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11 Attorneys for Plaintiffs

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES**

14 Juana Perez 1A, 1B, 2A, 2B, 3, 4A, 4B, 5A,)
5B, 5C, 5D, 5F, 5G, 6A, 6B, 7A, 9, 10A, 10B,))
15 11, 12, 13, 14A, 14B, 16, 19, 21, 22, 23A,)
23B, 24, 25, 26A, 26B, 27, 29, 30, 31, 32A,)
16 32B, 33, 34, 35, 36, 37A, 37B, 37C, 38, 39,)
40, 41B, 42, 43A, 43B, 44, 45, 46A, 47, 48,)
17 51; Juan Perez 5E, 5H, 7B, 8, 15, 17, 18, 20,)
28, 41A, 46B, 49, 50.)

18 c/o Calle 12 #10-56)
19 Cienaga, Magdalena Colombia)
20 Plaintiffs)

21 v.)

22 DOLE FOOD COMPANY, INC., a California)
Corporation;)
23)
1 Dole Dr.)
24 WestLake Village, CA 91362)
25 and DOES 1 through 10 inclusive,)
26 Defendants)

CASE NO.: _____

COMPLAINT FOR DAMAGES

1. **Wrongful Death**
2. **Survival**
3. **Battery**
4. **Assault**
5. **Negligent Hiring and Supervision**
6. **Intentional Infliction of Emotional Distress**
7. **Negligent Infliction of Emotional Distress**

DEMAND FOR JURY TRIAL

1 COME NOW PLAINTIFFS,¹ who complain of Defendant DOLE FOOD COMPANY, INC.,
2 hereinafter “DOLE”, and allege as follows:

3 **I. INTRODUCTION**

4 1. Plaintiffs are 73 heirs of individuals who were murdered by paramilitaries who were
5 members of the United Self-Defense Forces of Colombia (hereafter “AUC”), or a predecessor
6 paramilitary organization. Several of these heirs, as described more fully below, also themselves
7 survived an attack by the AUC and suffered severe physical and mental injuries and bring claims for
8 these injuries as well. Other Plaintiffs also suffered direct injuries when the AUC attacked their
9 families. The AUC was designated a terrorist organization by the U.S. State Department in
10 September, 2001, and the extreme violent tactics of the AUC that earned it this designation were
11 well known in Colombia since the AUC’s inception in approximately 1997.

12 2. Plaintiffs bring this action against the DOLE Defendants because, at the very
13 inception of the AUC’s formation, DOLE made arrangements with the AUC’s founder, Carlos
14 Castaño, to provide major support to the AUC in exchange for “security services.” What this meant
15 in practice was that the AUC performed a number of violent services for DOLE, including driving
16 small farmers from their land to allow DOLE to plant bananas; driving leftist guerillas out of the
17 banana zones, and in the process murdering thousands of innocent people, including the relatives of
18 Plaintiffs’ herein; protecting DOLE’s property from theft and vandals; keeping unions out of
19 DOLE’s banana plantations by murdering effective union leaders and using terror tactics to
20 discourage workers from joining the unions and/or from negotiating collective-bargaining
21 agreements with DOLE; and generally acting as the local police force in addressing issues of social
22 unrest with violence.

23 3. Gathering information in Colombia about past and ongoing relationships between
24 U.S. multinationals and the AUC was impossible until very recently. Colombia began implementing
25 a “Justice and Peace” process that allowed AUC leaders to disarm, turn themselves in and receive
26 minimal jail time provided that they confessed to all of their terrorist crimes. The confession process

27 _____
28 ¹ A Motion to file the Complaint using pseudonyms to prevent Plaintiffs from suffering
violent retaliation is filed concurrently herewith.

1 is public and has revealed extensive evidence of the long collaboration between major business
2 interests and the AUC terrorists, now referred to as the “para-business” scandal.

3 4. In 2007, DOLE’s major competitor in the banana business, Chiquita Brands
4 International, plead guilty to making substantial payments to the AUC terrorists from 1997-2004,
5 when it was forced to stop when a board member self-reported to the U.S. Justice Department that
6 the company was making the illegal payments. In a plea agreement, Chiquita agreed to pay a fine of
7 \$25 million dollars and sever its ties to the Colombian entities that were working directly with the
8 AUC.

9 5. After Chiquita’s guilty plea, as part of the Justice and Peace process, Salvatore
10 Mancuso, the overall commander of the AUC once Carlos Castaño was killed, testified in early 2008
11 that DOLE and Del Monte, like Chiquita, had been providing major support to the AUC since its
12 inception. He later repeated this assertion on various media, including a September 2008 appearance
13 on “60 Minutes”.

14 6. At all relevant times herein, since outset of the AUC’s formation, there was a unit of
15 the AUC controlled by Rodrigo Tovar Pupo, alias “Jorge 40,” whose men were based in Caesar,
16 Magdalena and Guajira provinces, together referred to as the Northern Block. Within the area in and
17 around Magdalena Province where bananas are grown, and the area in which Plaintiffs herein reside
18 and where the murders discussed herein occurred, there was a large unit of the Northern Block. At
19 the outset, the local commander of the banana zone was William Rivas, alias “4x4.” In May, 2001,
20 Jose Gregorio Mangones Lugo, alias “Carlos Tijeras,” was selected by Jorge 40 to become the
21 commander of the AUC in the banana zone. Shortly thereafter, 4x4 was murdered, and Mangones
22 named his group the “William Rivas Front” in his honor.

23 7. Mangones corroborated Salvatore Mancuso’s testimony and confirmed in the Justice
24 and Peace process that DOLE, along with Chiquita, was a major supporter of the AUC’s Northern
25 Block, and of the William Rivas Front specifically. Unlike Chiquita, DOLE has yet to be prosecuted
26 or otherwise held legally accountable for its direct and material support to the AUC terrorists from
27 1997 to sometime in 2008, and to predecessor paramilitary groups before that. DOLE, like Chiquita,
28 made direct payments to the AUC that enabled the terrorist group to function as a fully-armed

1 military force in the banana region. Likewise, other AUC leaders, including Raul Hasbun, who was
2 responsible for establishing the payment mechanisms for the banana companies, including DOLE,
3 and Ever Velosa, alias “HH,” have confirmed that DOLE, like Chiquita, was a major financial
4 supporter of the AUC.

6 **II. PARTIES**

7 **A. PLAINTIFFS**

8 8. Juana Perez 1A is the wife and legal heir of Pablo Perez 1. Juana Perez 1B is the
9 second wife and also a legal heir of Pablo Perez 1. Pablo Perez 1 was murdered on March 6, 2002.
10 He was murdered by AUC paramilitaries from the William Rivas Front that were in control of the
11 banana zone of Magdalena Province, in furtherance of the internal armed conflict. He was killed by a
12 group of approximately six armed paramilitaries who had asked about him at the Finca Circasia, a
13 banana plantation owned or controlled by DOLE, where he worked as a security guard. After their
14 inquiry, the AUC paramilitaries learned that Pablo Perez 1 hadn't yet arrived to work, they withdrew
15 and waited for him. When he arrived, they approached him, demanded to see his identification
16 papers, and upon confirming his identity, they shot him six times. He died instantly. Pablo Perez 1
17 was an active member of SINTRAINAGRO, the trade union representing banana workers, including
18 those at the plantation where he was employed that was owned or controlled by DOLE.

19 9. In a letter issued on December 20, 2002, the Zona Bananera Municipal Representative
20 confirmed that Pablo Perez 1 was murdered for ideological and political reasons in the context of the
21 internal armed conflict. Based on information and belief, management at Finca Circasia had
22 pressured Pablo Perez 1 to resign, but he had refused. In public testimony on July 11, 2008, Jose
23 Gregorio Mangones Lugo, a/k/a Carlos Tijeras, commander of the William Rivas Front of the AUC,
24 accepted responsibility for the murder of Pablo Perez 1, and the Colombian courts convicted
25 Mangones Lugo of aggravated homicide for this murder on December 19, 2008. At the time when
26 Pablo Perez 1 was killed, the William Rivas Front was receiving substantial support from DOLE,
27 and the murder of Pablo Perez 1 was in furtherance of the understanding between the AUC and
28 DOLE that in return for DOLE's support, the AUC would drive the FARC and ELN guerrillas out of

1 the banana area and maintain a sufficient presence to keep the guerrillas from regaining a foothold.
2 Further, the AUC provided DOLE with security, labor quiescence and social stability, and ensured
3 that trade unions were not infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo
4 Perez 1 was one of the innocent victims of the violence that ensued when DOLE brought and
5 provided support to the AUC in the Magdalena Province.

6 10. Juana Perez 2A is the wife and legal heir of Pablo Perez 2. Juana Perez 2B is the
7 second wife and also a legal heir of Pablo Perez 2. Pablo Perez 2 was murdered on June 7th, 2000 by
8 members of the AUC paramilitaries from the Northern Block who were in control of the banana zone
9 of Magdalena Province in furtherance of the internal armed conflict. The paramilitaries acted in
10 concert with members of DOLE's private security team. Pablo Perez 2 was preparing to begin his
11 work day at the DOLE-owned or controlled Maria Luisa banana plantation when a group numbering
12 more than eight heavily armed paramilitaries showed up and, working off a list of names, called for
13 five of the plantation's workers, including Pablo Perez 2. Only three of the five were present. The
14 paramilitaries forced the three to board a pickup truck, and began to drive away with them when
15 Pablo Perez 2 struggled with one of the paramilitaries and managed to throw himself from the pickup
16 truck. Before he could escape, several of the paramilitaries fired their weapons at him, killing him
17 and smashing his skull. Pablo Perez 2 was a member of SINTRAINAGRO, the trade union
18 representing the plantation's banana workers, and was a member of the union's negotiating
19 committee. At the time of his murder, the union was preparing to start collective negotiations with
20 the plantation's management.

21 11. Based on information and belief, management at Finca Maria Luisa asserted falsely
22 that Pablo Perez 2 had participated in theft of some of the plantation's equipment as a pretense for
23 having him killed in reprisal. At the time when Pablo Perez 2 was killed, the AUC Northern Block
24 was receiving substantial support from DOLE, and the murder of Pablo Perez 2 was in furtherance of
25 the understanding between the AUC and DOLE that, in return for DOLE's support, the AUC would
26 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
27 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
28 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists

1 sympathetic to the FARC and ELN guerrillas. Pablo Perez 2 was one of the innocent victims of the
2 violence that ensued when DOLE brought and provided support to the AUC in the Magdalena
3 Province.

4 12. Juana Perez 3 is the wife and legal heir of Pablo Perez 3, an employee at the DOLE-
5 owned or controlled Maria Luisa banana plantation and a member of SINTRAINAGRO, the trade
6 union representing the plantation's banana workers. Pablo Perez 3 was murdered on June 7th, 2000
7 by members of the AUC paramilitaries from the Northern Block who were in control of the banana
8 zone of Magdalena Province in furtherance of the internal armed conflict. The paramilitaries acted in
9 concert with members of DOLE's private security team. Pablo Perez 3 was preparing to begin his
10 work day at the DOLE-owned or controlled Maria Luisa banana plantation when a group numbering
11 more than eight of the heavily armed paramilitaries showed up and, working off a list of names,
12 called for five of the plantation's workers, including Pablo Perez 3. Only three of the five were
13 present. The paramilitaries forced the three to board a pickup truck, and began to drive away with
14 them. One of them, Pablo Perez 2, jumped from the pickup truck and tried to escape but was gunned
15 down by the paramilitaries. After this, Pablo Perez 3 also jumped from the truck but was unable to
16 run due to a work-related injury to his leg. The paramilitaries shot him repeatedly, killing him. At
17 the time of his murder, the trade union representing Pablo Perez 3 and other banana workers was
18 preparing to start collective negotiations with the plantation's management. Based on information
19 and belief, Pablo Perez 3 also had a labor-related conflict with management at the time of his
20 murder; he had suffered a documented work-related injury, and was demanding that he be excused
21 from work with compensation for permanent disability, but management refused to recognize his
22 disability or pay him compensation.

23 13. Based on information and belief, management at Finca Maria Luisa asserted falsely
24 that Pablo Perez 3 had participated in theft of some of the plantation's equipment as a pretense for
25 having him killed in reprisal. At the time when Pablo Perez 3 was killed, the AUC Northern Block
26 was receiving substantial support from DOLE, and the murder of Pablo Perez 3 was in furtherance of
27 the understanding between the AUC and DOLE that, in return for DOLE's support, the AUC would
28 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep

1 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
2 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
3 sympathetic to the FARC and ELN guerrillas. Pablo Perez 3 was one of the innocent victims of the
4 violence that ensued when DOLE brought and provided support to the AUC in the Magdalena
5 Province.

6 14. Juana Perez 4A is the sister and legal heir of Pablo Perez 4. Juana Perez 4B is the
7 wife and also a legal heir of Pablo Perez 4. Pablo Perez 4 was murdered on October 22, 1997 by
8 AUC paramilitaries from the Northern Block who were in control of the banana zone of Magdalena
9 Province, in furtherance of the internal armed conflict. Pablo Perez 4 was an administrator at the
10 DOLE-owned or controlled banana plantations San Pedro 1, San Pedro 2, and San Pedro 3. On the
11 day of his murder, a group of approximately six armed paramilitaries with their faces covered arrived
12 in a pickup truck at Pablo Perez's place of work, at 6:30 AM, and told him to accompany them. After
13 visiting the three banana plantations, they executed him with multiple gunshots at the San Pedro 3
14 plantation. Pablo Perez 4 was on friendly terms with the trade union representing the San Pedro
15 plantations' banana workers, passing sensitive information about the company to the trade union.

16 15. At the time when Pablo Perez 4 was killed, the AUC Northern Block was receiving
17 substantial support from DOLE, and the murder of Pablo Perez 4 was in furtherance of the
18 understanding between the AUC and DOLE that, in return for DOLE's support, the AUC would
19 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
20 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
21 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
22 sympathetic to the FARC and ELN guerrillas. Pablo Perez 4 was one of the innocent victims of the
23 violence that ensued when DOLE brought and provided support to the AUC in the Magdalena
24 Province.

25 16. Juana Perez 5A is the wife and legal heir of Pablo Perez 5A; Juana Perez 5B is the
26 wife and legal heir of Pablo Perez 5B; Juana Perez 5C is the wife and legal heir of Pablo Perez 5C;
27 Juana Perez 5D is the daughter and legal heir of Pablo Perez 5B; Juan Perez 5E is the brother and
28 legal heir of Pablo Perez 5A, Pablo Perez 5B, and Pablo Perez 5C. Juana Perez 5F is the mother and

1 legal heir of Pablo Perez 5A, Pablo Perez 5B, and Pablo Perez 5C . Juana Perez 5G is the sister and
2 legal heir of Pablo Perez 5A, Pablo Perez 5B, and Pablo Perez 5C. Pablo Perez 5A, Pablo Perez 5B
3 and Pablo Perez 5C, who were brothers, were murdered on September 7, 2001 by AUC
4 paramilitaries from the William Rivas Front who were in control of the banana zone of Magdalena
5 Province, in furtherance of the armed internal conflict. At 6:00 AM on the morning they were killed,
6 Pablo Perez 5B was at home with his family when approximately four armed paramilitaries arrived
7 on motorcycles. The paramilitaries told Pablo Perez 5B to call for his brothers because they needed
8 to speak to them. He did so, and two of his brothers, Pablo Perez 5A and Pablo Perez 5C, arrived
9 within a half hour. The wife and daughter of Pablo Perez 5B withdrew to the kitchen in order to
10 prepare coffee for the paramilitaries while they talked with the three brothers. Suddenly from the
11 kitchen they heard gunshots; when they emerged, they saw that the four paramilitaries were shooting
12 the three brothers. Each brother was hit by approximately four bullets. The paramilitaries then
13 warned the wife and daughter not to say anything about what happened, or they too would be killed.

14 17. The three brothers and their families were among approximately 50 peasant families
15 who had squatted on land that, based on information and belief, had previously belonged to Finca La
16 Francisca, a banana plantation owned or controlled by DOLE, and they were murdered in order to
17 intimidate the other squatters into vacating their plots so that DOLE could recover the land for
18 banana production. In a letter dated September 15, 2008, the Attorney General's Office of Colombia
19 notified the victims' family that, in public testimony, Jose Gregorio Mangones Lugo, alias "Carlos
20 Tijeras," commander of the William Rivas Front of the AUC Northern Block, had accepted
21 responsibility for the murder of Pablo Perez 5A, Pablo Perez 5B and Pablo Perez 5C. At the time
22 when Pablo Perez 5A, Pablo Perez 5B and Pablo Perez 5C were killed, the William Rivas Front was
23 receiving substantial support from DOLE, and the murder of the three brothers was in furtherance of
24 the understanding between the AUC and DOLE that, in return for DOLE's support, the AUC would
25 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
26 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
27 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
28 sympathetic to the FARC and ELN guerrillas. Pablo Perez 5A, 5B and 5C were three of the innocent

1 victims of the violence that ensued when DOLE brought and provided support to the AUC in
2 Magdalena Province.

3 18. Juana Perez 6A is the wife and legal heir of Pablo Perez 6. Juana Perez 6B is the
4 sister and legal heir of Pablo Perez 6. Pablo Perez 6, a leader of a group of peasant families who had
5 squatted on land previously belonging to Finca La Francisca, a DOLE-owned or controlled banana
6 plantation, was murdered on January 13, 2005 by AUC paramilitaries from the William Rivas Front
7 that were in control of the banana zone of Magdalena Province, in furtherance of the internal armed
8 conflict. On the morning he was killed, Pablo Perez 6 was tending to his plot of land when two
9 armed paramilitaries arrived by motorcycle and asked Pablo Perez 6 what his name was. When he
10 answered them, they pulled weapons and fired at least three shots at him, killing him. Based on
11 information and belief, Pablo Perez 6 was murdered in order to intimidate the other squatters into
12 vacating their plots so that DOLE could recover the land for banana production; shortly after Pablo
13 Perez 6 was murdered, the remaining squatter families did vacate their plots, and within several
14 weeks heavy machinery was brought in to destroy their cultivation, and later the land was planted
15 with DOLE bananas.

16 19. At the time when Pablo Perez 6 was killed, the William Rivas Front was receiving
17 substantial support from DOLE, and the murder of Pablo Perez 6 was in furtherance of the
18 understanding between the AUC and DOLE that, in return for DOLE's support, the AUC would
19 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
20 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
21 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
22 sympathetic to the FARC and ELN guerrillas. Pablo Perez 6 was one of the innocent victims of the
23 violence that ensued when DOLE brought and provided support to the AUC in Magdalena Province.

24 20. Juana Perez 7A is the wife and legal heir of Pablo Perez 7. Juan Perez 7B is the
25 brother and legal heir of Pablo Perez 7. Pablo Perez 7 was murdered on May 25, 2003 by AUC
26 paramilitaries from the William Rivas Front that were in control of the banana zone of Magdalena
27 Province, in furtherance of the internal armed conflict. Pablo Perez 7 was employed at Finca La
28 Teresa, a DOLE-owned or controlled banana plantation. He had worked there for 15 years and was

1 an active member of SINTRAINAGRO, the trade union representing Finca La Teresa's banana
2 workers. At 6:30 AM on the morning he was killed, two armed paramilitaries arrived at his home,
3 knocked on his door, and when his wife answered, told her that they were looking for Pablo Perez 7.
4 At first she denied that he was there, but when they insisted, Pablo Perez 7 came to the door. After a
5 brief exchange of words, one of the paramilitaries pulled a firearm. Pablo Perez 7 struggled to take
6 the weapon away, but slipped and fell. The paramilitary then shot him twice, killing him.

7 21. Based on information and belief, Pablo Perez 7 was murdered because he had refused
8 to resign from his job despite demands from his employer that he do so. Upon his death, his heirs
9 were only able to collect one year's worth of severance from his employer, despite the fact that he
10 had worked there for 15 years. At the time when Pablo Perez 7 was killed, the William Rivas Front
11 was receiving substantial support from DOLE, and the murder of Pablo Perez 7 was in furtherance of
12 the understanding between the AUC and DOLE that in return for DOLE's support, the AUC would
13 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
14 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
15 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
16 sympathetic to the FARC and ELN guerrillas. Pablo Perez 7 was one of the innocent victims of the
17 violence that ensued when DOLE brought and provided support to the AUC in Magdalena Province.

18 22. Juan Perez 8 is the son and legal heir of Pablo Perez 8. Pablo Perez 8 was murdered
19 on May 19, 2004 by AUC paramilitaries from the William Rivas Front that were in control of the
20 banana zone of Magdalena Province, in furtherance of the internal armed conflict. Pablo Perez 8, a
21 farmer, was meeting with other farmers who had been cultivating a piece of land in the Sevillano
22 area of Cienaga when a group of heavily armed paramilitaries arrived and demanded to speak with
23 the owners of the land. Pablo Perez 8 came forward and asked them how he could be of help. One of
24 the three paramilitaries warned him that the AUC had already ordered the farmers to vacate the land,
25 and since they hadn't, he was going to die. The paramilitary then ordered Pablo Perez 8 to walk with
26 them; when he began to walk, one of the paramilitaries shot him in the back, killing him. One or
27 more of the paramilitaries then stole a motorcycle belonging to Pablo Perez 8 and left.

28 23. Based on information and belief, control or ownership of the land being cultivated by

1 the farmers where Pablo Perez 8 was killed was disputed by DOLE, and for this reason the AUC had
2 ordered the farmers to vacate the land at DOLE's direction. At the time when Pablo Perez 8 was
3 killed, the William Rivas Front was receiving substantial support from DOLE, and the murder of
4 Pablo Perez 8 was in furtherance of the understanding between the AUC and DOLE that in return for
5 DOLE's support, the AUC would drive the FARC and ELN guerrillas out of the banana area and
6 maintain a sufficient presence to keep the guerrillas from regaining a foothold. Further, the AUC
7 provided DOLE with security, labor quiescence and social stability, and ensured that trade unions
8 were not infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo Perez 8 was one
9 of the innocent victims of the violence that ensued when DOLE brought and provided support to the
10 AUC in Magdalena Province.

11 24. Juana Perez 9 is the wife and legal heir of Pablo Perez 9. Pablo Perez 9 was murdered
12 on May 19, 2004 by AUC paramilitaries from the William Rivas Front that were in control of the
13 banana zone of Magdalena Province, in furtherance of the internal armed conflict. Pablo Perez 9, a
14 farmer, was on his way to his land parcel in rural Cienaga township when he was detained by a group
15 of heavily armed paramilitaries who had just come from killing Pablo Perez 8. Two of the
16 paramilitaries arrived with the motorcycle just stolen from Pablo Perez 8. The paramilitaries
17 demanded to know where Pablo Perez 9 was going, and when he responded that he was on his way
18 to his land parcel, the paramilitaries told him that they had already prohibited the farmers from
19 continuing to cultivate that land. They then forced Pablo Perez 9 to accompany them. A short
20 distance away from where they had detained him, the paramilitaries killed Pablo Perez 9 with
21 firearms.

22 25. Based on information and belief, control or ownership of the land being cultivated by
23 Pablo Perez 9 and other farmers was disputed by DOLE, and for this reason the AUC had ordered
24 the farmers to vacate the land at DOLE's direction. At the time when Pablo Perez 9 was killed, the
25 William Rivas Front was receiving substantial support from DOLE, and the murder of Pablo Perez 9
26 was in furtherance of the understanding between the AUC and DOLE that, in return for DOLE's
27 support, the AUC would drive the FARC and ELN guerrillas out of the banana area and maintain a
28 sufficient presence to keep the guerrillas from regaining a foothold. Further, the AUC provided

1 DOLE with security, labor quiescence and social stability, and ensured that trade unions were not
2 infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo Perez 9 was one of the
3 innocent victims of the violence that ensued when DOLE brought and provided support to the AUC
4 in Magdalena Province.

5 26. Juana Perez 10A is the wife and legal heir of Pablo Perez 10. Juana Perez 10B is the
6 mother and legal heir of Pablo Perez 10. Pablo Perez 10 was an employee at the DOLE-owned or
7 controlled Eufemia banana plantation. Pablo Perez 10 was murdered by members of the AUC
8 paramilitaries from the Northern Block who were in control of the banana zone of Magdalena
9 Province, on February 21, 1997, in furtherance of the internal armed conflict. Pablo Perez 10 was at
10 home at 11:00 PM when a group of heavily armed paramilitaries came to his door and asked for
11 “Camilo,” whom they said was the head of SINTRAINAGRO, the trade union representing banana
12 workers at DOLE. Pablo Perez 10 told them that he didn’t know “Camilo”. Immediately, the
13 paramilitaries shot Pablo Perez 10 twice, killing him. The paramilitaries then asked Juana Perez 10 if
14 she knew who “Camilo” was, to which she answered that she did not. The paramilitaries then
15 apologized to her, assuring her that they had not come to kill her husband.

16 27. At the time when Pablo Perez 10, was killed, the AUC Northern Block was receiving
17 substantial support from DOLE, and the murder of Pablo Perez 10 was in furtherance of the
18 understanding between the AUC and DOLE that, in return for DOLE’s support, the AUC would
19 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
20 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
21 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
22 sympathetic to the FARC and ELN guerrillas. Pablo Perez 10 was one of the innocent victims of the
23 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
24 Magdalena.

25 28. Juana Perez 11 is the wife and legal heir of Pablo Perez 11, an employee at the
26 DOLE-owned or controlled Llanos banana plantation. Pablo Perez 11 was murdered by members of
27 the AUC paramilitaries from the Northern Block who were in control of the banana zone of
28 Magdalena Province at the time of the murder, in furtherance of the internal armed conflict. On May

1 2, 1999, Pablo Perez 11 was still at work after a long day of harvesting bananas when a group of
2 paramilitaries entered the plantation and an adjoining parcel of land occupied by peasant farmers.
3 The paramilitaries detained four people, including Pablo Perez 11. After robbing the peasant farmers
4 on the adjoining land of money, food, and appliances, the paramilitaries took the four detainees
5 away. They murdered Pablo Perez 11 and one of the other detainees on the side of the road that leads
6 towards the Cienaga Grande swamp.

7 29. At the time when Pablo Perez 11, was killed, the AUC Northern Block was receiving
8 substantial support from DOLE, and the murder of Pablo Perez 11 was in furtherance of the
9 understanding between the AUC and DOLE that, in return for DOLE's support, the AUC would
10 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
11 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
12 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
13 sympathetic to the FARC and ELN guerrillas. Pablo Perez 11 was one of the innocent victims of the
14 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
15 Magdalena..

16 30. Juana Perez 12 is the wife and legal heir of Pablo Perez 12, a former employee of the
17 San Francisco banana plantation, a DOLE supplier. Pablo Perez 12, his cousin (Pablo Perez 28) and
18 another companion were murdered by members of the AUC Northern Block paramilitaries on
19 September 30, 2007. The bodies of the three victims were found with bullet wounds to the head near
20 the side of the road in Aracataca, Magdalena. The Northern Block paramilitaries had exercised
21 control of the banana zone of Magdalena, in furtherance of the internal armed conflict, and were still
22 capable of carrying out murders with impunity at the time they murdered Pablo Perez 12 and his
23 companions. Based on information and belief, Pablo Perez 12 and Pablo Perez 28 were murdered as
24 a result of a labor dispute with management at San Francisco banana plantation. Approximately two
25 years before he was killed, Pablo Perez 12 had been forced to quit his job at the San Francisco
26 plantation and was only paid a fraction of his legal severance; in response, Pablo Perez 12 sued his
27 former employer, which offered to reinstate him, but without back pay. Approximately two months
28 after he refused to accept reinstatement, he was murdered.

1 31. In a certificate issued on August 13, 2008, the Aracataca Municipal Representative
2 confirmed that Pablo Perez 12 and Pablo Perez 28 (see ¶¶ 68-69, *infra*) were murdered for
3 ideological and political reasons in the context of the internal armed conflict. The Northern Block
4 paramilitaries of the AUC had received substantial support from DOLE, and the murder of Pablo
5 Perez 12 was in furtherance of the understanding between the AUC and DOLE that, in return for
6 DOLE's support, the AUC would drive the FARC and ELN guerrillas out of the banana area and
7 maintain a sufficient presence to keep the guerrillas from regaining a foothold. Further, the AUC
8 provided DOLE with security, labor quiescence and social stability, and ensured that trade unions
9 were not infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo Perez 12 was one
10 of the innocent victims of the violence that ensued when DOLE brought and provided support to the
11 AUC in the Zona Bananera.

12 32. Juana Perez 13 is the wife and legal heir of Pablo Perez 13, a banana worker who was
13 employed at Finca La Olga, a banana plantation owned or controlled by DOLE. Pablo Perez 13 was
14 murdered in Orihueca, Zona Bananera, on November 2, 2003 by AUC paramilitaries from the
15 William Rivas Front which was in control of the banana zone of Magdalena Province, in furtherance
16 of the internal armed conflict. Pablo Perez 13 was visited at his home on November 1, 2003 by two
17 unidentified individuals who told him that his brother needed to see him the following morning. The
18 next morning, Pablo Perez 17 rode his bicycle towards his brother's place of work, about a half hour
19 away by car. When he was halfway there, he was executed by multiple gunshots by paramilitaries.

20 33. At the time when Pablo Perez 13 was killed, the William Rivas Front of the AUC was
21 receiving substantial support from DOLE, and the murder of Pablo Perez 13 was in furtherance of
22 the understanding between the AUC and DOLE that, in return for the DOLE's support, the AUC
23 would drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence
24 to keep the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security,
25 labor quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
26 sympathetic to the FARC and ELN guerrillas. Pablo Perez 13 was one of the innocent victims of the
27 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
28 Magdalena.

1 34. Juana Perez 14A is the wife and legal heir of Pablo Perez 14A, a leader of
2 SINTRAINAGRO, the trade union representing banana workers, and an employee of Finca Eufemia,
3 a DOLE-owned or controlled banana plantation in Magdalena. Pablo Perez 14A was kidnapped and
4 murdered on November 6, 1997 by AUC paramilitaries from the Northern Block, who were in
5 control of the banana zone of Magdalena, in furtherance of the internal armed conflict. In the early
6 morning hours of November 6, 1997, two pickup trucks full of heavily armed paramilitaries dressed
7 in camouflaged uniforms and wearing AUC bracelets arrived at Pablo Perez 14A's home, located in
8 the "Si Nos Dejan" neighborhood in Ciénaga, Magdalena, where he had been living after fleeing the
9 banana zone following a massacre perpetrated by the AUC six months earlier. The paramilitaries
10 kicked down his door and entered forcefully, pushing and beating each adult they found in the home.
11 The paramilitaries kidnapped Pablo Perez 14A. He was found shot to death with multiple gunshot
12 wounds later that day; Juana Perez 14A identified his body.

13 35. At the time when Pablo Perez 14A was killed, the Northern Block was receiving
14 substantial support from DOLE, and the murder of Pablo Perez 14A was in furtherance of the
15 understanding between the AUC and DOLE that, in return for the DOLE's support, the AUC would
16 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
17 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
18 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
19 sympathetic to the FARC and ELN guerrillas. Pablo Perez 14A was one of the innocent victims of
20 the violence that ensued when DOLE brought and provided support to the AUC in the banana zone
21 of Magdalena.

22 36. Juana Perez 14A is the sister and legal heir of Pablo Perez 14B, a member of
23 SINTRAINAGRO, the trade union representing banana workers, and an employee of Finca Puerto
24 Rico, a DOLE banana supplier in the banana zone of Magdalena. Pablo Perez 14B was murdered on
25 February 10, 1998 by AUC paramilitaries from the Northern Block, who were in control of the
26 banana zone of Magdalena, in furtherance of the internal armed conflict. On that day, Pablo Perez
27 14B was resting at his home in Santa Marta when an armed paramilitary forced his way into the
28 home, pushed Pablo Perez 14B's sister out of the way, and immediately fired four shots at Pablo

1 Perez 14B, killing him instantly.

2 37. At the time when Pablo Perez 14B was killed, the Northern Block was receiving
3 substantial support from DOLE, and the murder of Pablo Perez 14B was in furtherance of the
4 understanding between the AUC and DOLE that, in return for the DOLE's support, the AUC would
5 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
6 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
7 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
8 sympathetic to the FARC and ELN guerrillas. Pablo Perez 14B was one of the innocent victims of
9 the violence that ensued when DOLE brought and provided support to the AUC in the banana zone
10 of Magdalena.

11 38. Juana Perez 14A is the sister and legal heir of Pablo Perez 14C; Juana Perez 14B is
12 the wife and legal heir of Pablo Perez 14C. Pablo Perez 14C was a member of SINTRAINAGRO,
13 the trade union representing banana workers at DOLE, and an employee of Finca Puerto Rico, a
14 DOLE banana supplier in the banana zone of Magdalena. Pablo Perez 14C was murdered on April
15 11, 2002 by AUC paramilitaries from the William Rivas Front, who were in control of the banana
16 zone of Magdalena, in furtherance of the internal armed conflict. A day before he was murdered,
17 Pablo Perez 14C was detained and questioned by a group of armed paramilitaries as he was leaving
18 work at 3:00 PM. The following morning, Pablo Perez 14C arrived at Finca Puerto Rico at 6:00 AM
19 to find that a group of armed paramilitaries, some of them dressed in camouflaged military uniforms,
20 had called a forced meeting among the banana workers. Working from a list, the paramilitaries
21 separated three of the workers, including Pablo Perez 14C, from the rest, and accused them of being
22 guerrilla collaborators. The paramilitaries then shot Pablo Perez 14C and the other two workers to
23 death in front of the other workers. Based on information and belief, the administrator of Finca
24 Puerto Rico denounced the three victims to the paramilitaries.

25 39. At the time when Pablo Perez 14C was killed, the William Rivas Front was receiving
26 substantial support from DOLE, and the murder of Pablo Perez 14C was in furtherance of the
27 understanding between the AUC and DOLE that in, return for the DOLE's support, the AUC would
28 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep

1 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
2 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
3 sympathetic to the FARC and ELN guerrillas. Pablo Perez 14C was one of the innocent victims of
4 the violence that ensued when DOLE brought and provided support to the AUC in the banana zone
5 of Magdalena.

6 40. Juana Perez 14A is the daughter and legal heir of Paula Perez 14D, who worked as a
7 midwife in the banana zone of Magdalena. Paula Perez 14D was murdered on August 28, 2004 in
8 Orihueca, Zona Bananera, by AUC paramilitaries from the William Rivas Front, who were in control
9 of the banana zone of Magdalena, in furtherance of the internal armed conflict. On that day, Paula
10 Perez 14D was at home when two armed paramilitaries approached her home on motorcycle.
11 Hearing the motorcycle, Paula Perez 14D believed that it was one of her grandsons, and so she
12 stepped out of her home to greet him. At that moment, one of the paramilitaries drew his weapon and
13 fired six shots into Paula Perez 14D, killing her instantly.

14 41. At the time when Paula Perez 14D was killed, the William Rivas Front was receiving
15 substantial support from DOLE, and the murder of Paula Perez 14D was in furtherance of the
16 understanding between the AUC and DOLE that, in return for the DOLE's support, the AUC would
17 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
18 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
19 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
20 sympathetic to the FARC and ELN guerrillas. Paula Perez 14D was one of the innocent victims of
21 the violence that ensued when DOLE brought and provided support to the AUC in the banana zone
22 of Magdalena.

23 42. Juan Perez 15 is the brother and legal heir of Pablo Perez 15, an employee of Finca
24 Eufemia, a DOLE-owned or controlled banana plantation in Magdalena. Pablo Perez 15 was
25 murdered on September 25, 2002, by AUC paramilitaries from the William Rivas Front, who were in
26 control of the banana zone of Magdalena, in furtherance of the internal armed conflict. As Pablo
27 Perez 15 was leaving work in the afternoon, he was intercepted by two armed paramilitaries on a
28 motorcycle who kidnapped him. He was found shot to death the following day.

1 43. At the time when Pablo Perez 15 was killed, the William Rivas Front was receiving
2 substantial support from DOLE, and the murder of Pablo Perez 15 was in furtherance of the
3 understanding between the AUC and DOLE that in return for the DOLE's support, the AUC would
4 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
5 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
6 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
7 sympathetic to the FARC and ELN guerrillas. Pablo Perez 15 was one of the innocent victims of the
8 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
9 Magdalena.

10 44. Juana Perez 16 is the wife and legal heir of Pablo Perez 16, a leader of
11 SINTRAINAGRO, the trade union representing banana workers, and an employee of Hacienda
12 Maria Luisa, a banana plantation in Magdalena that supplied DOLE. Pablo Perez 16 was murdered
13 on July 19, 1997 by AUC paramilitaries from the Northern Block, who were in control of the banana
14 zone of Magdalena, in furtherance of the internal armed conflict. On July 19, 1997, Pablo Perez 16
15 was at the headquarters of SINTRAINAGRO in Cienaga, Magdalena, conducting union business,
16 when a group of armed paramilitaries entered and kidnapped him and the union's General Secretary.
17 Their bodies were found two days later in the banana zone of Magdalena. Pablo Perez 16 was
18 murdered with a gunshot to the head.

19 45. At the time when Pablo Perez 16 was killed, the Northern Block was receiving
20 substantial support from DOLE, and the murder of Pablo Perez 16 was in furtherance of the
21 understanding between the AUC and DOLE that, in return for the DOLE's support, the AUC would
22 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
23 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
24 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
25 sympathetic to the FARC and ELN guerrillas. Pablo Perez 16 was one of the innocent victims of the
26 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
27 Magdalena.

28 46. Juan Perez 17 is the brother and legal heir of Pablo Perez 17, an employee of the

1 banana plantation Finca La Chavela, a DOLE supplier located in Río Frío, Zona Bananera,
2 Magdalena, for approximately two years. Pablo Perez 17 was murdered on March 7, 2003 by AUC
3 paramilitaries from the William Rivas Front, who were in control of the banana zone of Magdalena,
4 in furtherance of the internal armed conflict. On March 7, 2003, Pablo Perez 17 was visiting a pool
5 hall owned by Juan Perez 17 in Ciénaga, Magdalena. At approximately 7:00 PM, two armed
6 paramilitaries arrived on a motorcycle and entered the pool hall. One of the paramilitaries fired his
7 gun into the air and demanded that everyone get down on the floor, adding that the first to move
8 would be killed. Everyone lay on the floor in fear. One of the paramilitaries moved to block the
9 entrance to the pool hall; the other paramilitary fired his weapon at Pablo Perez 17. When Pablo
10 Perez 17 raised his head in reaction, the same paramilitary kicked him in the head and fired two more
11 shots, killing him. The murderer then announced that this was so that people would respect the
12 paramilitaries.

13 47. In a letter issued on July 7, 2003, the Cienaga Municipal Representative confirmed
14 that Pablo Perez 17 was murdered for ideological and political reasons in the context of the internal
15 armed conflict. At the time when Pablo Perez 17 was killed, the William Rivas Front was receiving
16 substantial support from DOLE, and the murder of Pablo Perez 17 was in furtherance of the
17 understanding between the AUC and DOLE that in return for the DOLE's support, the AUC would
18 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
19 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
20 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
21 sympathetic to the FARC and ELN guerrillas. Pablo Perez 17 was one of the innocent victims of the
22 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
23 Magdalena.

24 48. Juan Perez 18 is the son and legal heir of Pablo Perez 18, an employee of the banana
25 plantation Finca Siria, a DOLE supplier located between Ciénaga and Río Frío, Magdalena, for
26 approximately 23 years. Pablo Perez 18 was murdered on January 20, 1999 by AUC paramilitaries
27 from the Northern Block, who were in control of the banana zone of Magdalena, in furtherance of
28 the internal armed conflict. On January 20, 1999, Pablo Perez 18 was at home sleeping when, at

1 about 1:00 AM, a group of heavily armed paramilitaries surrounded his home, kicked down the door,
2 and entered by force. After robbing some of Pablo Perez 18's possessions, the paramilitaries
3 executed him in front of his family in his living room. The family learned a few days later that the
4 paramilitaries who killed Pablo Perez 18 were led by alias "José the Dwarf," a Northern Block leader
5 under the command of alias "4 by 4," whose real name was William Rivas. One week before his
6 death, Pablo Perez 18 reported having an argument with the owner of Finca Siria, and that he was
7 afraid that something might happen to him. The problem, as Pablo Perez 18 told Plaintiff Juan Perez
8 18, was that the owner of Finca Siria had demanded that Pablo Perez 18 resign without severance
9 pay after 23 years of service. Pablo Perez 18 had responded that he would only resign if Finca Siria
10 paid him his full severance.

11 49. Based on information and belief, Pablo Perez 18 was murdered by the Northern Block
12 at the request of the owner of Finca Siria because he refused to resign without severance pay. At the
13 time when Pablo Perez 18 was killed, the AUC was receiving substantial support from DOLE, and
14 the murder of Pablo Perez 18 was in furtherance of the understanding between the AUC and DOLE
15 that in return for the DOLE's support, the AUC would drive the FARC and ELN guerrillas out of the
16 banana area and maintain a sufficient presence to keep the guerrillas from regaining a foothold.
17 Further, the AUC provided DOLE with security, labor quiescence and social stability, and ensured
18 that trade unions were not infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo
19 Perez 18 was one of the innocent victims of the violence that ensued when DOLE brought and
20 provided support to the AUC in the banana zone of Magdalena.

21 50. Juana Perez 19 is the wife and legal heir of Pablo Perez 19, an employee of the
22 banana plantation Finca Carital, a DOLE supplier located in Río Frío, Zona Bananera, Magdalena.
23 Pablo Perez 19 was murdered on April 3, 2000 by AUC paramilitaries from the Northern Block, who
24 were in control of the banana zone of Magdalena, in furtherance of the internal armed conflict. On
25 April 3, 2000, Pablo Perez 19 was making his rounds at Finca Carital, where he worked as a security
26 guard. At approximately 7:00 PM, two armed paramilitaries confronted him, and one of them shot
27 him in the head, killing him.

28 51. At the time when Pablo Perez 19 was killed, the Northern Block was receiving

1 substantial support from DOLE, and regularly controlled the entrance to and exit from the immediate
2 area where Finca Carital is located. The murder of Pablo Perez 19 was in furtherance of the
3 understanding between the AUC and DOLE that in return for the DOLE's support, the AUC would
4 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
5 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
6 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
7 sympathetic to the FARC and ELN guerrillas. Pablo Perez 19 was one of the innocent victims of the
8 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
9 Magdalena.

10 52. Juan Perez 20 is the father and legal heir of Pablo Perez 20. Pablo Perez 20 was
11 kidnapped and disappeared on July 16, 1998 by AUC paramilitaries from the Northern Block who
12 were in control of the banana zone of Magdalena Province, in furtherance of the internal armed
13 conflict. Pablo Perez 20 was employed by his father, helping him to fulfill his contract with DOLE to
14 clean the irrigation canals at two DOLE-owned or controlled banana plantations, Finca Nerlandia
15 and Finca Llanos, both located near Río Aguja, between Ciénaga and Río Frío, Magdalena. On July
16 16, 1998, Pablo Perez 20 left work early, telling his father that he was going to attend a religious
17 procession. Shortly after Pablo Perez 20 had left, another worker informed his father, Plaintiff Juan
18 Perez 20, that the AUC had mounted a roadblock nearby, checking the identity of all who passed by.
19 Plaintiff Juan Perez 20 became worried later when Pablo Perez 20 failed to show up at home as
20 expected. The following day, a security guard at an adjacent plantation told him that his son had been
21 kidnapped by the paramilitaries at the roadblock the day before. Plaintiff Juan Perez 20 was, at the
22 time of his son's kidnapping, the vice president of the Zona Bananera Peasants' Association, an
23 organization whose aim was to advocate for landless farmers. The association's president had been
24 murdered by AUC paramilitaries in 1997, and Juan Perez 20's name had appeared on a list of people
25 targeted for death by the AUC. Juan Perez 20 had asked Humberto Diaz, a manager of Finca
26 Nerlandia and Finca Llanos, not to tell anyone that he had hired Juan Perez 20 to clean the irrigation
27 canals, lest the AUC find out where he was.

28 53. Based on information and belief, Humberto Diaz told the Northern Block

1 paramilitaries that Juan Perez 20 was working for him at the Nerlandia and Llanos plantations. The
2 Northern Block paramilitaries kidnapped Pablo Perez 20, knowing he was Juan Perez 20's son. At
3 the time when Pablo Perez 20 was kidnapped and disappeared, the Northern Block was receiving
4 substantial support from DOLE. The kidnapping and disappearance of Pablo Perez 20 was in
5 furtherance of the understanding between the AUC and DOLE that in return for the DOLE's
6 support, the AUC would drive the FARC and ELN guerrillas out of the banana area and maintain a
7 sufficient presence to keep the guerrillas from regaining a foothold. Further, the AUC provided
8 DOLE with security, labor quiescence and social stability, and ensured that trade unions were not
9 infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo Perez 20 was one of the
10 innocent victims of the violence that ensued when DOLE brought and provided support to the AUC
11 in the banana zone of Magdalena.

12 54. Juana Perez 21 is the wife and legal heir of Pablo Perez 21, an employee of the
13 DOLE-owned or controlled banana plantation Finca Olga, in the banana zone of Magdalena. Pablo
14 Perez 21 was kidnapped and disappeared on February 6, 2001 by AUC paramilitaries of the
15 Northern Block who were in control of the banana zone of Magdalena, in furtherance of the internal
16 armed conflict. The AUC paramilitaries were acting in concert with members of DOLE's private
17 security team. On February 6, 2001, near midnight, Pablo Perez 21 was sleeping at his home in the
18 village of Iberia, in Zona Bananera, Magdalena, when the paramilitaries, wearing camouflaged
19 clothing and ski masks, kicked in his door, robbed appliances and cash, and kidnapped Pablo Perez
20 21, who was never found. Minutes before, the same group of armed men had violently entered the
21 home of Pablo Perez 22, Plaintiff Juana Perez 21's brother, and kidnapped him.

22 55. Based on information and belief, DOLE's private security team informed the AUC
23 Northern Block paramilitaries that Pablo Perez 21 and Pablo Perez 22 had stolen radio equipment
24 belonging to DOLE, and as per the arrangement between DOLE and the AUC, Pablo Perez 21 and
25 Pablo Perez 22 were kidnapped and disappeared as a result of DOLE's complaint about them. . At
26 the time when Pablo Perez 21 was kidnapped and disappeared, the Northern Block was receiving
27 substantial support from DOLE. The kidnapping and disappearance of Pablo Perez 21 was in
28 furtherance of the understanding between the AUC and DOLE that in return for the DOLE's

1 support, the AUC would drive the FARC and ELN guerrillas out of the banana area and maintain a
2 sufficient presence to keep the guerrillas from regaining a foothold. Further, the AUC provided
3 DOLE with security, labor quiescence and social stability, and ensured that trade unions were not
4 infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo Perez 21 was one of the
5 innocent victims of the violence that ensued when DOLE brought and provided support to the AUC
6 in the banana zone of Magdalena.

7 56. Juana Perez 22 is the wife and legal heir of Pablo Perez 22, an employee of the
8 DOLE-owned or controlled banana plantation Finca Circasia, in the banana zone of Magdalena.
9 Pablo Perez 22 was kidnapped and disappeared on February 6, 2001 by AUC paramilitaries of the
10 Northern Block, who were in control of the banana zone of Magdalena, in furtherance of the internal
11 armed conflict. On February 6, 2001, at around 11:30 PM, Pablo Perez 22 was sleeping at his home
12 in the village of Iberia, in Zona Bananera, Magdalena, when the paramilitaries, wearing camouflaged
13 clothing and ski masks, kicked in his door, robbed appliances, cash, and jewelry, and kidnapped
14 Pablo Perez 22, who was never found.

15 57. Based on information and belief, DOLE's private security team informed the AUC
16 Northern Block paramilitaries that Pablo Perez 22 and Pablo Perez 21 had stolen radio equipment
17 belonging to DOLE, and as per the arrangement between DOLE and the AUC, Pablo Perez 22 and
18 Pablo Perez 21 were kidnapped and disappeared as a result of DOLE's complaint about them. At the
19 time when Pablo Perez 22 was kidnapped and disappeared, the Northern Block was receiving
20 substantial support from DOLE. The kidnapping and disappearance of Pablo Perez 22 was in
21 furtherance of the understanding between the AUC and DOLE that in return for the DOLE's
22 support, the AUC would drive the FARC and ELN guerrillas out of the banana area and maintain a
23 sufficient presence to keep the guerrillas from regaining a foothold. Further, the AUC provided
24 DOLE with security, labor quiescence and social stability, and ensured that trade unions were not
25 infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo Perez 22 was one of the
26 innocent victims of the violence that ensued when DOLE brought and provided support to the AUC
27 in the banana zone of Magdalena.

28

1 58. Juana Perez 23A is the wife and legal heir of Pablo Perez 23. Juana Perez 23B is the
2 second wife and also a legal heir of Pablo Perez 23. Pablo Perez 23 was an employee of the banana
3 plantation Finca La Nancy, a DOLE supplier located in the banana zone of Magdalena. Pablo Perez
4 23 was murdered on June 5, 2000 by a group of AUC paramilitaries of the Northern Block who were
5 in control of the banana zone of Magdalena, in furtherance of the internal armed conflict. On June 5,
6 2000 a group of heavily armed paramilitaries entered Finca La Nancy and kidnapped Pablo Perez 23
7 and another employee, a foreman; the foreman was released almost immediately, but Pablo Perez 23
8 was found dead two days later, about a mile and a half from Finca La Nancy, with bullet wounds to
9 the head.

10 59. On February 20, 2001, the Zona Bananera Municipal Representative issued a letter
11 confirming that Pablo Perez 23 died as a victim of a terrorist attack for ideological and political
12 motives in the context of the internal armed conflict. Pablo Perez 23 had worked for approximately
13 20 years at Finca La Nancy; after his death, management at Finca La Nancy never paid Pablo Perez
14 23's heirs his accumulated severance pay. At the time when Pablo Perez 23 was kidnapped and
15 murdered, the Northern Block was receiving substantial support from DOLE. The kidnapping and
16 murder of Pablo Perez 23 was in furtherance of the understanding between the AUC and DOLE that
17 in return for the DOLE's support, the AUC would drive the FARC and ELN guerrillas out of the
18 banana area and maintain a sufficient presence to keep the guerrillas from regaining a foothold.
19 Further, the AUC provided DOLE with security, labor quiescence and social stability, and ensured
20 that trade unions were not infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo
21 Perez 23 was one of the innocent victims of the violence that ensued when DOLE brought and
22 provided support to the AUC in the banana zone of Magdalena.

23 60. Juana Perez 24 is the wife and legal heir of Pablo Perez 24. Pablo Perez 24 was a
24 security guard at the DOLE-owned or controlled banana plantation Finca San Antonio, where he had
25 worked for approximately 14 years. Pablo Perez 24 was murdered on December 22, 2006 at Finca
26 San Antonio by AUC paramilitaries of the Northern Block who had failed to demobilize, and who
27 were still in control of the banana zone of Magdalena, in furtherance of the internal armed conflict.
28 At approximately 6:45, two fellow security guards heard gunshots coming from the sector of the

1 plantation that Pablo Perez 24 was guarding. When he failed to show up at 7:00 PM for dinner, as
2 was his custom, they went looking for him. They found him dead with two shotgun wounds, lying in
3 a pool of blood.

4 61. At the time when Pablo Perez 24 was murdered, the AUC Northern Block had
5 received substantial support from DOLE. The kidnapping and murder of Pablo Perez 24 was in
6 furtherance of the understanding between the AUC and DOLE that in return for the DOLE's
7 support, the AUC would maintain security and keep the FARC and other guerrillas out of the banana
8 area and maintain a sufficient presence to keep the guerrillas from regaining a foothold. Further, the
9 AUC provided DOLE with security, labor quiescence and social stability, and ensured that trade
10 unions were not infiltrated by leftists sympathetic to the FARC guerrillas. Pablo Perez 24 was one of
11 the innocent victims of the violence that ensued when DOLE brought and provided support to the
12 AUC in the banana zone of Magdalena.

13 62. Juana Perez 25 is the wife and legal heir of Pablo Perez 25. Pablo Perez 25 was an
14 employee at the DOLE-owned or controlled banana plantation Finca La Olga. Pablo Perez 25 was
15 murdered on March 14, 2000 by AUC paramilitaries of the Northern Block who were in control of
16 the banana zone of Magdalena, in furtherance of the internal armed conflict. At approximately 11:00
17 PM on March 14, 2000, a group of approximately 20 heavily armed paramilitaries surrounded Pablo
18 Perez 25's home in the village of Iberia, Zona Bananera, kicked in the door and demanded to know
19 the names of each family member present. The paramilitaries took Pablo Perez 25, tied his hands
20 with a cord from a window curtain, and took him away. About 100 yards from his home, they
21 executed him with a single gunshot to the head.

22 63. On January 23, 2007, the Colombian government, through its Presidential Agency for
23 Social Action and International Cooperation, notified Juana Perez 25 that she was entitled to
24 government compensation for the death of Pablo Perez 25, acknowledging that Pablo Perez 25's
25 death occurred in the context of the internal armed conflict. At the time when Pablo Perez 25 was
26 killed, the Northern Block was receiving substantial support from DOLE. The murder of Pablo Perez
27 25 was in furtherance of the understanding between the AUC and DOLE that in return for the
28 DOLE's support, the AUC would drive the FARC and ELN guerrillas out of the banana area and

1 maintain a sufficient presence to keep the guerrillas from regaining a foothold. Further, the AUC
2 provided DOLE with security, labor quiescence and social stability, and ensured that trade unions
3 were not infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo Perez 25 was one
4 of the innocent victims of the violence that ensued when DOLE brought and provided support to the
5 AUC in the banana zone of Magdalena.

6 64. Juana Perez 26A is the wife and legal heir of Pablo Perez 26. Juana Perez 26B is the
7 sister and legal heir of Pablo Perez 26. Pablo Perez 26 was an employee at the Finca Lucía banana
8 plantation in Rio Frio, Zona Bananera Magdalena, a DOLE supplier. Pablo Perez 26 was murdered
9 on May 5, 2001 by AUC paramilitaries of the William Rivas Front, who were in control of the
10 banana zone of Magdalena, in furtherance of the internal armed conflict. Early on the morning of
11 May 5, 2001, Pablo Perez 26 was on his way to work at Finca Lucía when, about 300 yards from the
12 entrance to the plantation, he was intercepted by two armed paramilitaries riding a motorcycle. The
13 two paramilitaries shot him six times, killing him. After the killing, one of the Plaintiffs was
14 informed that the William Rivas Front had mistaken Pablo Perez 26 for a leader of the trade union
15 SINTRAINAGRO. The Plaintiff was informed by observers that on November 13, 2007, José
16 Gregorio Mangones Lugo, alias Carlos Tijeras, commander of the William Rivas Front,
17 acknowledged in public testimony under the Justice and Peace process that the William Rivas Front
18 had killed Pablo Perez 26 in error.

19 65. At the time when Pablo Perez 26 was killed, the William Rivas Front was receiving
20 substantial support from DOLE. The murder of Pablo Perez 26 was in furtherance of the
21 understanding between the AUC and DOLE that in return for the DOLE's support, the AUC would
22 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
23 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
24 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
25 sympathetic to the FARC and ELN guerrillas. Pablo Perez 26 was one of the innocent victims of the
26 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
27 Magdalena.

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1 66. Juana Perez 27 is the mother and legal heir of Pablo Perez 27, an employee of the
2 banana plantation Finca La Claret, a DOLE supplier located in Río Frío, Zona Bananera, Magdalena.
3 Pablo Perez 27 was murdered on October 18, 2001 by a group of AUC paramilitaries of the William
4 Rivas Front, who were in control of the banana zone of Magdalena, in furtherance of the internal
5 armed conflict. At about 11:30 AM on October 18, 2001, Pablo Perez 27 was working in the
6 packing station at Finca La Claret when four armed paramilitaries arrived on two motorcycles. The
7 paramilitaries asked to speak to the administrator, Mr. Jairo Polo. The administrator invited them
8 into his office. But, as they were following Mr. Polo to his office, one of the paramilitaries turned
9 around suddenly, aimed his weapon at Pablo Perez 27, and shot him, killing him.

10 67. Based on information and belief, management at La Finca Claret denounced Pablo
11 Perez 27 for supposedly stealing irrigation equipment, for which reason the paramilitaries executed
12 him. Based on reports of observers, in public testimony following the demobilization of the AUC in
13 2006, a paramilitary named Kelvis Revollo stated that he was the one who murdered Pablo Perez 27,
14 and he added that he killed him because Pablo Perez 27 had been stealing irrigation equipment. At
15 the time when Pablo Perez 27 was killed, the William Rivas Front was receiving substantial support
16 from DOLE. The murder of Pablo Perez 27 was in furtherance of the understanding between the
17 AUC and DOLE that in return for the DOLE's support, the AUC would drive the FARC and ELN
18 guerrillas out of the banana area and maintain a sufficient presence to keep the guerrillas from
19 regaining a foothold. Further, the AUC provided DOLE with security, labor quiescence and social
20 stability, and ensured that trade unions were not infiltrated by leftists sympathetic to the FARC and
21 ELN guerrillas. Pablo Perez 27 was one of the innocent victims of the violence that ensued when
22 DOLE brought and provided support to the AUC in the banana zone of Magdalena.

23 68. Juan Perez 28 is the father and legal heir of Pablo Perez 28, an employee of Finca
24 Tamacara banana plantation, a DOLE supplier. Pablo Perez 28, his cousin (Pablo Perez 12) and
25 another companion were murdered by members of the AUC Northern Block paramilitaries on
26 September 30, 2007. The bodies of the three victims were found with bullet wounds to the head near
27 the side of the road in Aracataca, Magdalena. The Northern Block paramilitaries had exercised
28 control of the banana zone of Magdalena, in furtherance of the internal armed conflict, and were still

1 capable of carrying out murders with impunity at the time they murdered Pablo Perez 28 and his
2 companions.

3 69. In a letter issued on August 13, 2008, the Aracataca Municipal Representative
4 confirmed that Pablo Perez 28 and Pablo Perez 12 (discussed in ¶¶ 30-31, *supra*) were murdered for
5 ideological and political reasons in the context of the internal armed conflict. Based on information
6 and belief, Pablo Perez 28 was murdered as a result of a labor dispute Pablo Perez 12 had had with
7 management at San Francisco plantation, a DOLE supplier where Pablo Perez 12 worked. The
8 Northern Block paramilitaries of the AUC had received substantial support from DOLE, and the
9 murder of Pablo Perez 28 was in furtherance of the understanding between the AUC and DOLE that,
10 in return for DOLE's support, the AUC would drive the FARC and ELN guerrillas out of the banana
11 area and maintain a sufficient presence to keep the guerrillas from regaining a foothold. Further, the
12 AUC provided DOLE with security, labor quiescence and social stability, and ensured that trade
13 unions were not infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo Perez 28
14 was one of the innocent victims of the violence that ensued when DOLE brought and provided
15 support to the AUC in Magdalena Province.

16 70. Juana Perez 29 is the sister and legal heir of Pablo Perez 29. Pablo Perez 29 was a
17 member of a community of landless peasant farmers who had occupied a disputed piece of land
18 called "Finca El 70," in Guacamayal, Zona Bananera, Magdalena. Pablo Perez 29 was murdered on
19 March 17, 1998 by AUC paramilitaries of the Northern Block who were in control of the banana
20 zone of Magdalena, in furtherance of the internal armed conflict. At approximately 4:00 PM on
21 March 17, 1998, Pablo Perez 29 was on Finca El 70 with other farmers when a group of heavily
22 armed paramilitaries wearing military uniforms arrived and ordered all of the women to go indoors.
23 The paramilitaries ordered Pablo Perez 29 to accompany them. When he refused, they beat him and
24 shot him to death. The paramilitaries then told the women to leave the land immediately; as a result,
25 the rest of the farmers fled; the land was subsequently planted with bananas. Before leaving, the
26 paramilitaries kidnapped two of the farmers.

27 71. Based on information and belief, the Northern Block paramilitaries murdered Pablo
28 Perez 29 in order to spread fear among the occupants of Finca El 70, so that they would flee the land

1 and make it available for banana production for DOLE or one of DOLE's suppliers. At the time
2 when Pablo Perez 29 was murdered, the Northern Block was receiving substantial support from
3 DOLE. The murder of Pablo Perez 29 was in furtherance of the understanding between the AUC and
4 DOLE that in return for the DOLE's support, the AUC would drive the FARC and ELN guerrillas
5 out of the banana area and maintain a sufficient presence to keep the guerrillas from regaining a
6 foothold. Further, the AUC provided DOLE with security, labor quiescence and social stability, and
7 ensured that trade unions were not infiltrated by leftists sympathetic to the FARC and ELN
8 guerrillas. Pablo Perez 29 was one of the innocent victims of the violence that ensued when DOLE
9 brought and provided support to the AUC in the banana zone of Magdalena.

10 72. Juana Perez 30 is the wife and legal heir of Pablo Perez 30. Pablo Perez 30 was
11 murdered on March 14, 2004 by AUC paramilitaries of the William Rivas Front who were in control
12 of the banana zone of Magdalena, in furtherance of the internal armed conflict. On March 14, 2004,
13 Pablo Perez 30 and his family were on their plot of land adjacent to or within Finca La Francisca, a
14 banana plantation owned or controlled by DOLE. That day, two armed paramilitaries arrived on a
15 motorcycle and asked Juana Perez 30, the plaintiff, where Pablo Perez 30 was. Juana Perez 30 told
16 them that Pablo Perez 30 was with a neighbor; the paramilitaries proceeded to go to the neighbor's
17 land plot and, finding Pablo Perez 30, called him over to their motorcycle. When Pablo Perez 30
18 approached the motorcycle, one of the paramilitaries shot him two times in the head, killing him.

19 73. Based on information and belief, Pablo Perez 30 and his family were among
20 approximately 50 peasant families who had squatted on land that had previously belonged to Finca
21 La Francisca, and Pablo Perez 30 was murdered in order to intimidate the other squatters into
22 vacating their plots so that DOLE could recover the land for banana production. A few days prior to
23 Pablo Perez 30's murder, a group of heavily armed paramilitaries had arrived by motor vehicle and
24 had told Pablo Perez 30 that he and the other squatters had three days to leave the land. On January
25 15, 2007, the Colombian government, through its Presidential Agency for Social Action and
26 International Cooperation, notified Juana Perez 30 that it would pay her and her children
27 compensation for the death of Pablo Perez 30, an indirect acknowledgement that Pablo Perez 30 was
28 murdered in the context of internal armed conflict. At the time when Pablo Perez 30 was killed, the

1 William Rivas Front was receiving substantial support from DOLE. The murder of Pablo Perez 30
2 was in furtherance of the understanding between the AUC and DOLE that in return for the DOLE's
3 support, the AUC would drive the FARC and ELN guerrillas out of the banana area and maintain a
4 sufficient presence to keep the guerrillas from regaining a foothold. Further, the AUC provided
5 DOLE with security, labor quiescence and social stability, and ensured that trade unions were not
6 infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo Perez 30 was one of the
7 innocent victims of the violence that ensued when DOLE brought and provided support to the AUC
8 in the banana zone of Magdalena.

9 74. Juana Perez 31 is the wife and legal heir of Pablo Perez 31, an occasional worker at
10 Finca La Teresa, a banana plantation owned or controlled by DOLE. Pablo Perez 31 was murdered
11 on February 17, 1999 by AUC paramilitaries of the Northern Block who were in control of the
12 banana zone of Magdalena, in furtherance of the internal armed conflict. On February 17, 1999,
13 Pablo Perez 31 left his home in the town of Guacamayal at 5:00 AM on his bicycle to go to work.
14 His body was found later that morning on the road to Orihueca, with a single shotgun wound to the
15 face. The petitioner was later informed that Pablo Perez 31 had passed a group of paramilitaries on
16 the road, and one of them had killed him.

17 75. At the time when Pablo Perez 31 was killed, the Northern Block was receiving
18 substantial support from DOLE. The murder of Pablo Perez 31 was in furtherance of the
19 understanding between the AUC and DOLE that in return for the DOLE's support, the AUC would
20 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
21 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
22 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
23 sympathetic to the FARC and ELN guerrillas. Pablo Perez 31 was one of the innocent victims of the
24 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
25 Magdalena.

26 76. Juana Perez 32A is the mother and legal heir of Pablo Perez 32. Juana Perez 32B is
27 the wife and legal heir of Pablo Perez 32. Pablo Perez 32 worked in banana planting operations for
28 Empresa Tecnica Baltime, a company owned or controlled by DOLE. Pablo Perez 32 was kidnapped

1 and murdered on February 10, 1998 by AUC paramilitaries of the Northern Block who were in
2 control of the banana zone of Magdalena, in furtherance of the internal armed conflict. Around
3 midnight on February 10, 1998, Pablo Perez 32 was at his home with his family in the town of
4 Orihueca when a group of heavily armed paramilitaries surrounded his house, and kicked in the front
5 door. One of the paramilitaries pointed a gun at Juana Perez 32B, one of the Plaintiffs, and
6 demanded to know where Pablo Perez 32 was. At that moment, Pablo Perez 32 was in the bathroom.
7 Pablo Perez 32 immediately came out of the bathroom to see what was going on. The paramilitary
8 who was pointing the gun at Juana Perez 32B threw her to the floor, and the paramilitaries grabbed
9 Pablo Perez 32 and kidnapped him, placing him in one of the three vehicles they had arrived in. The
10 following day, he was found shot to death and with signs of torture approximately three miles away.

11 77. At the time when Pablo Perez 32 was killed, the Northern Block was receiving
12 substantial support from DOLE. The murder of Pablo Perez 32 was in furtherance of the
13 understanding between the AUC and DOLE that in return for the DOLE's support, the AUC would
14 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
15 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
16 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
17 sympathetic to the FARC and ELN guerrillas. Pablo Perez 32 was one of the innocent victims of the
18 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
19 Magdalena.

20 78. Juana Perez 33 is the wife and legal heir of Pablo Perez 33, and the mother and legal
21 guardian of Paula Perez 33. On April 5, 2001, Pablo Perez 33 was murdered, Juana Perez 33 was
22 seriously injured, and Paula Perez 33 was left with a severe mental disability by AUC paramilitaries
23 of the William Rivas Front, who were in control of the banana zone of Magdalena, in furtherance of
24 the internal armed conflict. On the night of April 5, 2001, Juana Perez 33, Pablo Perez 33, and Paula
25 Perez 33 were in their home sleeping. At approximately 11:30 PM, they were awakened by the sound
26 of gunshots outside. Juana Perez 33 gathered her children and placed them under a bed to protect
27 them. Pablo Perez 33 observed through a window that a group of heavily armed paramilitaries was
28 approaching with two captives, Pablo Perez 33's son and Juana Perez 33's brother; the two captives

1 had been sleeping in another house on the family's property. The paramilitaries began pounding the
2 door and demanding that the family open it. When the family did not open the door, the
3 paramilitaries began to shoot their weapons at the door. Pablo Perez 33 then took a shotgun and shot
4 one of the paramilitaries, injuring him in the shoulder. In response, the paramilitaries lifted the roof
5 on the family's home and tossed two grenades in. One of the grenades did not explode. Juana Perez
6 33 ran towards the other grenade and grabbed it, seeking to protect her family. It exploded, ripping
7 Juana Perez 33's two legs and her left arm off and leaving her permanently disabled, killing Pablo
8 Perez 33 instantly, and leaving Paula Perez 33 mentally traumatized and disabled.

9 79. The three victims lived on a plot of land adjacent to a mango farm which Pablo Perez
10 33 administered, near Río Aguja, between Río Frío and Ciénaga, Magdalena. Both the mango farm
11 and the family's plot are located in an area where DOLE owns or controls several banana
12 plantations; at least one of these plantations has been partially occupied by landless peasant farmers
13 who have demanded that they be allowed to obtain title to their land plots, causing a longstanding
14 land dispute between the banana plantations DOLE owns or controls in the area and these local
15 peasant farmers. After the murder of Pablo Perez 33 and the attack on Juana Perez 33 and Paula
16 Perez 33, Juana Perez 33 and Paula Perez 33 fled their parcel, and the mango farm administered by
17 Pablo Perez 33 became owned or controlled by DOLE. Based on information and belief, Pablo Perez
18 33's home was attacked in order to deliberately displace Pablo Perez 33 and his family, clearing the
19 land so that DOLE could later assume control of the land for its own benefit. At the time when Pablo
20 Perez 33 was killed, Juana Perez 33 was severely injured, and Paula Perez 33 was mentally
21 traumatized, the William Rivas Front was receiving substantial support from DOLE. The murder of
22 Pablo Perez 33, and the injuries to Juana Perez 33 and Paula Perez 33, were in furtherance of the
23 understanding between the AUC and DOLE that in return for the DOLE's support, the AUC would
24 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
25 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
26 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
27 sympathetic to the FARC and ELN guerrillas. Pablo Perez 33, Juana Perez 33, and Paula Perez 33

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1 were three of the innocent victims of the violence that ensued when DOLE brought and provided
2 support to the AUC in the banana zone of Magdalena.

3 80. Juana Perez 34 is the wife and legal heir of Pablo Perez 34. On November 14, 2000,
4 Pablo Perez 34 was murdered by AUC paramilitaries of the Northern Block, who were in control of
5 the banana zone of Magdalena, in furtherance of the internal armed conflict. At approximately 4:00
6 AM in the morning of November 14, 2000, a large group of heavily armed paramilitaries surrounded
7 the home of Pablo Perez 34, on the Luz Marina banana plantation, near Río Aguja, between Río Frío
8 and Ciénaga, Magdalena. The paramilitaries demanded that Pablo Perez 34 and his family open the
9 door, saying that if the family did not open the door they would throw live grenades inside. In
10 response to this threat, Pablo Perez 34's mother in law opened the door; the paramilitaries entered
11 with force, throwing her to the ground. Upon seeing his mother in law thrown to the ground, Pablo
12 Perez 34 threw himself upon the paramilitaries in order to defend her. The paramilitaries, who were
13 dressed in black uniforms, easily overcame Pablo Perez 34, tied his hands behind his back and threw
14 him to the floor. They then demanded to know where Pablo Perez 34's father in law was. Pablo
15 Perez 34's father in law worked as the administrator of the Luz Marina banana plantation, upon
16 whose land Pablo Perez 34 and his family also had their home. The father in law had worked at Luz
17 Marina for approximately 30 years. Luz Marina, owned by local landowner Alfonso Campo Murcia,
18 sold its bananas to Chiquita Brands at the time. Pablo Perez 34's father in law slipped away; he was
19 spotted by the paramilitaries, who fired at him but missed, and he hid out with neighbors. Once Pablo
20 Perez 34's father-in-law had escaped, the paramilitaries savagely beat Pablo Perez 34. When the
21 paramilitaries began to lead him away, Pablo Perez 34 physically attacked one of them and then
22 began to run away, but they shot him in the leg, causing him to fall to the ground. One of the
23 paramilitaries then shot him in the head, killing him instantly and destroying one of his eyes. Before
24 leaving, the paramilitaries warned the family to leave the plantation immediately. The family fled
25 their home the same day, never to return. The paramilitaries then looted the family's home.

26 81. Based on information and belief, Pablo Perez 34's home was attacked in order to
27 deliberately displace Pablo Perez 34 and his family, clearing the land so that DOLE could later
28 assume control of the land for its own benefit. At the time when Pablo Perez 34 was killed, the

1 Northern Block was receiving substantial support from DOLE. The murder of Pablo Perez 34 was in
2 furtherance of the understanding between the AUC and DOLE that in return for the DOLE's support,
3 the AUC would drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient
4 presence to keep the guerrillas from regaining a foothold. Further, the AUC provided DOLE with
5 security, labor quiescence and social stability, and ensured that trade unions were not infiltrated by
6 leftists sympathetic to the FARC and ELN guerrillas. Pablo Perez 34 was an innocent victim of the
7 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
8 Magdalena.

9 82. Juana Perez 35 is the wife and legal heir of Pablo Perez 35, General Secretary of the
10 banana workers' trade union SINTRAINAGRO, Magdalena section. On February 14, 1994, Pablo
11 Perez 35 was murdered by paramilitaries who were in control of the banana zone of Magdalena, in
12 furtherance of the internal armed conflict. On February 14, 1994, Pablo Perez 35 was at home in
13 Ciénaga, Magdalena, when a group of armed paramilitaries arrived and shot him six times, killing
14 him.

15 83. At the time Pablo Perez 35 was murdered, he was playing a leading role in demanding
16 a collective bargaining agreement between SINTRAINAGRO and DOLE, covering labor conditions
17 on the banana plantations DOLE owned or controlled, or which supplied bananas to DOLE, in the
18 banana zone of Magdalena. Based on information and belief, the paramilitaries eliminated him at the
19 behest of DOLE in order to intimidate the union. SINTRAINAGRO was trying to force DOLE to
20 negotiate a collective bargaining agreement; negotiations were scheduled to begin on February 24,
21 1994. The murder of Pablo Perez 35 was in furtherance of the understanding between the
22 paramilitaries and DOLE that in return for the DOLE's support, the paramilitaries would drive the
23 FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep the
24 guerrillas from regaining a foothold. Further, the paramilitaries provided DOLE with security, labor
25 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
26 sympathetic to the FARC and ELN guerrillas. Pablo Perez 35 was one of the innocent victims of the
27 violence that ensued when DOLE brought and provided support to the paramilitaries in the banana
28 zone of Magdalena.

1 84. Juana Perez 36 is the sister and legal heir of Pablo Perez 36, an active member of the
2 banana workers' trade union SINTRAINAGRO, and an employee of La Ceiba, a banana plantation
3 owned or controlled by DOLE, or which supplied bananas to DOLE. Pablo Perez 36 was murdered
4 on February 23, 1994 by paramilitaries who were in control of the banana zone of Magdalena, in
5 furtherance of the internal armed conflict. On February 23, 1994, Pablo Perez 36 was driving a
6 tractor with a group of other banana workers, all employees of DOLE-owned or –controlled banana
7 plantations, or of plantations that were supplying bananas to DOLE, when, at about 5:30 AM, his
8 tractor was stopped by a group of approximately 10 heavily armed paramilitaries who had their faces
9 covered, near the DOLE-owned or –controlled Eufemia banana plantation. The paramilitaries
10 ordered any and all trade unionists present to disembark from the tractor. Four members of
11 SINTRAINAGRO immediately complied, but Pablo Perez 36 did not. One of the paramilitaries then
12 also ordered Pablo Perez 36 to disembark, since the paramilitary recognized him as being a trade
13 unionist as well. When Pablo Perez 36 had gotten out of the vehicle and lined up with the other
14 members of SINTRAINAGRO, the paramilitaries executed the five trade unionists, including Pablo
15 Perez 36, with firearms.

16 85. At the time Pablo Perez 36 was murdered, SINTRAINAGRO was about to begin
17 negotiating a collective bargaining agreement with DOLE, covering labor conditions on the banana
18 plantations DOLE owned or controlled or which supplied bananas to DOLE in the banana zone of
19 Magdalena. Based on information and belief, the paramilitaries eliminated Pablo Perez 36 and the
20 four other SINTRAINAGRO members at the behest of DOLE in order to intimidate the union.
21 SINTRAINAGRO was trying to force DOLE to negotiate a collective bargaining agreement;
22 negotiations were scheduled to begin on February 24, 1994. The negotiating were cancelled as a
23 result of this massacre. The murder of Pablo Perez 36 was in furtherance of the understanding
24 between the paramilitaries and DOLE that in return for the DOLE's support, the paramilitaries would
25 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
26 the guerrillas from regaining a foothold. Further, the paramilitaries provided DOLE with security,
27 labor quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
28 sympathetic to the FARC and ELN guerrillas. Pablo Perez 36 was one of the innocent victims of the

1 violence that ensued when DOLE brought and provided support to the paramilitaries in the banana
2 zone of Magdalena.

3 86. Juana Perez 37A is the wife and legal heir of Pablo Perez 37A; Juana Perez 37B is the
4 mother and legal heir of Pablo Perez 37A; Juana Perez 37C is the wife and legal heir of Pablo 37B.
5 Pablo Perez 37A was a farmer and occasional banana worker. Pablo Perez 37B was an employee of
6 Finca Maria Luisa, a banana plantation owned or controlled by DOLE, or which supplied bananas to
7 DOLE. Pablo Perez 37A was kidnapped and murdered on July 15, 2002 by AUC paramilitaries of
8 the William Rivas Front, who were in control of the banana zone of Magdalena, in furtherance of the
9 internal armed conflict. Pablo Perez 37B was murdered on July 16, 2002 by AUC paramilitaries of
10 the William Rivas Front, who were in control of the banana zone of Magdalena, in furtherance of the
11 internal armed conflict.

12 87. At approximately 5:00 AM on July 15, 2002, Pablo Perez 37A left his home in
13 Orihueca, Zona Bananera, Magdalena, heading to work on his small land parcel located in Orihueca.
14 Along the way he was kidnapped by a group of armed paramilitaries; he was found dead with two
15 bullets to the head three days later, on July 18, 2002, in San Juan de Palo Prieto, Pueblo Viejo,
16 Magdalena. On July 16, 2002, at approximately 9:00 AM, Pablo Perez 37B was at work on the Maria
17 Luisa banana plantation when a group of heavily armed paramilitaries arrived at the plantation and
18 asked for him. When Pablo Perez 37B came forward, the paramilitaries confronted him; after a brief
19 argument with Pablo Perez 37B, the paramilitaries killed him with two gunshots to the head.

20 88. Based on information and belief, the William Rivas Front of the AUC Northern Block
21 falsely accused Pablo Perez 37A and Pablo Perez 37 B of having committed a rape. At the time when
22 Pablo Perez 37A and Pablo Perez 37B were killed, the William Rivas Front was receiving
23 substantial support from DOLE. The murders of Pablo Perez 37A and Pablo Perez 37B were in
24 furtherance of the understanding between the AUC and DOLE that in return for the DOLE's support,
25 the AUC would drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient
26 presence to keep the guerrillas from regaining a foothold. Further, the AUC provided DOLE with
27 security, labor quiescence and social stability, and ensured that trade unions were not infiltrated by
28 leftists sympathetic to the FARC and other guerrillas. Pablo Perez 37A and Pablo Perez 37B were

1 two of the innocent victims of the violence that ensued when DOLE brought and provided support to
2 the AUC in the banana zone of Magdalena.

3 89. Juana Perez 38 is the wife and legal heir of Pablo Perez 38, an employee at the
4 DOLE-owned or -controlled banana plantation Bomba, in the Magdalena Province of Colombia.
5 Pablo Perez 38 was murdered on January 24, 2001 by AUC paramilitaries of the Northern Block
6 who were in control of the banana zone of Magdalena Province in furtherance of the internal armed
7 conflict. At the time of his murder, Pablo Perez 38 was President of the Magdalena section of
8 SINTRAINAGRO, the trade union representing DOLE's banana workers. On the afternoon of
9 January 24, 2001, Pablo Perez 38 left his office at the SINTRAINAGRO headquarters and walked
10 towards his residence, accompanied by two other SINTRAINAGRO leaders. As the three passed a
11 shopping center in downtown Cienaga, they were called by two armed paramilitaries aboard a
12 motorcycle, who asked specifically for Pablo Perez 38. Pablo Perez 38 approached the two
13 paramilitaries to speak to them, as the other two union leaders continued to walk on. The two
14 paramilitaries then immediately shot Pablo Perez 38 four times in the face and head, killing him
15 instantly.

16 90. On October 9, 2007, Jose Gregorio Mangones Lugo, alias "Carlos Tijeras," an AUC
17 Northern Block leader, took responsibility in public testimony for the murder of Pablo Perez 38.
18 Juana Perez 38, the Plaintiff, received a letter from the Colombian Attorney General's office dated
19 January 11, 2008, confirming that Mangones Lugo had admitted responsibility for the murder. At the
20 time when Pablo Perez 38 was killed, the AUC Northern Block was receiving substantial support
21 from DOLE, and the murder of Pablo Perez 38 was in furtherance of the understanding between the
22 AUC and DOLE that, in return for DOLE's support, the AUC would drive the FARC and ELN
23 guerrillas out of the banana zone and maintain a sufficient presence to keep the guerrillas from
24 regaining a foothold. Further, the AUC provided DOLE with security, labor quiescence and social
25 stability, and ensured that trade unions were not infiltrated by leftists sympathetic to the FARC and
26 ELN guerrillas. Pablo Perez 38 was one of the innocent victims of the violence that ensued when
27 DOLE brought and provided support to the AUC in the banana zone of Magdalena.

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1 91. Juana Perez 39 is the wife and legal heir of Pablo Perez 39, an employee of Finca La
2 Ceiba, a banana plantation owned or controlled by DOLE, or which supplied DOLE, in the banana
3 zone of Magdalena, and he was local Vice President of SINTRAINAGRO, the trade union
4 representing banana workers, including those who worked for DOLE. Pablo Perez 39 was murdered
5 on August 27, 1997, by AUC paramilitaries from the Northern Block, who were in control of the
6 banana zone and surrounding areas of Magdalena, in furtherance of the internal armed conflict. On
7 August 27, 1997, Pablo Perez 39 was at a meeting in the patio of a house in Orihueca, Zona
8 Bananera, with banana workers when two armed paramilitaries approached and called for Pablo
9 Perez 39 by name. He came out of the house and approached them. When he was near them, the two
10 paramilitaries took out firearms and shot him ten times, killing him instantly.

11 92. At the time when Pablo Perez 39 was killed, the Northern Block of the AUC was
12 receiving substantial support from DOLE, and the murder of Pablo Perez 39 was in furtherance of
13 the understanding between the AUC and DOLE that in return for DOLE's support, the AUC would
14 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
15 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
16 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
17 sympathetic to the FARC and ELN guerrillas. Pablo Perez 39 was one of the innocent victims of the
18 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
19 Magdalena.

20 93. Juana Perez 40 is the wife and legal heir of Pablo Perez 40, an employee of Finca La
21 Ceiba, a banana plantation owned or controlled by DOLE, or which supplied DOLE, in the banana
22 zone of Magdalena. Pablo Perez 40 was murdered on June 21, 2002, by AUC paramilitaries from the
23 William Rivas Front, who were in control of the banana zone and surrounding areas of Magdalena,
24 in furtherance of the internal armed conflict. On June 21, 2002, Pablo Perez 40 was returning home
25 on a public bus from Cienaga, Magdalena, where he had gone to purchase food supplies for his
26 home. Two armed paramilitaries on a motorcycle intercepted the bus, ordering the driver to stop. The
27 two paramilitaries then boarded the bus and asked for Pablo Perez 40 by name. When he identified
28

1 himself, the two paramilitaries escorted him off the bus and told the driver to keep going because
2 they needed to speak to Pablo Perez 40. Pablo Perez 40 was found shot to death shortly thereafter.

3 94. At the time when Pablo Perez 40 was killed, the William Rivas Front of the AUC was
4 receiving substantial support from DOLE, and the murder of Pablo Perez 40 was in furtherance of
5 the understanding between the AUC and DOLE that in return for DOLE's support, the AUC would
6 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
7 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
8 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
9 sympathetic to the FARC and ELN guerrillas. Pablo Perez 40 was one of the innocent victims of the
10 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
11 Magdalena.

12 95. Juan Perez 41A is the father and legal heir of Pablo Perez 41. Juana Perez 41B is the
13 wife and also the legal heir of Pablo Perez 41. Pablo Perez 41, an employee of Finca La Ceiba, a
14 banana plantation owned or controlled by DOLE, or which supplied DOLE, was kidnapped and
15 disappeared on May 18, 2001 by AUC paramilitaries from the William Rivas Front, who were in
16 control of the banana zone and surrounding areas of Magdalena, in furtherance of the internal armed
17 conflict. In the early morning hours of May 18, 2001, Pablo Perez 41 was at his home in the village
18 of Gran Vía, Zona Bananera, Magdalena, when a group of approximately 50 uniformed
19 paramilitaries, wearing AUC bracelets and with their faces covered, stormed his house. The
20 paramilitaries dragged Pablo Perez 41 out of his house and placed him with a large group of other
21 victims whose names they had in a list. The paramilitaries kidnapped at least seven others from Gran
22 Vía, along with Pablo Perez 41, whose house is located approximately 300 meters from a military
23 base and 100 meters from a police station. The military and police authorities did not intervene in
24 this mass kidnapping. Pablo Perez 41 was never found.

25 96. At the time when Pablo Perez 41 was kidnapped and disappeared, the William Rivas
26 Front of the AUC was receiving substantial support from DOLE, and the kidnap and disappearance
27 of Pablo Perez 41 was in furtherance of the understanding that the AUC had with DOLE that in
28 return for Chiquita's support, the AUC would drive the FARC and ELN guerrillas out of the banana

1 area and maintain a sufficient presence to keep the guerrillas from regaining a foothold. Further, the
2 AUC provided DOLE with security, labor quiescence and social stability, and ensured that trade
3 unions were not infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo Perez 41
4 was one of the innocent victims of the violence that ensued when DOLE brought and provided
5 support to the AUC in the banana zone of Magdalena.

6 97. Juana Perez 42 is the mother and legal heir of Pablo Perez 42, an employee of La
7 Francisca, a banana plantation owned or controlled by DOLE. Pablo Perez 42 was murdered on
8 November 12, 2001 by AUC paramilitaries from the William Rivas Front, who were in control of the
9 banana zone and surrounding areas of Magdalena, in furtherance of the internal armed conflict. On
10 November 12, 2001, Pablo Perez 42 was visiting a friend's home in Río Frío, Zona Bananera,
11 Magdalena, where he had decided to spend the night so as not to have to make the dangerous trip
12 back to his home in Iberia, Orihueca, Zona Bananera in the dark. In the early morning hours, when
13 Pablo Perez 42, his friend and his friend's father were already asleep, a group of paramilitaries
14 stormed the house, forced their way in and murdered the three of them, including Pablo Perez 42.

15 98. At the time when Pablo Perez 42 was murdered, the William Rivas Front of the AUC
16 was receiving substantial support from DOLE, and the murder of Pablo Perez 42 was in furtherance
17 of the understanding that the AUC had with DOLE that in return for DOLE's support, the AUC
18 would drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence
19 to keep the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security,
20 labor quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
21 sympathetic to the FARC and ELN guerrillas. Pablo Perez 42 was one of the innocent victims of the
22 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
23 Magdalena.

24 99. Juana Perez 43A is the mother and legal heir of Pablo Perez 43. Juana Perez 43B is
25 the sister and also the legal heir of Pablo Perez 43. Pablo Perez 43, a former employee of Finca
26 Josefina San Rafael, a banana plantation that supplied DOLE, was murdered on July 7, 2001 by
27 AUC paramilitaries from the William Rivas Front, who were in control of the banana zone and
28 surrounding areas of Magdalena, in furtherance of the internal armed conflict. On July 7, 2001, Pablo

1 Perez 43 had returned from work and, after bathing himself, went to a nearby pool hall in Río Frío.
2 At 5:30 PM, as he was arriving at the pool hall, two paramilitaries aboard a motorcycle approached
3 him; one dismounted from the motorcycle and fired two gunshots into his head, killing him. The
4 shooting happened approximately 100 meters from the Río Frío police station, but the police did not
5 intervene or pursue the perpetrators.

6 100. At the time when Pablo Perez 43 was murdered, the William Rivas Front of the AUC
7 was receiving substantial support from DOLE, and the murder of Pablo Perez 43 was in furtherance
8 of the understanding that the AUC had with DOLE that in return for DOLE's support, the AUC
9 would drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence
10 to keep the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security,
11 labor quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
12 sympathetic to the FARC and ELN guerrillas. Pablo Perez 43 was one of the innocent victims of the
13 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
14 Magdalena.

15 101. Juana Perez 44 is the wife and legal heir of Pablo Perez 44, with whom she had a
16 family. Pablo Perez 44, an employee of Finca Naranjito, a banana plantation owned or controlled by
17 DOLE, or which supplied DOLE, was murdered on September 16, 1997 by AUC paramilitaries from
18 the Northern Block, who were in control of the banana zone and surrounding areas of Magdalena, in
19 furtherance of the internal armed conflict. Pablo Perez 44 was a member of SINTRAINAGRO, the
20 trade union representing banana workers, including those who worked for DOLE and its suppliers,
21 and was a member of SINTRAINAGRO's workers' committee at Finca Naranjito. On the night of
22 August 16, 1997, Pablo Perez 44 was asleep at home with the Plaintiff and their three children when
23 a group of armed paramilitaries stormed the house, kicking in the door that leads to the street. The
24 paramilitaries grabbed Pablo Perez 44, tied his arms and legs, and led him out into the street.
25 Approximately two blocks away from his home, they beat and stabbed him, then killed him with a
26 gunshot to the head.

27 102. At the time when Pablo Perez 44 was murdered, the Northern Block of the AUC was
28 receiving substantial support from DOLE, and the murder of Pablo Perez 44 was in furtherance of

1 the understanding that the AUC had with DOLE that in return for DOLE's support, the AUC would
2 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
3 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
4 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
5 sympathetic to the FARC and ELN guerrillas. Pablo Perez 44 was one of the innocent victims of the
6 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
7 Magdalena.

8 103. Juana Perez 45 is the wife and legal heir of Pablo Perez 45, an employee of Finca Los
9 Mangos, a banana plantation owned or controlled by DOLE, or which supplied DOLE. Pablo Perez
10 45 was murdered on October 30, 1998 by AUC paramilitaries from the Northern Block, who were in
11 control of the banana zone and surrounding areas of Magdalena, in furtherance of the internal armed
12 conflict. On October 12, 1998, Pablo Perez 45 received an anonymous note at his home warning him
13 that he had two days to resign from his job at Finca Los Mangos. Pablo Perez 45 ignored the warning
14 and did not resign. On October 30, 1998, a group of armed paramilitaries dressed in black uniforms
15 arrived at the administrative office of Finca Los Mangos just as Pablo Perez 45 was also arriving at
16 the office. The paramilitaries asked for Pablo Perez 45 by name. When he identified himself as Pablo
17 Perez 45, the paramilitaries seized him, took him behind the office building, and murdered him with
18 two gunshots to the head.

19 104. Based on information and belief, management at Finca Los Mangos wanted Pablo
20 Perez 45 to resign without severance pay, and when he refused to resign, management asked
21 members of the AUC Northern Block to eliminate him. At the time when Pablo Perez 45 was
22 murdered, the Northern Block of the AUC was receiving substantial support from DOLE, and the
23 murder of Pablo Perez 45 was in furtherance of the understanding that the AUC had with DOLE that
24 in return for and DOLE's support, the AUC would drive the FARC and ELN guerrillas out of the
25 banana area and maintain a sufficient presence to keep the guerrillas from regaining a foothold.
26 Further, the AUC provided DOLE with security, labor quiescence and social stability, and ensured
27 that trade unions were not infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo
28

1 Perez 45 was one of the innocent victims of the violence that ensued when DOLE brought and
2 provided support to the AUC in the banana zone of Magdalena.

3 105. Juana Perez 46A is the mother and legal heir of Pablo Perez 46A, and the wife and
4 legal heir of Pablo Perez 46B. Juan Perez 46B is the brother and also a legal heir of Pablo Perez 46A,
5 and the son and also a legal; heir of Pablo Perez 46B. Pablo Perez 46B, an employee of Finca La
6 Ceiba, a banana plantation owned or controlled by DOLE, or which supplied DOLE, and Pablo Perez
7 46A were murdered on June 15, 2002 by AUC paramilitaries from the William Rivas Front, who
8 were in control of the banana zone and surrounding areas of Magdalena, in furtherance of the
9 internal armed conflict. On the morning of June 15, 2002, Pablo Perez 46B left his home to go to his
10 job at Finca La Ceiba. A short distance from his home he was intercepted by two paramilitaries who
11 stopped him and began to insult him. From their home Pablo Perez 46B's family could hear the
12 paramilitaries' shouts; worried, Pablo Perez 46A and his sister came out of the house to see what was
13 going on. The paramilitaries aimed their weapons at Pablo Perez 46A's sister, then turned to Pablo
14 Perez 46B and opened fire on him, killing him with at least one gunshot to the head. The
15 paramilitaries then opened fire on Pablo Perez 46A, killing him as well.

16 106. In certificates issued on November 12, 2004, Alberto Rafael Maldonado Torregroza,
17 the Zona Bananera Municipal Representative, confirmed that both Pablo Perez 46A and Pablo Perez
18 46B were killed in a selective massacre carried out for ideological and political motives in the
19 context of the internal armed conflict. At the time when Pablo Perez 46A and Pablo Perez 46B were
20 murdered, the William Rivas Front of the AUC was receiving substantial support from DOLE, and
21 the murder of Pablo Perez 46A and Pablo Perez 46B was in furtherance of the understanding that the
22 AUC had with DOLE that in return for DOLE's support, the AUC would drive the FARC and ELN
23 guerrillas out of the banana area and maintain a sufficient presence to keep the guerrillas from
24 regaining a foothold. Further, the AUC provided DOLE with security, labor quiescence and social
25 stability, and ensured that trade unions were not infiltrated by leftists sympathetic to the FARC and
26 ELN guerrillas. Pablo Perez 46A and Pablo Perez 46B were two of the innocent victims of the
27 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
28 Magdalena.

1 107. Juana Perez 47 is the mother of Pablo Perez 47, an occasional employee of Finca La
2 Ceiba, a banana plantation owned or controlled by DOLE, or which supplied DOLE, in the banana
3 zone of Magdalena. Pablo Perez 47 was murdered on January 23, 2001 by AUC paramilitaries from
4 the Northern Block, who were in control of the banana zone and surrounding areas of Magdalena, in
5 furtherance of the internal armed conflict. Shortly before midnight on January 23, 2001, Pablo Perez
6 47 was asleep at the home he shared with the Plaintiff when a group of paramilitaries stormed the
7 home, violently pounding on the door and demanding that the occupants open it. When the door was
8 opened, the paramilitaries seized the Plaintiff and Pablo Perez 47 and removed them from the home,
9 forcing them to lie face down outside. The paramilitaries then tied Pablo Perez 47's hands, and took
10 him to another home approximately 100 meters away, where they also removed another person by
11 force. Approximately five minutes later, the paramilitaries murdered Pablo Perez 47 and the other
12 person with gun fire.

13 108. At the time when Pablo Perez 47 was murdered, the Northern Block of the AUC was
14 receiving substantial support from DOLE, and the murder of Pablo Perez 47 was in furtherance of
15 the understanding that the AUC had with DOLE that in return for DOLE's support, the AUC would
16 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
17 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
18 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
19 sympathetic to the FARC and ELN guerrillas. Pablo Perez 47 was one of the innocent victims of the
20 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
21 Magdalena.

22 109. Juana Perez 48 is the mother and legal heir of Pablo Perez 48, an occasional employee
23 of Finca La Belleza, a banana plantation owned or controlled by DOLE, or which supplied DOLE.
24 Pablo Perez 48 was murdered on February 10, 2002 by AUC paramilitaries from the Northern Block,
25 who were in control of the banana zone and surrounding areas of Magdalena, as well as the northern
26 part of Cesar, in furtherance of the internal armed conflict. Pablo Perez 48 was a professional soldier
27 who worked at Finca La Belleza when he was on vacation from the army. Approximately one month
28 before his murder, Pablo Perez 48 had an altercation with the administrator of Finca La Belleza in

1 which both the administrator and Pablo Perez 48 were injured. At the time of the fight, the
2 administrator threatened Pablo Perez 48 and vowed to kill him. After the fight with the
3 administrator, Pablo Perez 48 returned to the army, but immediately prior to his death, he went out
4 on sick leave and was staying with his brother in Valledupar, Cesar, an area controlled by the AUC
5 Northern Block. On February 10, 2002, Pablo Perez 48 was seized by Northern Block paramilitaries
6 in Valledupar, Cesar, who bound his hands and feet, tortured him, and murdered him with a gunshot
7 to the head.

8 110. Based on information and belief, the administrator of Finca La Belleza denounced
9 Pablo Perez 48 to the Northern Block in order to have him eliminated, as vengeance for the fight one
10 month earlier. At the time when Pablo Perez 48 was murdered, the Northern Block of the AUC was
11 receiving substantial support from DOLE, and the murder of Pablo Perez 48 was in furtherance of
12 the understanding that the AUC had with DOLE that in return for DOLE's support, the AUC would
13 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
14 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
15 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
16 sympathetic to the FARC and ELN guerrillas. Pablo Perez 48 was one of the innocent victims of the
17 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
18 Magdalena.

19 111. Juan Perez 49 is the father and legal heir of Pablo Perez 49A and Pablo Perez 49B,
20 two brothers who were employees of Finca La Susana, a banana plantation in the banana zone of
21 Magdalena which supplies DOLE. Pablo Perez 49A and Pablo Perez 49B were kidnapped and
22 murdered on May 23, 2002 by AUC paramilitaries from the William Rivas Front, who were in
23 control of the banana zone and surrounding areas of Magdalena, in furtherance of the internal armed
24 conflict. Shortly after midnight on May 23, 2002, Pablo Perez 49A and Pablo Perez 49B were asleep
25 in their home in Cienaga, Magdalena, when a group of approximately 20 paramilitaries surrounded
26 their home and kicked in the front door. The paramilitaries seized the two brothers and, before
27 leaving with their victims, scattered AUC pamphlets throughout the two brothers' neighborhood.
28 The paramilitaries then tortured and murdered Pablo Perez 49A and Pablo Perez 49B, leaving their

1 bodies several kilometers apart on the road that connects Cienaga to Santa Marta. The bodies of
2 Pablo Perez 49A and Pablo Perez 49B were found stabbed, shot, and with their throats slit.

3 112. At the time when Pablo Perez 49A and Pablo Perez 49B were murdered, the William
4 Rivas Front of the AUC was receiving substantial support from DOLE, and the murder of Pablo
5 Perez 49A and Pablo Perez 49B was in furtherance of the understanding that the AUC had with
6 DOLE that in return for DOLE's support, the AUC would drive the FARC and ELN guerrillas out of
7 the banana area and maintain a sufficient presence to keep the guerrillas from regaining a foothold.
8 Further, the AUC provided DOLE with security, labor quiescence and social stability, and ensured
9 that trade unions were not infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo
10 Perez 49A and Pablo Perez 49B were two of the innocent victims of the violence that ensued when
11 DOLE brought and provided support to the AUC in the banana zone of Magdalena.

12 113. Juan Perez 50 is the father and legal heir of Pablo Perez 50A and Pablo Perez 50B,
13 two brothers. Pablo Perez 50A was an employee of Finca La Isabel, a banana plantation that supplied
14 DOLE. Pablo Perez 50A and Pablo Perez 50B were murdered on June 2, 2001 by AUC
15 paramilitaries from the William Rivas Front, who were in control of the banana zone and
16 surrounding areas of Magdalena, in furtherance of the internal armed conflict. At approximately
17 12:30 PM on June 2, 2001, Pablo Perez 50A and Pablo Perez 50B were at their home in Cienaga,
18 Magdalena, watching a soccer match on TV when two paramilitaries arrived on a motorcycle, kicked
19 in the door to the home, and opened fire on Pablo Perez 50A, killing him with at least one gunshot to
20 the head. Pablo Perez 50B tried to flee but was intercepted by one of the paramilitaries, who opened
21 fire on him, killing him with two gunshots to the head and face.

22 114. At the time when Pablo Perez 50A and Pablo Perez 50B were murdered, the William
23 Rivas Front of the AUC was receiving substantial support from DOLE, and the murder of Pablo
24 Perez 50A and Pablo Perez 50B was in furtherance of the understanding that the AUC had with
25 DOLE that in return for DOLE's support, the AUC would drive the FARC and ELN guerrillas out of
26 the banana area and maintain a sufficient presence to keep the guerrillas from regaining a foothold.
27 Further, the AUC provided DOLE with security, labor quiescence and social stability, and ensured
28 that trade unions were not infiltrated by leftists sympathetic to the FARC and ELN guerrillas. Pablo

1 Perez 50A and Pablo Perez 50B were two of the innocent victims of the violence that ensued when
2 DOLE brought and provided support to the AUC in the banana zone of Magdalena.

3 115. Juana Perez 51 is the wife and legal heir of Pablo Perez 51, an employee of Finca La
4 Francisca, a banana plantation owned or controlled by DOLE in the banana zone of Magdalena.
5 Pablo Perez 51 was murdered on February 23, 1994 by ACCU paramilitaries who were in control of
6 the banana zone and surrounding areas of Magdalena, in furtherance of the internal armed conflict.
7 At the time of his death, Pablo Perez 51 was an active member of SINTRAINAGRO, the trade union
8 that represented banana workers, including those who worked for DOLE. On February 23, 1994, at
9 approximately 5:30 AM, Pablo Perez 51 was on his way to work when he was stopped at an ACCU
10 paramilitary roadblock near Santa Rosalía, in the banana zone. The paramilitaries manning the
11 roadblock were heavily armed and had their faces covered with balaclavas. Working from a list of
12 names and from photographs, the paramilitaries detained five people, including Pablo Perez 51, and
13 then shot them to death. Pablo Perez 51 was killed with four gunshots to the head and body.

14 116. Based on information and belief, management at Finca La Francisca denounced Pablo
15 Perez 51 to the paramilitaries because of a labor conflict. SINTRAINAGRO was trying to force
16 DOLE to negotiate a collective bargaining agreement; negotiations were scheduled to begin on
17 February 24, 1994. At the time when Pablo Perez 51 was murdered, the AUC was receiving
18 substantial support from DOLE, and the murder of Pablo Perez 51 was in furtherance of the
19 understanding that the AUC had with DOLE that in return for DOLE's support, the AUC would
20 drive the FARC and ELN guerrillas out of the banana area and maintain a sufficient presence to keep
21 the guerrillas from regaining a foothold. Further, the AUC provided DOLE with security, labor
22 quiescence and social stability, and ensured that trade unions were not infiltrated by leftists
23 sympathetic to the FARC and ELN guerrillas. Pablo Perez 51 was one of the innocent victims of the
24 violence that ensued when DOLE brought and provided support to the AUC in the banana zone of
25 Magdalena.

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1 **B. DEFENDANTS**

2 _____ 117. Defendant DOLE is a corporation duly organized and existing under and by virtue of
3 the laws of the State of Delaware and doing business in California.

4 118. DOLE has its principal place of business in Westlake Village, California, and
5 therefore is a resident of the State of California.

6 119. At all times relevant herein, CI Técnicas Baltime (sometimes hereinafter “Baltime”)
7 was a wholly-owned subsidiary of defendant DOLE. Baltime is a Colombian corporation which was
8 established to be “DOLE in Colombia.” At all times relevant herein, Baltime was merely the alter
9 ego of defendant DOLE. Alternatively, regardless of its alter ego status, Baltime was DOLE’s agent
10 in Colombia and was acting within the scope of its agency as a participant in DOLE’s actions in
11 providing substantial support to the AUC. At all times relevant herein, defendant DOLE has
12 exercised relatively complete management and control of Baltime.

13 120. All references and allegations herein to defendant DOLE apply equally to Baltime
14 unless specifically identified otherwise.

15 121. Plaintiffs are currently unaware of the true names and capacities of defendants DOES
16 1 through 10, inclusive, and therefore sue these defendants by such fictitious names. These DOES
17 may be other subsidiary DOLE companies, other alter egos of DOLE or other agents for DOLE in
18 Colombia, and may be companies or individuals. Plaintiffs will amend this complaint to allege their
19 true names and capacities when ascertained. All material allegations against all defendants are
20 herein alleged against Doe defendants.

21

22

III. GENERAL ALLEGATIONS

23 **A. DOLE IN COLOMBIA**

24 122. At all times relevant herein, DOLE had approximately 3,400 hectares in Colombia
25 planted with bananas, with farms in the Magdalena and LaGuajira provinces of coastal Colombia.

26 123. DOLE also purchases bananas from approximately 68 “independent” farms in
27 Colombia. DOLE exercises substantial control over the operations of these “independent” farms.
28 DOLE dictates, *inter alia*, the specific pesticides and nematicides to be used on banana crops, when

1 and how often spraying or fumigation is to occur, product requirements, packaging requirements, etc.
2 DOLE has personnel present at all of the “independent” farms on each harvesting day and has
3 substantial audit rights over each “independent” farm. Furthermore, DOLE has provided “security”
4 for these “independent” farms and for its employees when present on these farms for audit or other
5 purposes. DOLE’s relationship with the AUC extends to providing AUC protection to these
6 “independent” farms.

7 124. DOLE employs approximately 1,100 people in Colombia. Several hundred to several
8 thousand additional individuals are employed by the “independent” farms from which DOLE sources
9 bananas in Colombia. As a result, DOLE is one of the largest employers in Colombia.

10 125. DOLE is the world’s largest (or one of the world’s largest) producers of bananas.
11 DOLE has consistently earned revenue from its fresh fruit business by being one of the industry’s
12 lowest-cost producers. This has included exploiting the low labor and production costs associated
13 with sourcing bananas from Colombia. DOLE’s Colombia banana operations, in turn, represent a
14 significant source of revenue and profit for DOLE.

15 126. Two factors in Colombia present challenges to DOLE’s profitability: 1) labor
16 movements that threaten to increase DOLE’s labor costs in Colombia; and 2) political unrest which
17 threatens DOLE’s production and transportation infrastructure in Colombia.

18 127. In furtherance of DOLE’s profit motives, and to counteract the cost pressures
19 identified above, DOLE has ingratiated itself with paramilitary organizations which control DOLE’s
20 Colombia banana producing regions. In exchange for payments from DOLE, these organizations, by
21 use of force, quell labor movements and guarantee “security” to DOLE’s employees and operations
22 in Colombia. The main paramilitary organization with which DOLE is aligned is the AUC.

23

24 **B. THE AUC.**

25 128. The AUC is a violent, right-wing paramilitary organization in the Republic of
26 Colombia. The AUC became a formal operation in or about April 1997, but prior to that, there were
27 several smaller loosely-affiliated illegal paramilitary groups that had emerged in Colombia to
28 retaliate against left-wing guerillas (such as the FARC and ELN) fighting the Colombian

1 government. They united under Carlos Castaño to become the AUC. The AUC's initial activities
2 ranged from assassinating suspected guerilla supporters to engaging guerilla combat units. When this
3 mission was largely accomplished, the AUC engaged in other activities to earn money necessary to
4 supply and pay its standing army of paramilitaries. In addition to raising money from large
5 companies through provision of security and other "services", the AUC engaged in other illegal
6 activities, including the kidnaping and murder of civilians, and drug trafficking.

7 129. In September, 2001, the United States designated the AUC a terrorist organization.
8 Furthermore, at all relevant times, the illegal activities of the AUC, including the kidnap and murder
9 of civilians, were known to international human rights organizations and were publicized in the
10 press. At all relevant times, defendant DOLE knew or should have known of the AUC's illegal
11 activities in Colombia.

12 130. For a number of reasons, the Colombian government has been supportive of and
13 operated in a symbiotic relationship with the AUC. In fact, the collaboration between the AUC and
14 the government of Colombia goes to the highest levels and ensures that no serious action will be
15 taken to bring to justice in Colombia those involved in the murders alleged herein. Indeed, the
16 administration of Colombian President Alvaro Uribe is under pressure from outside Colombia,
17 including from the U.S., due to the ongoing "para-political" scandal which has implicated numerous
18 high-ranking government officials, including 60 congressional representatives aligned with Uribe,
19 and high-ranking military officers in collaborating with paramilitaries and shielding paramilitaries
20 from justice. However, within Colombia, it is business as usual. According to a Human Rights
21 Watch (HRW) report issued in November, 2008, entitled, *Breaking the Grip? Obstacles to Justice*
22 *for Paramilitary Mafias in Colombia*, Human Rights Watch explains that

23 In Colombia, more than in almost any country in the Western hemisphere, violence has
24 corroded and subverted democracy. Too often, killings and threats - not free elections or
25 democratic dialogue - are what has determined who holds power, wealth in the country.
26 Nowhere is this more evident than in the relationship between paramilitary groups and
27 important sectors of the political system, the military and the economic elite.

28 Paramilitary groups have ravaged much of Colombia for two decades. Purporting to fight the
equally brutal guerillas of the left, they have massacred, tortured, forcibly 'disappeared,' and
sadistically killed countless men, women, and children. Wherever they have gone, they have
eliminated anyone who opposed them, including thousands of trade unionists, human rights
defenders, community leaders, judges and ordinary civilians.

1 131. In this same report, HRW blames the “para-political” phenomenon for the extensive
2 paramilitary violence throughout the country. As HRW explains, “[t]he close **military-paramilitary**
3 **collaboration in several regions allowed the paramilitaries to commit massacre after massacre**
4 **of civilians largely unimpeded and with impunity.**” HRW further relates that President Uribe
5 himself has been a major obstacle to the efforts of the Colombian Supreme Court to investigate and
6 punish government officials for collaborating with the paramilitaries. As HRW states, “President
7 Uribe has [r]epeatedly launched personal attacks on the Supreme Court and its members in what
8 increasingly looks like a concerted campaign to smear and discredit the Court; [o]pposed and
9 effectively blocked meaningful efforts to reform the Congress to eliminate paramilitary influence;
10 [p]roposed constitutional reforms that would remove the 'parapolitics' investigations from the
11 jurisdiction of the Supreme Court.”

12 132. It is universally-acknowledged that the regular military in Colombia, and the civil
13 government authorities, tolerate the paramilitaries, allow them to operate, and often cooperate,
14 protect and/or work in concert with them.

15 133. The extent of the civil conflict is so pervasive that the country’s civil war necessarily
16 must be governed by the rules of war so that the combatants, the right-wing paramilitaries, the leftist
17 guerrillas, and the regular military are governed by Article 3 of the Geneva Convention, which applies
18 to “an armed conflict not of an international character.” Thus, noncombatants to the Colombian civil
19 war, including the Plaintiffs herein, standing in the place of the deceased, are protected from human
20 rights violations and other war crimes committed by any parties to the conflict, regardless of whether
21 the combatant parties are formally recognized as government officials. This includes the
22 paramilitary forces which clearly are major participants in the civil conflict.

23 134. The paramilitaries in Colombia, including those directly involved in the wrongful acts
24 alleged herein, were created based on official sanction of the Government of Colombia. Under “Law
25 48,” passed in 1968, the Defense Ministry was authorized to create and provide weapons to civil
26 patrols. Most of the paramilitary groups were created and sustained under the authority of this law.
27 In 1989, the Colombian Supreme Court of Justice declared Law 48 unconstitutional. However, 21
28

1 years of close, lawful, and open collaboration allowed the Colombian Armed Forces and the
2 paramilitaries to create solid and lasting relationships.

3 135. Moreover, in 1994 the Colombian government effectively re-legalized paramilitary
4 organizations in Decree 356, which established the “Special Vigilance and Private Security
5 Services.” This decree laid the foundation for the creation of the Convivir groups, officially
6 launched in 1995 through Resolution 368. The Convivir groups are comprised of civilians who
7 petition the government for a license to “provide their own security. . . in areas of high risk or in the
8 public interest, which requires a high level of security.” Defense Ministry, Decree 356, República de
9 Colombia, February 11, 1994, pp. 19-20; and Resolution 368, April 27, 1995. Convivir members
10 interviewed by Human Rights Watch confirmed that they regularly supply the Colombian army with
11 intelligence, routinely collaborate with Colombian security forces, and are supervised by a
12 government agency within the Defense Ministry. One Convivir commander stated frankly, “We are
13 paramilitaries, machetes, or Convivir, whatever the hell you want to call us.” Human Rights Watch,
14 *War Without Quarter: Colombia and International Humanitarian Law* (1998).

15 136. Paramilitary groups continue to thrive and enjoy *de facto* approval from the
16 government, and the Colombian military often outsourced its “dirty work” to the paramilitaries in an
17 attempt to clean up its own international image.

18 137. The paramilitaries in Colombia have a mutually-beneficial, symbiotic relationship
19 with the Colombia government’s military. As reported by Human Rights Watch, 78% of the
20 murders in Colombia from October 1999 to March 2000 were attributable to the paramilitaries. The
21 Human Rights Watch investigators found “detailed, abundant, and compelling evidence of
22 continuing close ties between the Colombian Army and paramilitary groups responsible for gross
23 human rights violations.” The facts supporting the ongoing symbiotic relationship between the
24 military and paramilitaries in Colombia include that active and retired military actually set up
25 paramilitary units, the military provides the paramilitaries with weapons, intelligence, and supplies,
26 and the paramilitaries conduct missions at the request of the military.

27

28

1 138. The close, symbiotic relationship between the military and paramilitaries in Colombia
2 is so widely acknowledged that the U.S. State Department, in its 2004 annual Human Rights Report,
3 confirms this fact without reservation:

4 Credible allegations of cooperation with paramilitary groups, including instances of
5 both silent support and direct collaboration by members of the public security forces,
6 in particular the army, continued. Evidence suggests that there were tacit
7 arrangements between local military commanders and paramilitary groups in some
8 regions, and paramilitary forces operated freely in some areas that were under military
9 control or despite a significant military presence. Individual members of the security
10 forces actively collaborated with members of paramilitary groups – passing them
11 through roadblocks, sharing intelligence, providing them with ammunition, and
12 allegedly even joining their ranks while off-duty.

13 139. In the February 28, 2002 Report of the UN High Commissioner for Human Rights on
14 the human rights situation in Colombia (“UNHCR Report”), the UN High Commission explains that
15 the links between the paramilitaries and the State continue and indeed are intensifying. As the
16 UNHCR Report explains:

17 During 2001, the Office continued to observe that paramilitary activity was
18 strengthening and spreading throughout much of the country’s territory. ...
19 Toleration, support and complicity on the part of public servants, as well as non-
20 fulfillment of their duty to safeguard rights, with respect to several acts by these
21 groups, means that the State continues to bear responsibility.

22 140. The UNHCR Report further relates that “the growth in paramilitary activity has been
23 aided by the State’s inaction or slow reaction in preventing the formation of illegal armed groups,
24 and in keeping new territories from falling into the de facto control of these organizations.” Finally,
25 the UNHCR explains that the growth in paramilitary control and violence has been assisted by the
26 impunity which human rights violators receive in the Colombian judicial system. Thus, the UNHCR
27 states that, throughout 2001, it “continued to receive troubling reports of ties between members of
28 the security forces and elements of the paramilitary groups. The existence of pending criminal and
disciplinary investigations of members of the security forces shows how widespread these
relationships are. However, the investigations have not led to any determination of responsibility or
the application of relevant sentences and punishments to ensure that these acts do not benefit from
impunity.”

141. The UNHCR reached the very same conclusions in its recent, March 18, 2003 report,
stating that there remain “open collusion” on the part of Colombian security forces with

1 paramilitaries and that there is continued “expansion and consolidation of paramilitaries in several
2 areas.”

3 142. Further, in *Country Reports on Human Rights Practices – Colombia* (March, 2002),
4 the U. S. State Department, which had in September 2001 designated the AUC as a “terrorist” group,
5 continued to conclude that “in some locations elements of the state security forces tolerated or even
6 collaborated with paramilitary forces.” The State Department reached this same conclusion in its
7 Report of March 31, 2003, stating that “[s]ome members of the security forces collaborated with
8 paramilitary groups that committed serious abuses.”

9 143. The close, symbiotic relationship between the military and paramilitaries in Colombia
10 is such that the paramilitaries are acting under color of the authority of the government of Colombia.
11 The paramilitaries in Colombia, including those who committed the wrongful acts alleged herein, are
12 legal creations of the government of Colombia, and they act with support from and cooperation with
13 the official military.

14 144. The paramilitaries in Colombia are particularly well-known for murdering, abducting
15 and torturing trade union leaders who they view as being subversives. The paramilitaries’
16 characterization of trade unionists as subversives is in accord with the view of the Colombian
17 government which, in Decree 180, has designated leftist trade union leaders as “terrorists.” As a
18 result, in the words of the International Confederation of Free Trade Unions in their 2002 Report
19 (“ICFTU Report”), Colombia is “the most dangerous place in the world to be a trade union activist.”
20 And, as the ICFTU notes, these trade unionists are being murdered by very virtue of the fact that they
21 are trade unionists – that is, they are not merely being caught in the cross-fires of the armed conflict
22 in Colombia; they are targets, particularly of the paramilitaries which are “hostile towards the
23 unions.” Many of the murders alleged herein were the result of the AUC targeting union leaders or
24 members for execution because they were representing workers on DOLE plantations.

25 145. The paramilitaries’ targeting of thousands of individuals for assassination, including
26 the murders described herein simply because of their status as trade unionists, land reform activists,
27 or non-combatant farmers perceived as sympathetic to leftist groups, constitutes war crimes. The
28 paramilitaries are able to execute these people with impunity because of the lawless environment in

1 Colombia created by the ongoing civil conflict and the government's alignment with the AUC.

2 **C. DOLE'S INVOLVEMENT WITH THE AUC**

3 146. Beginning in the late 1980s/early 1990s, leftist guerrilla groups, including the FARC
4 and ELN, controlled the banana growing regions of costal Colombia, located in Magdalena Province
5 and Antioquia Province, particularly Uraba. While the FARC and ELN controlled this region they
6 engaged in various forms of racketeering and criminal activity. These activities included extorting
7 "security" payments from businesses as well and conducting murders and executions.

8 147. As early as 1994, paramilitary groups that ultimately became the AUC were engaged
9 in efforts, on behalf of DOLE and other banana companies, to drive FARC and ELN out of the area.
10 In approximately 1997, when the groups came together to formalize their relationship and become
11 the AUC, the paramilitaries were poised to take control of the banana growing region of Colombia.
12 With financial support from DOLE and other banana companies, the AUC drove the FARC and
13 remnants of the ELN out of the area. Prior to this surge, the AUC's leader, Carlos Castaño, as well as
14 other senior members of the AUC, approached DOLE and other banana growers in the region. In
15 exchange for payments from DOLE, the AUC promised to keep the leftist groups out of the area, to
16 guarantee the safety of DOLE employees, to prevent disruption to DOLE's operations, and to
17 suppress labor movements directed against DOLE's operations.

18 148. The AUC's discussions were held with representatives of Baltime or with DOLE
19 directly. All decisions whether to fund the AUC were ultimately the decision of DOLE and all
20 actions taken by Baltime with respect to the AUC were directly controlled by DOLE and/or done on
21 DOLE'S behalf. .

22 149. DOLE agreed to make payments to the AUC. An agreement was reached between
23 DOLE and the AUC wherein DOLE would make "security" payments based upon the amount of
24 bananas produced in AUC-controlled territory. The last head of the AUC, Salvatore Mancuso, has
25 stated that DOLE paid him, as the commander of the AUC "one cent on the dollar for every crate [of
26 bananas] that went out of the country."

27 150. In addition, Jose Gregorio Mangones Lugo, alias "Carlos Tijeras," has stated that, as
28 commander of the William Rivas Front, which was based in the banana zone where DOLE operated,

1 he received 70,000 Colombian pesos per hectare per year from DOLE. This was roughly 40% of the
2 annual budget for the William Rivas Front, and the Front would not have been able to operate
3 without the funds from DOLE.

4 151. DOLE initially concealed its payments to the AUC by routing funds to the AUC
5 through an intermediary known as a “convivir.” “Convivirs” were private security companies
6 licensed by the Colombian government to assist the local police and military in providing security.
7 DOLE, though, paid money to “convivirs” that were simply front organizations for the AUC, and all
8 money paid by DOLE actually went to the AUC.

9 152. On information and belief, DOLE accounted for its payments to the AUC as
10 operational expenses or security expenses. DOLE’s payments to the AUC were kept from both
11 DOLE’s shareholders and the general public. Furthermore, on March 6, 2003 DOLE became a
12 privately-held corporation. This significantly impacted the public’s, including Plaintiffs’, access to
13 DOLE’s financial information and any ability to uncover the unlawful payments.

14 153. The payments DOLE made to the AUC were for specific services the AUC performed
15 for DOLE. The first such service was driving the FARC and other guerillas out of the banana zones
16 where DOLE operated. Once this was accomplished, the AUC operated as an occupying security
17 force for DOLE and the other banana companies in the region. The AUC set up security check points
18 and sub-command posts throughout the banana zone, and no person entering or leaving a DOLE
19 owned or controlled plantation could do so without passing through AUC security. It would not be
20 possible for DOLE officials to visit a DOLE plantation for any purpose without encountering the
21 AUC security checkpoint. In addition, the head Administrators for the DOLE plantations gave the
22 AUC forces free access to the plantations, allowed them to use company vehicles, and provided land
23 for AUC encampments. In short there was a major, visible presence of the AUC security forces in
24 and around the DOLE plantations.

25 154. Another major service the AUC provided to DOLE was that it provided armed
26 security to accompany major container shipments of bananas from the plantations to DOLE’s storage
27 facility at Rio Frio. The William Rivas Front had specific mobile units that provided this security,
28 and all DOLE bananas from this region were collected at Rio Frio and then shipped under the DOLE

1 name to various markets, including the U.S. and California in particular.

2 155. The “service” provided by the AUC to DOLE that is most relevant to this case is that
3 each DOLE plantation was under the jurisdiction of a specific AUC sub-commander. The
4 Administrators for the DOLE plantations had open and regular communication with the
5 corresponding AUC sub-commander and requested security and other services when needed. In
6 addition, it was the Administrators who identified for the AUC workers and residents who presented
7 “security problems” and the AUC responded by executing these people. The DOLE Administrators
8 knew that when they provided a name to the AUC as a security problem or concern, this meant that
9 the AUC would execute that person without investigation or any further inquiry. Most if not all of
10 the decedents identified herein were executed by the AUC because a DOLE Administrator identified
11 them to the AUC for execution. In most cases those executed were union leaders or members or
12 individuals seeking to hold or reclaim land that DOLE wanted for banana cultivation, and the DOLE
13 Administrators would report to the AUC that these individuals were suspected guerillas or criminals.

14 156. Another specific service that the AUC provided to DOLE as part of their financial
15 arrangement was that DOLE, through its plantation Administrators, asked the AUC to eliminate the
16 leaders of the trade union in Magdalena. At the time DOLE and the other banana companies began
17 providing substantial support to the AUC, the Magdalena section of SINTRAINAGRO was a vibrant
18 and effective trade union representing the workers in banana plantations, including those owned or
19 controlled by DOLE. On January 24, 2001, the President of the union, referred to herein as Pablo
20 Perez 38 (see ¶¶ 89, *supra*), was gunned down and executed by AUC paramilitaries. Jose Gregorio
21 Mangones Lugo, alias “Carlos Tijeras,” has in his public testimony admitted to responsibility for this
22 murder.

23 157. After Carlos Tijeras eliminated the leadership of SINTRAINAGRO, he appointed
24 “AUC-friendly” leaders and thereby denuded the union. From this point, SINTRAINAGRO no
25 longer represented the interests of the banana workers and instead supported DOLE’s objectives of
26 maintaining a non-activist workforce that was cleansed of “leftists.” SINTRAINAGRO also assisted
27 the company in hiding its payments to the AUC, and itself contributed 10% of its dues to the AUC
28 on a monthly basis. SINTRAINAGRO remains dominated by AUC-friendly leaders, and despite this,

1 is an affiliate in good standing of the International Union of Food Workers (IUF). The IUF has
2 willfully ignored its affiliate's support for the AUC, a designated terrorist organization.

3 158. The AUC was able to distinguish DOLE plantations from Chiquita Plantations in
4 Magdalena for purposes of collecting funds and providing services through a color-coding system.
5 DOLE plantations had the out buildings and gates painted red and white, while Chiquita was blue
6 and white. The AUC collected from DOLE plantations 70,000 Colombian pesos for hectare per year,
7 while Chiquita paid three cents per shipped box of bananas. DOLE used various mechanisms to hide
8 the payments. For some part of the time, it organized its plantations into cooperatives that then
9 collectively paid a monthly amount to the AUC and designated this amount as a payment for
10 "security." At other times, individual plantations would record a payment for "ghost services" that
11 were not performed, and then would give this amount to the AUC. During some part of the time
12 DOLE made payments to the AUC, it ran the money through SINTRAINAGRO, either as a ghost
13 payment or as a benefit provided to the union. 100% of the DOLE plantations paid the agreed
14 amount to the AUC and received AUC services in return.

15 159. In addition to having a uniform payment to the AUC for all their banana plantations,
16 DOLE also asserted control over its plantations to ensure that they were in compliance with quality
17 standards, as well as standards for international certification systems that DOLE had agreed to ensure
18 plantation compliance with.

19 160. On information and belief, DOLE made payments to the AUC from 1997 until early
20 2007 and/or to the present day. As early as 1994, it made payments to the smaller paramilitary
21 groups that ultimately formed the AUC.

22 161. At all times that DOLE was making payments to the AUC it knew or should have
23 known that the AUC was a violent paramilitary organization that was murdering civilians in the
24 Magdalena Province, including Plaintiffs herein. AUC's murders in the banana region were often
25 highly publicized, including an April 26, 2002 massacre of banana workers.

26 162. At all relevant times, DOLE knew that the AUC's acts were tortious and gave
27 substantial assistance or encouragement to the AUC to so act.

28 163. Alternatively and concurrently, DOLE's stated intentions, as expressed to the AUC

1 (uninterrupted business operations in the region and a suppression of labor movements), in
2 conjunction with DOLE's continued financial support of the AUC despite its knowledge of the
3 numerous murders of innocent civilians, was advice or encouragement to act that operates as a moral
4 support to the AUC, and the act encouraged was known by DOLE to be tortious.

5

6 **D. PLAINTIFFS' INABILITY TO DISCOVER DOLE'S INVOLVEMENT IN THEIR**
7 **DECEDENTS' MURDERS.**

8 164. Plaintiffs did not know, had no reason to know, and had no reason to suspect that
9 DOLE financed the AUC murders of their decedents until, at the earliest, May, 2007. In May, 2007,
10 Salvatore Mancuso, the jailed AUC leader, testified to investigators that DOLE made payments to
11 the AUC in exchange for "security" in the banana-producing region of Colombia.

12 165. Because of DOLE's concealment of its payments to the AUC by funneling them
13 through "convivirs," no amount of investigation or due diligence by the Plaintiffs would have
14 discovered DOLE's involvement in the AUC murders at an earlier date.

15 166. At all relevant times, Plaintiffs exercised all due diligence in investigating the cause
16 of their decedents' deaths. Plaintiffs reported their decedents' deaths to the authorities and
17 cooperated with government investigations to identify the murderers.

18 167. Promptly upon discovering DOLE's involvement in their decedents' deaths, Plaintiffs
19 sought counsel and initiated the instant action for damages.

20

21 **E. DOLE'S LIABILITY**

22 168. At all times, DOLE had a duty to use reasonable care to prevent harm to Plaintiffs as a
23 result of its actions.

24 169. It was reasonably foreseeable to DOLE that funding, encouraging, aiding and abetting
25 and/or supporting the AUC could cause harm, including death, to Plaintiffs and other citizen
26 residents of the banana growing region of costal Colombia.

27 170. DOLE knew or should have known of the AUC's unlawful activities (including the
28 kidnap and murder of innocent civilians) when it provided funds to the AUC.

1 171. DOLE failed to exercise reasonable care, and breached its duty of care to Plaintiffs,
2 when it funded the AUC, aided and abetted the AUC's actions, provided moral support and
3 encouragement to the AUC, and/or coordinated with the AUC.

4 172. DOLE acted, as alleged herein, with malice and oppression. DOLE's funding of the
5 AUC was despicable and was done with a willful and knowing disregard of the rights and safety of
6 others. DOLE was aware of the probable dangerous consequences of funding the AUC and
7 deliberately failed to avoid those consequences. DOLE's actions subjected Plaintiffs to cruel and
8 unjust hardships in knowing disregard of Plaintiffs' rights.

9 173. DOLE intentionally misrepresented and/or concealed its funding of the AUC from
10 Plaintiffs and others by secretly funneling funds to the AUC through the use of "convivirs." DOLE's
11 concealment of this material fact from Plaintiffs and other residents of the banana growing region of
12 Colombia was with the intent to deprive Plaintiffs, Plaintiffs' decedents, and others of legal rights or
13 to otherwise cause harm to Plaintiffs.

14 174. As a direct and proximate result of DOLE's recklessness or negligence, Plaintiffs'
15 decedents were murdered by the AUC.

16 175. DOLE and/or the AUC touched and/or caused to be touched Plaintiffs' decedents
17 with the intent to harm or offend Plaintiffs' decedents.

18 176. Plaintiffs' decedents did not consent to be touched by DOLE or the AUC.

19 177. Plaintiffs' decedents were killed by DOLE's conduct.

20 178. At all relevant times herein, DOLE, the AUC, and/or others, had an agreement to
21 commit the wrongful acts alleged herein. This agreement was made between DOLE and the AUC
22 orally and/or by the implied conduct of the parties.

23 179. DOLE was aware that the AUC planned to kidnap and murder innocent civilians.

24 180. DOLE agreed, cooperated, and agreed to cooperate with the AUC and intended that
25 the wrongful acts alleged herein be committed either directly or because DOLE provided knowing
26 substantial assistance to the AUC.

27 181. At all relevant times herein, the AUC was acting as DOLE's agent. At the time of
28 Plaintiffs' decedents' murders, the AUC was acting within the scope of its agency relationship with

1 DOLE.

2

3 **F. DOLE’S WRONGFUL CONDUCT CAUSED PLAINTIFFS’ DECEDENTS’ DEATHS**

4 182. Plaintiffs’ decedents were murdered by AUC members while acting within the course
5 and scope of their association with the AUC.

6 183. Plaintiffs’ decedents’ murders were directed by AUC leadership and under commands
7 and orders issued by AUC leadership that received substantial support from DOLE.

8 184. DOLE’s wrongful conduct, including, but not limited to, financing and encouraging
9 the AUC, as alleged herein, was a substantial factor in causing Plaintiffs’ decedents’ deaths.

10 185. Other persons, conditions, and events may have combined with DOLE’s conduct to
11 cause Plaintiffs’ decedents’ murders, yet DOLE’s conduct remains a substantial factor in causing the
12 murders.

13 186. More likely than not, Plaintiffs’ decedents’ murders would not have occurred without
14 DOLE’s conduct as alleged herein.

15

16 **G. CALIFORNIA IS THE APPROPRIATE FORUM TO RESOLVE PLAINTIFFS’ CLAIMS**

17 187. DOLE is a California corporation and the State of California has a compelling and
18 substantial interest in adjudicating wrongs committed by its citizens and providing a forum for
19 resolution of disputes involving its citizens.

20 188. All of DOLE’s conduct, as alleged herein, ultimately emanated from DOLE’s world
21 headquarters in Westlake Village, California, where all of DOLE’s senior corporate management is
22 located and where DOLE’s board of directors regularly meets and conducts business.

23 189. There is no true conflict between the common law of Colombia and California. Both
24 Colombia and California recognize wrongful death liability, and common law liability in tort for
25 negligence and battery.

26 190. Nonresident aliens are entitled to the benefit of California’s wrongful death and
27 survival statutes. The Legislature has never restricted the application of these standing statutes to
28 citizens or residents.

1 **SECOND CAUSE OF ACTION**
2 **SURVIVAL (CODE CIV. PROC., § 377.30)**
3 **On behalf of all Plaintiffs Against all Defendants**

4 197. Plaintiffs incorporate by reference paragraphs 1 through 196, *supra*, as if set forth
5 fully herein.

6 198. All Plaintiffs identified in paragraphs 8 through 89, *supra*, are the proper personal
7 representatives (as defined in Code of Civil Procedure section 377.31, Probate Code section 58, and
8 the laws of Colombia) of their decedent relatives and succeed to all causes of action. Each such
9 Plaintiff brings this Complaint in the capacity of personal representative to his or her deceased
10 relative as described in paragraphs 8 through 89, *supra*.

11 199. As a direct and proximate result of the conduct of Defendants, as alleged herein
12 above, the decedents identified in paragraphs 8 through 89, *supra*, were caused to suffer injuries to
13 their persons, their mental and emotional health, their earning capacity, their property and their
14 economic interests, and have suffered further mental and emotional distress. All of the above will be
15 established according to proof.

16 **THIRD CAUSE OF ACTION**
17 **BATTERY**

18 **On behalf of Plaintiffs Juana Perez 5B,5D,7A,10,14A,21,22,25,30,32B,33,34,**
19 **35,39,41B,44,46A,47, and Juan Perez 18**
20 **Against all Defendants**

21 200. Plaintiffs incorporate by reference paragraphs 1 through 199, *supra*, as if set forth
22 fully herein.

23 201. During the attacks on their homes that resulted in the AUC murdering their family
24 members, as described in detail in the preceding paragraphs, Plaintiffs Juana Perez
25 5B,5D,7A,10,14A,21,22,25,30,32B,33,34, 35,39,41B,44,46A,47, and Juan Perez 18 were themselves
26 subjected to the AUC's acts of violence. Other individual Plaintiffs herein may also establish that
27 they too suffered their own direct injuries as a result of an AUC attack on their families. By bringing
28 the AUC to the area where these Plaintiffs resided and providing substantial, material support to the
AUC to allow it to operate in this area, Defendants committed, or acted in concert to commit, or
aided and abetted, or Defendants' agents committed acts which resulted in harmful or offensive

FIFTH CAUSE OF ACTION
NEGLIGENT HIRING AND SUPERVISION
On behalf of Plaintiffs Juana Perez 5B,5D,7A,10,14A,21,22,25,30,32B,33,34,
35,39,41B,44,46A,47, and Juan Perez 18
Against all Defendants

206. Plaintiffs incorporate by reference paragraphs 1 through 205, *supra*, as if set forth fully herein.

207. During the attacks on their homes that resulted in the AUC murdering their family members, as described in detail in the preceding paragraphs, Plaintiffs Juana Perez 5B,5D,7A,10,14A,21,22,25,30,32B,33,34, 35,39,41B,44,46A,47, and Juan Perez 18 were themselves subjected to the AUC's acts of violence. Other individual Plaintiffs herein may also establish that they too suffered their own direct injuries as a result of an AUC attack on their families. By bringing the AUC to the area where these Plaintiffs resided and providing substantial, material support to the AUC to allow it to operate in this area, Defendants committed, or acted in concert to commit, or aided and abetted, or Defendants' agents committed acts which caused these Plaintiffs to suffer injury, damage, loss, and harm.

208. Defendants selected, hired, retained and contracted with the AUC operating in the banana zone of Colombia in and around the area where these Plaintiffs resided when the attacks on their families occurred. Defendants failed to exercise reasonable care in selecting, hiring, retaining and contracting with the AUC forces they directed and supported. At the time Defendants selected, hired, retained and contracted with the AUC, and at all other relevant times, Defendants knew or reasonably should have known that the AUC, a designated terrorist organization, would violate Plaintiffs' rights and that, as a direct and proximate result of those violations, Plaintiffs would and did suffer injuries as alleged herein. Further, throughout the time period of the events alleged herein, Defendants failed to supervise or monitor the acts of the AUC done on DOLE's behalf, and such supervision or monitoring would have exposed the violent conduct alleged herein. In selecting, hiring, retaining, contracting with, and failing to supervise or monitor the AUC, Defendants acted with reckless or willful disregard of Plaintiffs' safety.

209. As a direct and proximate result of Defendants' negligent and grossly negligent selection, hiring, supervision, retention and contracting with AUC, these Plaintiffs have suffered and

1 continue to suffer injuries entitling them to compensatory and punitive damages in amounts to be
2 ascertained at trial.

3 210. The acts described herein constitute negligent hiring and/or supervision, actionable
4 under the laws of the California, the laws of the United States, and the laws of Colombia.

5 **SIXTH CAUSE OF ACTION**
6 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
7 **On behalf of Plaintiffs Juana Perez 5B,5D,7A,10,14A,21,22,25,30,32B,33,34,**
8 **35,39,41B,44,46A,47, and Juan Perez 18**
9 **Against all Defendants**

10 211. Plaintiffs incorporate by reference paragraphs 1 through 210, *supra*, as if set forth
11 fully herein.

12 212. The allegations described herein constitute outrageous conduct against Plaintiffs
13 Juana Perez 5B,5D,7A,10,14A,21,22,25,30,32B,33,34, 35,39,41B,44,46A,47, and Juan Perez 18,
14 and are without privilege. Other individual Plaintiffs herein may also establish that they too were
15 exposed to this outrageous conduct.

16 213. During the attacks on their homes that resulted in the AUC murdering their family
17 members, these Plaintiffs witnessed horrific acts done to their family members, themselves, each
18 other and/or their homes. These acts of terror were intended by the AUC, and the DOLE Defendants
19 who sent the AUC on its mission of terror, to cause these Plaintiffs, as well as the overall
20 community, to suffer severe emotional distress. In the alternative, Defendants engaged in the conduct
21 with reckless disregard of the probability of causing these individuals to suffer emotional distress.

22 214. These Plaintiffs suffered severe emotional distress and the outrageous conduct of the
23 Defendants was a cause of the emotional distress suffered by them. As a direct and proximate result,
24 these Plaintiffs have suffered and continue to suffer injuries entitling them to compensatory and
25 punitive damages in amounts to be ascertained at trial.

26 215. Defendants' outrageous conduct was deliberate, willful, intentional, wanton,
27 malicious, and oppressive and constitutes the intentional infliction of emotional distress. As such, it
28 is actionable under the laws of California, the United States and Colombia.

1 **SEVENTH CAUSE OF ACTION**
2 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
3 **On behalf of Plaintiffs Juana Perez 5B,5D,7A,10,14A,21,22,25,30,32B,33,34,**
4 **35,39,41B,44,46A,47, and Juan Perez 18**
5 **Against all Defendants**

6 216. Plaintiffs incorporate by reference paragraphs 1 through 215, *supra*, as if set forth
7 fully herein.

8 217. During the attacks on their homes that resulted in the AUC murdering their family
9 members, Plaintiffs Juana Perez 5B,5D,7A,10,14A,21,22,25,30,32B,33,34, 35,39,41B,44,46A,47,
10 and Juan Perez 18 witnessed horrific acts done to their family members, themselves, each other
11 and/or their homes. Other individual Plaintiffs herein may also establish that they too were exposed
12 to these brutal acts of violence.

13 218. Defendants owed these Plaintiffs a duty to act with reasonable care, and injury to
14 these Plaintiffs was reasonably foreseeable.

15 219. At all times relevant hereto, Defendants knew, or reasonably should have known, that
16 the conduct described herein would and did proximately result in physical and emotional distress to
17 these Plaintiffs.

18 220. Despite said knowledge, power and duty, Defendants breached their duty to these
19 Plaintiffs, and thereby negligently failed to act so as to stop engaging in the conduct described herein
20 and to prevent or to prohibit such conduct or to otherwise protect Plaintiffs. While said negligent
21 conduct was perpetrated directly by the AUC, DOLE caused the AUC to injure these Plaintiffs, and
22 DOLE confirmed and ratified said conduct. Defendants' breach was with a wanton and reckless
23 disregard of the deleterious consequences to these Plaintiffs.

24 221. As a direct and legal result of Defendants' wrongful acts, these Plaintiffs have
25 suffered and will continue to suffer significant physical injury, pain and suffering and extreme and
26 severe mental anguish and emotional distress.

27 222. Defendants' conduct constitutes the negligent infliction of emotional distress and is
28 actionable under the laws of California, the United States and Colombia.

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V. PRAYER

WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as follows:

223. For general damages in an amount as shall be proven at the time of trial in a sum according to proof;

224. For special damages in an amount as shall be proven at the time of trial in a sum according to proof;

225. For punitive and exemplary damages;

226. For costs of suit incurred herein;

227. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

DATED: April 28, 2009

By: _____
DAVID GRUNWALD

TERRENCE P. COLLINGSWORTH
WILLIAM R. SCHERER
CONRAD & SCHERER, LLP

Attorneys for Plaintiffs