated to the content of the examination, [including] . . . those of pulling the trigger of a gun." (*See id.*) Petitioner (b) (6) also became more anxious when questioned about the Lod Airport massacre. (*See id.*)

49. Petitioner (b) (6) wife was also interviewed by Dr. Shapiro. (*See id.* at 3.) She noted that Petitioner (b) (6) had been suffering psychiatrically since the Lod Airport massacre and relayed that there was no history of psychiatric illness in Petitioner (b) (6) family. (*See id.*)

50. Based on the medical records and interviews, Dr. Shapiro's impression was, as follows:

Although a complete neurologic examination was not permitted, I very much doubt the presence of any significant neurologic disease. Certainly there is no evidence of disease of the central nervous system.

From a psychiatric point of view, he presents a well defined picture of paranoid schizophrenic reaction. **The psychosis is disabling. The psychosis appears to be a direct precipitate of the events of May 30, 1972.**

The prognosis for recovery seems to be poor.

(*See id.* at 3-4) (emphasis added).

51. On February 8, 1978, the VA concluded Petitioner ^{(b) (6)} was “unable to manage his [VA] benefits,” and proposed changing “competency status from competent to incompetent[.]” (See Ex. 17. __)

52. On February 16, 1978, Petitioner ^{(b) (6)} was treated at the VA’s mental hygiene clinic. (See Ex. 20 at 6-7.) The treatment records further document Petitioner ^{(b) (6)} severe psychiatric injuries resulting from the Lod Airport massacre:

[Petitioner ^{(b) (6)}] [h]ears voices threatening him, cannot sleep, spends day thoughtful, idle in hammock, suffers sudden episodes of [anxiety], shows no interest in anything even personal hygiene, [anxious] at home.

[Petitioner ^{(b) (6)}] was [indifferent to interview, would not answer questions, remains staring into space, upon insistence may give an irrelevant answer. . . . Poor contact with reality.

(See *id.* at 6) Based on these symptoms, Petitioner Ruiz was diagnosed with an “acute crisis that may require hospitalization.” (See *id.* at 7.)

53. Petitioner ^{(b) (6)} psychiatric crisis continued into March of 1978. VA treatment records of March 15, 1978, reflect that Petitioner ^{(b) (6)} continued to hear “voices that call him.” (See Ex. 20 at 7.) He was still “feeling anxious.” (See *id.*) He was diagnosed with a “schizophrenic disorder.” (See *id.*) Furthermore, Petitioner ^{(b) (6)} “need[ed] to continue in treatment because [of] his anxiety and hallucinations.” (See *id.*)

54. As of June 1978, Petitioner ^{(b) (6)} had not improved, continuing to suffer severe psychiatric and physical injuries as documented in the VA’s mental hygiene treatment records of June 15, 1978:

[Petitioner ^{(b) (6)}] complains of pain in wounds (**bullet wounds he suffered in Israel [Right] side of chest, hip, and three in legs.**) [Petitioner ^{(b) (6)}] hears voices.

[Petitioner (b) (6)] is . . . withdrawn, does not answer . . . questions, looks constantly at wall clock. Not actively hallucinating during interview. Seems to be out of contact most of the time. Wife does the talking for him.

Flattish affect. Aloof. Seems to be out of contact most of the time.

(See *id.* at 9.) (emphasis added).

55. On September 13, 1978, Petitioner (b) (6) was once again treated at the VA mental hygiene clinic. (See Ex. 20 at 10.) During the session, Petitioner (b) (6) was completely withdrawn, only “smil[ing] in a silly fashion in reply to questions, and remain[ing] silent, unconcerned, distant, apparently in poor contact with reality.” (See *id.*) Because Petitioner (b) (6) was too out of touch with reality to answer questions, most of the background information was provided by his wife. (See *id.*) Once again, the VA treatment records document that Petitioner (b) (6) had been “unable to work [as an] electrician’s helper for the past six years; **ever since he was involved in the terrorists’ attack in the Lod Airport in Israel.**” (See *id.*) (emphasis added) Petitioner (b) (6) continued to experience pain in the areas where he suffered bullet wounds. (See *id.*)

56. Finally, Petitioner (b) (6) 1986 and 1988 mental impairment evidence reports, which were submitted to the Social Security Administration, document the severe psychiatric and physical injuries Petitioner Ruiz continued to suffer in the decades following the Lod Airport massacre. (See Ex. 24 Cover Page, (b) (6) Mental Impairment Evidence Report by Dr. Angel L. Rodriguez Gomez (April 14, 1986); see also Ex. 25 (b) (6) Mental Impairment Evidence Report by Dr. Angel L. Rodriguez Gomez (March 24, 1988)). Specifically, the 1986 mental impairment report explicitly notes that Petitioner (b) (6) “was badly wounded

during the terrorist attack in the Tel Aviv airport several years ago. Since then he was never able to return to productive labor.” (See Ex. 24.)

57. As of 1988, Petitioner ^{(b) (6)} was still unable to work. (See Ex. 25 at 3.) Since the Lod Airport massacre Petitioner ^{(b) (6)} had gone through a “slow progressive deterioration.” (See *id.* at 2.) When interviewed by Dr. Gomez Rodriguez, Petitioner ^{(b) (6)} was “hallucinating, panicky, and absolutely unable to relate to others.” (See *id.* at 3.) Petitioner ^{(b) (6)} could barely tolerate members of his immediate family and was unable to handle interaction with strangers. (See *id.* at 4.) In fact, Dr. Gomez Rodriguez was only able to see Petitioner ^{(b) (6)} early in the morning when no other patients were around. (See *id.*) Petitioner ^{(b) (6)} mood was “withdrawn” and he had no orientation of person, place, or time. (See *id.*) The Lod Airport massacre and his resulting psychiatric illness had destroyed Petitioner ^{(b) (6)} memory, intellectual functioning, judgment, insight, and concentration. (See *id.*) Petitioner ^{(b) (6)} suffered panic attacks, “alleging he was going to be the last victim of the Tel Aviv massacre.” (See *id.*) He was stable only “under strong medications.” (See *id.*) Dr. Rodriguez Gomez diagnosed Petitioner ^{(b) (6)} with “schizophrenia, paranoid” and the prognosis was “catastrophic.” (See *id.* at 5.)

SUMMARY

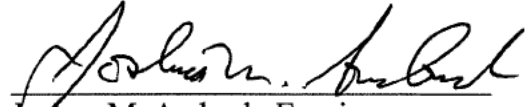
In summary, as a direct and proximate result of the Lod Airport Massacre on May 30, 1972, perpetrated by agents of Libya, Petitioner ^{(b) (6)} was caused to suffer serious and painful injuries of his body, psychiatric injuries, past, present, and future medical expenses, loss of work, and wages. Furthermore, as a result of these serious and painful injuries, Petitioner ^{(b) (6)} life was permanently altered, and he has been totally disabled as a result of his injuries.

WHEREFORE, Petitioner ^{(b) (6)} respectfully submits that his injuries are so severe they warrant a payment of damages to the fullest extent allowed for the petitioners who were named in the original complaint against Libya.

Date: _____

12-17-2009

Respectfully submitted,



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Attorney for Petitioner

**IN THE UNITED STATES DEPARTMENT OF JUSTICE
FOREIGN CLAIMS SETTLEMENT COMMISSION**

(b) (6)

Petitioner

* In Re: Claims Settlement
* Agreement between the United States of
* America and the Great Socialist People's
* Libyan Arab Jamahiriya dated August 14,
* 2008.
*
* Pursuant to
*
* *Franqui, et al. v Syrian Arab Republic, et al.*
* (D.D.C.) 06-CV-734 (RBW)
*

STATEMENT OF CLAIM

I.

INTRODUCTION

1. The terrorist attack on March 30, 1972 at Lod Airport in Tel Aviv, Israel was the most horrific terror attack up to that point in time. The violent assault was perpetrated by three Japanese nationals associated with the Japanese Red Army: Kozo Okamoto, Tsuyoshi Okudaira, and Yasuyaki Yasuda. The act was performed in concert with the Popular Front for the Liberation of Palestine (PFLP), and Palestine Liberation Organization (PLO), all of which were sponsored by Libya.

2. As a direct response to the Lod Airport Massacre, the United States Government initiated measures that led to the establishment of counterterrorism policies that imposed sanctions against Libya for its terrorist sponsoring activities. Those measures, codified in the Export Administration Act § 6 (j), the Arms Export Control Act § 40, and the Foreign Assistance Act § 620 (a), mandated the establishment of a list of state sponsors of terrorism. Libya became

a charter designee to the list in 1979. The underlying litigation against Libya by certain victims of the Lod Airport Massacre was brought pursuant to 28 USC § 1605 A and the above referenced authorities.

II.

U.S. CITIZENSHIP

3. Petitioner (b) (6) was born on December 31, 1944 in Manatí, Puerto Rico and is a U.S. citizen since birth (*Exhibit 1*). Petitioner (b) (6) complete high school, then studied for three years at a vocation school. Petitioner (b) (6) served in the U.S. Army for two years from 1963 to 1965, and continued to serve in the National Guard until 1977. Petitioner (b) (6) has been married to (b) (6) since 1966, and is the father of three children.

III.

CLAIMS FOR PHYSICAL INJURY BY PERSONS

WHO HAD A LAWSUIT PENDING IN U.S. FEDERAL COURT

A. Identify litigation or court case:

4. Petitioner (b) (6) filed suit on April 21, 2006 against Libya in a case captioned *Franqui, et al. v. Syrian Arab Republic, et al.* (D.D.C.) 06-CV-734 (RBW) (*Exhibit 2*). Petitioner (b) (6) was referred to the Foreign Claims Settlement Commission for final settlement pursuant to the Claims Settlement Agreement between the United States of America and the Great Socialist People's Libyan Arab Jamahiriya dated August 14, 2008.

B. Provide evidence establishing injured party was present at the scene of the incident forming the basis of litigation:

5. On May 30, 1972, Petitioner (b) (6) was part of a pilgrimage tour to Israel (*Exhibit 3*).

6. Petitioner ^{(b) (6)} does not possess his old passport that would have served as proof that he entered Israel at Lod Airport on May 30, 1972. Nonetheless, the exhibits attached establish proof that Petitioner ^{(b) (6)} was present at the Lod Airport during the attack, and include two pictures of Petitioner ^{(b) (6)} on the cover of newspaper articles that refer to the survivors of the Massacre at Lod Airport. One picture was taken immediately after the attack while the other was taken a few years afterwards in a follow-up article. Additionally, Petitioner ^{(b) (6)} has provided proof of his presence at the attack in the form of a letter from Israel acknowledging his injury from the attack and additionally providing him with monetary benefits for his suffering (*Exhibits 3-6*).

7. Petitioner ^{(b) (6)} took Air France Flight 132 from New York's Kennedy Airport which arrived in Tel Aviv at approximately 10:00 pm. On its way to Tel Aviv, Air France Flight 132 made a forty-minute stopover in Rome, Italy where the three terrorists boarded the plane.

8. Once the plane landed, the three terrorists waited for their luggage to arrive in the baggage claim area. The terrorists armed themselves with Czech-made VZT-58 and M-43 automatic rifles and approximately half a dozen power shrapnel grenades that were hidden in their luggage (*Exhibits 7 & 8*). Suddenly, and without warning, the terrorists opened fire while throwing grenades at passengers (*Id*). Their acts were cold and methodical, and performed with intent to inflict the maximum number of casualties (*Id*). Grenades were thrown into groups of passengers huddled around the baggage claim areas, and within one minute, hundreds of bullets were sprayed everywhere tearing through the bodies of the airport passengers (*Id*). The attackers were positioned in such a way to provide no means of escape for the victims.

C. Describe injuries:

9. During the murderous assault, Petitioner ^{(b) (6)} was struck down by gun fire and shrapnel (*Exhibit 9*). Petitioner ^{(b) (6)} was critically wounded in the chest, pelvis, and both legs, and consequently required months of medical treatment both in Israel and in the V.A. hospital in Puerto Rico (*Exhibit 10*). Upon being discharged from the V.A. Hospital in Puerto Rico, he was assigned ambulatory treatment for the severity of his injuries (Id). Petitioner ^{(b) (6)} endured physical pain long after treatment was completed (Id). In addition to the physical injuries, Petitioner ^{(b) (6)} required psychiatric treatment for his mental and emotional anguish (Id).

10. Petitioner ^{(b) (6)} injuries were so severe that he was declared unfit for service in the National Guard and was discharged in February of 1977 (*Exhibit 11*).

11. Petitioner ^{(b) (6)} was examined by Dr. Angel L. Gomez to determine the severity of his psychiatric injuries (*Exhibit 12*). In his evaluation, dated August 8, 1977, Dr. Gomez stated that Petitioner ^{(b) (6)} suffers from "sensorial distortions, [where he hears] voices trailing him and [threatening] to kill him" (*Exhibit 12*); He is significantly disoriented in person, place and time (Id). Additionally, his sense of reality is crucially impaired (Id). Based on the fact that Petitioner ^{(b) (6)} was not logical or coherent, was depressed, unable to manage funds or perform basic functions (i.e. bathing), Dr. Gomez diagnosed chronic and severe paranoid schizophrenia (Id). Dr. Gomez concluded that Petitioner ^{(b) (6)} required pharmacotherapy, and would not be able to engage in productive labor (Id).

12. Petitioner ^{(b) (6)} was examined by Dr. Jose R. Vigoreaux on January 26, 1978 and on January 31, 1978 (*Exhibit 10*). Due to Petitioner ^{(b) (6)} detachment from reality, anxiety, and hallucinations, Dr. Vigoreaux diagnosed Petitioner ^{(b) (6)} with chronic and severe, undifferentiated schizophrenia. Dr. Vigoreaux further concluded that Petitioner ^{(b) (6)} was totally

and permanently occupationally disabled, and would require indefinite psychiatric treatment (*Exhibit 10*).

13. Petitioner ^{(b) (6)} has long been treated with etrafon triavil (25mg),¹ valium (10mg),² dalmane (30 mg),³ acetaminophen (325 mg),⁴ Trilafon (8 ms),⁵ and Chloral hydrate (500 mg)⁶ (*Exhibit 13*).

IV.

SUMMARY

14. In summary, as a direct and proximate result of Libya's support of the Lod Airport Massacre on May 30, 1972, Petitioner ^{(b) (6)} suffered and will continuously and permanently suffer severe physical and psychiatric injuries. In addition to his physical injuries, Petitioner ^{(b) (6)} has endured severe shocks to his nerves and nervous system, great mental

¹ Etrafon and triavil are brand names for Amitriptyline with Perphenazine. This combination of medications is used to treat depression, anxiety and agitation. The amitriptyline component is an antidepressant which elevates depressed moods. Perphenazine relieves anxiety and agitation.

² Valium is a brand name for diazepam which is in the benzodiazepine family. It possesses anxiolytic, anticonvulsant, hypnotic, and sedative properties. It is commonly used for treating anxiety, insomnia, and muscle pain.

³ Dalmane is a brand name for flurazepam hydrochloride oral capsule. Flurazepam is a benzodiazepine (commonly prescribed class of sedative hypnotic drugs with varying sedative, hypnotic, anxiolytic, anticonvulsant, muscle relaxant and amnesic properties) and is used to treat insomnia, by helping you fall asleep and ensures you sleep through the night.

⁴ Acetaminophen is another name for paracetamol and is widely used as a pain reliever.

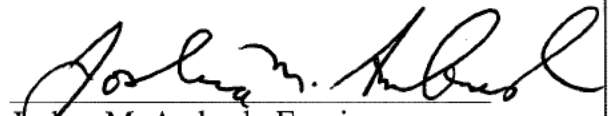
⁵ Trilafon is a brand name for Perphenazine, which is an anti-psychotic medication in a group of drugs called phenothiazines). It works by changing the actions of chemicals in your brain. Perphenazine is used to treat psychotic disorders such as schizophrenia.

⁶ Chloralhydrate is a sedative and hypnotic drug. It is used in therapeutic doses to treat insomnia.

anguish, has lost his former state of physical and mental well-being. In addition, he has lost a lifetime of wages and income earning opportunities.

WHEREFORE, Petitioner^{(b) (6)} respectfully submits that his injuries are so severe they warrant a payment of damages to the fullest extent allowed for the petitioners who were named in the original complaint against Libya.

Respectfully submitted,



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Attorney for Petitioner

(b) (6)

Dated: 6/30/2009

Petitioner