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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH TEXAS

RICHARD A. CHICHAKLI

PLAINTIFF

COMPLAINT

v.

UNITED STATES OF AMERICA

DEFENDANT

319 - CV 0372 - C

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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

RICHARD A. CHICHAKLI

PLAINTIFF

v.

COMPLAINT

UNITED STATES OF AMERICA

DEFENDANTS

1. COMES NOW Richard A. Chichakli, a private United States Citizen and a Pro-Se Plaintiff, and asserts before this Honorable Court his UNDISPUTED claim under 28 U.S.C §1346(b) and 28 U.S.C §2674 for Tort committed by, and has been fully ADDMITTED by Defendants; and demand restitution for damages, and for recovery of his assets, and for compensation in lieu of his assets which are plundered, lost, damaged, destroyed, or stolen by Defendants Officers and Employees, and defendant's agents including federal agents and employees; and defendants' contractors, assignees, and non-federal agents, known and unknown, all of which were and are involved in the seizing, handling, safekeeping, inspecting, assessing, accounting-for, storing, transporting, and the returning of Plaintiff's assets which were frozen and seized by Defendant on April 5, 2005 and of which the portion and reminder which was not stolen, plundered, destroyed, or otherwise illegally taken was returned on May 16, 2017.

2. Defendant the United States, namely the United States Treasury Office of Foreign Assets Control (OFAC) operates in total secrecy, sometimes directly and most common through other government agencies in overt and covert operations. Defendant the United States is herein inclusive of OFAC and all other Federal Agencies and Departments of the United States Government, Federal Officers and Employees, and contractors all of whom Defendant has used and/or deployed to act against this plaintiff, known or unknown, including the various nonfederal contractors entities involved in the matters related to the assets of this plaintiff referenced in (1) supra; including but not limited to Federal Agents, employees, and officials of the United States Department of Treasury and its Office of Foreign Assets Control (OFAC); the United States Department of Justice including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA) and its Special Operations Division (SOD), the office of United States Attorney in the Southern District of New York; and those contracted by the United States government including URS Corp Federal Service Division of Riverside California, and Theresa Newman – the Gemologist and appraiser whom is contracted by defendants to inspect and appraise Plaintiff's diamonds inventory; and those others retained by defendant to handle of assets of Richard Chichakli, whether known and unknown to this plaintiff.
3. Complainant affirms before this Court that defendant has admitted in writing his failure to return plaintiff's assets which this defendant is required, obligated, and MUST RETURN under the Laws and regulations of the United States and pursuant to Executive Order 13710. Thus; the violation of law and negligence by Defendant are undisputed.

4. This Plaintiff further asserts that Defendant has ACKNOWLEDGED his failure to return Plaintiff's assets as TORT, including his failure to return diamond, Gold, jewelry, and United States \$1,000 bills on May 16, 2017; and has JUDICIALLY ADMITTED such Act of Tort in Federal Court, namely before the United States Court of Federal Claims in Case No. 18-978C (See: Appendix-B); thus, DEFENDANT'S LIABILITY under 28 U.S.C §2674 is UNCONTESTED.
5. Plaintiff asserts that Defendant, his agents and employees, collectively together, and each and every single one of them have directly, intentionally and deliberately, damaged this plaintiff financially and removed all economic value from his assets, by (a) stealing, taking, plundering and causing the plundering of plaintiff's assets including inventories of gold, cut and polished diamonds, collectible United States \$1,000 currency bills, original arts, and other valuables which are enumerated in details hereinafter, (b) and by plundering and misappropriating cash, revenues, and accounts receivable from plaintiff businesses, and from alleged disposal of his assets including personal business properties including the accounts receivable of Plaintiff's Public Accounting Practices, and plaintiff's held mortgage and notes receivable, among other assets; (c) and by failing to pay plaintiff reasonable interest for illegal withholding of his assets after ordered to release such assets in 2015 for nearly two years after the assets ordered released by the President of the United States in Executive order 13710; and (d) by abusing their office and authority by failing to provide the required Due care, and violating Executive Order 13448, and the laws and regulations of the United States to deliberately hurt this plaintiff.
6. Plaintiff asserts that defendants have used and deployed deliberate planning and calculated efforts to steal Plaintiff's diamond and cash, and then to cover-up and conceal the stealing,

plundering, and taking of his most valuable diamonds from his inventory while in the custody of defendant. Defendant has acquired, hired, used, and deployed the precise academic and diamond-industry knowledge and expertise, and the presence of tools and professional know-how through defendant's contractor and codefendant Theresa Newman of 158 N. Glendora Ave, Unit K, Glendora CA. Defendant's contractor Newman is the person with knowledge, expertise, and full access to Plaintiffs' diamonds inventory; as well has the tools needed to assess and select the best diamonds which turned-up missing. In covering-up the stealing and plundering Defendant manipulated the inventory, maneuvered and redistributed stones from packets with multiple stones to the packets from which the large and most valuable stones are stolen in order to conceal the theft, for example, by replacing a 0.7 carat stone by a much smaller 0.07 carat stone for in lot number 129. Plaintiff asserts that defendant, as such, has caused clearl identifiable and measurable significant loos to this plaintiff for which restitution should be ordered by this Court. Defendants, namely, the United States Treasury has admitted in writing (See Exh. 19) his failure to account for significant part of plaintiff's assets, and has further further admitted in-writing his failure to return to plaintiff on May 16, 2019 the assets acknowledged to have had in custody few days earlier on May 9, 2017 and of which was inventoried in Defendant custody.

7. Plaintiff asserts that defendants have violated 28 U.S.C. § 1346(b), by deliberately stealing, embezzling, diverting, and causing the taking and disappearance of plaintiff assets, and by neglecting to exercise the required due care, and by failing to safeguard the assets of this plaintiff while in defendant's care custody and control, and by failing to return plaintiff's assets which they are required to return pursuant to the United States laws and Regulations, including Executive Order 13710.

8. Defendant "the United States" due to its negligence, reckless indifference, and wrongful acts caused serious financial damage to this Plaintiff for which damages this plaintiff is entitled to recover; and Defendants' deliberate delay and refusal to timely release and return Plaintiff's assets in 2015 after the issuance of Executive Order 13710 is illegal seizure in violation of this plaintiff's constitutional rights under the Forth, Fifth, and Fourteenth Amendments of the Constitution of United States.
9. Accordingly; Plaintiff asserts that defendant action, namely, the stealing, plundering, misappropriation, and the unconstitutional taking and unlawful depriving and seizure of Plaintiff assets, monies, valuable, and real personal property after Nov 2015 caused grave financial damages to Plaintiff; thus, this Plaintiff is entitled for damages and compensation, and all other reliefs permitted by law as this Court find just and proper.
10. On January 10, 2018 Plaintiff filed a written claim with Defendant OFAC in compliance with "FTCA" (Exh. 13) and Defendant was presented by Plaintiff's claim for compensation, and although has already admitted his failure to return the assets he took from plaintiff's, Defendant ignored Plaintiff's claim for 12 months and refused to settle this matter under the authority of 28 U.S.C. §2627; thus, mandating the necessity of Judicial intervention.

JURISDICTION AND VENUE

11. This Honorable Court has Jurisdiction under 28 U.S.C. §1346(b) has Exclusive Jurisdiction over this matter, a Tort claim against the United States to which nature, as "Tort" defendant has agreed and judicially admitted. Plaintiff's complaint has been further decided "Tort" by the Order of the United States Court of Federal Claims in case No.19-978C; thus, this his

Honorable Court has Jurisdiction under 28 U.S.C. § 1346, and 28 U.S.C. §1331. Within the limitation of 28 U.S.C. §2678, this Court has also further authority to award costs and fees under 28 U.S.C. §2412, and 5 U.S.C. §504. The venue in this District is correct and proper for Plaintiff resides in this district, and both of defendants' acts of taking Plaintiff's property into government custody, and the releasing back to plaintiff occurred in this district.

SOVERIGN IMMUNITY AND STATUTES OF LIMITATION

12. The Federal Tort Claim Act waives the United States claim of Sovereign Immunity allowing the Government to be sued. Furthermore, the APA 5 U.S.C §702 provides limited waiver of Sovereign Immunity pursuant to *Geronimo v. Obama* 725 Supp, 182 (D.C. C. 2010), and under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971)
13. This matter has arisen on May 16, 2017 upon Plaintiff's discovery of the plundering, theft, and illegal taking of his property by defendants and defendant's agent; thus, this matter is not barred and has been brought before this Court within the two-years statute of limitation.

STATEMENT OF THE ISSUE

14. The issue before this Court in this matter, is a clear Tort case against defendants, the Officers, Agents, Employees, and Officials of the United States Government, Department of Treasury Foreign Assets Control (OFAC), and his agents, and the working on behalf of Defendant; and whom combined and individual failure to execute the duties to which they are obligated to

adhere under the law resulted in damaging this Plaintiff, through defendant negligence and deliberate violation of the law by stealing, plundering, and embezzling Plaintiff's diamonds, cash, jewelry and other assets while the said assets, personal and real property of Plaintiff were blocked and held by defendant, in the care custody and under the full control of the United States Government. *This plaintiff uses the word "theft" in view of the elaborate deliberate efforts taken by Defendant to conceal the stealing as the records clearly proves.*

15. Defendant OFAC's admitted in writing to have "lost" significant part of Plaintiff assets which were originally blocked in 2005 and was ordered to be released in 2015. Defendant inventoried Plaintiff's blocked assets in 2006, and 2007 and reported the value of Plaintiffs' blocked assets to the United Nations Security Council as U.S. \$2.2 million, \$2 million, and \$1.65 million respectively (See: UN Security Council Reports S/2006/379 Table#6 Page-35; S/2006/976 Table#10 Page-37; and S/2007/340 Table#4 Page-29 – Exh.1)

16. The shortage variance is clearly illustrated within defendant's own official records; namely by comparing the inventory conducted by the Defendant's U.S. Office of the Inspector General of the United States Treasury in 2007 and the inventory created, also by the U.S. Treasury in 2014; and by the further shortage illustrated between the inventory created by the US Treasury in April/2017 and the actual items released to this Plaintiff in May/2017. **THE FACT THAT PLAINTIFF ASSETS ARE PLUNDERED, STOLEN, AND ILLEGALLY TAKEN BY DEFENDANTS IS IRREFUTABLE.**

17. It is further irrefutable in accordance to Court Records, that defendant in 2013 has UNOFFICIALLY transferred diamonds and cash from this Plaintiff's assets which were

blocked in 2005 and which were held in California to New York, un-inventoried, and without recording such transfer – an illegal act in violation of 31 C.F.R. 593.201 *et seq.* The illegal transfer of Plaintiff's "Blocked Assets" of diamonds and cash in 2013 was handled, off-records, by federal agents and officers with no authority over the blocked assets; UNOFFICIALLY and without "before-and-after inventory" related to the unofficial transfer.

18. Defendant although admitted its failure to return the blocked assets in accordance with Executive order 13710, and 50 U.S.C. § 1701 *et seq.* & 1601 *et seq.*, Defendants failed to make restitution to this plaintiff despite Plaintiff's demand for restitution under the authority of under the authority of 28 U.S.C. §2627.

19. Plaintiff asserts that defendant, the United States Government is liable Under 28 U.S.C. §§ 1346(b) for its negligence, and for the theft, plundering, and destruction of Plaintiff's assets, and for its failure to comply with Executive Orders 13448, and 13710; and 50 U.S.C. §1601 *et seq.*, and 31 C.F.R. §593.201 *et seq.* 50 USC 1601 *et Seq.*; and for violating this Plaintiff's Constitutional Right under the Fourth, Fifth, and Fourteenth Amendments; and therefore; this plaintiff is entitled for restitution and full compensation plus damages.

STATEMENT OF THE CASE

20. Plaintiff, Richard Ammar Chichakli, is a decorated and honorably served and discharged; disabled veteran of the United States Army with compensable service-related disability; and a former full-time employee of the United States Department of Justice. Plaintiff is also a former Certified Public Accountant (CPA) licensed in several states, including the state of Texas; and

former Part-time professor of accounting at various colleges and universities in Texas. Plaintiff is also a former licensed Real Estate Professional, and the owner and operator of several small businesses in the Dallas-Fort Worth area.

21. Plaintiff has long been associated with and in service of defendant, the United States Government. Plaintiff has served the United States as Uniformed Soldier, and civilian employee; in official and unofficial capacity, in several countries beside the United states, including various places in Europe, Africa, and the Middle East. Plaintiff certain service to defendant required maintaining relations with officials, influential persons, and persons of interest to the United States.

22. In 1995 This plaintiff was an economic advisor to a head of state in the United Arab Emirates (UAE), and he was then appointed to create a 100,000,000 Square Feet (10 million Sq. meter) "Free Economic Trade Zone" in the State of Sharjah-UAE. See Exhibit-2. It was then in UAE, in July of 1995 when this Plaintiff first met a person of interest to the United States, a 27 years-old Russian and alleged arms trafficker named Victor Bout who was a person of interest to the United States, the defendant.

23. Victor Bout had, since befriended by this plaintiff in 1995, assisted the Defendant – the United States government in places like Afghanistan in 2001, as the attached publicly available United Nations document published by IPIS Research reveals See Exhibit-3

24. On April 26, 2005 pursuant to Executive Order 13348 defendant the United States Government abruptly designated Plaintiff, Richard Chichakli, as "Specially Designated National" for allegedly violating the International Economic Power Act through his association with Victor Bout. The Designation was decided by the United States Treasury – Office of Foreign Assets Control (OFAC), pursuant to authority delegated to the Secretary of Treasury by the President of the United States through Executive Order 13348 signed by the President on July 22, 2004 under authority granted to the president by the International Economic Power Act (IEEPA) 50 U.S.C. §1701 *et seq.*

25. Defendant tried to justify the 2005 designation of Plaintiff by attempting a criminal case against this Plaintiff, as the 2005 designation and blocking of this plaintiff was quickly molded into three Grand Jury investigations into Plaintiff's personal and business affairs in three states; namely Texas, Virginia, and Washington DC, on the account of an FBI investigation identified as Case No. 315N-DL-982050-CRIM. ALL of the said three Grand Jury investigations were dismissed with no finding of any wrongdoing by Plaintiff as defendant testified in Federal Court in 2013, and the attempted 2005 creation of case no. 315N-DL-982050-CRIM was also dismissed by the Grand Jury on all of the invented charges against this Plaintiff without any indictment.

26. Pursuant to the Designation of Plaintiff on April 26, 2005 Defendant the United States Government blocked all of the assets of Richard Chichakli – personal and real, took his home, his vehicle, monies and bank accounts; blocked Plaintiff's business assets which included among other things, funds in several banks, accounts receivable, vehicles, passenger and cargo airplanes, airplanes engines and spare parts, inventory of cut and polished diamonds, business

equipment and furniture, and collection of original arts. Defendant also completely blocked and denied this plaintiff access to his paper and documents in order to hinder his ability to defend himself.

27. The unprecedented action defendant took against this plaintiff included Defendant barring plaintiff from working or creating business to earn living, and barring Plaintiff from transacting within the United States and with any US person; effectively, denying Plaintiff the ability to purchase food and sustain life without the prior written approval of the defendant. This unprecedented act clearly described in the attached Court transcript of Federal Judge William Pauley colloquy with Defendant the United States See Exhibit – 4

28. On May 2nd 2005 Plaintiff, being prevented from sustainment of life in the United States by defendant, left the US and travelled abroad. *No charges or indictment existed against this plaintiff in 2005 when this plaintiff left the United States.* Plaintiff travelled outside the United States in 2005 **AFTER** discussing his intention to leave the U.S. with the U.S. DOJ Official in-charge of the investigation; namely with John Cox III, and with the FBI, namely Dennis Brady the special agent in-charge. John Cox judicially admitted in Federal Court that this plaintiff was not subject to any arrest or indictment; thus, this plaintiff did not flee the United States as defendant falsely publicized (See: Exhibit -5)

29. Plaintiff unsuccessfully challenged his designation in 2005-2006; thus, he remained under the political economic sanctions which imposed in April 2005, until the said sanctions were abolished and terminated on November 11, 2015 by the President of the United States through Executive Order 13710.

30. On January 2nd, 2013 the United states government issued an indictment against this plaintiff where he was named as the ONLY defendant, alleging he *conspired* to violate the political economic sanction imposed upon him pursuant to Executive Order 13448. Plaintiff was arrested one week later by the INTERPOL in Australia, namely on January 9, 2013 (See: Exhibit – 6) and was extradited to the United States where he was convicted in the Southern District of New York and sentenced to 5-years imprisonment. Plaintiff served the imposed sentence and was released from prison in February 2017.

31. This plaintiff demanded inventory of his blocked assets from the Defendant, the United States Government as soon as the blockage took place in 2005; Plaintiff's demand for inventory was addressed namely to the U.S. Treasury – Office of Foreign Assets Control (OFAC), Robert Werner the Head of OFAC at that time; and to the Federal Bureau of Investigation (FBI), more particularly to William Hoffman and Dennis Brady the Agents in Charge located in Texas, and John Cox, II of the United States Department of Justice, in Washington DC. For the ensuing nine years 2005-2013 inclusive, Defendant refused to release inventory of plaintiff's asserts blocked in 2005. Noted that the search warrant authorized the FBI only to search-for and seize records, and the FBI's search return did not list any cash, jewelry, or valuable (See: Exhibit: 7a and 7b)

32. In 2013, Defendant - OFAC was ordered by the Court in Sothern District of New York to provide inventory of Plaintiff's blocked assets while plaintiff was on trial; accordingly, Defendant, manufactured and issued the hand-written inventory (attached herein as Exhibit – 8). The useless list provided by defendant did not include any of Plaintiff's real or personal

assets, other than partial list Plaintiff's inventory of diamonds, and the content of only one of the several bank deposit boxes which were maintained by this plaintiff's. It is NOTED that defendant deliberately, with malice, and for the purpose of concealing the ongoing theft, plundering, and destruction of Plaintiff's assets, hid and refuse to reveal to the Court in the SDNY, to purposely conceal his criminal activities against Plaintiff's assets, the 2007 inventory which defendant had conducted earlier in 2007 by the Treasury-OIG (Exhibit-10)

33. On November 12, 2015 the President of the United States Signed and issued Executive Order 13710 which effectively, and immediately removes all the political economic sanctions against Plaintiff; thus, unblocked Plaintiff assets, the subject of this lawsuit. (See: Federal Register Vol 80, No. 233, Page: 75897 dated 12/4/2015, Exhibit – 9)

34. Upon the removal of the sanctions and blocking against Plaintiff who was still then incarcerated, Plaintiff communicated with Defendant OFAC and assigned two representatives to receive on his behalf the assets unblocked pursuant to Executive Order 13710 (EO-3710) of November 2015 and must be returned. Defendant deliberately failed to communicate with Plaintiff's legal representatives, refused to issue accounting of Plaintiff's blocked assets, and did not release Plaintiff's assets. *As such*, the Defendant has taken, held, and illegally seized without a cause or warrant Plaintiff's assets for nearly two years, from November 11, 2015 through May 16, 2017, in violation of Executive Order 13710; and the Forth and Fourteenth Amendments of the United States Constitution.

35. On May 22, 2007 the Inspector General of the United States Treasury ordered an inventory of Plaintiff's office "safe" be conducted. The result of this inventory (Exh. 10) provides irrefutable records and proof of the assets in possession of Defendant OFAC in 2007; two years

after such assets were blocked in 2005 and taken into the custody of defendant OFAC; DEFENDANT OFAC CANNOT ACCOUNT FOR THE 2007 INVENTORIED ASSETS from which, the Defendant has clearly stolen all valuable diamonds, US \$1,000 currency bills, Men Jewelry, and other valuables. The deliberate manipulation to conceal the theft by Defendant's officers, agents, and employees leave no place for any doubt about the nature of the disappearance of Plaintiff's assets while in the custody of defendant. Plaintiff is using Defendant's inventory dated May 22, 2007 as the ground upon which this claim is based. The OIG inventory is attached herewith as Exhibit-10

36. On April 20, 2017 the Defendant US Government through OFAC, notified Plaintiff that DEFENDANT CANNOT ACCOUNT FOR PLAINTIFF'S ASSETS (See: Exh. 19), and provided inventory of the available Plaintiffs' assets which will be released and turned over to him on May 16, 2017. Three Weeks later, on May/16/2017 DEFENDANT FAILED TO RETURN THE ASSETS ADMITT TO VAVE IN HIS POSSESSION IN APRIL/2017

37. The Date on which defendant actually returned Plaintiff assets, being May/16/2017 is more than One year and one-half of a year after EO-13710 ordering the removal of sanction and return of plaintiff properties was issued. Thus; This plaintiff assert that the government has Illegally seized without a warrant his assets for one and one-half year in violation of the Forth Amendment of the United States Constitution; and therefore, he is entitled for compensation. The listing of the assets which was supposed to be returned to this Plaintiff by Defendant OFAC on May 17, 2017 is attached herein as Exhibit-11

38. On May 17, 2017 Defendant FAILED to return all of the properties included in Defendant's own list dated April 20, 2017. Assets that were stolen and missing from Defendant's May/2017 list included Collectible US Currency \$1,000 notes, all men's jewelry, and various Gold items; which are all disappeared from "Defendant's Box" while the property in the hands of the federal agents whom are tasked to bring and deliver to Plaintiff the said assets in Dallas. The few items which are stolen from Plaintiff's property in the three weeks between 4/20/2017 and 5/17/2017 are valued in excess of Ten Thousand (\$10,000) U.S. Dollar. Defendant acknowledged in writing his failure to deliver the items referenced in the Paragraph above which include cash, Gold, and men's jewelry, as clearly indicated in items number 33, 34, and 35 of defendant's "Receipt of Returned Property" marked herein as Exhibit-12

39. Further inspection of the returned items indicated that Plaintiff's returned Diamonds inventory is missing approximately 20 carats of unmounted, cut, and polished diamonds. The stolen stones are the entire inventory of One (1) carat or larger diamonds, and almost all the stones of VVS-clarity higher than 0.7 carat in weight. A complete list of the missing stones is provided in Appendix-A.

40. The determination of stolen diamonds has been determined by comparing the list of diamonds inventories by the Office of the Inspector General in 2007 (marked here as Exhibit-10) to the inventory delivered by the US Treasury-OFAC in 2017. The comparison includes the counts of stones in each of the pre-numbered and labeled packets, as well as the number of packets of diamond; the comparison also includes the count of US Currency \$1,000 notes, and the count of the foreign currencies' notes, as well as the items of Jewelry.

41. Plaintiff firmly asserts that the missing diamonds stones were present in defendant's inventory of 2007, and they were after that date stolen the agents of defendant.
42. Plaintiff further asserts that the cash estimated at \$40,000 was present in Plaintiff assets until Plaintiff's box of diamonds which was blocked in 2005, and the said amounts of cash; in violation of E.O. 13348 and 31 C.F.R. §593.201 *et seq.*, were unofficially and illegally transferred from California to New York, and were off-records insecurely handled by the former US Attorney Preet Bharara and his assistants Ian McGinley, and Christopher Everdell, as they attempted to invent a violation of IEEPA by offering the said items to Plaintiff in 2013 (through his stand-by attorney Marlon Kirton), while plaintiff was still under sanction and incarcerated. The Court transcripts in the US v Chichakli, clearly documents these indisputable facts. Marlon Kirton testified before Judge William Pauly in the SDNY that he was offered the box of diamonds and the cash stated herein.
43. Plaintiff further asserts that his collection of US \$1,000 notes, men's jewelry in diamonds rings, and heavy chains in 22Karat gold, all identified, inventoried, and indicated in the 2007 UDS Treasury OIG inventory, and OFAC April 2017 inventory were stolen from his property by defendant during the period April/2017 through May/2017; thus, the defendant US Government failed to deliver these items to Plaintiff on May 17, 2017
44. - cash estimated at \$40,000 was present in Plaintiff assets until Plaintiff's box of diamonds which was blocked in 2005, and the said amounts of cash; in violation of E.O. 13348 and 31 C.F.R. §593.the said money has also disappeared, as well as the proceed from the sale of two real estate properties that were blocked in 2005, as well more than \$80,000 in accounts

receivable, and unknown sum of money defendant receive from the sale of the business assets of this plaintiff.

45. Defendant, the United States represented by its federal agents and contractors went into elaborate and deliberate criminal acts to cover-up and conceal the theft of Plaintiff's diamonds. Defendant deliberately tried to conceal the government stealing and plundering Plaintiff's diamonds, by replacing the large very-expensive stones of diamonds they took with the small and inexpensive diamonds taken from Plaintiff's inventory. For example, the OIG inventory dated May 22, 2007 of Plaintiff's diamonds reveals in item no- 48, page-2 that Five (5) diamonds existed in Plaintiff's packet #39. The government agents took four of the five stones in packet#39 and used them to replace the large stones they have stolen from other packets such as Packets #165, 163, 148, 152, 106, etc. (see Appendix-A for complete list of diamond stolen by federal agents). Plaintiff asserts that the extensive and elaborate efforts, and the planned deliberate acts taken by defendant, the United States, to cover-up the crime of its agents, and the theft of Plaintiff's assets leaves no doubt about the nature and extent of the shameful criminal act of defendant's agents. THUS; this plaintiff is entitled for full restitution for the current market value assets stolen and plundered by the federal agents, plus interest, plus damages for illegal taking and loss of use.

46. In December 2018 and January 2019 this plaintiff had the remaining diamond evaluated by a certified Diamond laboratory in New York, and appraised by USG which is an acknowledged top authority on appraisal of diamonds. The appraisal revealed that the value of only the diamonds stolen or otherwise "Lost" by the Defendant worth in the wholesale market today in

excess of \$100,000, where each of the bigger diamond stones stolen from plaintiff's lots number 140 through 165 worth no less than \$10,000 each. Thus; This Plaintiff is demanding no less than \$100,000 to be paid by defendant for the stolen/lost diamonds alone.

47. Plaintiff communicated with OFAC and raised the issue of his missing and stolen property, and Defendant acknowledged receiving Plaintiff's demand for restitution. Defendant, other than admitting his failure to return Plaintiff's property, and the variances in his own inventories from 2007 to 2017 refused to offer restitution (see: OFAC Letter to Plaintiff in Exhibit 10)
48. On January 2018 Plaintiff notified defendant of his intent to file a lawsuit unless defendant receives adequate compensation for the assets stolen by defendant's officers, agents, and employees; and/or destroyed or missing. As of one year since Plaintiff demanded recovery from Defendant in 2017, and six months after Plaintiff notified defendant of his intention to take legal action to recover the property stolen by Defendant's agents; Defendant – the United States OFAC, arrogantly refused to respond; thus, mandating legal action in a Court of Law within the Statute of Limitation. (See: Exhibit – 13)

ARGUMENT

49. claims under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346(b), 2671-2680 requires analogous tort liability against a "private individual under like circumstances." The Supreme Court identified this requirement as an elements a claim must possess to fall within the FTCA's limited waiver of sovereign immunity. See *F.D.I.C. v. Meyer*, 510 U.S. 471, 477 (1994) (citing 28 U.S.C. § 1346(b)). The FTCA provides that courts may only exercise jurisdiction over:

claims against the United States, for money damages . . . *for injury or loss of property, or personal injury or death caused by their negligent or wrongful act or omission . . . under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.* 28 U.S.C. § 1346(b)(1) (2010) (*emphasis added*). The statute also provides that:

[t]he United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances.

50. This case PERFECTLY FITS within the parameter set forth by the Supreme Court of the United States in *F.D.I.C. v. Meyer*. Here we have Defendant OFAC “Us Government” in possession of assets which they are required to safekeep and account for pursuant to an Executive Order and the Code of Federal Regulation, but instead the defendant plunder, steal, embezzle, and destroy the said assets in clear violation of the law. A private person would be liable in this case, so is the government is clearly liable here.

51. Plaintiff’s assets were blocked on April 26, 2005 pursuant to 50 U.S.C. §1701 *et seq.*. Title-50, known as “The International Economic Emergency Power Act (IEEPA)” DOES NOT authorize, nor operationally transfers the title of blocked property to the government of the United States – the defendant; thus. The title of Plaintiff’s property which was blocked by Defendant in 2005 remain vested in this plaintiff until such blockade is removed. The head of US Treasury - OFAC judicially declared, under oath, in his affidavit that the blocking is

temporary, and it is used as bargaining chip to induce cooperation with the government. (See the declaration of Adam Szubin, Chichakli v. Szubin 3-06-CV01546, Page-3, at #9 and #10, attached herein as Exhibit- 14)

52. Defendant, the United States collectively through all of its departments, agencies, and contractors is obligated pursuant to EO 13348 and 31 C.F.R. 593.201 *et seq.* to safekeep and maintain the blocked assets; defendant is particularly required to report and account for such blocked assets pursuant to 31 C.F.R. §593.601. (See: Exhibit -15)

PLAINTIFF'S FIRST CLAIM

THEFT AND PLUNDERING OF PLAINTIFF'S ASSET BY DEFENDANT

53. Defendant the United States, collectively through its departments, agencies, and contractors has stolen, embezzled, plundered, or otherwise illegally took, and failed to return to plaintiff diamonds with an estimated value in excess of one hundred thousand dollar (US \$100,000), cash and disregard of one million dollar (\$1,000,000) including revenues from disposal of plaintiff's real properties, U.S and Foreign collectible currencies and bank notes valued at more than Seventy thousand dollar (\$70,000), business accounts receivable of approximately \$80,000, Mortgage note receivable of more than \$20,000 as lien held in favor of Plaintiff was removed (See: Navaro Note, Exhibit- 16), original arts from Plaintiff's public accounting Office with verifiable acquisition value of \$320,000, in addition to \$45,000 in jewelry, gold and other property.

54. Defendant admitted his failure to return plaintiff property as he must do in accordance with the law, and as mandated by executive order 13710. Plaintiff asserts that Defendant violated 31 C.F.R. 593.201 *et seq* and Executive Order 13348 by failing to account for the assets of this plaintiff since the blockade of the said assets in 2005 and until the blockaded was terminated in 2015. Defendant failure to account is a clear violation of 31 C.F.R. §593.601, 31 C.F.R. §593.504, and 31 C.F.R. §501.603

55. The loss and destruction of plaintiff's assets although mainly done through the direct theft and embezzlement of cash, diamonds, Gold, Jewelry, and other valuable; it was further aggravated due to the "careless indifference" and deliberate neglect of duty. For example; Defendant's special agent William Hoffman of the FBI judicially admitted, under oath, in Federal Court to have "left half of million-dollar (\$500,000) worth of Diamonds, Gold, Jewelry, cash, and valuables which he found in Plaintiff's Safe unattended, un-inventories, and undocumented (See: Exhibit 17, page 540 #7). It was from Plaintiff's security safe in his office 20 bills of 1933 US \$1,000 currency notes purchased for 68,000 in 2005 were stolen, along with all men's gold and diamond jewelry, and \$38,000 Gold Breitling Emergency Transmitter watch registered to Plaintiff's name.

56. Knowing for a fact that agents of defendant have stolen diamond, and cash from plaintiff's assets when it was brought from California to Dallas between April/20/2017 and May/17/2017; this plaintiff believes that the it was defendant's agents who had stolen from the safe in plaintiff's office the assets mentioned above (in 46-supra).

57. Theft by Defendant's agents - rather than accidental loss or misplacement is clearly manifested here by the extraordinary measures, and the calculated efforts taken by Defendant to conceal the theft of plaintiff's diamonds, and to protect those who committed the stealing. Defendant deliberately moved smaller diamonds from packets with multiple stones to replace the one the defendant has stolen in an attempt to cover-up the criminal activities defendants had committed against this plaintiff's property as the records clearly prove.

PLAINTIFF'S SECOND CLAIM

REMOVAL OF ECONOMIC VALUE FROM PLAINTIFF'S ASSET BY DEFENDANT

58. Defendant has deliberately caused the loss of economic value of plaintiff's monetary asset of nearly one million dollars in cash deposits at various US banking institution by failing its OBLIGATION to place Plaintiff's blocked fund in interest-bearing account as MANDATED-BY, and in accordance with 31 C.F.R. §593.203 which obligate defendant to hold blocked funds in interest-bearing accounts. This plaintiff asserts that defendant intended to destroy Chichakli's assets in clear violation of 31 C.F.R. §593.203, and disregard to the law; thus, defendant is liable and must pay restitution and damages.

59. Defendant has further intentionally destroyed the blocked assets of Plaintiff by irrationally disposing all of the income generating blocked property; namely, the rental properties held by Plaintiff Chichakli while at the same time creating financial obligations to drain cash from plaintiff's account. For example, Defendant STORED plaintiff's personal vehicle, a \$110,000 Vehicle, exposed to Texas sun and unprotected, for 12 YEARS at the expense of plaintiff, and at an astronomical cost which exceeded the cost of the vehicle as new; purposely to drain plaintiff's cash in banks, and waste plaintiff's financial resources to enrich Defendant's

business associates. At the same time defendant refused to allow renting the income-generating investment rental properties held by Plaintiff in order to hurt plaintiff, as clearly described in the communication of Plaintiff's attorney to the United States Secretary of Treasury, attached herein as Exhibit-18. Defendant knew that Plaintiff's vehicles will have zero-dollar value and be absolutely worthless when returned to Plaintiff after being stored without being run or maintained for 12 years. The intentional destruction is vividly clear and obvious.

60. Plaintiff asserts that Defendant has intentional destroyed Plaintiff's assets and deliberately removed the economic value from such assets in violation of 31 C.F.R. 593.201 *et seq.*, failed to comply with 31 C.F.R. §593.203 and Executive Order 13348, and failed to account for the assets of this plaintiff since the blockade of the said assets in 2005 and until the blockaded was terminated in 2015 in violation of 31 C.F.R. §593.601, 31 C.F.R. §593.504, and 31 C.F.R. §501.603; Therefore, Defendant is liable to Plaintiff and should compensate Plaintiff in restitution and damages.

PLAINTIFF'S THIRD CLAIM

ILLEGAL TAKING AND SEIZURE OF PLAINTIFF'S ASSET BY DEFENDANT FOR ONE AND ONE-HALF YEAR AFTER THE REMOVAL OF SANCTIONS

61. The Fourth Amendment of the United States Constitution Declares and Grants that:

"The right of people to be secured in their person, houses, papers, and effects, against unreasonable search and seizures, shall not be violated"

(Fourth Amendment of the United States Constitution)

62. The Fourteenth Amendment of the United States Constitution Declares and Grants that:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" (Fourteenth Amendment of the United States Constitution, Section-1)

63. The Fifth Amendment of the United States Constitution Declares and Grants that:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." (Fifth Amendment of the United States Constitution)

64. Plaintiff asserts that Defendant has violated constitutional rights guaranteed to this plaintiff under the Fourth, Fifth, and Fourteenth Amendments of the Constitution of the United States; as defendant has Deprived Plaintiff from his property without just compensation in violation

of the Fifth and Fourteenth Amendments, and by unlawfully and unreasonably seizing Plaintiff's asset and property after the removal of sanctions.

65. On November 12, 2015 the President of the United States signed in Executive Order 13710 the revocation of Executive Order 13348, and the termination of sanctions imposed upon this plaintiff in 2005. The Termination of Sanctions in E.O. 13710 terminate any legal cause upon which defendant could block, seize, hold, search, or maintain the property and assets of Plaintiff Richard Chichakli; this is incontrovertible constitutional right; THUS, Defendant's refusal to release Plaintiff's property to those designated by plaintiff; namely His daughter and his former spouse, is illegal seizure of Plaintiff's assets, and a clear violation of the Plaintiff's guaranteed Constitutional rights under the Fourth Amendment.

66. Defendant has illegally and unconstitutionally deprived this Plaintiff from his property for more than 18 month, precisely, for the period November/2015 through May/2017. Defendant the United States Government – OFAC, has no right, and has no legal ground upon which it delayed the release of Plaintiff's assets and property from the blockade. A delay of a year and half is a clear illegal taking in according to the mandate of the United States Court of Appeals in the Ninth Circuit where it found, this particular defendant OFAC in violation of the Fourth Amendment and decided:

“[I]n summary, no Exception applies to OFAC's warrantless seizure of AHIF-Oregon's assets, and the seizure is not justified under the “general reasonableness” test. We therefore hold that OFAC violated AHIF-Oregon's Fourth Amendment right to be free of unreasonable seizure. Because the district

Court did not reach the issue of remedy and because the parties did not brief the issue before us, We remand to the District Court to determine, in the first instance, what remedy, if any is available.” *AHIF*, 686 F.3d at 995

Here; the remedy sought is set forth in “Wherefore” Clause

67. Defendant, namely OFAC of the US Treasury, an affirmed violator of constitutional rights as determined by the United States Court of Appeals for the Ninth Circuit, has in violation of the US Constitution, plundered Plaintiff’s assets while illegally held Chichakli’s diamonds, cash, and other valuable for one and one-half year without legal basis, and after the sanction was long gone, purposely to hurt Plaintiff by depriving him from the use of his property and its benefits. The notorious practices of intentional delay, in this instance case more than 18-months of delayed release of Plaintiff’s property, by Defendant – OFAC has been ruled unconstitutional by the United States Court of Appeals for the 9th Circuit in *Alharamain*, 585 F. Supp. 2d 1263, where the Court decided “[E]ven a temporary deprivation of property, as blocking is, constitute meaningful interference with property and qualifies as “seizure” for the purpose of the Fourth Amendment”; in accordance with decision of the United States Supreme Court where the Court Decided “Holding Luggage for 90 minutes constitute Seizure”, See: *United States V. Place*, 462 U.S. 696, 103 S. Ct. 2637, 77 L. Ed. 2d 110 (1983); *Flores V. United States*, 551 F. 2d 1169, 1175n. 6 (9th Cir. 1977) (Seizure can Ripen into permanent taking)

68. WHEREFORE;

Plaintiff respectfully request judgment, and all of the foregoing, declaring that:

- a. Defendant own records prove beyond any doubt, and with absolute certainty that Defendant failed to return, at-least, Plaintiff' assets which defendant himself had inventoried in his possession and under his control in 2007, and which defendant further admitted that his failure to return to plaintiff and account for; and
- b. Defendant has clearly, unconstitutionally, and without any legal cause or ground, seized Plaintiff's assets for more than one and one-half year after the removal of sanction, and has deprived Plaintiff from having and benefiting from his property, as defendant refused and failed to timely return Plaintiff assets; thus, violating Plaintiff's Constitutional Rights; and
- c. Defendant has deliberately damaged Plaintiff by clearly violating 31 C.F.R. §593.203 which obligate defendant to hold blocked funds in interest-bearing accounts, and unlawfully cancelled notes receivable and accounts receivable due to Plaintiff; among the multitude of other intentional destructives schemes defendants used to remove the economic value from the blocked assets of Plaintiff;

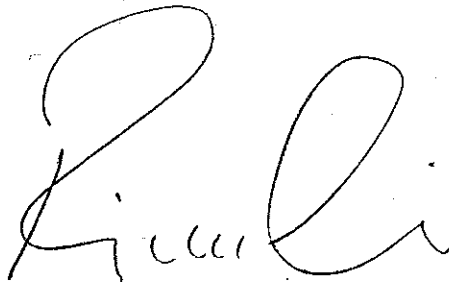
69. Plaintiff asserts that he is entitled to a full and complete restitution in the entire amount Defendant has estimated, assessed, and officially reported to the United Nation through the United States Department of State, in the sum of One million Six hundred and fifty thousand US dollar (US \$1,650,000) or any greater amount, in addition to 18-month interest on the

said principal, being interest this Plaintiff has been deprived from due to defendant unlawful seizure-of, and refusal to release Plaintiff's assets for an extra one and one-half of a year after the removal of sanction; and

70. Such other and further damages for defendant's failure to comply with 31 C.F.R. §593.203 which obligate defendant to hold blocked funds in interest-bearing accounts, and for the theft and destruction of plaintiff's assets, and for loss of use as may be awarded by the bench in the time of trial as being, just, proper, and equitable.

Dated: February 15, 2019
Plano, Texas

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Richard A. Chichakli', written in a cursive style.

Richard A. Chichakli
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