



Court File No.

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

Electronically issued : 24-Jan-2020  
Délivré par voie électronique : 24-Jan-2020  
Toronto

**BETWEEN:**

**JOHN DOE**

**Plaintiff**

**-and-**

**ISLAMIC REPUBLIC OF IRAN, ISLAMIC REVOLUTIONARY GUARD CORPS also known as ARMY OF THE GUARDIANS OF THE ISLAMIC REVOLUTION also known as IRANIAN REVOLUTIONARY GUARD CORPS, IRANIAN ARMED FORCES also known as ARMED FORCES OF THE ISLAMIC REPUBLIC OF IRAN, ALI KHAMENEI also known as SUPREME LEADER OF IRAN, MOHAMMAD BAGHERI also known as MOHAMMAD-HOSSEIN AFSHORDI, HOSSEIN SALAMI, SEYYED ABDOLRAHIM MOUSAVI and AMIR ALI HAJIZADEH**

**Defendants**

**PROCEEDING UNDER THE *CLASS PROCEEDINGS ACT, 1992***

**STATEMENT OF CLAIM**

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the *Rules of Civil Procedure*, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the *Rules of Civil Procedure*. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date January 24, 2020 Issued by \_\_\_\_\_  
Local Registrar

Address of court office: Superior Court of Justice  
330 University Avenue, 9th Floor  
Toronto ON M5G 1R7

**TO:** Islamic Republic of Iran  
Deputy Minister of Foreign Affairs  
Government of Canada  
125 Sussex Drive  
Ottawa, Ontario, K1A 0G2

**AND TO:** Islamic Revolutionary Guard Corps Also Known As Army Of The  
Guardians Of The Islamic Revolution Also Known As Iranian  
Revolutionary Guard Corps  
Deputy Minister of Foreign Affairs  
Government of Canada  
125 Sussex Drive  
Ottawa, Ontario, K1A 0G2

**AND TO:** Iranian Armed Forces  
Deputy Minister of Foreign Affairs  
Government of Canada  
125 Sussex Drive  
Ottawa, Ontario, K1A 0G2

**AND TO:** Ali Khamenei Also Known As Supreme Leader Of Iran  
Deputy Minister of Foreign Affairs  
Government of Canada  
125 Sussex Drive  
Ottawa, Ontario, K1A 0G2

-AND-

Office of the Supreme Leader  
Pasteur Street - Palestine Avenue,  
Pasteur Sq.  
Tehran, District 11, عطارد،  
Tehran Province  
Iran

**AND TO:** Mohammad Bagheri Also Known As Mohammad-Hossein Afshordi  
Deputy Minister of Foreign Affairs  
Government of Canada  
125 Sussex Drive  
Ottawa, Ontario, K1A 0G2

-AND-

Shariati Street  
Qasr Intersection  
Tehran Province, Tehran  
Iran

**AND TO:** Hossein Salami  
Deputy Minister of Foreign Affairs  
Government of Canada  
125 Sussex Drive  
Ottawa, Ontario, K1A 0G2

-AND-

Dowshan Tappeh,  
Jaddeh-ye-Makhsus-e-Qasr-e-Firouzeh,  
Shahid KolaahDouz settlement (Town),  
Tehran,  
Iran

**AND TO:** Seyyed Abdolrahim Mousavi  
Deputy Minister of Foreign Affairs  
Government of Canada  
125 Sussex Drive  
Ottawa, Ontario, K1A 0G2

-AND-

Shariati Avenue,  
Shahid Ghodousi intersection,  
Tehran  
Iran

-AND-

Khatam Al Anbia Air Defense Base  
Basij Mostazafin Motorway - TAKHTI Road - HEJRAT Highway  
Tehran,  
Iran

-AND-

End of Shahid Rahimi Street,  
Basij Highway  
Tehran,  
Postcode: 1781813513  
Iran

**AND TO:** Amir Ali Hajizadeh  
Deputy Minister of Foreign Affairs  
Government of Canada  
125 Sussex Drive  
Ottawa, Ontario, K1A 0G2

-AND-

Tehran- Karaj Parkway, between HEMMAT highway & HAKIM  
Motorway  
Tehran District 22,  
CHITKAR Town  
Tehran  
Iran

## CLAIM

1. The plaintiff, John Doe, brings this action as a representative plaintiff under the provisions of the *Class Proceedings Act*, S.O.1992, c.6 for:
  - a) Damages in the estimated amount of \$1 billion arising from an act of terror perpetrated by the defendants against the plaintiff and the members of the plaintiff class pursuant to the *Justice for Victims of Terrorism Act S.C. 2012*, or, alternatively, on the basis of negligence;
  - b) Punitive, exemplary and aggravated damages in the estimated amount of an additional \$500 million;
  - c) An order certifying this proceeding as a class proceeding and appointing John Doe as the representative plaintiff for the class and any appropriate subclass thereof;
  - d) Damages pursuant to Section 61 of the *Family Law Act*, R.S.O. 1990, c. F.3;
  - e) Costs of this class action as against the defendants on a substantial indemnity basis or upon grounds this court deems to be just;
  - f) Pre- and post-judgment interest upon all amounts to be paid by the defendants pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C.43; and
  - g) Such further and other relief as counsel may advise and this court permit.
2. The representative plaintiff, "John Doe", is the immediate family member of Jack Doe, who was killed in the crash of Ukrainian International Airlines Flight Number PS752 on or around January 8, 2020.

3. The representative plaintiff has family members who are presently living in Iran. He has a well-founded and reasonable belief that if his true identity was revealed in this pleading, that his Iranian family would be put at risk of harm or death by the Iranian regime.
4. The defendant, Islamic Republic of Iran ("Iran"), is a designated foreign state supporter of terrorism under the *Justice for Victims of Terrorism Act*, S.C. 2012, c.1, s.2, and under the *State Immunity Act*, R.S.C., 1985, c. S-18, and Regulation SOR/2012-170 that contains a List of Foreign State Supporters of Terrorism which includes the defendants, Islamic Republic of Iran, Islamic Revolutionary Guard Corps also known as Army of the Guardians of the Islamic Revolution also known as Iranian Revolutionary Guard Corps, Iranian Armed Forces also known as Armed Forces of the Islamic Republic of Iran.
5. The defendant, Islamic Revolutionary Guard Corps also known as Army of the Guardians of the Islamic Revolution also known as Iranian Revolutionary Guard Corps ("IRGC"), is an independent branch of the Iranian Armed Forces. IRGC controls the Iranian air force known as the Aerospace Force of the Army of the Guardians of the Islamic Revolution.
6. The defendant, Iranian Armed Forces also known as Armed Forces of the Islamic Republic of Iran ("IAF"), is a military force of the Islamic Republic of Iran.
7. The defendant, Ali Khamenei also known as Supreme Leader of Iran, is the leader of Iran, the head and general commander of the IAF and IRGC and holds ultimate authority in Iran.

8. The defendant, Mohammad Bagheri also known as Mohammad-Hossein Afshordi, is the Chief of Staff for the IAF.
9. The defendant, Hossein Salami, is the Commander-in-Chief of the IRGC.
10. The defendant, Seyyed Abdolrahim Mousavi, is the Commander-in-Chief of the Islamic Republic of Iran Army, which is part of the IAF. Seyyed Abdolrahim Mousavi is also the Commander of Khatam al-Anbiya Air Defense Base.
11. The defendant, Amir Ali Hajizadeh, is the Commander of Aerospace Force of the Islamic Revolutionary Guard Corps.
12. The plaintiff pleads that Iran is a foreign state upon which service of this Statement of Claim may be made by delivery of same to the Deputy Minister of Foreign Affairs pursuant to Section 9(2) of the *State Immunity Act*, R.S.C. 1985, c.S-18.
13. The plaintiff pleads that the Statement of Claim may be served on the defendants outside the Province of Ontario, without leave, pursuant to Rule 17.02(m) of the Rules of Civil Procedure.
14. The plaintiff pleads that service of this claim on Iran amounts to good service on all the other remaining defendants, all of whom are agents of Iran and subject to the direct authority and control of Iran.
15. The plaintiff pleads and the facts are that on January 8, 2020 at approximately 6:12 PM local time, Ukrainian International Airlines Flight PS752 took off from Tehran's Khomeini International Airport, bound for Kiev, Ukraine.

16. The aircraft was a Boeing 737-800, one of the international airline industry's most widely used and safest aircraft models.
17. Immediately following the plane's departure from the runway and within the airspace designated for commercial flights to depart Tehran, the aircraft appeared to turn around to return to the runway but shortly thereafter it crashed to the ground.
18. Iran initially took the position that the aircraft suffered a technical problem shortly after takeoff, resulting in Tehran airport authorities losing radar contact when the aircraft was at an altitude of approximately 8000 feet.
19. Reliable video evidence disclosed that the plane was shot down by two Iranian surface-to-air missiles triggered by defendants and each of them. The defendants launched the surface-to-air missiles from the Khatam al-Anbiya Air Defense Base.
20. On January 11, 2020, the President of Iran, Hassan Rouhani, on behalf of and authorized by Iran, admitted that military forces of Iran and the Islamic Revolutionary Guard Corps shot the plane from the sky. He described it as an "unforgivable mistake."
21. Subsequently, the Supreme Leader of Iran, Ali Khamenei, ordered the Iranian military to investigate "the possible shortcomings or mistakes" that led to the crash.
22. On board the ill-fated Ukrainian aircraft were approximately 176 people comprising Canadians, Iranians, Ukrainians, Swedes, Afghans, Britons, Germans and a nine-member flight crew. Of the passengers on board, 138 were traveling to Canada via the Ukraine.



23. There were no survivors of the shooting down of the aircraft by Iran.
24. The plaintiff pleads that the shooting down of the aircraft by the defendants was an intentional and deliberate act of terrorism perpetrated by the defendants and each of them, as against the representative plaintiff and the members of the class.
25. The plaintiff relies upon the provisions of the *Class Proceedings Act, 1992* and pleads that this action fully complies with the provisions of Section 5(1) of that Act and that it should therefore be certified by the court as a class proceeding.
26. The representative plaintiff submits that the class to be certified by this court comprises the estates or representatives of the estate of all of the victims of the Ukrainian International Airlines Flight PS752 plane crash regardless of nationality.
27. The plaintiff pleads and relies upon the *Justice for Victims of Terrorism Act S.C. 2012*, ("JVTA") and specifically Section 4.
28. The plaintiff further pleads and relies upon Section 6.1(1) of the *State Immunity Act, R.C.S. 1985*, c. S-18 and states that Iran is not immune from the jurisdiction of this court in proceedings against it for acts of terrorism.
29. The plaintiffs further plead and rely upon a Decision of the Court of Appeal for Ontario in *Tracy v. Iranian Ministry of Information and Security*, [2017] O.J. No. 3480, as common law authority for this proceeding.
30. The plaintiff further pleads, alternatively, that in shooting down the aircraft, the defendants and each of them, conducted themselves recklessly, wantonly and in

a high-handed manner and that this conduct amounted to a terrorist act under the JVTA ,whether the defendants intended to conduct themselves in that manner or were negligent in that conduct.

31. Alternatively, the plaintiff pleads that the defendants failed to meet any reasonable standard of care when they launched missiles from their base in Tehran and were thereby negligent in their conduct throughout that resulted in the destruction of the aircraft and the subsequent death of all of the passengers on board.
32. The plaintiff further pleads that Iran is designated under Canadian law as a state sponsor of terrorism.
33. The plaintiff, on his own behalf and on behalf of the members of the class, estimate damages in the approximate amount of \$1 billion, the particulars of which shall be produced during the examination phase of this lawsuit.
34. The plaintiff further claims punitive, exemplary and aggravated damages as against the defendants and each of them, arising from their egregious, inhumane, terrorist conduct in intentionally, recklessly or, alternatively, negligently shooting the Ukrainian aircraft from the sky, causing it to crash with the death of all on board estimated to be in the further amount of \$500 million.
35. The plaintiff further claims its costs of this proceeding pursuant to Sections 31, 32 and 33 of the *Class Proceedings Act, 1992*.
36. The representative plaintiff John Doe brings this action on behalf of all passengers on board Ukraine International Airlines Flight PS752. John Doe also brings this

action under the provisions of the *Family Law Act* for damages arising as a result of the injuries and losses sustained by the passengers' family members.

37. The plaintiff, as the proposed representative plaintiff, does not have any interest adverse to any of the members of the proposed class. The plaintiff states that there is an identifiable class that would be fairly and adequately represented by the plaintiff, that his claim raises common issues, and that a class proceeding would be the preferable procedure for the resolution of such common issues.
38. The plaintiff further pleads that the hearing of this action take place before a Justice of the Ontario Superior Court of Justice at Toronto, Ontario together with a civil jury.

January 24, 2020

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Lawyers for the plaintiff

**JOHN DOE**

-and-

**ISLAMIC REPUBLIC OF IRAN et al**

**Plaintiff**

**Defendants**

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**PROCEEDING COMMENCED AT  
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**STATEMENT OF CLAIM**

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