

## Final Decisions in Alien Tort Statute Cases Pending at the Time of the *Kiobel* Decision

Final Denials on Extraterritoriality Grounds<sup>1</sup>: 65% of Total ATS Cases (26 of 40)

May 2016

CASE	CURRENT STATUS
1. <i>Doe v. Drummond Co., Inc.</i> , 782 F.3d 576 (11th Cir. 2015)	Petition for writ of certiorari denied on February 29, 2016.
2. <i>Sikhs for Justice, Inc. v. Nath</i> , 596 F. App'x 7 (2d Cir. 2014)	Mandate issued January 15, 2015.
3. <i>Ellul v. Congregation of Christian Bros.</i> , 774 F.3d 791 (2d Cir. 2014)	Mandate issued January 12, 2015.
4. <i>Mastafa v. Chevron Corp.</i> , 770 F.3d 170 (2d Cir. 2014)	Mandate issued November 18, 2014.
5. <i>Mujica v. AirScan, Inc.</i> , 771 F.3d 580 (9th Cir. 2014)	Petition for writ of certiorari denied on December 14, 2015 (136 S. Ct. 690).
6. <i>Baloco v. Drummond Co., Inc.</i> , 767 F.3d 1229 (11th Cir. 2014)	Petition for writ of certiorari denied on November 2, 2015 (136 S. Ct. 410).
7. <i>Cardona v. Chiquita Brands Int'l, Inc.</i> , 760 F.3d 1185 (11th Cir. 2014)	Petition for writ of certiorari denied on April 20, 2015 (135 S. Ct. 1842).
8. <i>Chowdhury v. Worldtel Bangladesh Holding, Ltd.</i> , 746 F.3d 42 (2d Cir. 2014)	Petition for writ of certiorari denied on October 20, 2014 (135 S. Ct. 401).
9. <i>Ben-Haim v. Neeman</i> , 543 F. App'x 152 (3d Cir. 2013)	Mandate issued December 2, 2013.
10. <i>Balintulo v. Daimler AG</i> , 727 F.3d 174 (2d Cir. 2013)	Petition for certiorari filed November 28, 2015 (No. 15-1020).
11. <i>Licci v. Lebanese Canadian Bank</i> , 08-cv-7253 (S.D.N.Y. Apr. 14, 2015), ECF No. 84	Appeal pending, No. 15-1580 (2d Cir.).
12. <i>Adhikari v. Daoud &amp; Partners</i> , 95 F. Supp. 3d 1013 (S.D. Tex. 2015)	Appeal pending, No. 15-20225 (5th Cir.).

<sup>1</sup> The cases in this chart do not include ATS cases brought against the U.S. government or its officers, and do not include *pro se* claims with the exception of *Ben-Haim v. Neeman*, which was an early circuit court decision.

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13. <i>Jaramillo v. Naranjo</i> , 10-cv-21951, 2014 WL 4898210 (S.D. Fla. Sept. 30, 2014)	Remaining claims proceeding in district court.
14. <i>Jovic v. L-3 Servs., Inc.</i> , 69 F. Supp. 3d 750 (N.D. Ill. 2014)	Remaining claims proceeding in district court.
15. <i>Doe I v. Cisco Sys., Inc.</i> , 66 F. Supp. 3d 1239 (N.D. Cal. 2014)	Appeal pending, No. 15-16909 (9th Cir.).
16. <i>Warfaa v. Ali</i> , 811 F.3d 653 (4th Cir. 2016)	Petition for certiorari filed May 4, 2016 (No. 15-1345).
17. <i>William v. AES Corp.</i> , 28 F. Supp. 3d 553 (E.D. Va. 2014)	Remainder of case voluntarily dismissed on July 31, 2014.
18. <i>Mamani v. Berzain</i> , 21 F. Supp. 3d 1353 (S.D. Fla. 2014)	Appeal pending, No. 14-15128 (11th Cir.).
19. <i>Simon v. Republic of Hungary</i> , 37 F. Supp. 3d 381 (D.D.C. 2014)	Plaintiffs did not appeal dismissal of ATS claim. D.C. Circuit allowed some plaintiffs to go forward with other claims. <i>Simon v. Republic of Hungary</i> , 812 F.3d 127 (D.C. Cir. 2016).
20. <i>Dacer v. Estrada</i> , 10-cv-4165, 2013 WL 5978101 (N.D. Cal. Nov. 8, 2013)	Default judgment granted on non-ATS claim.
21. <i>Chen Gang v. Zhao Zhizhen</i> , 04-cv-1146, 2013 WL 5313411 (D. Conn. Sept. 20, 2013)	Motion to amend complaint denied on March 31, 2016.
22. <i>Tymoshenko v. Firtash</i> , 11-cv-2794, 2013 WL 4564646 (S.D.N.Y. Aug. 28, 2013)	Motion to amend complaint denied on September 18, 2015. Case closed.
23. <i>Kaplan v. Central Bank of Islamic Republic of Iran</i> , 961 F. Supp. 2d 185 (D.D.C. 2013)	Default judgment granted on non-ATS claims.
24. <i>Hua Chen v. Honghui Shi</i> , 09-cv-8920, 2013 WL 3963735 (S.D.N.Y. Aug. 1, 2013)	At plaintiff's request, the court withdrew its August 1, 2013 order to dismiss and allowed the plaintiffs to voluntarily dismiss the case.
25. <i>Fotso v. Republic of Cameroon</i> , 12-cv-1415, 2013 WL 3006338 (D. Or. June 11, 2013)	No appeal filed.
26. <i>Murillo v. Bain</i> , 11-cv-2373, 2013 WL 1718915 (S.D. Tex. Apr. 19, 2013)	No appeal filed.

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**Final Denials on Non-Extraterritoriality Grounds: 17.5% of Total ATS Cases (7 of 40)**

CASE	CURRENT STATUS
1. <i>Fischer v. Magyar Allamvasutak Zrt.</i> , 777 F.3d 847 (7th Cir. 2015) (forum non conveniens)	Petition for writ of certiorari denied on June 8, 2015 (135 S. Ct. 2817).
2. <i>Saldana v. Occidental Petroleum Corp.</i> , 774 F.3d 544 (9th Cir. 2014) (political question)	Mandate issued March 19, 2015.
3. <i>Aldana v. Del Monte Fresh Produce N.A., Inc.</i> , 741 F.3d 1349 (11th Cir. 2014) (no abuse of discretion in refusing to reinstate case dismissed on forum non conveniens grounds)	Mandate issued March 12, 2014.
4. <i>Sikhs for Justice v. Badal</i> , 736 F.3d 743 (7th Cir. 2013) (insufficient service)	Mandate issued December 31, 2013.
5. <i>Du Daobin v. Cisco Sys., Inc.</i> , 2 F. Supp. 3d 717 (D. Md. 2014) (failure to state a claim for aiding and abetting)	No appeal filed.
6. <i>Mohammadi v. Islamic Republic of Iran</i> , 782 F.3d 9 (D.C. Cir. 2015) (foreign sovereign immunity)	Mandate issued May 22, 2015.
7. <i>Shimari v. CACI Premier Tech., Inc.</i> , 119 F. Supp. 3d 434 (E.D. Va. 2015) (political question)	Appeal pending, No. 15-1831 (4th Cir.).

**Plaintiffs Allowed to Amend and Awaiting Final Decision Under *Kiobel*: 2.5% of Total ATS Cases (1 of 40)**

CASE	CURRENT STATUS
1. <i>Doe I v. Nestle USA, Inc.</i> , 766 F.3d 1013 (9th Cir. 2014)	En banc review denied on May 6, 2015 (788 F.3d 846); certiorari denied on January 11, 2016 (136 S. Ct. 798).

**Final Decisions in Alien Tort Statute Cases  
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Plaintiffs Allowed to Proceed on the Merits: 15% of Total ATS Cases (6 of 40)

CASE	CURRENT STATUS
1. <i>Doe v. Exxon Mobil Corp.</i> , No. 01-cv-1357, 2015 WL 5042118 (D.D.C. July 6, 2015)	Pre-trial discovery.
2. <i>Inst. of Cetacean Res. v. Sea Shepherd Conservation Soc.</i> , 588 F. App'x 701 (9th Cir. 2014)	Petition for writ of certiorari denied on June 8, 2015 (135 S. Ct. 2816). The district court has allowed the following claims to proceed under the ATS: safe navigation, freedom from piracy, and financing piracy ("Plaintiffs' piracy claims fall within the ambit of the Alien Tort Statute because piracy is a violation of the law of nations").
3. <i>Krishanti v. Rajaratnam</i> , 09-cv-5395, 2014 WL 1669873 (D.N.J. Apr. 28, 2014)	Pre-trial discovery.
4. <i>Ahmed v. Magan</i> , 10-cv-342, 2013 WL 4479077 (S.D. Ohio Aug. 20, 2013)	Defendant failed to appear and thus waived <i>Kiobel</i> defenses; judgment entered in plaintiff's favor.
5. <i>Sexual Minorities Uganda v. Lively</i> , 960 F. Supp. 2d 304 (D. Mass. 2013)	Pre-trial discovery.
6. <i>Mwani v. Bin Laden</i> , 947 F. Supp. 2d 1 (D.D.C. 2013)	Plaintiffs awarded damages for assault and battery. <i>Mwani v. Al Qaeda</i> , 2014 WL 4749182 (D.D.C. Sept. 25, 2014).