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17  
18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**

20  
21 **EMIL ALPERIN,**  
**JEWGENIJA ROMANOVA,**  
**MARIA DANKEWITSCH,**  
22 **VLADIMIR MORGUNOV,**  
**VLADIMIR BRODICH,**  
23 **WILLIAM DORICH,**  
**IGOR NAJFELD,**  
24 **LIZABETH LALICH,**  
**MLADEN DJURICICH,**  
25 **ROBERT PREDRAG GAKOVICH,**  
**NEVENKA VUKASOVIC MALINOWSKI,**  
26 **ELI ROTEM,**  
**MILORAD SKORIC,**  
27 **VELJKO MILJUS,**  
**FRED ZLATKO HARRIS,**  
28 **MILJA CONGER,**

**NO. C99-4941 MMC (EDL)**  
**SIXTH AMENDED CLASS ACTION**  
**COMPLAINT FOR:**  
  
1. **AN ACCOUNTING;**  
2. **CONVERSION;**  
3. **UNJUST ENRICHMENT;**  
4. **RESTITUTION;**  
5. **VIOLATIONS OF**  
**INTERNATIONAL LAW;**

1 ALLEN DOLFI HERSKOVICH,  
 2 BOGDAN KLJAIC,  
 3 DAVID LEVY,  
 4 ZDENKA BAUM RUCHWARGER-LEVY,  
 5 VLADAN CELEBONOVIC,  
 6 DANIEL PYEVICH,  
 7 KOVILJKA POPOVIC,  
 8 NADEZDA BATES,  
 9 DUBRAVCA PAVIC,  
 10 MILEVA RELJANOVIC,  
 11 ORGANIZATION OF UKRAINIAN  
 12 ANTIFASCIST RESISTANCE FIGHTERS,  
 13 UKRAINIAN UNION OF NAZI VICTIMS  
 14 AND PRISONERS,  
 15 JASENOVAC RESEARCH INSTITUTE,  
 16 THE INTERNATIONAL UNION OF  
 17 FORMER JUVENILE PRISONERS OF  
 18 FASCISM OF UKRAINE, RUSSIA, AND  
 19 BELARUS,  
 20 THE REPUBLIC OF SERBIAN KRAJINA  
 21 IN EXILE, and  
 22 INDEPENDENT COUNCIL OF GYPSIES  
 23 IN SERBIA  
 24 on behalf of themselves and all others  
 25 similarly situated,

26 **Plaintiffs,**

27 v.

28 THE FRANCISCAN ORDER (ORDER OF  
 29 FRANCISCANS MINOR - OFM) a/k/a  
 30 CROATIAN CUSTODY OF THE HOLY  
 31 FAMILY OF CHICAGO and  
 32 CROATIAN CONFRATERNITY OF SAN  
 33 GIROLAMO (SAINT JEROME),

34 **Defendants.**

35 **6. REPLEVIN & SAFEKEEPING.**

**JURY TRIAL DEMANDED**

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1           **I. INTRODUCTORY STATEMENTS REGARDING SIXTH AMENDED COMPLAINT**

2           1. This is a civil action arising under international law and the laws of the United States  
3 of America on behalf of named plaintiffs and a worldwide class of all SERBS, JEWS, ROMA  
4 (GYPSIES or SINTI-ROMANI), and CERTAIN FORMER SOVIET UNION CITIZENS and their legal heirs,  
5 successors in interest, assignees, legatees and beneficiaries hereafter referred to as *Holocaust*  
6 *Survivors*, who suffered monetary and/or property losses during the systematic and brutal  
7 persecution of the class of Holocaust Survivors by the regime known as THE INDEPENDENT  
8 STATE OF CROATIA (hereinafter referred to as the *Ustasha Regime*) and whose property,  
9 collectively known as the USTASHA TREASURY, was deliberately concealed, laundered,  
10 hypothecated, commingled and converted by defendant OFM and its agents for the benefit of  
11 defendant and members of the former Ustasha Regime.

12           2. This action is made necessary by the refusal of the defendant to provide an accounting  
13 of converted assets and disgorge property in its possession and restore the profits of unjust  
14 enrichment. Defendant has had constructive notice of this matter since June 1998 when the US  
15 State Department published the report “The Whereabouts of the Ustasha Treasury” which  
16 implicated by name, OFM’s former Treasurer, Fr. Dominik Mandic OFM, as a party in the  
17 conversion and laundering of the Ustasha Treasury and actual notice since its agent, OFM  
18 Provincial Minister Melvin Jurisich, accepted service on behalf of OFM in Oakland, California.

19           3. Defendant OFM has long been involved in the politics of Croatia, Herzegovina and  
20 Bosnia. At the outbreak of the Second World War in 1939 OFM had five administrative  
21 Provinces in Croatia and Bosnia (OFM Provinces). An OFM Province is an ecclesiastical  
22 administrative unit containing friaries headed by a Minister Provincial. In 1939 due to the  
23 outbreak of the Second World War, the OFM and its Minister General invested certain  
24 extraordinary powers to a Croatian member of their Central Administration from Herzegovina,  
25 Father Dominik Mandic, who was contemporaneously served as Treasurer (General Economist)  
26 of OFM and General Definitor (Rome Representative) of all the Franciscan provinces in Slavic  
27 countries including Croatia, Herzegovina and Bosnia 1939-1946 and OFM Treasurer and  
28 General Definitor 1946-1951.

1           4. In June 1941, the Axis powers, Germany, Italy, Bulgaria, and Hungary invaded the  
2 Kingdom of Yugoslavia. Croatian fascist exiles known as Ustasha entered Zagreb with the Axis  
3 forces and were placed in control of Croatia. With the Ustasha takeover of Croatia and  
4 establishment of the Ustasha Regime in April 1941, a significant number of Croatian OFM  
5 priests, monks, friars and seminarians joined the ranks of the Ustasha. Some of those who had  
6 been affiliated with OFM committed atrocities and mass murder against Holocaust victims  
7 including the infamous chief of the Jasenovac Concentration Camp, Father Miroslav  
8 Filipovic-Majstorovic, known as “Brother Satan” due to his incredible cruelty to Serbs, Jews,  
9 and Roma. While OFM in Rome did not appear to condone or order any atrocities, it was aware  
10 of the genocidal policies of the Ustasha Regime and the looting of Holocaust victims’ property  
11 that occurred through regular dispatches and visits received from OFM Minister Provincials in  
12 Croatia and Bosnia to OFM Definitor General Mandic, OFM Vicar General Policarp Schmuel,  
13 and the OFM Minister General, Leonard Bello, in Rome. The OFM Minister General is the  
14 highest office in OFM and he is considered the successor and earthly representative of Saint  
15 Francis of Assisi. Mandic and OFM were also politically involved with the Ustasha Regime and  
16 sympathetic to Croatian independence from Yugoslavia, and with the consent of the OFM  
17 Minister General, Mandic attempted to negotiate with the British government on behalf of the  
18 Ustasha Regime in the closing years of the war.

19           5. Upon the imminent fall of the Ustasha Regime in May 1945, OFM and its Vicar  
20 General (Acting in place of the Minister General Bello who had died in 1944) detailed to its  
21 General Definitor, Mandic, the urgent task of providing aid to Croatians fleeing Tito’s  
22 Communists, including those members of the Ustasha Regime who had successfully fled Zagreb  
23 to Austria and Italy. To carry out his instruction from OFM, Mandic entered into a partnership  
24 with a Vatican official, Fr. Krunoslav Draganovic, who was a Croatian priest and who was also  
25 a former official of the Ustasha Regime’s Colonization Ministry. The Colonization Ministry was  
26 responsible for looting property from Serbs in Slavonia, Srem, and Krajina. Draganovic also  
27 held the rank of Lt. Colonel in the Ustasha Regime Armed Forces and had served at Jasenovac  
28 Concentration Camp. Draganovic was not only aware of the Ustasha Regime’s atrocities against

1 Holocaust victims but had witnessed them first hand and had engaged in and had helped  
2 coordinate the organized looting of Holocaust victims' property. In 1943 Draganovic as a priest  
3 and an expert in looted property was detailed as a Croatian diplomat to Rome by the Ustasha  
4 Regime and was recalled to Zagreb by Pavelic before the fall of the Ustasha Regime to remove  
5 an unknown quantity of the Ustasha Treasury to the Vatican before the end of Second World  
6 War. With the imminent fall of the Ustasha Regime in the final years of the war, Draganovic  
7 was appointed by the Vatican Pontifical Commission of Assistance as Apostolic Visitor to the  
8 Croats reporting to Vatican Under Secretary of State Montini (later Pope Paul VI), a position  
9 that provided Draganovic travel documents in post war Europe as a Vatican emissary.

10 6. Mandic, Draganovic, and OFM quickly established a plan of action - Ustasha fugitives  
11 would be sheltered by Mandic and Draganovic through the Croatian Confraternity of San  
12 Girolamo or St. Jerome (henceforth Croatian Confraternity) in Rome. The Croatian  
13 Confraternity of St. Jerome (San Girolamo) was reestablished in 1945 by Mandic and  
14 Draganovic as a separate entity at the premises of The Pontifical Croatian College of St. Jerome  
15 in Rome after the Croatian Confraternity had been disbanded in 1901. Funds from the Ustasha  
16 Treasury would be used as part of the operation as well as being converted and banked on behalf  
17 of the fugitive Ustasha war criminals. At no time, was Mandic, a senior official of OFM acting  
18 on his own behalf. OFM and its Vicar General and his successors made an informed decision  
19 to become involved with the remnants of the Ustasha Regime despite foreknowledge of their  
20 treatment of Holocaust victims. Some time after OFM Minister General Bello's unexpected  
21 death in July 1944, a new Minister General, the American priest, Rev. Valentine Schaaf, was  
22 eventually appointed by the Pope in 1945 as Minister General of OFM with Mandic continuing  
23 as a General Definator. Upon Schaaf's death in 1946, Mandic continued as a Definator General  
24 and OFM Treasurer through 1951. Further Mandic was under an oath of obedience to OFM and  
25 its Minister Generals and did not act on his own behalf - the recreation of the Confraternity of  
26 St. Jerome was therefore specifically condoned by OFM.

27 7. Between 1946-1952 Draganovic and Mandic using funds from the Ustasha treasury  
28 helped hundreds of Ustasha criminals avoid justice and flee Allied jurisdiction. They also

1 assisted the Ustasha organization by providing safe houses in Rome and dispensing funds  
2 worldwide including the United States and supporting Ustasha interventions in Yugoslavia.  
3 In 1948 Draganovic was accused by the Yugoslav government of infiltrating 95 Ustasha “spies  
4 and terrorists” into Croatia. Mandic was so intermeshed with the Ustasha exile movement, that  
5 the Ustasha government in exile under the Ustasha regime’s former Vice President, Djafer beg  
6 Kulenovic, issued a postage stamp in honor of Mandic in 1951 for use in regions of  
7 Herzegovina under the alleged control of Ustasha partisans.

8       8. The second phase of OFM involvement began in 1951 with the splitting of the Ustasha  
9 Treasury related activities between Rome, where Draganovic continued at the Croatian  
10 Confraternity, and Chicago where Mandic established a pro Ustasha cultural and publishing  
11 enterprise with money from the Ustasha Treasury at the OFM controlled Croatian Custody of  
12 the Holy Family of Chicago henceforth Croatian Custody. The Croatian Custody or  
13 Commissariat as it was then known was an administrative dependency of the OFM Minister  
14 General in Rome and Mandic’s relocation there was explicitly approved by the OFM Minister  
15 General. The publishing entity was used to print propaganda favorable to the Ustasha program  
16 and Croatian independence.

17       9. Promotion of a Croatian nationalistic agenda at the Croatian Custody of the Holy  
18 Family of Chicago continued after Mandic’s death in 1979 with access to residual funds from  
19 the Ustasha Treasury through the establishment of Croatia as an independent state in 1991. The  
20 Croatian Custody continued to support the Croatian nationalist cause through the conflict in  
21 former Yugoslavia by materially supported the controversial unapproved nationalist shrine of  
22 Medjugorje, located in the Croatian sector of Bosnia, Herceg-Bosna, and provided support to  
23 the shrine’s main promoters - OFM priests like Jozo Zovko, Tomislav Vlastic, Slavko Barbaric  
24 and Svetozar Kraljevic. Between 1987-2000 the Croatian Custody maintained an active  
25 position at Medjugorje through its own friar, Fr. Philip Pavic, who served at Medjugorje as  
26 confessor and pilgrim assistant.

27       10. This complaint was originally filed in November 1999 and has been amended several  
28 times since. Pursuant to the Court’s ruling of dismissing OFM’s Motion to Dismiss the Fifth

1 Amended Complaint as premature and the granting of jurisdictional discovery the Sixth  
2 Amended Complaint is filed incorporating the following changes (in no particular order):

3 (a). Incorporation of material from jurisdictional discovery re: OFM and its Provinces,  
4 Custodies, and Commissariats including its personnel;

5 (b). Clarification of state, federal, foreign citizenship of plaintiffs;

6 (c). Clarification of plaintiffs' standing and claims re: equitable remedies of accounting,  
7 disgorgement, restitution and replevin;

8 (d). Supplemental facts distinguishing the agency/alter ego relationships of OFM,  
9 Draganovic, Mandic, the Croatian Confraternity of St. Jerome, and the Croatian Custody of the  
10 Holy Name of Chicago and their relation to the Ustasha Treasury.

11 11. Pursuant to the Courts' ruling of December 27, 2007 dismissing defendant Vatican  
12 Bank as a defendant on grounds of sovereign immunity, the caption no longer makes mention  
13 of the Vatican Bank, without prejudice to the ongoing appeal by plaintiffs.

14 12. The organized looting of the Holocaust Survivors' property took place during the  
15 time period April 10, 1941 through the end of May 1945 when their assets and property were  
16 seized, carried away and deposited, or otherwise added to the Ustasha Treasury by agents of the  
17 Ustasha Regime.

18 13. The Ustasha Regime during the entirety of its existence was led by the dictator or  
19 *Poglavnik*, Ante Pavelic<sup>1</sup> and his Ustasha Party that controlled Croatia, Bosnia-Herzegovina,  
20 Dalmatia and portions of Slovenia and Serbia, and militarily occupied sectors of the former  
21 Soviet Union. After the war, Pavelic continued to exercise control over many of the Ustasha  
22 exiles and fugitives until his death in 1959 in Spain.

23 14. This is an action against the Order of Friars Minor - OFM and OFM agents, alter  
24

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25 <sup>1</sup> Ante Pavelic (1889-1959) was a Croatian nationalist leader implicated in the 1934 assassination of the  
26 Yugoslavian King Alexander who was cofounder of the Ustasha circa 1930. In 1941 he became the  
27 *Poglavnik* (supreme leader) of the NDH. As the leader of the Ustasha, he directly ordered, organized and  
28 conducted a campaign of terror and genocide directed against Serbs, Jews, Roma, and Orthodox Christians.  
In May 1945, Pavelic and his entourage fled to Austria and then to Italy where he was shielded by the  
Vatican from extradition to Yugoslavia for war crimes. He subsequently was smuggled to Argentina in 1947  
and after an assassination attempt died in Spain.

1 egos and co-venturers which included Fr. Dominik Mandic OFM, Fr. Krunoslav Draganovic,  
2 the Croatian Franciscan Custody of the Holy Family of Chicago, and the Croatian Confraternity  
3 of Saint Jerome (all hereinafter collectively referred to as OFM), for an accounting, declaratory  
4 relief, unjust enrichment, restitution, replevin, safekeeping, violation of international law and  
5 continuing conversion of the Ustasha Treasury after the fall of the Ustasha Regime in May 1945.  
6 For jurisdictional purposes, OFM's agents and/or alter egos also include the OFM Province of  
7 Saint Barbara in Oakland, California and the Croatian Mission of San Jose, California which is  
8 affiliated with the OFM Province St. Cyril and Methodius in Zagreb, Croatia.

9 15. The defendant concealed, hypothecated, converted, laundered, profited from, and  
10 retained a significant portion of the illegally looted wealth of the Ustasha Regime which has  
11 been deemed collectively the "Ustasha Treasury" by the United States State Department in the  
12 1998 Eizenstat/Slany Report entitled *U.S. Concerns About the Fate of the Wartime Ustasha*  
13 *Treasury*.

14 16. Plaintiffs seek a declaratory judgment, an accounting, restitution, disgorgement,  
15 replevin, safekeeping and to recover damages arising out of defendant's actions.

16 17. Defendant profited from, both directly and indirectly, the financial proceeds of the  
17 inhumane and genocidal system instituted by the Ustasha Regime in Croatia and territories  
18 subject to Ustasha Regime civil or military occupation upon those peoples that it viewed, not as  
19 human beings, but as subhuman according to Ustasha ideology which equated Catholic Croatians  
20 and Bosnian Muslims with Aryan Goths while the supposedly subhuman Serbs, Jews, and Roma  
21 were characterized as enemies of the Croatian people. Portions of this same ideology was  
22 promoted after the war by Dominik Mandic in regards to Serbs and Croatians.

23 18. Defendant acted post Second World War in concert with former Ustasha Regime  
24 leaders and sympathizers including such wanted war criminals as Ante Pavelic, Andrija  
25 Artukovic, Djafer beg Kulenovic, Fr. Krunoslav Draganovic, and Vjekoslav "Maks" Luburic.

26 19. Defendant by making available assets from the Ustasha Treasury, directly assisted  
27 the Ustasha Regime leaders and their Ustasha followers to successfully evade justice post  
28 Second World War for their genocidal crimes, bank their assets, propagandize and reestablish

1 themselves and the Ustasha network in Europe and the Americas.

2 20. Recipients of funds from the Ustasha Treasury, laundered and converted by the  
3 defendant, included the Ustasha war criminals: Ante Pavelic, leader of the Ustasha Regime who  
4 went in to exile in Argentina and Spain; Andrija Artukovic, Ustasha Minister of the Interior, who  
5 fled to California; Ante Bonifacic, former Ustasha official and Leader of the Croatian  
6 Government in Exile, who fled to Chicago; Stepan Hefer, Ustasha Minister of Agriculture, who  
7 fled to Argentina; Ustasha Army Commander and Chief Vjekoslav “Maks” Luburic who fled  
8 to Spain; Ustasha regime Vice President Djafer beg Kulenovic who went to Lebanon; Jasenovac  
9 Concentration Camp officer Lt. Petar “The Throat Slasher” Brzica<sup>2</sup> who fled to the United  
10 States; Dinko Sakic, Jasenovac Concentration Camp Commander, who fled to Argentina and  
11 hundreds of others.

12 21. Defendants by converting, retaining and concealing assets from the Ustasha Treasury,  
13 prevented the rightful owners and beneficiaries from recovering their assets and making use of  
14 them.

15 22. By the end of the Second World War, the defendant was advised by the international  
16 community that the knowing use and benefit from the Ustasha Treasury were long standing  
17 violations of international law and various codes of criminal conduct including the Hague  
18 Convention of 1907, the Multilateral Declaration on Forced Transfers of Property in Enemy  
19 Controlled Territory of 1943, the “London Declaration,” 943 U.S.T. LEXIS 188; 3 Bevens 754;  
20 and the Multilateral Gold Policy treaty of 1944 between the United States, United Kingdom, and  
21 Soviet Union, 1944 U.S.T. LEXIS 149; 3 Bevens 889 which states: “[T]he United States  
22 Government formally declares that it does not and will not recognize the transference of title to  
23 the looted gold which the Axis at any time holds or has disposed of in world markets.”  
24 Defendant nevertheless improperly retained and concealed illicit profits and withheld them from  
25 their rightful owners.

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27 <sup>2</sup> Lt. Petar Brzica was a former Franciscan seminarian from Siroki Brijuni who boasted he had single-handedly  
28 killed over 1300 Serbs at Jasenovac in a short period of time with a special killing device called the *srbosek*  
or Serb cutter.

**II. DEFINITIONS**

1  
2 23. The term “Confraternity” generally refers to a voluntary association of Catholic  
3 laymen and priests, established and guided by a competent ecclesiastical authority for the  
4 promotion of special works.

5 24. The term “Custody” refers to an autonomous lesser grouping like a small province  
6 within OFM dependent either upon an OFM Province or reporting directly to the OFM Minister  
7 General in Rome.

8 25. The term “Commissariat” refers to a smaller OFM grouping than a custody with less  
9 autonomy.

10 26. “Looted Assets” is defined as, but not limited to, any and all personal, commercial,  
11 real, and/or intangible property, including cash, securities, silver, gold, jewelry, businesses  
12 assets, art masterpieces, equipment, collectibles, religious items, livestock, and intellectual  
13 property, that was illegally and/or improperly taken from the ownership or control of an  
14 individual, organization or entity, by means including, but not limited to, theft, forced transfer,  
15 ransom and exploitation, during the period of April 1941 through May 1945 by any person,  
16 organization or entity acting on behalf of, or in furtherance of the acts of, the Ustasha Regime,  
17 its officials, agents or related entities, in connection with crimes against humanity, war crimes,  
18 crimes against peace, genocide, or any other violations of fundamental human rights.

19 27. The term “Ustasha” refers to a Croatian fascist organization put in charge of the  
20 Independent State of Croatia by agreement of the Axis Powers in April 1941 and which ruled  
21 through May 1945, after which time its leaders fled into exile in Austria and Italy where they  
22 were sheltered by defendant, its agents and their co-venturers before being moved via the  
23 Ustasha ratline to Spain, Lebanon, the United States, Europe, Australia and Latin America.

24 28. The “Ustasha Regime” is defined as the fascist government of Croatia from April  
25 1941 through May 1945. Its agents included the Ustasha party members, police, armed forces,  
26 diplomats and government ministries.

27 29. “Ustasha Regime Armed Forces” refers to various military and paramilitary  
28 formations under the control or coordinated by the Ustasha Regime, including all domestic

1 military and paramilitary formations and the Croatian Legion, Croatian Naval Legion, and  
2 Croatian Air Force which served against the Soviet Union; the Croat SS Volunteer Division; the  
3 13th Waffen Mountain Division of the SS Handschar and the 23rd Waffen Mountain Division  
4 of the SS Kama, both recruited from Muslim Ustasha members and which served in Bosnia,  
5 Srem, Sanjak, and Croatia; various Ustasha Party units including Pavelic's bodyguards, the  
6 Ustasha Security Service - Ustaška Nadzorna Služba, Ustasha Reserve, Ustasha Youth, the  
7 Black Legion, Gendarmerie, and irregular Ustasha militia; the regular Croatian Home Army;  
8 and other miscellaneous units and irregular bands.

9       30. The "Ustasha Ratline" refers to a network consisting of Ustasha Regime, OFM and  
10 Roman Catholic priests utilizing the offices of the Croatian Confraternity of Saint Jerome in  
11 Rome and funds from the Ustasha Treasury to facilitate and arrange the escape of over two  
12 hundred wanted Ustasha war criminal to Argentina and elsewhere 1945-1949. The OFM agent  
13 involved in managing this network was Fr. Mandic OFM who worked with Fr. Draganovic,  
14 Pavelic's son-in-law Vilko Pecnikar, and Monsignor Juraj Madjerec, the Rector of the Pontifical  
15 College of San Girolamo in this venture.

16       31. The "Ustasha Treasury" refers to a horde of "looted assets" originally plundered from  
17 Serbs, Jews, and Gypsies in Croatia, Bosnia-Herzegovina, Dalmatia, portions of Slovenia and  
18 Serbia, and from citizens of the former Soviet Union by agents of the Ustasha Regime and  
19 revealed as having been concealed since May 1945 in the Eizenstat Report on the Ustasha  
20 Treasury released in June 1998 by the US State Department. In the closing months of the  
21 Second World War, this plunder was collected from various repositories and banks in Zagreb  
22 by the Ustasha Regime dictator Pavelic, who personally supervised its partial evacuation in  
23 several tranches from Zagreb to Switzerland. In late 1944 or early 1945, Draganovic transported  
24 an unknown quantity of the Ustasha Treasury to Rome and the Vatican at the behest of Pavelic.  
25 Another substantial portion of the Ustasha Treasury accompanied Pavelic into exile in Austria  
26 in May 1945 where it was hidden. In late 1945 two boxes containing 45 kilograms of the  
27 Austrian gold horde were entrusted to Draganovic who personally delivered it to Mandic and the  
28 Croatian Confraternity of San Girolamo in Rome to set up operations there.

1           32. In 1943 Ustasha Lt. Colonel Ivan Babic, a veteran of the Ustasha armed forces in the  
2 Soviet Union was dispatched to Italy by Pavelic to make contact with the Allies about Croatia  
3 defecting from the Axis. While Churchill favored an invasion of east central Europe via Croatia,  
4 Roosevelt and Stalin vetoed the plan at the December 1943 Tehran Conference. When it became  
5 apparent the Axis powers would fall, Babic and Draganovic were tasked with conceiving plans  
6 whereby the Ustasha Treasury could be saved from the advance of the Red Army. Draganovic  
7 and Babic devised a plan in which Ustasha assets would ostensibly become assets of the Roman  
8 Catholic Church with the active cooperation of OFM. The Ustasha Treasury therefore would not  
9 only be saved from the Communists but from seizure by the Allies as Axis loot.

10           33. In 1946 Babic carried out the final leg of the plan when he and Ustasha members  
11 dressed in British uniforms, accompanied by a few men clad as priests escorted the remainder  
12 of the Ustasha Treasury in a 10 truck British flagged convoy through Northern Italy to the San  
13 Girolamo Pontical College in Rome where it was received by Mandic, Draganovic and the  
14 Confraternity of San Girolamo on behalf of OFM and certified as property of a Roman Catholic  
15 Church entity and thus eligible for deposit at the Vatican where it would be safe from the Allies.  
16 At some point during the convoy's journey it was joined by Ante Pavelic personally who was  
17 present for the convoy's arrival in Rome.

18           34. The convoy however was not unloaded at San Girolamo but was parked in a safe area  
19 off the nearby Via Tomacelli where Pavelic and the British uniformed Ustasha disembarked. Then  
20 with care, the convoy's British indicia were removed and Vatican license plates provided. The  
21 convoy was then driven into St. Peter's Square and into the Vatican where it was received by  
22 representatives of the Vatican Bank in their official capacity as depository for Church  
23 contributions from around the world. This single transfer contained the greater remaining part of  
24 the Ustasha Treasury. It was estimated in 1946 to be worth an estimated 200 million Swiss Francs  
25 (approximately \$50 million) by US Treasury Agent Emerson Bigelow who contemporaneously  
26 reported the incident to the US government. These funds were place under the control of Mandic  
27 who as OFM Treasurer had the knowledge, access, and ability to utilize the Vatican financial  
28 system, Vatican extraterritorial rights in Rome, the OFM's internal resources and various external

1 OFM and Diocesan accounts to convert the treasure into a useful form that could be dispersed  
2 worldwide to banks in Spain, Latin America, the United States and elsewhere in evasion of post  
3 war Allied currency and monetary controls in place in Italy and to promote the Ustasha agenda

4 35. The events described in the preceding two paragraphs were documented by former US  
5 Army Counter Intelligence Corps (CIC) Special Agent William Gowen in 1947. Gowen  
6 investigated the Ustasha on behalf of the CIC in Rome which was interested in interdicting the  
7 ratline and other human smuggling rings. As part of his official duties Gowen interviewed  
8 Draganovic and Babic who admitted their roles in the delivery of the Ustasha Treasury to San  
9 Girolamo and the Vatican. Three additional named informants of Gowen also verified the events  
10 related to Gowen by Babic and Draganovic. These were Ferenc Vajta, the former Hungarian  
11 Consul in Vienna 1944-1945 and who served as an informant for French Intelligence in Innsbruck,  
12 Austria in 1946 and was involved in smuggling Hungarian assets to Rome and Austria; Dr.Miha  
13 Krek, former Deputy Premier of the wartime Royal Yugoslav government in exile who in 1946  
14 was an officer of the British sponsored Central European Federal Club "Intermarium" in Rome  
15 and was sentenced in absentia to 15 years in prison by the post war Communist government of  
16 Yugoslavia, and Monsignor Augustin Juretic who in 1941-1942 had served as a consultant to the  
17 Croatian Catholic Episcopal Congress with Draganovic and left Croatia in 1942 for exile in  
18 Switzerland and Italy due to political differences with the Ustasha regime and became an Allied  
19 informant.

### 20 III. JURISDICTION & VENUE

21 36 This Court has jurisdiction pursuant to 28 USC § 1331 in that plaintiffs make claims  
22 against defendants under federal common law as it incorporates customary international law and  
23 international treaties enforceable as federal common law.

24 37. Plaintiffs' claims involve violation of well known international treaties and norms  
25 condemning the practice of looting and plunder and retention of loot and profits from converting  
26 loot, including the Hague Convention of 1907, the Treaty of Versailles of 1919, the Roerich Pact  
27 of 1935, the 1943 Declaration of the United Nations regarding property looted by the Axis, the  
28 1944 Multilateral Policy on Gold Looted by the Axis Powers and the Holocaust Victims Redress

1 Act of 1998 (Pub.L. No. 105-158, 112 Stat. 15 1998).

2 38. This Court has jurisdiction pursuant to 28 USC §1332 in that the amount in controversy  
3 as to each claim asserted and sought to be asserted herein by certain plaintiffs exceeds the sum of  
4 \$75,000, exclusive of interest and costs and certain plaintiffs herein are U.S. citizens and thus  
5 diverse in state citizenship from defendant OFM.

6 39. This Court has jurisdiction pursuant to 28 USC § 1350 in that certain plaintiffs are  
7 citizens of Serbia (Popovic, Celebonovic, Pavic, Bates), Sweden (Reljanovic), and Ukraine  
8 (Alperin, Romanova, Dankewitsch, Morgunov), while five plaintiffs are foreign organizations  
9 from: Ukraine (Ukraine Organization of Ukrainian Antifascist Resistance Fighters, Ukrainian  
10 Union of Nazi Victims And Prisoners, International Union of Former Juvenile Prisoners of  
11 Fascism), and Serbia (Serbian Republic of Krajina in Exile and Independent Council of Gypsies  
12 in Serbia), who assert claims for torts, equitable and declaratory relief in violation of the law of  
13 nations including the common law of the United States, customary international law, the Hague  
14 Convention of 1907, Customary International Principles of International Law Recognized in the  
15 Charter of the Nuremberg Tribunal, G.A.Res. 95(I), UNGAOR, 1st Sess., at 188, UN Doc. A/236  
16 (1947); Multilateral Declaration on Forced Transfers of Property in Enemy Controlled Territory  
17 of 1943, "London Declaration," 943 U.S.T. LEXIS 188; 3 Bevens 754; Multilateral Gold Policy  
18 of 1944 between the United States, United Kingdom, and Soviet Union, 1944 U.S.T. LEXIS 149;  
19 3 Bevens 889; Convention on the Prevention and Punishment of the Crime of Genocide, 78  
20 U.N.T.S. 277 (1948); Universal Declaration of Human Rights, U.N. G.A. Resolvent. 217  
21 (III1948); International Covenant on Civil & Political Rights, 999 U.N.T.S. 171 (December 16,  
22 1966); International Declaration Concerning the Laws and Customs of War, adopted by the  
23 Conference of Brussels, Aug. 27, 1874, reprinted in (1907) 1 Am.Jur.Int.L. Supp. 96; and Protocol  
24 No. 1 to the European Convention on Human Rights and Fundamental Freedoms (Mar. 20, 1952,  
25 213 U.N.T.S. 262,E.T.S.9).

26 40. This Court has supplemental jurisdiction over plaintiffs' non-federal law claims  
27 pursuant to 28 USC § 1367 and for any claims not otherwise covered by the aforementioned  
28 jurisdictional bases.

1 41. This Court has personal jurisdiction over the alien defendants in that all of the alien  
2 plaintiffs are alleging tort violations arising under the law of nations in accordance with the Alien  
3 Tort Claims Act and the named defendant conducts business within the State of California and has  
4 minimum contacts with the State based on defendant's continuous and systematic general business  
5 activities within the State of California since 1879 when the modern form of the OFM was  
6 constituted by Pope Leo XIII.

7 42. Venue is proper in this Court because the defendants are doing business in this District  
8 and may be found in this District within the meaning of 28 USC § 1391(b) and/or, as aliens, may  
9 be sued in any district pursuant to 28 USC § 1391(d) and service of process was made upon the  
10 defendant in this district pursuant to Federal Rules of Civil Procedure Rule 4(c)(2)(A) and Rule  
11 4(d)(3).

12 43. Further, defendant and certain plaintiffs may be found in this District and plaintiffs are  
13 unable to pursue remedies in the place where the transaction occurred in that no adequate or  
14 available remedies exist and that such efforts would be futile in that the transactions occurred in  
15 multiple jurisdictions.

16 44. Funds from the Ustasha Treasury laundered by OFM were used to set up the publishing  
17 and commercial activities of the Croatian Franciscan Custody of the Holy Name in Chicago,  
18 including the Croatian Publishing House Croatia and the Croatian Historical Institute, both under  
19 the direction of Fr. Dominik Mandic and to expand the existing operations of the *Danica*  
20 newspaper, Croatian Historical Society, Croatian Publishing House Croatia, the Franciscan  
21 Printery, the *Croatian Almanac*, and the *Croatian Catholic Messenger* newspaper, all in Chicago  
22 but conducting business nationwide and in California under the direction of OFM.

23 **IV. STANDING OF PLAINTIFFS**

24 45. All individual plaintiffs allege specifically in this complaint below, that their personal  
25 and/or real property was taken by the Ustasha Regime through its agents which maintained a  
26 systematic procedure of looting and plunder from its victims in which confiscated property was  
27 deposited in central accounts in Zagreb controlled by the Ustasha Regime or was auctioned or sold  
28 first and the proceeds sent to the Ustasha Treasury. All individual plaintiffs allege below that they

1 are legal heirs or otherwise legally entitled to present a claim for property lost to the Ustasha  
2 Regime and combined into the portions of the Ustasha Treasury which are dealt with herein.

3 46. Specifically, the looting and conversion process was institutionalized by the Ustasha  
4 Regime. The agents of the Ustasha Regime included police, the armed forces, irregular bands of  
5 Ustasha party members, and all the various government ministries of the Ustasha Regime and in  
6 particular Interior, Colonization, Treasury, and Agriculture.

7 47. The Ministry of Colonization of the Ustasha Regime carried out much of the  
8 institutional looting. The Ministry's mission was to ethnically cleanse regions of Serbs and Roma,  
9 liquidate their belongings for the benefit of the Ustasha Treasury and redistribute land to Croats,  
10 Muslims, and *Volksdeutch*. For example in the regions of Kozara and Prosara, in 1942 alone,  
11 grain and cattle worth over 100 million Kuna<sup>3</sup> were confiscated from Serbs who had either fled  
12 in well founded fear of their lives, been summarily executed, or were sent to concentration camps.  
13 This was repeated nationwide as Serb regions were plundered, livestock were driven to central  
14 locations like the fairgrounds at the Croatian town of Hrvatska Dubica and sold, the funds being  
15 deposited in the Ustasha treasury. Jews were treated similarly, for example in the town of Bihac  
16 in 1941, Jews were rounded up, their belongings expropriated by agents of Ustasha Regime and  
17 transported to Ustasha Treasury in Zagreb by rail.

18 48. The property of Jews was meticulously documented and disposed of by branches of  
19 the Ustasha State Treasury Department for the benefit of the Ustasha Regime and addition to the  
20 Ustasha Treasury. The Croatian State Archives currently contains specific documentation of this  
21 stolen property including 20,000 dossiers, one for each Jewish family, including property  
22 declarations listing both moveable and immovable assets.

23 49. Of particular interest to the Ustasha Regime were items of gold. A ransom of 1004  
24 kilos of gold items was collected from the Jewish community of Zagreb alone by the Ustasha  
25 Regime in 1941. The Jewish Community of Zagreb eventually was dispossessed of 82 bags of  
26 gold items, 19 boxes of jewelry and diamonds, four boxes of pearl necklaces, six bags of gold  
27

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28 <sup>3</sup> 37.5 Croatia *Kuna* were the equivalent of 1 German *Reichsmark* in 1942.

1 coins, 1 bag of cast gold, and various foreign currency. This extortion from Jews was repeated  
2 throughout Croatia by the agents of the Ustasha Regime until the Jews were eventually murdered.  
3 Only 20% of the prewar Jewish population survived the Ustasha persecutions either by being  
4 named honorary Aryans by Pavelic or through the intervention of Italian military units stationed  
5 within the Ustasha Regime's territory or nearby.

6 50. Organized robbing of Roma (Gypsies) began in as early as April 1941 and was in full  
7 swing by 1942. The agents of the Ustasha Regime in 1942 alone confiscated 200,000 gold coins,  
8 millions of banknotes, and various jewelry and clothing from the Roma. Plaintiff Independent  
9 Council of Gypsies in Serbia has collected over one thousand claims from its members regarding  
10 Ustasha looting. Typical items looted included: gold crucifixes, rings and icons, gold and silver  
11 *ducats* (the ducat was the trade coin of central and eastern Europe), and livestock. The valuable  
12 items taken from Roma were shipped directly to the Ustasha Regime's repositories in Zagreb and  
13 the other items sold and then transferred as cash to Zagreb and the Ustasha Treasury. The Ustasha  
14 Regime maintained a strict policy towards diversion of looted property for personal use. Some  
15 Ustasha officers arrested by the Interior Ministry for diverting Gypsy gold for their own profit at  
16 Jasenovac concentration camp were tortured and then executed as an example to others who might  
17 be tempted to divert looted property to their own account.

18 51. Between 1941 and 1945 the Ustasha Regime plundered the contents of over 300  
19 Orthodox Churches and monasteries in Croatia, Bosnia, Krajina, and Serbia. Special Ustasha units  
20 transported dozens of railway car loads full of icons, valuable books, manuscripts, church vessels,  
21 and gold and silver items to Zagreb pursuant to Ustasha Regime Order LXXXVII 135 - Z.p. 1941  
22 to remove from all Orthodox churches before their destruction, all moveables including icons and  
23 iconostasis. The value of these properties has been estimated by the Holy Synod of the Serbian  
24 Orthodox Church to have been tens of millions of dollars.

25 52. All individual plaintiffs allege that their property in the Ustasha Treasury was removed  
26 from Croatia by June 1945 to Austria, Switzerland, Vatican City or Italy, with the assistance of  
27 OFM and its confederates and agents, the property was converted, commingled, concealed and/or  
28 laundered for the benefit of the exiled Ustasha regime members with some portion retained by the

1 defendant for its own profit as well as to further promote the Ustasha cause in exile.

2 53. Items from the Ustasha Treasury include readily identifiable artwork, numismatic  
3 properties, gems, jewelry, religious articles (both Jewish and Orthodox Christian) and philatelic  
4 rarities that are still recognizable by their rightful owners and are subject to accounting,  
5 identification, and replevin if in the possession of defendants or if in the possession of others may  
6 be recovered under various remedies including California Code of Civil Procedure § 354.3 once  
7 discovered and identified.

8 54. Fungible property such as gold teeth, jewelry, scrap gold, silver and coins were melted  
9 down and commingled with looted property from other sources both by the Ustasha 1941-1945  
10 and OFM or its agents post World War Two. If plaintiffs cannot identify their specific gold items,  
11 plaintiffs retain a right to an accounting of the whole to determine their aliquot share.

12 55. All organizational plaintiffs have as actual members and represent members whose  
13 property was looted by the Ustasha or their legal heirs and whose property was deposited in the  
14 Ustasha Treasury and converted or retained by defendants and may sue in their own right and  
15 therefore these organizations have a direct stake and interest in an accounting of the Ustasha  
16 Treasury and a declaratory judgement.

## 17 **V. PLAINTIFFS**

18 56. Plaintiff Emil Alperin was born June 3, 1922. Prior to and during the Axis occupation  
19 of the former USSR he resided in Odessa, Ukraine at 63 Sverdlova Street, Apt. 11. Armed forces  
20 of the Ustasha Regime looted household belongings and personal property of the Alperin family  
21 in 1942 - valuables such as currency, small items of gold jewelry, and miscellaneous personalty  
22 of value were seized. Under Ustasha law property seized by agents of the Ustasha Regime were  
23 turned over to the Ustasha Regime on penalty of death. Plaintiff was held prisoner at Buchenwald  
24 Concentration Camp from March 1944 until April 1945 where he was prisoner #34646. Emil  
25 Alperin has a Jewish background and currently resides in Kharkov and is a citizen of Ukraine and  
26 makes claims in his own right and as legal heir to his family's claim and demands an accounting  
27 of their share of gold estimated to worth several grams.

28 57. Plaintiff Jewgenija Romanova, formerly Petrushina, was born December 7, 1927.

1 Before and during the Axis occupation of the former USSR, she resided in Nikolayev, Ukraine at  
2 13 Kolodeznaya Street. In 1942 military forces of the Ustasha Regime looted and destroyed all  
3 the household belongings and confiscated personal property of Romanova and her family  
4 including gold rings, jewelry and currency. Under Ustasha law property seized by agents of the  
5 Ustasha Regime were turned over to the Ustasha Regime on penalty of death. Romanova was held  
6 prisoner at Ravensbruck Concentration Camp from March 1944 until April 1945 where she was  
7 prisoner #33543. Romanova currently resides in Kharkov, Ukraine. Jewgenija Romanova is of  
8 Ukrainian nationality and background and makes claims in her own right and as legal heir to her  
9 family's claim and demands an accounting of their share of gold estimated to worth several grams.

10 58. Plaintiff Maria Dankewitsch was born January 29, 1922. During the Axis occupation  
11 of Ukraine, she resided in Sevastopol, Ukraine in the Fudolf District. Croatian armed forces under  
12 the control of the Ustasha Regime confiscated all the household belongings and her personal  
13 property including small items of value - rings, a gold watch, and other valuables of Dankewitsch.  
14 Under Ustasha law property seized by agents of the Ustasha Regime were turned over to the  
15 Ustasha Regime on penalty of death. Dankewitsch was held prisoner at Ravensbruck  
16 Concentration Camp from February 1943 until May 1945 where she was prisoner #17406.  
17 Dankewitsch currently resides in Kiev and is a citizen Ukraine. Maria Dankewitsch is of  
18 Ukrainian nationality and background and makes claims in her own right and as legal heir to her  
19 family's claim and demands an accounting of their share of gold estimated to worth several grams.

20 59. Plaintiff Vladimir Morgunov was born September 2, 1925. During part of the Second  
21 World War, he resided in Mariupol, Ukraine at 75 Kotovskoogo Street. In 1942 Croatian Naval  
22 Legion personnel of the Croatian armed forces under the control of the Ustasha Regime looted and  
23 destroyed all the household belongings and personal property including small items of value of  
24 Morgunov's family in Mariupol. Under Ustasha law property seized by agents of the Ustasha  
25 Regime were turned over to the Ustasha Regime on penalty of death. Morgunov was held prisoner  
26 at Buchenwald Concentration Camp from March 1943 until April 1945 where he was prisoner  
27 #13341. Morgunov currently resides in Kiev, is a citizen of Ukraine and demands an accounting  
28 of their share of gold estimated to worth one gram.

1           60. Plaintiff Nikola Brodich is the surviving son of Vladimir Brodich who was born March  
2 1, 1931 in the Kingdom of Yugoslavia. As a young Serb Orthodox boy, Vladimir resided in the  
3 town of Kostajnica, Krajina. In August 1941 the Ustasha Regime's police took away his father  
4 Nikola, his 24 year old brother Dragomir, and his older sister to a detention center due to their  
5 status as Serbs. Vladimir's father and brother were tortured, then murdered. At the detention  
6 center plaintiff's sister was gang raped by Ustasha. In late 1941, the Ustasha Regime agents  
7 confiscated two homes belonging to plaintiff's immediate family including all their property such  
8 as small valuables of gold and silver and substantial furnishings. It took the Ustasha Regime's  
9 agents more than two years to auction all of his brother's property. The proceeds were then sent  
10 to the capital Zagreb and deposited in the Ustasha Treasury. Vladimir came to the United States  
11 in 1949, and was the only surviving heir to the family property. Vladimir Brodich died in 2006  
12 and by order of the Court, his son and successor in interest and heir, Nikola Brodich, who was  
13 born in the United States and is a citizen of New Hampshire and member of the New Hampshire  
14 Bar, was substituted in his stead and demands an accounting of their share of gold and silver  
15 estimated to worth 2 ounces of gold and three ounces of silver..

16           61. Plaintiff William Dorich was born July 17, 1939 in West Virginia and is US citizen.  
17 During the Second World War, the Ustasha burned to death 45 Serb victims in the Orthodox Serb  
18 church in the village of Vojnic in Knin-Krajina of which 17 victims were related to plaintiff. All  
19 of the Dorich-Todorovic family property in Vojic was seized by agents of the Ustasha Regime  
20 including gold, currency, jewelry and coins. Plaintiff is a citizen of California. In 1995 the  
21 remnants of the Dorich-Todorovic family were murdered in the Republic of Serbian Krajina by  
22 Croatian forces during Operation Storm leaving William Dorich as the only legal heir and  
23 surviving claimant to the property stolen by the Ustasha and demands an accounting of their share  
24 of gold estimated to worth three ounces.

25           62. Plaintiff Igor Najfeld was born June 28, 1944 in Yugoslavia. Plaintiff's parents had  
26 been living in Zagreb on April 10, 1941 when the Nazi's invaded Yugoslavia, but by October 4,  
27 1941 the Ustasha Regime had imprisoned plaintiff's parents as Jews and later sent them as forced  
28 laborers to Bosnia. Plaintiff's grandparents, who were sent to Jasenovac concentration camp and

1 murdered there, owned a department store in Slavonski Brod that was looted and taken over by  
2 the agents of Ustasha regime and the proceeds sent to Zagreb and the Ustasha Treasury. Fifty-six  
3 of plaintiff's mother's relatives were murdered by the Ustasha, many of whom perished in the  
4 Jasenovac Concentration Camp system. Most of plaintiff's relatives were prosperous and all lost  
5 significant property, including gold, to the Ustasha Regime's organized looting. Documentation  
6 of the family's property is in the Croatian National Archives in Zagreb. Plaintiff grew up in  
7 Yugoslavia and eventually emigrated to the United States and became a naturalized citizen, where  
8 he now resides in Vermont and is a citizen thereof. He is a legal heir and successor to the above  
9 claims. and demands an accounting of their share of gold estimated to worth five to ten ounces.

10 63. Plaintiff Lizabeth Lalich born in 1950 in the United States and is the legal heir to her  
11 maternal and paternal family claims. Her family lost 48 family members in early May 1945, when  
12 all the women and children from the Lalich family were murdered and placed in a mass grave.  
13 They were murdered by Ustasha Regime military forces after they descended from hiding in the  
14 mountains above their village in Korencia, Lika (Krajina) Yugoslavia. The Ustasha Regime's  
15 agents looted all their property including the contents of homes and buildings, livestock, and  
16 personal properties and small valuables which were then carried to Zagreb and added to the  
17 Ustasha treasury that was being evacuated to Austria by Pavelic. In plaintiff's maternal family  
18 (Knezevic), Jovan Knezevic, brother of plaintiff's grandfather Stojan Knezevic, was taken from  
19 his home and tortured and murdered by Ustasha armed forces in May 1944 in Mutilich, Lika  
20 (Krajina) and their property homes, land, livestock, crops, and personal possessions looted by  
21 agents of the Ustasha Regime. Plaintiff's teenage cousin Dusanka Kovacevic (niece of plaintiff's  
22 grandfather Stojan Knezevic) was taken from her home in Dalmatia to Croatian capital Zagreb,  
23 along with other kidnaped Serbs, and hung to death on Serb Eastern Orthodox Christmas, January  
24 7, 1942. Plaintiff is a citizen of Illinois and the US and is the legal successor to all these claims.

25 64. Plaintiff Mladen Djuricich was born March 20, 1929 in Strmen, Township of Crkveni  
26 Bok, County of Kostajnica, Krajina, on the Sava River. During the first week of May 1941  
27 plaintiff's father discovered a naked body floating down the river from Sisak and pulled it out.  
28 After removing the board nailed to its head, he recognized it as a Jewish liquor dealer from Sisak

1 and thereafter buried his body in the Strmen Orthodox cemetery. Two days later plaintiff's father  
2 was arrested by Ustasha for the crime of burying a Jew and sent off to Auschwitz. He survived,  
3 was reunited with his family after the war, and died in 1958. Plaintiff was in August 1942 one of  
4 some 3,000 Serb children forcibly converted to Catholicism by the Ustasha and Franciscans  
5 (OFM), where he was so viciously kicked by Franciscan priests for accidentally tripping into one,  
6 that his friend watching reported to his mother that he was dead. A little later, on October 13,  
7 1942 a large number of armed Ustasha surrounded the three villages of the Township to round up  
8 everyone to take them to Jasenovac extermination camp, but plaintiff and his older brother Djuka  
9 escaped and went to join the partisans. However, plaintiff was too young and had to return to  
10 Strmen where he found everything burned and looted and learned that more than a 100 people had  
11 been killed on the spot. His aunt Stoja Maslovara was one of two women that the Ustasha  
12 beheaded. Plaintiff's father's entire estate of a large house and furnishings, two barns, four horses,  
13 eight cows, many pigs and turkeys and chickens was destroyed and looted by the Ustasha.  
14 Plaintiff is a citizen of the US and Indiana. He is legal heir to these claims.

15 65. Plaintiff Robert Predrag Gakovich was ten years old in June 1941 when the Ustasha  
16 came to the town of Plaski in Krajina where he lived with his parents and two brothers. His father,  
17 a 40 year old Serb Orthodox priest was taken along with all of the town's prominent Serbs to  
18 Velebit Mountain, tortured, and in July 1941 thrown into the Jadovno pit to die. Plaintiff's mother  
19 fled with her children for Belgrade in July 1941, leaving behind all their household possessions  
20 and personal property which were looted and converted by the Ustasha Regime's agents and added  
21 to the Ustasha treasury. Plaintiff thereafter emigrated to the United States in 1952 where he  
22 graduated from the University of California Berkeley and retired in 1994. Plaintiff is a naturalized  
23 US citizen and resides in Wisconsin and is a citizen thereof.

24 66. Plaintiff Nevenka Vukasovic Malinowski was born in the village of Mala Pralovica.  
25 In 1942 plaintiff's father Panteluja, brother Nikola, aunt Vida and uncle Gjulo Kovacevic, cousin  
26 Milan Zigic and his 18 year old son Nikola, and most of her friends and neighbors were taken by  
27 the Ustasha because they were Serbs, some sent to forced labor in Germany but those that were  
28 left were sent to the Jasenovac concentration camp system. All the family property - household

1 belongings, livestock, crops were looted by agents of the Ustasha Regime and disposed of for the  
2 benefit of the Ustasha Treasury. A surviving witness told plaintiff that her relatives were tortured,  
3 then made to dig their own graves, chained together, and every other victim shot (to save bullets)  
4 causing them all to fall into the graves, dying and alive together. Some in her village who resisted  
5 were murdered on the spot. Plaintiff's uncle Samojlo Vukasovic resisted and was beheaded in his  
6 own yard; an eyewitness told plaintiff that his body stood upright for a few unbelievable seconds  
7 with blood spouting from his neck, while his wife ran out from her hiding place screaming in  
8 horror. The Ustasha then murdered her by smashing her head with their rifle butts until her brains  
9 oozed out. Another eyewitness told plaintiff that her cousin Sava Otkovic resisted also and as  
10 punishment the Ustasha tied him up in his yard while they drove his widowed mother and wife and  
11 two small children back into the home to which they then set fire. The Ustasha only murdered him  
12 after forcing him to listen until the dying screams of his family and ended by cutting off his  
13 extremities and finally decapitating him so that his body looked like the carcass of a slaughtered  
14 animal. Plaintiff resides in Florida, is a citizen of Florida and is a naturalized US citizen and is  
15 legal heir to her family's claims.

16 67. Plaintiff Eli Rotem was born June 11, 1931 in Zagreb. On April 3, 1941. All the family  
17 property - furnishings, money, valuables - in Zagreb was forfeited and taken by the Ustasha  
18 Regime because the family was Jewish. Documentation of the confiscated property is in the  
19 Croatian National Archives. Plaintiff's father survived the war years in a prisoner of war camp  
20 in Germany, while plaintiff and mother and sister managed to get to Split, in the Italian zone of  
21 Dalmatia. Plaintiff thereafter spent some five months in refugee camps before emigrating to  
22 Palestine in April 1945. After serving in the Israeli armed forces, plaintiff emigrated to the United  
23 States in 1952 and became a citizen. Plaintiff currently resides in Florida, is a citizen of Florida  
24 and is and the sole remaining claimant and successor in interest to the property above.

25 68. Plaintiff Milorad Skoric was born in Pakrac, Yugoslavia, on December 12, 1948, but  
26 his father was born on January 8, 1924 in Loncarica, a small village between Virovitica and  
27 Grubisno Polje in Slavonia. Plaintiff's father was grazing pigs in the nearby forest in 1942 at the  
28 age of 18 when he saw smoke rising from Loncarica. By the time plaintiff's father returned home

1 the whole village had been pillaged and burned down and every person, including all his family,  
2 taken away, by the Ustasha because they were Serbs. The Skoric household property, crops,  
3 livestock and furnishings had been looted by agents of the Ustasha Regime and carried away for  
4 disposal and conversion to the benefit of the Ustasha Treasury. In 1945 it was learned that his  
5 father and mother and two of his six sisters had perished in the Jasenovac concentration camp  
6 system, and that some younger sisters had been sent as forced laborers to Germany. Plaintiff  
7 emigrated to the United States in 1991, became a citizen, and is a citizen of California and is the  
8 legal heir and beneficiary to the remaining family claims for property taken by the Ustasha.

9 69. Plaintiff Veljko Miljus was born in 1950 in the same village as his ancestors in  
10 Tusilovacski Cerovac, Kingdom of Yugoslavia. There under Ustasha Regime occupation,  
11 plaintiff's grandfather Mica Miljus and uncle Nikola Miljus were arrested by Ustasha in 1942 and  
12 sent to Jasenovac concentration camp where they perished. Plaintiff's grandfather and uncle were  
13 peasants and not guilty of any crime except being Orthodox Serbs, but a Croatian neighbor's  
14 accusations against them was enough to send them to their death at Jasenovac. Plaintiff's  
15 remaining family was forced to flee from the Ustasha several times during World War II. All the  
16 family property, household items and valuables were looted each time by agents of the Ustasha  
17 Regime. Plaintiff immigrated to the United States in 1965, and is a citizen of the US and Illinois  
18 and is legal heir to these claims.

19 70. Plaintiff Fred Zlatko Harris was born in Zagreb on April 15, 1911 as Zlatko Hirschler  
20 and his now deceased wife Milica Neumann was born on August 17, 1918. As a Croatian Jew,  
21 plaintiff and his relatives lost all their property to agents of the Ustasha Regime's Ministry for the  
22 State Treasury, including their homes and apartments and furnishings which were sold for the  
23 benefit of the Ustasha Regime's Treasury. Plaintiff was the production manager for his in-law's  
24 apparel factory, the second largest in Yugoslavia at the time, and the factory and its contents  
25 including 50 advanced industrial Singer sewing machines was confiscated by the Ustasha Regime.  
26 Plaintiff's in-laws also owned many pieces of investment real estate, a new car, and plaintiff a  
27 motorcycle, all of which were confiscated. Documentation of this property is in the Croatian  
28 National Archives. Plaintiff and his in-laws managed to eventually reach Split, Dalmati1 then

1 under Italian occupation, but not before having to deliver to the Zagreb police headquarters most  
2 of their gold, jewelry, and other valuables under pain of immediate execution. Plaintiff became  
3 a US citizen and currently resides in the San Francisco Bay Area as a citizen of California and  
4 sole remaining heir and successor in interest under the California Probate Code to the claims of  
5 his deceased wife for her family's possessions.

6 71. Plaintiff Milja Conger was born January 1, 1925 in Slunj, Krajina. After undergoing  
7 surgery in the hospital in Ogulin in April 1941 plaintiff was taken by Ustasha to Karlovac as a  
8 forced laborer in a formerly Jewish factory, and then on January 28, 1943 sent to Germany for  
9 forced labor for the remainder of the war. Plaintiff and one cousin were the only members of her  
10 family to survive the Ustasha purges of Orthodox Serbs in Croatia. All family property was  
11 confiscated by the Ustasha Regime's agents for the benefit of the Ustasha Treasury including  
12 household possessions and small items of gold and silver. Plaintiff eventually emigrated to the  
13 United States and became a citizen. Plaintiff is a citizen of California. Plaintiff is legal heir to  
14 these claims and demands an accounting of their share of gold estimated to worth several grams.

15 72. Plaintiff Allen Dolfi Herskovich, born April 20, 1918, was an important sports figure  
16 in prewar Yugoslavia, representing his county in Vienna in 1937, in London in 1938, and Cairo  
17 in 1939 in table tennis. With the invasion by Hitler in 1941 the team of five players dispersed to  
18 five different countries, plaintiff reaching Italy after five months with what remained of his family.  
19 In October 1943 plaintiff was liberated by the Allies along with two brothers, but plaintiff lost his  
20 father and sister with her two small children in Auschwitz, while a brother was killed that year by  
21 the Ustasha. Plaintiff's father had been a very successful businessman in textile manufacturing,  
22 but all his property was confiscated by agents of the Ustasha Regime. This property was valued  
23 by the Tito government in 1948 in excess of \$1,500,000 in prewar dollars and is documented in  
24 the Croatian national Archives' records of Jewish property appropriated by the Ustasha Regime.  
25 No compensation has ever been received by plaintiff. Plaintiff and his wife Dorothy and two sons  
26 presently reside in the San Francisco Bay Area, and are citizens of the US and California. Plaintiff  
27 is legal heir to these claims.

28 73. Plaintiff Bogdan Kljaic's father Luka Kljaic his first wife and two children were

1 murdered by the Ustasha between 1941 to 1943. Plaintiff's mother lost her first husband, Stojan  
2 Mitic, to the Ustasha, the same day that 700 other Serbs were murdered in the Orthodox Church  
3 in Glina in 1941. Plaintiff's half-sister Ljubica Kljaic, born 1927 in Strmen, was sent to Jasenovac  
4 in June 1941 at the age of 14, where she was tortured and killed. Plaintiff's older half-brother  
5 Bogdan Kljaic, born 1924 in Strmen, was killed by Ustasha in 1942 on a mountain top called  
6 Lebrenica near Kostajnica. Family and personal property was looted by the Ustasha Regime's  
7 agents for the benefit of the Ustasha treasury. Plaintiff's parents afterwards met and married and  
8 had two children, Jelena Kljaic born in 1946, and plaintiff born in 1947. Plaintiff is a citizen of  
9 the US and Illinois and legal successor to these claims.

10 74. Plaintiff David Levy was born April 12, 1922 in Belgrade and resided in Zagreb at the  
11 outbreak of the war. All of plaintiff's family property - gold, valuables, furnishings in Zagreb -  
12 was taken in 1941 by the Ustasha Regime's agents for the benefit of the Ustasha treasury.  
13 Documentation of the property exists in the Croatian National Archives' records of Jewish  
14 property. Plaintiff was made a forced laborer until he escaped in September 1941, after which his  
15 mother and brother and grandmother were murdered in concentration camps. Plaintiff was caught  
16 in January 1942, taken in chains to Italy, where he survived to become one of the 1,000 Jews  
17 allowed to come to the United States in August 1944. Plaintiff currently resides in the San  
18 Francisco Bay Area and is a citizen of the US and California, with his wife Zdenka Baum  
19 Ruchwarger-Levy and is legal heir to these claims.

20 75. Plaintiff Zdenka Baum Ruchwarger-Levy was born September 15, 1925 in Zagreb. All  
21 of plaintiff's family property was taken in 1941 by agents of the Ustasha Regime including her  
22 father's metal furniture plant and sold for the benefit of the Ustasha Treasury. Documentation of  
23 the property exists in the Croatian National Archives' records of Jewish property. Plaintiff's father  
24 was taken to Jasenovac but released after three weeks. In November 1941 plaintiff and her family  
25 fled into the mountains, were eventually captured and sent to Italy where they spent the next year  
26 and a half until freed by the Allies and brought to the United States. Plaintiff lost 11 relatives to  
27 the extermination camps. Plaintiff met and married plaintiff David Levy in 1985 and currently  
28 resides in the San Francisco Bay Area, and is a citizen of the US and California. She is legal heir

1 to these claims.

2 76. Plaintiff Vladan Celebonovic was born in 1955 in Belgrade. Plaintiff's aunt, Alice  
3 Celebonovic, born in 1910, was undergoing medical treatment in Zagreb at the beginning of the  
4 war when she was murdered by the Ustasha on April 10, 1941 or shortly thereafter in an anti Serb  
5 pogrom and her personal possessions including jewelry was looted by agents of the Ustasha  
6 Regime for the benefit of the Ustasha Treasury. Plaintiff, her only heir, is a research physicist  
7 residing in Belgrade and is a citizen of Serbia and demands an accounting regarding his aunt's  
8 jewelry.

9 77. Plaintiff Daniel Pyevich's parents were born in Citluk, near Gospic, Lika, and  
10 emigrated to the United States in 1928. On plaintiff's father's side, in 1941 his father's mother,  
11 two brothers, the son and daughter of his sister, and the daughter of a brother were killed by the  
12 Ustasha because they were Serbs. Plaintiff's uncle Mile was killed in a brutal fashion by being  
13 thrown into the notorious Jadovno pit outside of Gospic, where hundreds of Serbs met their death.  
14 All of the property - household belonging, rings, coins, icons - of these murdered relatives was  
15 looted by the Ustasha regime's agents for the benefit of the Ustasha Treasury. Plaintiff is a citizen  
16 of the US and Illinois and sole legal heir to these claims. He demands an accounting to recover  
17 missing items including religious icons.

18 78. Plaintiff Koviljka Popovic, a Serb, is the daughter of Bozo Kolak, a farmer of the  
19 village of Tulje, Trebinje, Bosnia and Herzegovina. In March 1944 while Bozo Kolak was in his  
20 fields with his 7 year old son Branko, agents of the Ustasha Regime came upon them and killed  
21 Kolak and wounded Branko in both of his legs. The killers then burned down and looted his  
22 homestead of all crops, furnishing, and valuables entirely on the same day, the family thus losing  
23 all their worldly possessions to the Ustasha Regime. Branko Kolak survives as a pensioner in  
24 Tulje, along with a sister Slavka Kolak. Plaintiff resides in Smederevo, Serbia and presents this  
25 claim on her and her siblings behalf as heirs to the property claims.

26 79. Plaintiff Ukraine Organization of Ukrainian Antifascist Resistance Fighters is  
27 recognized by Ukrainian Ministry of Justice as an official representative of 8,500 former partisans  
28 and resisters of the Nazi occupation of Ukraine and concentration camp victims and as such has

1 an interest in an accounting of the Ustasha Treasury. This membership includes some victims of  
2 the Ustasha Armed Forces in Ukraine who lost property to agents of the Ustasha Regime.

3 80. Plaintiff Ukrainian Union of Nazi Victims and Prisoners is recognized by Ukrainian  
4 Ministry of Justice and represents over 300,000 former slave and forced laborers, prisoners,  
5 concentration camp, and ghetto survivors and as such has an interest in an accounting of the  
6 Ustasha Treasury. This membership includes some victims of the Ustasha Armed Forces in  
7 Ukraine who lost property to agents of the Ustasha Regime.

8 81. Plaintiff Jasenovac Research Institute was established in 1998 as a non-profit (503-1)  
9 human rights organization and research institute registered in the state of Michigan, committed  
10 to establishing the truth about the Holocaust in Yugoslavia, dedicated to the search for justice for  
11 the crimes of genocide committed by the Ustasha Regime at the Jasenovac and Stara Gradiska  
12 concentration camp system and Ustasha persecution against Serbs, Jews, and Romas. The  
13 Jasenovac Research center also assists its members in Holocaust restitution matters. The  
14 Jasenovac Research Institute's membership includes Serb, Jewish, and Roma Holocaust survivors  
15 of the Ustasha terror in former Yugoslavia and their heirs including some of the plaintiffs and has  
16 sponsored conferences, publications, videos and memorials for victims of the Ustasha in the  
17 United States, Serbia and Bosnia-Hercegovina. Jasenovac Research Institute has an interest in an  
18 accounting of the Ustasha Treasury.

19 82. Typical members of Jasenovac Research Institute include individuals like Eva Deutch  
20 Costabel who was born in Zagreb, Kingdom of Yugoslavia in November 1924. In 1941 her father  
21 was arrested by the Ustasha Regime and his assets and successful chemical business were  
22 confiscated by agents of the Ustasha regime because of the family being Jewish. He was handed  
23 over to the German authorities by the Ustasha Regime and was murdered at a German  
24 concentration camp in 1943. Eva's mother's children's clothing shop and home and all household  
25 belongings, store stock, and property was confiscated by the Ustasha Regime's agents in 1942.  
26 As was customary no receipt was provided and asking for such would be either futile or result in  
27 deadly consequences, although documentation of confiscated Jewish property exists in the  
28 Croatian National Archives. Eva and her mother escaped from Zagreb to the Italian occupied zone

1 of Croatia where they were interned in various concentration camps until the Italian government  
2 surrendered to the Allies in 1943. They then escaped from the concentration camp on the island  
3 of Rab before it was liquidated by the Ustasha and made their way to partisan held territory in  
4 Yugoslavia. Plaintiff now resides in New York. Plaintiff is a legal heir and successor under the  
5 law of New York to her mother's claims for the loss of the family property and businesses in  
6 1941-1942 and is a member of the Jasenovac Research Institute Advisory Board.

7 83. Plaintiff International Union of Former Juvenile Prisoners of Fascism based in Kiev,  
8 Ukraine is recognized by Ukrainian Ministry of Justice and represents Nazi victims in the former  
9 Soviet Union including Ukraine, Russia, and Belarus and as such has an interest in an accounting  
10 of the Ustasha Treasury. This membership includes some victims of the Ustasha Armed Forces  
11 in Ukraine who lost property to agents of the Ustasha Regime

12 84. The Republic of Serbian Krajina In Exile (RSK) is based in Zemun, Serbia under the  
13 leadership of Premier Milorad Buha who is also a deputy in the Serbian Parliament. The RSK is  
14 the legitimate continuation of The Republic of Serbian Krajina which exercised sovereignty over  
15 Krajina and Slavonia between 1991 and 1998 when the region was eventually overrun by Croatian  
16 army units and paramilitaries in a series of invasions called Operation Storm and Operation Flash  
17 under the command of General Ante Gotavica now on trial at the International Criminal Tribunal  
18 for Yugoslavia in The Hague. Serb residents of modern Krajina and Slavonia were ethnically  
19 cleansed by murder, forced conversion to Roman Catholicism, or forced to flee to Serbia as  
20 refugees after 1998. The Ustasha previously committed atrocities against Serbs, Jews, and Roma  
21 in the same region 1941-1945 when it was part of the Ustasha Regime. The RSK represents the  
22 interests of all Serb, Jewish, and Roma Holocaust Survivors from Krajina, Western Srem, Baranja  
23 and Slavonia. The RSK also presents a claim on behalf of looted Orthodox Christian Church  
24 properties within the 1991-1998 borders of the RSK and as such has a direct interest in an  
25 accounting of the Ustasha Treasury.

26 85. The Independent Council of Gypsies in Serbia (*Nezavisni Savet Roma Srbije*)  
27 represents over eighty Roma organizations in Serbia and is a non profit organization based in  
28 Belgrade, Serbia. It's president is Slobodan Bojic-Bittner. The purpose of the organization is to

1 promote the socio-economic well being of the Roma people in Serbia including addressing the  
2 historic injustices committed against the Roma throughout former Yugoslavia. The Independent  
3 Council has collected over one thousand five hundred claims from its members involving property  
4 looted by the Ustasha; each member's claim if filed separately would have standing to sue in this  
5 matter. These claims involve theft and murder by the Ustasha regime's agents of Roma 1941-1945  
6 and looting of numerous items including gold and silver: rings, bracelets, *ducats*, icons, and  
7 crucifixes; livestock, clothing, and miscellaneous property. Aggregate claims of the organization's  
8 members exceed 100,000 ounces of gold as Roma did not utilize banks and kept their wealth at  
9 hand often in the form of gold Austrian ducats, the favored coinage of the time. The Independent  
10 Council seeks an accounting of its members gold and silver.

11 86. Mileva Reljanovic (Vujcic) was born in 1930 in Vojskova, Bosnia, Kingdom of  
12 Yugoslavia and resides in Sweden. In 1942 the Ustasha Regime's agents forcibly removed all  
13 Serbs from Vojskova in order to "colonize" the region. The village store and its contents owned  
14 by plaintiff's family was seized and the Serb residents of the town terrorized by rampaging  
15 Ustasha armed forces who killed and raped indiscriminately among the Serbs. The store and its  
16 contents were converted to cash by the Ustasha Regime's Ministry of Colonization and the  
17 proceeds added to the Ustasha Treasury. Plaintiff and her family members were sent to Jasenovac  
18 where her father and some of her siblings died. Upon entering Jasenovac, the Ustasha Regime  
19 agents confiscated the jewelry the family had concealed on their persons. Plaintiff after many  
20 travails was eventually released to the custody of a Croatian farmer and used as a forced laborer  
21 until the end of the war. Plaintiff is legal heir to her family's claims in this matter.

22 87. Nadezda Bates born in Bihac, Bosnia, Kingdom of Yugoslavia in 1923. Plaintiff's  
23 father, Janko Bates, was a wealthy Serb businessman in Bihac and owned an establishment named  
24 *Kafana Beograd*. The Bates family owned numerous other properties through out the region and  
25 had accumulated a great deal of wealth including an opulently furnished home and jewelry  
26 including one dozen hand made bracelets of 18 carat gold with sapphires and diamonds and three  
27 necklaces made in the same fashion with dark sapphires, twenty rings made of 18 carat gold,  
28 hundreds of gold *ducats*, and many items of lesser value. They also possessed a quantity of cash

1 and a large stock of food and drink used in their trade. On June 23, 1941 agents of the Ustasha  
2 Regime entered into Bihac and arrested the Serb and Jewish inhabitants. Plaintiff witnessed the  
3 well organized pillaging and plundering of the Bates family property and Jewish properties in the  
4 and neighborhood by the Ustasha Regime's agents. Teams of special soldiers with trucks  
5 conducted the looting operation in a thorough manner. The Ustasha soldiers herded the Serbs and  
6 Jews into the changing rooms at the Bihac sports grounds, where they were thoroughly searched  
7 relieved of any concealed valuables. Plaintiff and her family was transported to Krnjeusa by the  
8 Ustasha where her father and brother were murdered by Ustasha armed forces under the command  
9 of the Ustasha Governor of Bihac, Ljubomir Kvaternik. The murder of Serbs was witnessed by  
10 a Franciscan priest and a local Croat merchant, Dudek. Plaintiff and her remaining family were  
11 sent to Jasenovac from which they were eventually ransomed in November 1943. Plaintiff now  
12 lives in Belgrade, is a citizen of Serbia and is legal heir to these claims on behalf of her family  
13 and demands an accounting of their share of gold estimated to worth 40 ounces and the family  
14 jewelry worth in excess of \$100,000.

15 88. Dubravka (Stojakovic) Pavic was born in 1956 in Belgrade, Serbia where she now  
16 lives. Her deceased father Milutin Stojakovic was a Serb, born in 1925 in a village of Subocka,  
17 Pakrac, Slavonia-Croatia, in the Kingdom of Yugoslavia. The Stojakovic family consisted of nine  
18 members. In 1941 agents of the Ustasha Regime ordered the family to convert to Roman  
19 Catholicism against their will. Plaintiff's father (Milutin) went to Pakrac in the Autumn of 1941  
20 to train as a tailor. But in March 1942 he was arrested by the Ustasha police during a raid and  
21 because he was a Serb and was deported to the concentration camp Stara Gradiska where his  
22 personal possessions and clothes were taken from him by the Ustasha Regime's agents in the  
23 course of the organized plunder of incoming prisoners and then he was sent to Jasenovac from  
24 where he escaped on April 22, 1945 in a prisoner revolt after his gold teeth had been removed by  
25 the Ustasha per the camp's standard procedure for looting prisoners. Milutin Stojakovic never  
26 received any compensation for his suffering from any source. Plaintiff is sole legal heir to her  
27 father's claims and an accounting for gold worth 1 gram.

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**VI. DEFENDANT - FRANCISCAN ORDER (OFM)**

89. Defendant OFM, also known as Order of Friars Minor and colloquially as the Franciscan Order is a hierarchal Roman Catholic mendicant religious order which follows the rule of St. Francis of Assisi which is memorialized in the Testament of St. Francis, Rule of the Order, the Constitutions of the Order, the Statutes of the Order, the Ratio Formationis Franciscanae and Provincial Statutes.

90. All OFM members, including Fr. Dominik Mandic, during the times described herein, take a lifetime solemn vow of obedience to the OFM Minister General and absolute poverty upon becoming a professed member of OFM, currently described as:

“For the good of the Church and the Order, all the friars owe to the Minister General, the legitimate successor of St. Francis, the highest obedience and respect, as a sign of the unity and fellowship of the whole fraternity.”  
OFM General Constitutions Art. 7 CC §2.

...“(To) renounce the right to use and dispose of material goods without the permission of their Ministers and Guardians; indeed, after solemn profession they also renounce the right of ownership.”  
OFM General Constitutions Art. 8 CC.

91. OFM has its headquarters in Rome and is and was during the times described herein, a hierarchal organization headed by an elected Minister General who is the supreme authority figure in the order and is assisted by a Procurator General and six or seven Definitor Generals (Definitors) who form the Minister General’s Council or General Definatory. Other officers include a Secretary General, Vicar General and Postulator General. For a brief period 1944-1945 relevant to this lawsuit, the Minister General’s position was vacant and the Vicar General headed the Order. The mere recognition of OFM under the laws of Italy does not influence the relationship of the OFM Minister General with its subordinate entities, because these relationships are delineated by the OFM Constitutions.

92. The OFM General Constitutions (Art. 175-1) state that the OFM “Minister General enjoys ordinary authority over each and every friar, as well as over Provinces and Houses. The OFM Minister General is the top position within OFM. There can be only one Minister General at a time.

1 93. OFM's administrative structure is and was during the times described herein divided  
2 into roughly geographically based Provinces including several in the United States. No Province  
3 can be independent of the OFM Constitutions and Statutes. The OFM Province of Saint Barbara  
4 maintains its Provincial headquarters in Oakland, California. The Province of St. Barbara's civil  
5 alter ego is a California non-profit corporation, Franciscan Friars of California (FFCI), whose  
6 President, Father Melvin Jurisich, is also Minister Provincial of the Province of St. Barbara. There  
7 is no physical division between the Province of St. Barbara and FFCI because they share one  
8 headquarters office located at 1500 34th Ave., Oakland, California. One administrative assistant  
9 is shared without any delineation by the one person who is Minister Provincial and concurrently  
10 the FFCI President. Daily operations of these two entities are in fact fused together. In dealing  
11 with secular issues, FFCI stands in the position of the Province of St. Barbara. Father Jurisich,  
12 the Minister Provincial of the Province of St. Barbara, acts in the capacity as the President of FFCI  
13 to accomplish the spiritual mission of the Province of St. Barbara. Failure to disregard the  
14 separate identities of the Province of St. Barbara and FFCI would result in fraud or injustice  
15 because the Province of St. Barbara would never be able to be sued and be held accountable for  
16 its conduct.

17 94. The Province of St. Barbara operates and controls FFCI as its legal and financial  
18 instrument. At the same time, OFM operates and overwhelmingly controls both of these  
19 California-based entities, which together merely comprise one division (branch) of Defendant  
20 OFM, to perform OFM's work in California. FFCI provides financial support only to the Province  
21 of St. Barbara. FFCI pays all obligations of this Province through the FFCI bank account in  
22 California. The Province of St. Barbara in turn provides regular and special contributions to OFM  
23 in Rome through OFM's IOR (Vatican Bank) dollar account in New York in the name of OFM  
24 Curia Generale Economato. OFM in Rome however does not provide financial support to the  
25 Province of St. Barbara or FFCI.

26 95. While it is the Province's obligation to support its Minister Provincial with a monthly  
27 stipend, every check on behalf of the Province of St. Barbara is written from FFCI's bank account.  
28 All travel expenses for the Minister Provincial are paid through FFCI. All employees are paid by

1 FFCI when they work for the Province of St. Barbara. FFCI is the keeper of the Province of St.  
2 Barbara's money. The Province of St. Barbara supposedly owns no property. Rather, it is FFCI  
3 who officially owns this Province's property and maintains liability insurance.

4 96. The officers of the Province of St. Barbara correspond to the officers of FFCI. The  
5 FFCI Bylaws state: "The Trustees of the Corporation shall be the members of the Definitorium  
6 of the Province of St. Barbara, Order of Friars Minor (Franciscan Friars of California)." FFCI's  
7 Articles of Incorporation and FFCI's Bylaws confirm that OFM controls FFCI: "This corporation  
8 is an integral and subordinate part of the Roman Catholic Religious Order known as the Order of  
9 Friars Minor." (Article IV(B) of FFCI's Articles of Incorporation and Article II of FFCI's  
10 Bylaws). By virtue of OFM's overt control over FFCI, OFM controls the Province of St. Barbara  
11 because FFCI exists in such unity with the Province of St. Barbara that these two California  
12 entities are one in the same. Neither the Province of St. Barbara nor FFCI may act independent of  
13 contrary to the OFM Rule, Constitutions, or Statutes. Upon dissolution or winding up of FFCI,  
14 all of its business, properties and assets remaining after payment of all debts and liabilities, shall  
15 be distributed to the General Curia, Order of the Friars Minor [OFM], Rome, Italy. (Article IV(B)  
16 of FFCI's Articles of Incorporation and Article III, Section 2, of FFCI's Bylaws). The reality  
17 shows that OFM not only controls the day-to-day affairs of FFCI (and thus the Province of St.  
18 Barbara) by being able to usurp FFCI's Bylaws with OFM rules, but also shows that OFM even  
19 controls the disposition of FFCI (therefore the Province of St. Barbara)'s assets.

20 97. The Province of Santa Barbara and its alter ego FFCI function as the alter ego and/or  
21 agent of OFM in California. There are approximately 200 friar members in the Province of St.  
22 Barbara and approximately 2000 OFM friars throughout the United States. Every friar in every  
23 OFM-recognized Province is a recognized member of OFM in Rome, Italy. By virtue of the fact  
24 that a friar is a member of the Province of Saint Barbara, he is a member of the Order of the Friars  
25 Minor OFM. The Minister Provincial of the Province of St. Barbara is the superior to all friars  
26 within this Province. But the OFM Minister General, located in the OFM general office in Rome,  
27 Italy, is the superior to all friars, including Minister Provincials, in all the Provinces around the  
28 world.

1 98. Through the Province of St. Barbara, OFM Rome, carries out an active agenda in  
2 California. This Province has a specifically defined territory to carry out the purposes of the OFM  
3 Rule and Constitutions. OFM does not do its work in California without engaging one of its  
4 Provinces. OFM has no offices of its own within California. Rather, OFM maintains its presence  
5 in California by the many entities that fall under the Province of St. Barbara. Only OFM in Rome,  
6 Italy has the authority to erect, divide, unite, or suppress the OFM Provinces. The Province of St.  
7 Barbara reports to the OFM in Rome, Italy, on such matters as the money collected for their  
8 missions (which FFCI legally owns) and statistical reports of how many friars died and how many  
9 became members. These are reported on OFM's forms. Accordingly, OFM uses the Province of  
10 St. Barbara, along with FFCI, as a conduit to conduct its business and objectives in California.  
11 Failure to disregard the separate identities of OFM and the Province of St. Barbara would result  
12 in fraud or injustice because OFM would be able to claim it never has contacts with any  
13 jurisdiction other than that in Rome, Italy, although it absolutely controls approximately 2000  
14 friars in about 200 Houses throughout the U.S.

15 99. OFM Rule, Chapter I, expressly mandates: "All the friars are bound firmly to obey the  
16 OFM Minister General. OFM General Constitutions, Article 7, reconfirms that all the friars owe  
17 to the Minister General, the legitimate successor of St. Francis, the highest obedience and respect,  
18 as a sign of the unity and fellowship of the whole fraternity. OFM General Statutes, Article 114,  
19 states: The Friars of our Order must give their work in the service of the Pontifical Athenaeum  
20 Antonianum in a spirit of cooperation and obedience to the [OFM] Minister General, in  
21 accordance with the Special Statutes and the decisions of the Order. The OFM Constitutions (Art.  
22 37) mandate even how friars are to pray in their daily activities: "friars are to pray for the deceased  
23 friars, for their parents and for the benefactors of the Order, in accordance with the [OFM]  
24 Statutes."

25 100. Only the OFM Minister General can grant the privilege of travel to all Friars in the  
26 entire Order. Only the OFM Minister General may issue decrees or rules for the entire Order. And  
27 without permission of the OFM Minister General with consent of his Definitory in Rome, Italy,  
28 a solemnly professed friar within a Province cannot transfer out of the Order to another religious

1 institute or take a sabbatical from the Order. Expenditures over a set amount by a Province are  
2 subject to approval by the OFM Definitory in Rome. OFM's Minister General and his Definitory  
3 in Rome also has the right to regulate and supervise the education of every OFM friar and the  
4 power to remove Provincial Ministers and approve their resignations.

5 101. The responsibilities of each OFM friar, wherever he is in the world, are established  
6 (1) by the Rule of the OFM; (2) by the OFM Constitutions; and (3) by the Provincial Statutes,  
7 which all must be approved by OFM. In other words, all friars must apply the OFM Rule,  
8 Constitutions, and Statutes. It is expressly written that: "[A]ll the friars are to strive to observe  
9 with the greatest care, the laws contained in these [OFM] General Constitutions" and that the "life  
10 of fraternal fellowship demands . . . a single-minded observance of the Rule and [OFM]  
11 Constitutions. . . and the handing over of all financial gains for the use of the fraternity, whatever  
12 their source." (OFM General Constitutions, page 99, Article 42, Section 2).

13 102. OFM historically draws some of its staunchest support from Croatia and Bosnia-  
14 Herzegovina which includes the OFM Provinces of Holy Cross (Sarajevo), Assumption of BM  
15 (Mostar), Province of St. Cyril and Methodius (Zagreb), Province of St. Jerome (Zadar), and  
16 Province of the Holy Redeemer (Split). The Province of St. Cyril and Methodius (Zagreb)  
17 maintains a presence in California through its operations at the Croatian Mission of San Jose,  
18 California. Like the Province of St. Barbara, The Province of St. Cyril and Methodius and its  
19 mission in San Jose functions as the alter ego and/or agent of OFM in California.

20 103. At all times mentioned herein, Fr. Dominik Mandic OFM, was acting not on his own  
21 behalf but as an obedient agent and servant on behalf of OFM and its hierarchy in his various  
22 capacities as a Provincial of the OFM Province of Mostar, OFM General Definitory, OFM  
23 Procurator General, OFM Treasurer, Custos of the Croatian Holy Family Commissariat of  
24 Chicago, and in his other capacities. Mandic as a member of the Franciscan Order (OFM) and as  
25 part of his vocation had taken a vow of poverty and obedience to the OFM Minister General.  
26 Mandic thus could not accumulate individual wealth and all his actions were for the collective  
27 benefit of OFM. Mandic did not repudiate his OFM vows at anytime described herein nor OFM  
28 denounce Mandic for his actions connected with the Ustasha or its Treasury.

**VII. THE CROATIAN CONFRATERNITY OF SAINT JEROME**

1  
2 104. The Croatian Confraternity of Saint Jerome (San Girolmao) founded in the 15<sup>th</sup>  
3 Century was an association of Catholic priests and layman with the mission of assisting Croatian  
4 priests, pilgrims, and students in Rome and originally included a church, hostel, chapter house and  
5 hospital. In 1901 the Croatian Confraternity was disbanded and its property taken over by the  
6 Pontifical College of Saint Jerome, a separate entity not affiliated with OFM.

7 105. In 1945, the Croatian Confraternity was reestablished at the behest of OFM, Fr.  
8 Dominik Mandic and Fr. Krunoslav Draganovic as part of an elaborate scheme to assist not just  
9 Croats fleeing the fall of the Ustasha Regime but to provide material and financial support to  
10 the Ustasha Regime in exile with help eventually extended to non Croats who had been  
11 affiliated with the Axis including German Nazi officials and Nazi collaborators from Serbia,  
12 Montenegro, Slovenia, Macedonia, and Albania. Mandic as a General Definitor and Treasurer of  
13 OFM was the ranking clerical member and Director of the Croatian Confraternity while  
14 Draganovic, as a member of the Ustasha Regime holding Vatican credentials, handled day to day  
15 affairs as the Croatian Confraternity Secretary. The purpose of this enterprise was to prevent  
16 Ustasha Regime members and other anti Tito Yugoslavs from being deported to Yugoslavia and  
17 to materially support anti Yugoslav activities including infiltration of Ustasha partisan units called  
18 *Krizari* back into Yugoslavia under the command of General Rafael Boban, the former  
19 commander of the Ustasha Black Legion, and Fr. Draganovic. The Ustasha Treasury was the  
20 major source of funding for the Croatian Confraternity beginning with the part of the Ustasha  
21 Treasury transported by Draganovic to Rome in late 1944 and late 1945.

22 106. In late 1945, Draganovic traveled to Austria under the guise of his position as a  
23 Vatican relief official and retrieved an additional two boxes of gold weighing 45 kilograms total  
24 from the portion of the Ustasha Treasury hidden in Austria and returned with it to Rome to fund  
25 the activities of the Confraternity and Ustasha Regime in exile. Mandic meanwhile began  
26 organizing Ustasha exiles at the Displaced Persons Camp at Fermo, Italy and with funds from the  
27 Ustasha Treasury obtained through the Confraternity and set up printing presses there and at an  
28 OFM property at Grottaferrata near Rome to forge identity and travel documents for the benefit

1 of the Ustasha Regime members. Mandic set up safe houses for the Ustasha exiles. Mandic also  
2 facilitated the role of the Confraternity as a financial arm of the Ustasha Regime in exile by using  
3 his knowledge and access to the Vatican City financial system obtained while acting in the  
4 capacity of OFM Treasurer.

5 107. By 1946 the Confraternity-OFM-Mandic-Draganovic combination had concealed a  
6 significant number of Ustasha Regime exiles, wanted by the Allies or Yugoslav government for  
7 war crimes, in the Vatican or its extraterritorial properties in Rome proper or in Italy, Franciscan  
8 Monasteries in Italy, or at the Croatian Confraternity. First and foremost of these wanted criminals  
9 were Ante Pavelic, who was sheltered at Vatican City, the Croatian Confraternity and elsewhere  
10 in the environs of Rome until 1947. The war criminal Andrija Artukovic, the Ustasha Regime  
11 Interior Minister, was also hidden by the Croatian Confraternity. The cost of this operation was  
12 paid for with the proceeds of the Ustasha Treasury banked through financial channels within  
13 Vatican City which was unoccupied by the Allies and treated as a sovereign entity which enjoyed  
14 certain extraterritorial rights within Rome and its environs. Pro Ustasha operations at the  
15 Confraternity continued though 1957 when it was disbanded and Draganovic expelled from the  
16 premises of Pontifical College of St. Jerome upon the death of Pope Pius XII.

17 108. By mid-1946, the major part of the Ustasha Treasury from Switzerland and Austria  
18 was received at the Croatian Confraternity by Draganovic and members of the Confraternity.  
19 According to the deposition testimony of US Army Counter Intelligence Corps Special Agent  
20 William E. W. Gowen, who in 1947 debriefed Draganovic and Ustasha Colonel Ivan Babic, two  
21 of the main participants in the operation, a convoy of ten trucks commanded by Colonel Babic  
22 with helpers in British uniforms, delivered its cargo of the Ustasha Treasury to Draganovic at St.  
23 Jerome for redelivery to the Vatican. Col. Babic, despite being an Ustasha, had enjoyed good  
24 relations with the British Eighth Army having been dispatched by Pavelic before the war's end to  
25 attempt to negotiate a separate peace. The value of this horde consisting of the bulk of the Ustasha  
26 treasury including gold in various forms, jewelry, foreign currency, and other moveable items of  
27 value, was estimated by United States Treasury Agent Emerson Bigelow to be worth as much as  
28 200 million Swiss Francs in 1946. Mandic banked the Ustasha Treasury though Vatican City

1 financial channels for export to Spain, Portugal, the United States and Latin America on behalf  
2 of Pavelic while retaining a portion for the Confraternity's and related ongoing activities. Other  
3 less liquid property such as religious articles and artworks were retained or dispersed through  
4 channels available to OFM and Mandic. Some of these artifacts remain in repositories controlled  
5 by OFM.

#### 6 **VIII. CROATIAN FRANCISCAN CUSTODY OF THE HOLY FAMILY**

7 109. The Croatian Custody of the Holy Family of Chicago was originally known as the  
8 Croatian Commissariat of the Holy Family when established in 1926 under the direct control of  
9 the Minister General of OFM. Between 1931 and 1939 the Commissariat was attached to the  
10 OFM Province of Herzegovina of which Dominik Mandic was the Provincial Minister but was  
11 detached again and placed under the control of the Minister General of OFM from 1939 to 1969.  
12 In 1969 the Commissariat was designated a Custody. In 1969 the Custody was again placed under  
13 the control of the OFM Province of Herzegovina but was detached in 1977 and returned to control  
14 of the OFM Minister General according to the website belonging to the Croatian Custody.

15 110. In 1944 St. Anthony's Friary in Chicago became the headquarters of the Croatian  
16 Commissariat. In 1952, coinciding with the arrival of Fr. Dominik Mandic from Rome, the friary  
17 was rededicated and served as the hub of several operations controlled by the Custody including  
18 the Franciscan Printery and the Croatian Franciscan Publications which included the Croatian  
19 Catholic Messenger, Croatian Historical Croatian Almanac, and the newspaper Danica. These all  
20 espoused a pro Croatian and anti Yugoslav agenda. Mandic was the chief administrator or Custos  
21 of the Croatian Commissariat from 1952-1955.

22 111. The Croatian Almanac was edited by Mandic from 1953 to 1954. Mandic's main role  
23 at the Croatian Custody was to establish the Croatian Publishing House and Croatian Historical  
24 Institute with funds from the Ustasha Treasury. These organizations promoted pro Croatian, anti  
25 Serb, propaganda masquerading as historical research which promoted the Ustasha view that  
26 Croats (unlike Serbs) were not Slavs and were descended from Aryans and that Krajina Serbs were  
27 decedents of African Mauretians and thus by inference an inferior race. Mandic also published  
28 works by former Ustasha officials like Ante Bonfacic attacking Yugoslavia. Non Croatian

1 contemporary academics found Mandic's dubious historical works to be chauvinistic and racist.  
2 Ustasha Treasury funds were used extensively at the Croatian Custody in Chicago, which became  
3 a hub of pro Croatian independence activities for North America intermingled with promoting  
4 Croatian cultural activities.

5 112. At all times mentioned herein, OFM through its Minister General directly supervised  
6 the activities of the Croatian Franciscan Custody of the Holy Family except for the period 1969  
7 to 1977 when it was attached to the OFM Province of Herzegovina for administrative purposes.  
8 Funds from the Ustasha Treasury were administered through the Croatian Custody by Mandic and  
9 upon Mandic's death in 1979, the remaining funds and property from the Ustasha Treasury came  
10 under the administration of the Croatian Custody of Chicago and its ecclesiastical and  
11 administrative superior, the OFM Minister General. At all times herein the Croatian Custody of  
12 Commissariat was an integral part of OFM and its agent or alter ego.

### 13 IX. FACTS PERTAINING TO SERB VICTIMS

14 113. Upon its founding, the Ustasha Regime immediately began a campaign to "purify"  
15 Croatia of those that the Ustasha Regime Interior Minister Andrija Artukovic called "the insatiable  
16 parasites:" Serbs, Jews, and Roma. On May 26, 1941, the Ustasha *Zupan* (Governor) of Western  
17 Bosnia, Viktor Gutic, proclaimed: "All undesirable elements will be exterminated so no trace  
18 remains." On June 2, 1941, Milovan Zanic, Ustasha Regime Minister of Justice proclaimed: "This  
19 state, our country is only for Croats and no one else. There are no ways and means which we  
20 Croats will not use to make our country truly ours and to cleanse it of Orthodox Serbs."

21 114. By late April 1941 Serbs were forced to wear a white armband with the letter "P", the  
22 initial for Orthodox Christian (*Pravoslavac*) in the Serbo-Croatian language.

23 115. The Ustasha regime *Doglavnik* (Deputy Leader) and government Minister, Mile  
24 Budac, stated in 1941 that the Ustasha Regime's policy towards the Serbs under its control was:  
25 To kill a third, expel a third from Croatia, and forcibly convert a third of the Serbian population  
26 to Roman Catholicism.

27 116. The Ustasha promoted this objective through the use of organized terror including  
28 mass murder, punitive raids and pogroms, concentration camp complexes, forced labor,

1 deportations, forced conversion to Roman Catholicism and genocide.

2 117. Over 600,000 Serbs were murdered by the Ustasha between April 1941 and May 1945  
3 and despoiled of their property.

4 **X. FACTS PERTAINING TO JEWISH VICTIMS**

5 118. In 1941 Jews in Croatia, though not numerous, were largely urbanized and constituted  
6 one of the region’s wealthiest groups.

7 119. By late April 1941 Jews had to wear the Star of David on their sleeves, and later,  
8 across their backs and were expelled from Zagreb by order of the Ustasha Regime’s Minister of  
9 the Interior, Andrija Artukovic.<sup>4</sup>

10 120. The majority of Croatian Jews (upwards of 75%) were either murdered outright by  
11 the Ustasha or sent to Croatian or German concentration camps after having all their property  
12 confiscated by the Ministry of State Treasury - Department of Finance, State Property, and Debts -  
13 Office for Nationalized Property.

14 121. Jews were ruthlessly hunted, robbed and murdered save for the wealthiest 5% who  
15 were charged a sizable ransom for the “privilege” of being named honorary Aryans.<sup>5</sup>

16 122. Ransoms greatly enriched the Ustasha treasury along with other funds and property  
17 extorted from the Jewish population of the NDH.

18 123. Approximately 30,000 Jews were murdered by the Ustasha Regime.

19 **XI. FACTS PERTAINING TO ROMA VICTIMS**

20 124. The Roma, like the Serbs and Jews, were victims of Ustasha policies of  
21 institutionalized racism, genocide and looting. Only those Roma who were able to pass as  
22 Albanians or Macedonians avoided execution.

23  
24 \_\_\_\_\_  
25 <sup>4</sup> Artukovic resided in California for over 30 years before he was extradited in 1985 to face charges of  
murder in Yugoslavia. *In re Extradition of Andrija Artukovic*, 628 F.Supp. 1370 (C.D. Cal. 1985)

26 <sup>5</sup> Decree 76 of April 30, 1941 On Racial Affiliation: “Persons who prior to April 10, 1941 have shown  
27 themselves to be deserving before the Croatian people, especially toward its liberation, as well as their  
marital partners with whom they concluded marriage prior to the enactment of this decree and the  
28 descendants of such a marriage, in the event these persons may be affected by this decree, may receive  
recognition of all rights belonging to persons of Aryan descent at the discretion of the head of state,  
regardless of the provisions of this decree.”

1 125. Approximately 30,000 Roma were murdered by the Ustasha Regime after being  
2 robbed of all their possessions including substantial quantities of gold and silver.

3 **XII. FACTS PERTAINING TO CLAIMS BY FORMER SOVIET CITIZENS**

4 126. When Nazi Germany invaded Russia on June 22, 1941, the Ustasha leader, Ante  
5 Pavelic declared war on the Soviet Union on June 23, 1941 in order to join the battle of “all  
6 freedom loving nations against Communism.”

7 127. Pavelic offered ground, sea and air forces, to fight alongside Germany. Hitler  
8 responded to Pavelic's letter on July 1, 1941, accepting the Croatian offer and thanking them for  
9 their service. Beginning in July 1941, Croatian ground, sea, and air forces invaded, alongside  
10 Germans, the Soviet Union including Ukraine, Belarus, and Russia. Croatian armed forces units  
11 wore German style uniforms with Croatian indicia and provided front line and support units in  
12 Ukraine, Belarus, and Russia. Croatian air force and navy units patrolled the Black and Azov Seas  
13 in Russia and Ukraine. Croatian ground troops from the Croatian Legion took part in battles in  
14 Kiev, Kharkov, and Stalingrad. In September 1942, Pavelic, on behalf of the Croatian  
15 government, visited Croatian Legion troops outside Stalingrad.

16 128. Croatian armed forces assisted the German occupiers of Ukraine, Belarus, and Russia  
17 and participated in a systematic plunder and looting of Ukrainian, Russian, and Belorussian  
18 resources and individual property for the benefit of the Ustasha Regime. Unauthorized looting for  
19 personal gain was strictly forbidden and severely punished. The Ustasha Treasury contained loot  
20 from the former Soviet Union.

21 **XIII. FACTS PERTAINING TO USTASHA CONCENTRATION CAMPS**

22 129. Jasenovac and Stara Gradiska Concentration Camp complexes, termed by historians  
23 as the “Auschwitz of the Balkans,” were the home of horrific and nearly indescribable brutality  
24 against Serbs, Jews, and Roma. The notorious Jasenovac camp was actually a complex of five  
25 major and three smaller “special” camps spread out over 240 square kilometers (150 square miles)  
26 in south-central Croatia. Along with hundreds of thousands of Serbs, some 30,000 Jews and at  
27 least 30,000 Romas were murdered in these camps. The names of some 20,000 murdered children  
28 of all three nationalities collected thus far by historians provides only a fraction of the crimes

1 committed there against children.

2 130. The Ustasha at their concentration camps also looted from their victims their last  
3 remaining possessions before being murdered including gold teeth and dentures, wedding rings,  
4 and gold eyeglass frames. Textiles were reprocessed by agents of the Ustasha Regime from the  
5 bloodstained and soiled clothes of those murdered for the profit of the Ustasha Regime and its  
6 Treasury. The loot from the Ustasha run concentration camp complexes comprises a significant  
7 part of the Ustasha Treasury. Serbs and Jews were also occasionally ransomed from Ustasha  
8 Regime concentration camps, these funds also flowing into the Ustasha treasury.

9 **XIV. FACTS PERTAINING TO THE USTASHA REGIME'S RELATIONSHIP WITH OFM**

10 131. OFM members in Croatia were some of the early supporters of the Ustasha prior to  
11 the takeover in 1941 of Croatia by the Axis. The operational headquarters in which the plan for  
12 the Ustasha take-over of Croatia was made was a Franciscan (OFM) monastery. OFM  
13 Monasteries, parish houses, cathedrals, Franciscan high schools, seminaries, etc., throughout  
14 Croatia doubled as meeting places, recruiting centers, arms depots, and staging areas for the  
15 Ustasha terror in the years prior to and during the war.

16 132. Upon the establishment of the Ustasha Regime individual Franciscan priests deserted  
17 their vocations and incited attacks on Serb and Roma settlements, tortured, killed and expropriated  
18 their victims in dozens of villages in Croatia and Bosnia. In one typical example, the Franciscan  
19 Priest Shimich exhorted Croats to commit genocide: "All Serbs must be murdered within the  
20 shortest time. That is our program." One of the most notorious examples of the Franciscan clerical  
21 killers was Fr. Miroslav Filipovic-Majstorovic, known as "Brother Satan," who personally killed  
22 tens of thousand of Serbs at Jasenovac concentration camp where he served as Commander for  
23 four months, from September 1942 to the beginning of January 1943. Brother Satan also directed  
24 numerous actions against Serbian villages in which he played a conspicuous part in the killings.  
25 Before one such attack in the town of Drakulic, Brother Satan strangled a Serbian baby with his  
26 bare hands in order to incite the Ustasha to commit barbarities. Brother Satan was hanged as a war  
27 criminal in 1946 by the Yugoslav government. OFM did not actively seek out and punish most  
28 priests associated with the Ustasha during the Second World War despite knowledge of their

1 activities. OFM and in particular its General Definitor, Dominik Mandic, had in its possession by  
2 May 1945 irrefutable proof of atrocities of genocide and looting committed by the Ustasha  
3 Regime.

4 **XV. FACTS PERTAINING TO THE USTASHA TREASURY**

5 133. The Ustasha Regime's looting of Serbs, Jews, Romas, and others was systematic and  
6 kept under tight control of the Ustasha Regime until 1944 when Pavelic took personal control of  
7 all liquid assets of the Ustasha Regime for the purpose of relocating them outside Croatia for  
8 safekeeping. Draganovic and Babic were tasked with preparing the way in Rome and the Vatican  
9 for the Ustasha Treasury's delivery.

10 134. During the Second World War the Swiss National Bank and other banks in  
11 Switzerland, as well as facilities in Croatia, acted as depositories for some of the Ustasha  
12 Treasury.<sup>6</sup>

13 135. The Independent Commission of Experts - Switzerland - Second World War, known  
14 as the Bergier Commission, linked Swiss banks with Croatian wartime gold transactions (p. 25 of  
15 their report).

16 136. With the fall of the Ustasha Regime imminent in 1945, an effort was made by Pavelic  
17 to move the remaining Ustasha Treasury outside the borders of the Ustasha Regime. In late May  
18 1945 Ustasha Regime agents were found at the British-occupied Austro-Swiss border with gold,  
19 currency and other assets valued at 350 million Swiss francs. Over 200 million Swiss francs value  
20 of this particular hoard were eventually transferred to the Croatian Confraternity at Saint Jerome,  
21 Mandic and Draganovic and then to the Vatican City financial system and elsewhere for  
22 conversion. One portion of the horde contained in two chests of gold was personally brought from  
23 Austria by Draganovic for the use of the Croatian Confraternity in late 1945. The larger portion  
24 of the Ustasha Treasury consisting of a ten truck convoy was commanded by Ustasha Colonel Ivan  
25 Babic and trucked from Northern Italy to the Croatian Confraternity in 1946 by Babic and Ustasha

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27 <sup>6</sup> 500 kilograms of gold were deposited by the Croatians in the Swiss National Bank along with 2.5 million  
28 francs during the Second World War. In early 1946 an additional 12 to 16 million francs in gold deposits  
were still controlled by the Ustasha in various other private Swiss bank accounts.

1 confederates wearing British uniforms. Other remnants of the Ustasha treasury arrived in similar  
2 fashion 1946-1948, first to Mandic, Draganovic and the Croatian Confraternity and then dispersed  
3 though either Vatican City, Vatican extraterritorial properties in Italy, or OFM accounts.

4 137. In 1948 a tranche of 2,400 kilograms of Ustasha Treasury gold was moved from  
5 accounts in Vatican City to Swiss bank accounts.

6 138. In 1952 the Ustasha leader Pavelic transferred 5 million Swiss francs from the  
7 Ustasha Treasury horde from Switzerland to Argentina.

8 139. Pavelic and other exiled Ustasha war criminals, in order to bank and transfer assets  
9 from the Ustasha Treasury, depended upon the intermediation and cooperation of OFM and its  
10 agents.

11 140. A significant portion of the post war Ustasha Treasury was in the form of jewels and  
12 non monetary valuables that required either conversion by OFM or was retained by OFM and its  
13 agents to used to promote the Ustasha cause and Croatian nationalism. In 2008 it was revealed  
14 after the arrest of a former Croatian Ministry of Defense official, General Vladimir Zagorec, that  
15 in 1991 diamonds worth up to \$40 million with their origin in the Ustasha Treasury were in the  
16 possession of Cardinal Kuharic of Zagreb who provided the diamonds to the Croatian Defense  
17 Ministry to purchase arms to be used in the war with Yugoslavia.

18 141. Ustasha Treasury assets were banked and converted by OFM using its accounts in the  
19 Vatican and elsewhere for use in Argentina, Brazil, Spain, Portugal the United States, and Italy  
20 by the exiled Ustasha and Dominik Mandic-OFM controlled enterprises in Chicago.

21 **XVI. FACTS PERTAINING TO POST WAR BENEFICIARIES OF THE USTASHA TREASURY**

22 142. In 1956 the overt successor to the Ustasha, the Croatian Liberation Movement  
23 (Hrvatski oslobodilački pokret, HOP), was founded by Ante Pavelic in Buenos Aires as a  
24 beneficiary of the Ustasha Treasury along with its terrorist front group - the Croatian  
25 Revolutionary Brotherhood (HRB) and related organizations. When Pavelic died in 1959, HOP  
26 leadership passed to former Ustasha Minister Stepan Hefer, then to Ante Bonifacic who moved  
27 the headquarters to Chicago and then to Pavelic's son in law, Srecko Psenicnik in 1981. The HOP  
28 operates in Argentina, the United States, Australia, Europe and Canada and is a minor political

1 party in Croatia. Funds from the Ustasha Treasury banked and converted by OFM and Dominik  
2 Mandic helped fund these organizations through 1991 when Croatia seceded from Yugoslavia and  
3 HOP relocated to Croatia.

4 143. The Croatian Custody of the Holy Family of Chicago and OFM have continued to use  
5 the funds derived from the Ustasha treasury to set up, facilitate, and coordinate the OFM  
6 operations at Medjugorje, Bosnia and to support financially Croatian paramilitary formations like  
7 the Croatian Defense Council (Hrvatsko Vijeće Obrane, HVO), who often used Ustasha indicia  
8 in their ethnic cleansing battles against Bosnian Serbs, Muslims, and Roma in Bosnia-Herzegovina  
9 and Serbian Krajina in the 1990's and to support the Croatian nationalist shrine of Medjugorje in  
10 Herzegovina.

11 144. As the principal postwar financier to the former Ustasha Regime, the OFM profited  
12 from Ustasha Treasury transactions, including transfer of funds to it from the Ustasha Treasury  
13 in exchange for services.

#### 14 **XVII. CLASS ALLEGATIONS**

15 145. This action is brought and may properly be maintained as a class action pursuant to  
16 the provisions of Federal Rule of Civil Procedure 23.

17 146. Plaintiffs bring this action on behalf of themselves and a class of all Jews, Serbs,  
18 Roma and former Soviet Union citizens and their heirs and beneficiaries who had property - looted  
19 assets - taken from them as part of the systematic and brutal murder and persecution of Jews,  
20 Serbs, and Roma by the Ustasha Regime, and as a result of the occupation of the Soviet Union by  
21 Ustasha Regime controlled military forces.

22 147. The exact number of the members of the class, as identified above, is not known to  
23 plaintiffs, but it is estimated that members of the class number in the tens of thousands<sup>7</sup> and are  
24 so numerous that joinder of individual members herein is impracticable.

25 148. Questions of fact and law common to the class predominate over any questions  
26

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27 <sup>7</sup> Plaintiffs have revised downward their original estimate of the class due to the passage of time since the  
28 filing of this lawsuit in 1999 and the deaths of thousands if not tens of thousands of Holocaust survivors in  
the meantime.

1 affecting only individual members. Common questions of fact and law include:

2 (a) Whether OFM and its agents improperly retained or converted looted assets of the  
3 plaintiffs.

4 (b) Whether OFM was unjustly enriched by their wrongful conduct.

5 (c) Whether plaintiffs experienced irreparable harm by defendants' wrongful taking of  
6 plaintiffs' property and goods, supporting a claim for restitution and/or replevin.

7 (d) Whether defendant has failed to account for the Ustasha Treasury by fraudulently  
8 and/or intentionally concealing and/or limiting access to their archives and records .

9 (e) Whether defendant was directly and/or indirectly involved with the conversion of  
10 plaintiffs' property in violation of international law.

11 (f) Whether defendant should disgorge any profits resulting from their dealings with the  
12 Ustasha Treasury.

13 (g) Whether any identifiable property including cultural property of the Serbian Orthodox  
14 Church, Jewish communal property or important works of art remains in the possession of the  
15 defendant or its whereabouts is known to the defendant.

16 149. Plaintiffs' claims are typical of the claims of the other members of the Class, since  
17 all such claims arise out of defendants' actions or the actions of its agents, which resulted in the  
18 loss and conversion of plaintiffs' and their ancestors' rightful property, which gives plaintiffs the  
19 right to the relief sought.

20 150. There is no conflict as between the named plaintiffs and the members of the class  
21 which they represent with respect to this action, or with respect to the claims for relief set forth  
22 herein.

23 151. Plaintiffs are committed to the vigorous prosecution of this action and have retained  
24 competent counsel experienced in the prosecution of class actions. Accordingly, plaintiffs are  
25 adequate representatives of the Class and will fairly and adequately protect the interests of the  
26 Class.

27 152. The prosecution of separate actions by individual members of the Class would create  
28 a risk of inconsistent or varying adjudications, which would establish incompatible standards of

1 conduct for the defendants in this action.

2 153. Plaintiffs anticipate that there will be no difficulty in the management of this  
3 litigation. A class action is superior to other available methods for fair and efficient adjudication  
4 of the controversy. Accordingly, Certification of the plaintiff class is appropriate under the  
5 Federal Rules of Civil Procedure, Rules 23(b)(1), (2) and/or (3).

6 **XVIII. LEGAL AND EQUITABLE TOLLING & ESTOPPEL**

7 154. Plaintiffs' legal right to seek compensation for genocide, war crimes and crimes  
8 against humanity during the Second World War is preserved by the Convention on the Non-  
9 Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (26 November  
10 1968) and accordingly, there are no statutory limitations on claims of war crimes, crimes against  
11 humanity, or genocide.

12 155. Furthermore, plaintiffs' legal right in general to seek compensation for property seized  
13 during the Second World War was deferred by the London Debt Settlement Agreement of 1953  
14 until November 7, 1997 when the German court ruled that the Treaty on the Final Settlement with  
15 Germany had lifted the moratorium upon individual claims for compensation for Second World  
16 War losses. Accordingly, statutes of limitation upon claims for compensation for Second World  
17 War losses were tolled by operation of treaty from 1953 through November 7, 1997.

18 156. As to the Ustasha Treasury and the related post war claims against the defendant, the  
19 earliest date the class members would have been made aware of their potential rights coincided  
20 with the publication of the US State Department Eizenstat Report on *The Fate of the Wartime*  
21 *Ustasha Treasury* in June 1998. Prior to June 1998 class members were unaware of the extent of  
22 defendant's misconduct, having been denied access to vital information essential to pursue the  
23 stated claims as a result of defendant's fraudulent, willful, and intentional concealment of its  
24 misconduct as well as the classification of vital information by the United States government,  
25 without any fault or want of diligence or due care on the part of plaintiffs or defendant's victims.  
26 Thus the earliest possible date a statute of limitation could apply would be three years from June  
27 1998 for domestic plaintiffs and 10 years from June 1998 for Alien Tort Statute plaintiffs.

28 157. Evidence of the extent of the defendant's participation in wrongdoing has more fully

1 come to light in recent years as a result of the disclosure of archived and declassified documents  
2 in the United States, Germany, and other countries, as well as from the reports of several  
3 commissions and/or task forces created in the United States, Germany, and other countries, much  
4 of which information was not available prior to the reunification of Germany and the dissolution  
5 of the Soviet Union and Yugoslavia. The 2005-2006 deposition of former Army Counter  
6 Intelligence Special Agent William Gowen, who in 1946-1947 investigated the issues contained  
7 herein, has also provided many unknown details in the form of his sworn testimony. Additionally,  
8 the emerging criminal case against former Croatian General, Vladimir Zagorec, and the so called  
9 “diamond affair” in Zagreb has provided further details as to the dispersal of and whereabouts of  
10 the remaining assets of the Ustasha treasury in the 1990s.

11 158. Moreover, knowing that its behavior violated international law, at no time since the  
12 end of Second World War has defendant made any reasonable attempt to compensate plaintiffs  
13 and members of the Class for their injuries and losses. Such failure should estop defendants from  
14 interposing any time bar defense to these claims.

15 159. Additionally, no statute of limitations has begun to run on the equitable causes of  
16 action stated herein because defendants' misconduct is continuing; defendants have not made any  
17 reasonable attempt to disgorge their illicit profits, account for property, return property,  
18 acknowledge their wrongdoing or otherwise compensate or make amends to class members.  
19 Defendant has continued to reap profits as a result of its actions and has refused all requests by  
20 plaintiffs for an accounting of the funds in question. Defendant is therefore estopped from  
21 interposing any type of time bar defense to these equitable claims.

22 **XIX. CAUSES OF ACTION**

23 **FIRST CAUSE OF ACTION - ACCOUNTING**

24 160. Plaintiffs reallege and incorporate herein, as though fully set forth, the allegations of  
25 all preceding paragraphs of the Complaint.

26 161. Defendant has never accounted for or paid the value of plaintiffs' property or the  
27 profits which defendants have derived from that property since end of the Second World War.

28 162. As a result of the value of their property having been forcibly taken from them,

1 against their will and without just payment by defendants, plaintiffs have been unable to use or  
2 invest those assets.

3 163. Defendant has had actual notice of plaintiffs' demand for an accounting and refuses  
4 to conduct an accounting.

5 164. As a result of defendants' aforesaid wrongful acts and omissions, plaintiffs have been  
6 injured and damaged and demand the equitable remedy of accounting.

7 **SECOND CAUSE OF ACTION - CONVERSION**

8 165. Plaintiffs reallege and incorporate herein, as though fully set forth, the allegations of  
9 all preceding paragraphs of the Complaint.

10 166. As a result of defendant's failure and refusal to account for, acknowledge and pay to  
11 plaintiffs the value of the property taken, defendants, and each of them, have willfully and  
12 wrongfully misappropriated and converted the value of that property and its derivative profits into  
13 their own property.

14 167. As a result of defendant's wrongful acts and omissions, plaintiffs have been injured  
15 and damaged and demand restitution and judgment against defendants, in an amount to be  
16 determined at trial.

17 168. Defendant's conduct described herein was undertaken by the defendant's officers,  
18 agents, or co-venturers. The aforesaid conduct of said managing agents and individuals was  
19 therefore undertaken for and on behalf of defendant. Said defendant further had advance  
20 knowledge of the actions and conduct of the individuals whose actions and conduct were ratified,  
21 authorized and approved by defendant's managing agents and by other officers, directors or  
22 managing agents.

23 **THIRD CAUSE OF ACTION - UNJUST ENRICHMENT**

24 169. Plaintiffs reallege and incorporate herein, as though fully set forth, the allegations of  
25 all preceding paragraphs of the Complaint.

26 170. Defendant received, retained and made use of stolen property given to them by  
27 members of the Ustasha Regime, which rightfully belongs to plaintiffs.

28 171. Defendant has failed to account for and/or pay to plaintiffs the value of their property

1 and profits derived therefrom.

2 172. As a result of defendant's wrongful acts and omissions, defendant has been unjustly  
3 enriched to the detriment of plaintiffs.

4 173. Plaintiffs therefore demand restitution and judgment against defendants in an amount  
5 to be determined at trial, together with interest, attorneys' fees, and the costs of this action.

6 **FOURTH CAUSE OF ACTION - RESTITUTION**

7 174. Plaintiffs reallege and incorporate herein, as though fully set forth, the allegations of  
8 all preceding paragraphs of the Complaint.

9 175. Plaintiffs' goods and property have been taken, thus denying plaintiffs the use and  
10 enjoyment thereof; defendants have wrongfully used and profited from that property; and  
11 compensation in damages is inadequate in that the property taken cannot be replaced and the harm  
12 inflicted cannot be undone by mere compensation.

13 176. As a result of defendant's wrongful acts and omissions, plaintiffs have been injured  
14 and damaged and demand equitable remedies including restitution.

15 **FIFTH CAUSE OF ACTION - VIOLATIONS OF INTERNATIONAL LAW**

16 177. Plaintiffs reallege and incorporate herein, as though fully set forth, the allegations of  
17 all preceding paragraphs of the Complaint.

18 178. Defendant, by dealing in property looted by the Axis and as agent of a Axis nation,  
19 violated customary international and treaty law actionable in this Court as federal common law  
20 and the law of nations as evidenced by various sources including but not limited to: The Hague  
21 Convention of 1907, The Treaty of Versailles (1919), The United Nations Charter and the  
22 Universal Declaration of Human Rights, the Multilateral Declaration on Forced Transfers of  
23 Property in Enemy Controlled Territory of 1943, "London Declaration," 943 U.S.T. LEXIS 188;  
24 3 Bevens 754; and the Multilateral Gold Policy of 1944 between the United States, United  
25 Kingdom, and Soviet Union, 1944 U.S.T. LEXIS 149; 3 Bevens 889.

26 179. As a result of the value of their property having been forcibly taken from them,  
27 against their will and then converted, concealed, and utilized without just payment by defendants,  
28 plaintiffs have been unable to use or invest those assets.

1 180. As a result of defendants' aforesaid wrongful acts and omissions, plaintiffs have been  
2 injured and damaged and demand the equitable, declaratory, and such other relief which is  
3 available to them under the applicable principles of international law. Plaintiffs seek a declaratory  
4 judgement setting forth the violations of international law by defendant and that the defendant had  
5 scienter that its actions were wrongful.

6 **SIXTH CAUSE OF ACTION - REPLEVIN & SAFEKEEPING**

7 182. Plaintiffs reallege and incorporate herein, as though fully set forth, allegations of all  
8 preceding paragraphs of the Complaint.

9 183. To the extent plaintiffs' unique personal property is still readily identifiable and in the  
10 wrongful possession of defendant, plaintiffs request the property be restored to them along with  
11 the costs of restoration and that such property be immediately delivered up to the Court for  
12 safekeeping until the conclusion of this litigation.

13 184. To effect safekeeping by the Court during the pendency of this litigation, plaintiffs  
14 request a preliminary list of moveable property in the possession of OFM, its agents and  
15 subdivisions with its provenance in wartime Yugoslavia, be provided immediately and a list of any  
16 diamonds, gold or gems transferred by OFM to the Roman Catholic Archdiocese of Zagreb by  
17 OFM since 1945.

18 **XX. PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiffs pray that the Court:

20 1. Certify this action as a class action pursuant to Federal Rule of Civil Procedure 23, and  
21 designate named plaintiffs as the class representatives and counsel for plaintiffs as Class counsel.

22 2. Declare that defendant had scienter of the origins of the Ustasha Treasury as the fruits  
23 of genocide which had been obtained through systematic persecution, torture, slave labor, looting,  
24 and murder of Serbs, Jews, Roma and others and defendant, by trafficking in, laundering,  
25 retaining, hypothecating, profiting from, disposing of and concealing assets looted from persecuted  
26 targets of the Ustasha Regime, violated international treaties and customary international law and  
27 treaty law enforceable in this Court as federal common law, the law of the nations and  
28 international law.

1 4. Declare that the defendant by concealing, converting, and laundering the Ustasha  
2 treasury for the partial benefit of the Ustasha exiles and fugitive war criminals, defendant became  
3 a co-venturer with war criminals.

4 5. Order defendant to make available all information relating to the Ustasha Treasury  
5 including the inflows to the defendants and outflows from the defendants of such assets; with a  
6 particular view to establishing the existence and/or ultimate disposition of assets held by  
7 defendants belonging to Holocaust Victims; and in order that an accounting of assets may be  
8 realized.

9 6. Direct defendants to catalog and return all remaining identifiable property looted from  
10 plaintiffs and received by defendants.

11 7. Award plaintiffs the value of any identified property or their aliquot share of property  
12 deposited by, or looted from, Holocaust Survivors and received by or transferred to defendants,  
13 plus interest compounded annually since received by defendants but in no event earlier than June  
14 1, 1945.

15 8. Award plaintiffs compensatory and punitive damages arising out of defendants'  
16 unlawful behavior in trafficking in, retaining, disposing and concealing Looted Assets or profits  
17 of the Ustasha Regime with knowledge that the assets or profits were the fruits of Ustasha  
18 violations of international law and were used to assist war criminals to evade justice and  
19 propagandize on behalf of the Ustasha exiles.

20 9. Order defendant to disgorge any profits earned by trafficking in, disposing of, or  
21 concealing the Ustasha Treasury which were the fruits of violations of international law.

22 10. Order replevin of any identifiable personal property of plaintiffs still in possession of  
23 defendant.

24 11. Grant plaintiffs a jury trial on all issues so triable.

25 12. Award plaintiffs the costs of this action, including attorney and expert fees; and other  
26 reasonable expenses,

27 13. Grant such other and further relief as shall seem just to the Court.  
28

1 DATED: April 14, 2009.

Respectfully submitted,

JONATHAN LEVY

THOMAS EASTON

5 /s/ Windle Turley  
6 WINDLE TURLEY

7 Of Attorneys for Plaintiffs

8  
9 **CERTIFICATE OF SERVICE**

10 Windle Turley hereby certifies that he is a *pro hac vice* member in good standing of the  
11 Bar of this Court and has filed the foregoing document with the Court's CM/ECF filing  
12 system, which notifies all counsel of record of this filing. I declare under penalty of perjury  
that the foregoing is true and correct and that this certificate was executed in Dallas, Texas on  
April 14, 2009.

13 /s/  
14 WINDLE TURLEY

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