

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
Case No. 1:25-cv-20040-JB

MATTHEW JOHN HEATH *et al*,

Plaintiffs,

vs.

NICOLÁS MADURO MOROS *et al.*,

Defendants.

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**PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT AS TO ALL DEFENDANTS**

Plaintiffs move pursuant to Federal Rule of Civil Procedure 55(b)(2) for the Court to enter judgment by default against Nicolás Maduro Moros (“Nicolás Maduro” or “Maduro”), Vladimir Padrino López (“Padrino López”), Néstor Luis Reverol Torres (“Reverol Torres”), Tarek William Saab Halabi (“Tarek Saab”), Iván Rafael Hernández Dala (“Iván Hernández”), Diosdado Cabello Rondón (“Diosdado Cabello”), Alex Nain Saab Morán (“Alex Saab”), José Miguel Domínguez Ramírez (“Domínguez Ramírez”), Cilia Adela Flores de Maduro (“Cilia Flores”), Reynaldo Hernández, Marlon Salas Rivas (“Salas Rivas”), Alexander Enrique Granko Arteaga (“Granko Arteaga”) (collectively, “Individual Defendants”), Compañía General de Minería de Venezuela, (a.k.a. CVG Compañía General de Minería de Venezuela CA, a.k.a. Corporación Venezolana de Guyana Minerven C.A., a.k.a. CVG Minerven, a.k.a. and hereinafter “Minerven”), Segunda Marquetalia, Fuerzas Armada Revolucionarias de Colombia - Ejército del Pueblo (“FARC-EP”) and Cártel de Los Soles (“Cartel of the Suns”)—also referred to hereafter as the members of the “Maduro Criminal Enterprise.”

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### **BACKGROUND**

Prior to being held hostage by Defendants, Matthew John Heath (“Mr. Heath”) was on the verge of starting a new chapter in his life as a charter captain, sailing the seas and living a carefree life. This aspiration was cut short when Defendants unlawfully detained Mr. Heath, held him hostage, and tortured him for 752 days. Similarly, before his kidnapping by Defendants, Osman Imran Khan (“Mr. Khan”) was an ambitious recent graduate of the University of Central Florida with plans to travel and begin his career. After Mr. Khan met his girlfriend (now wife), they traveled to Venezuela to meet her family. While en route, Defendants captured Mr. Khan, held him hostage, and tortured him for 259 days. Mr. Heath and Mr. Khan were specifically targeted because they are Americans, and their capture, torture, and eventual ransom were carried out in furtherance of the Maduro Criminal Enterprise’s decades-long scheme to target and terrorize the United States and its citizens.

Throughout their captivity, Mr. Heath and Mr. Khan were beaten, deprived of adequate food and water, suffocated, electrocuted, placed in stress positions, dosed with cold water in freezing temperatures, and held in solitary confinement. Mr. Khan was waterboarded and forcibly injected with medication. Due to his treatment while held captive, Mr. Khan suffered and continues to suffer from seizures and digestive issues. Mr. Heath and Mr. Khan were kept in unsanitary conditions in rooms that were sometimes covered in feces and often had little to no natural light. Despite their eventual release, the captivity and torture took a tremendous toll on their physical and mental health, set them back financially, and destroyed their families.

Plaintiffs I.M.H., Robert John Heath (“Robert Heath”), Connie Demeta Haynes (“Ms. Haynes”), McKenzie Conneal Daniels (“Ms. Daniels”), Devin Waller (“Mr. Waller”), Tania Yudith Valdes (“Ms. Valdes”), Jasmin Yudith Khan (“Ms. Khan”), and A.I.K., (collectively “Family

Member Plaintiffs”) worked tirelessly to obtain the freedom of Mr. Heath and Mr. Khan. Each suffered a range of emotional turmoil that manifested in anxiety, depression, suicidal ideation, and nightmares. The stress has also caused and exacerbated physical ailments.

Plaintiffs bring this action under the Anti-Terrorism Act, 18 U.S.C. § 2333 (“ATA”), the Racketeering Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962 (“RICO”), and state law claims of false imprisonment and defamation. Alternatively, Plaintiffs bring this action under the Torture Victim Protection Act, Pub. L. 102-256, 106 STAT. 73 (Reprinted at 28 U.S.C. § 1350, Note.)(“TVPA”) and under state law for intentional infliction of emotional distress.

### **PROCEDURAL HISTORY**

Plaintiffs filed their complaint on January 6, 2025. ECF No. 1. The same day, Plaintiffs moved for an order granting service of process by alternate methods under Federal Rule of Civil Procedure 4(f)(3) and an order directing the U.S. Marshal’s Office to serve the Complaint and Summons on the representatives of Defendants FARC-EP and the Cartel of the Suns pursuant to Rule 4(c)(3). ECF No. 6. Plaintiffs filed their amended complaint on January 10, 2025. ECF No. 12. On February 25, 2025, this Court granted Plaintiffs’ motion permitting service of process through alternative methods and directed the U.S. Marshal’s Service to serve the amended complaint and summonses on FARC-EP and the Cartel of the Suns. ECF No. 20.

On March 13, 2025, Plaintiffs, through a third-party service processor, Global Legal Notices (“GLN”) served each of the Individual Defendants as well as Minervén and Segunda Marquetalia by direct message on social media, text message, or e-mail. ECF Nos. 25, 25.1 – 25.15.<sup>1</sup> These Defendants failed to file responsive pleadings by April 3, 2025. On March 19, 2025,

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<sup>1</sup> Plaintiffs moved to voluntarily dismiss the action against Defendant Petróleos De Venezuela, S.A (“PDVSA”) without prejudice on August 5, 2025 which was dismissed the same day. *See* ECF Nos. 48-49.

Plaintiffs filed a motion to extend time for service under Rule 4(m) for Defendants FARC-EP and Cartel of the Suns. ECF No. 24. This Court granted the motion and ordered that the representatives of FARC-EP and the Cartel of the Suns be served no later than May 26, 2025. ECF No. 26. On March 21, 2025, the Cartel of the Suns were served with the Summons and Amended Complaint. ECF Nos. 27-28. The Cartel of the Suns failed to timely file responsive pleadings by April 11, 2025. On April 29, 2025, Plaintiffs moved for Clerk's Default against all Defendants except FARC-EP (ECF No. 29), which was entered on April 30, 2025. ECF No. 30.

On May 8, 2025, FARC-EP was served with the Summons and Amended Complaint. ECF No. 31. The FARC-EP did not file responsive pleadings by May 29, 2025. On May 30, 2025 Plaintiffs moved for Clerk's Default against FARC-EP (ECF No. 32), which was entered that same day. ECF No. 33. On July 2, 2025, on Plaintiffs' motion, the Court ordered Plaintiffs to file their motion for default judgment by August 15, 2025. ECF No. 36.<sup>2</sup>

On August 1, 2025, Plaintiffs discovered that the process server, Global Legal Notices ("GLN") inadvertently omitted the summons in the service materials for all Defendants except FARC-EP and the Cartel of the Suns, who were served through the U.S. Marshal's Service. Plaintiffs moved this Court to set aside entry of Clerk's Default on August 7, 2025, and requested that the Court extend time to effectuate service within seven (7) days after entry of the Courts' Order and extend time to apply for Default Judgment against Defendants FARC-EP and the Cartel of the Suns. ECF No. 51. On August 15, 2025, this Court granted Plaintiffs' Motion to Set Aside Default, to extend time to serve Defendants previously served through GLN, and to extend time to file the Default Judgment against FARC-EP and the Cartel of the Suns. On August 19, 2025, the

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<sup>2</sup> On Plaintiffs' motion, the Court granted Plaintiffs' leave to file this motion up to and including 60 pages.

Individual Defendants, Minerven, and Segunda Marquetalia were served. ECF No. 56-56.1. These Defendants failed to respond to the pleadings by September 9, 2025. Plaintiffs filed a motion for entry of Clerk's Default on September 10, 2025, ECF No. 58, which was entered on that day. ECF Nos. 59 and 60.

In sum, because all Defendants "failed to plead or otherwise defend" in a timely manner, the Clerk has entered default against all Defendants in this case. Fed. R. Civ. P. 55(a).

### **LEGAL STANDARD**

The Federal Rules of Civil Procedure outline a two-step process for a plaintiff to obtain a default judgment. First, a defendant must fail to plead or otherwise defend the lawsuit; thereafter, "the clerk must enter the party's default." Fed. R. Civ. P. 55(a). This procedural step was completed on April 29, 2025 for Defendant Cartel of the Suns, on May 30, 2025 for Defendant FARC-EP, and on September 9, 2025 for Minerven, Segunda Marquetalia, and the Individual Defendants. ECF Nos. 30, 33, 59, 60. After the clerk enters the default, the trial court must determine whether it is appropriate to enter the judgment and award the plaintiff damages. Fed. R. Civ. P. 55(b)(2).

By defaulting, the Defendants have admitted the well-pleaded facts in the complaint. *Eagle Hosp. Physicians, LLC v. SRG Consulting Inc.*, 561 F.3d 1298, 1307 (11th Cir. 2009). When the facts show that the court has jurisdiction over the defendant and the plaintiff has a right of relief (*i.e.*, sufficiently states a claim), then a default judgment is appropriate. *Vance v. Doué & Co LLC*, No. 9:24-CV-81163, 2025 WL 240826 (S.D. Fla. Jan. 17, 2025).

**FACTS ADMITTED BY DEFENDANTS<sup>3</sup>**

**I. NICOLAS MADURO AND THE MULTIPLE CARTELS THAT HE AND THE INDIVIDUAL DEFENDANTS CONTROL RUN VENEZUELA AS A NARCO-TERRORIST STATE.**

**A. The Maduro Regime Exercises Illegal Authoritarian Control Over Venezuela.**

Nicolás Maduro assumed the Presidency of Venezuela on March 5, 2013, upon the death of Venezuela's then-President, Hugo Chavez. *See* ECF No. 12 at ¶ 26. After taking control, Venezuela held a presidential election on January 23, 2019, that Maduro nominally "won." Because the election was neither free nor fair, the United States refuses to recognize the Maduro regime as legitimate.<sup>4</sup> *Id.* at ¶ 94. Since this election, Maduro and the Individual Defendants have been active participants and leaders in the Maduro Criminal Enterprise that runs the government of Venezuela. *Id.* at ¶ 51. This conspiracy uses authoritarian tactics to maintain control over the citizenry of Venezuela and is supported by an ongoing narco-terrorism and money-laundering scheme targeting and taking place within the United States. *Id.*

**B. Maduro and the Criminal Enterprise Have Maintained Control Over FARC-EP, Cartel of the Suns, and Segunda Marquetalia to Maintain Control in Venezuela.**

Since assuming the presidency, Maduro has leveraged ties with the cartels, run by the individual Defendants, to turn Venezuela into a narco-state. He uses the funds generated by narcotics trafficking to further perpetuate more crimes and strengthen his authoritarian control. *Id.* at ¶¶ 96, 196, 200, 209-210. In other words, the criminal enterprise can perpetrate profitable crimes because of Maduro's power, and the profits then go towards actions to facilitate the continuation

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<sup>3</sup> Plaintiffs incorporate the undisputed facts set forth in the Amended Complaint not recited here.

<sup>4</sup> *See* Press Release, U.S. Dep't of State, Department Press Briefing (Jan. 3, 2023), available at <https://2021-2025.state.gov/briefings/departments-press-briefing-january-3-2023/> ("In terms of our approach to Nicolas Maduro, our approach has not changed. He is illegitimate.").



of Maduro's power. *Id.* at ¶ 52. This conspiracy and enterprise includes Maduro, the other Individual Defendants, Cartel of the Suns, FARC-EP, Segunda Marquetalia, and Minerven. *Id.* at ¶¶ 51, 56, 90.

FARC-EP, Cartel of the Suns, and Segunda Marquetalia each engage in violent acts of terrorism and traffic cocaine destined for U.S. shores, including Florida. *Id.* at ¶ 56. Each operates under the direction of the individual Defendants to maintain control in Venezuela. *Id.* Through a scheme of bribery, suppression, and drug trafficking, the Individual Defendants use the cartels to maintain a steady flow of cash to the regime. *Id.* at ¶¶ 56, 72, 74, 90. Altogether, Venezuela provides a safe haven for FARC-EP, Cartel of the Suns, and Segunda Marquetalia because of the actions of the Individual Defendants, making Venezuela a terrorist narco-state. *Id.* at ¶¶ 56, 75.

## **II. NICOLAS MADURO, INDIVIDUAL DEFENDANTS, CARTEL OF THE SUNS, FARC-EP, AND SEGUNDA MARQUETALIA HAVE CONSPIRED TO COMMIT NUMEROUS CRIMES.**

### **A. The Defendants Have Conspired to Commit Drug Trafficking and Money Laundering to Fund Their Terrorist Enterprise.**

"[T]errorism's lifeblood [is] money." *Antiterrorism Act of 1990: Hearing on S. 2465 Before the Subcomm. On Cts. And Admin. Practice of the S. Judiciary Comm.*, 101<sup>st</sup> Cong. 34, 85 (1990) (statement of Joseph A. Morris). Defendants' illicit activities fund terrorism against both the people of the United States and Venezuela. *See* ECF No. 12 at ¶¶ 52–53.

The primary source of funds for the Defendants' criminal enterprise is an expansive narco-terrorism operation that targets and takes place within U.S. borders. *Id.* at 74. This relationship between the government of Venezuela, the Defendants, and the narco-trafficking organizations dates back to former Venezuelan President Hugo Chavez. *Id.* at ¶ 78. In or about 2017, coinciding with the breakdown of the government of Venezuela, Maduro and the Defendants worked with, and directed members of, the Cartel of the Suns to dispatch large volumes of cocaine to the United

States in furtherance of their narco-terrorism conspiracy. *Id.* at ¶¶ 91–92. The money from this trafficking went back into Venezuela to support illegitimate elections for the Defendants to maintain their grip on power over the country and commence further terrorist activities. *Id.* at ¶¶ 93–94. In light of this, in March of 2020, Maduro was indicted in the District Court for the Southern District of New York for his participation in the conspiracy, along with several of the Individual Defendants for their roles in the narco-terrorism scheme. *Id.* at ¶¶ 96–97.

Minerven increasingly contributes to this far-reaching conspiracy as an alter-ego and instrumentality of the Maduro Criminal Enterprise by laundering the money earned from narco-trafficking. *Id.* at ¶ 104. The Miami Herald has reported that “[g]old is Maduro’s last resort.” *Id.*<sup>5</sup> After signing the executive order banning anyone in the United States from dealing with Minerven, then-President Trump’s security advisor John Bolton noted that the Venezuelan government and Defendants have used the gold sector to finance their illegal activities and to support criminal groups. *Id.* at ¶ 105.<sup>6</sup> In short, Minerven is integral to maintaining the Defendants’ criminal enterprise and is a key player in the narco-terrorism conspiracy that keeps them in power.

**B. The Defendants Have a History of Conspiring to Kidnap and Torture American Citizens to Use as Bargaining Chips for Key Players in the Enterprise.**

On top of the narco-trafficking and money laundering, the Defendants have routinely conspired to kidnap and torture American citizens to use as bargaining chips for prisoner swaps. For example, in June 2016, U.S. citizens Joshua and Thamy Holt were kidnapped in Venezuela

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<sup>5</sup> Quoting Antonio Maria Delgado et al., *How Miami, a Major Destination for Venezuelan Gold, is Helping Prop Up Maduro’s Regime*, MIAMI HERALD (Aug. 05, 2019), <https://www.miamiherald.com/news/nation-world/world/americas/venezuela/article230669164.html>.

<sup>6</sup> Citing Roberta Rampton & Steve Holland, *Trump Increases Pressure on Venezuela with Sanctions on Gold* (Nov. 1, 2018), <https://reuters.com/article/business/trump-increases-pressure-on-venezuela-with-sanctions-on-gold-idUSKCN1Ng6P5/>.

and released after Maduro met with United States Senator Bob Corker. *Id.* at ¶ 110. Similarly, six Americans, now known as the “Citgo Six,” were kidnapped. Five of the Citgo Six were eventually released with Plaintiffs Mr. Heath and Mr. Khan—in exchange for the return of Francisco Flores de Freitas (“Franqui Flores”) and Efrain Antonio Campo Flores (“Efrain Campo”), high ranking members of the Maduro Criminal Enterprise and nephews of Maduro and Cilia Flores. *Id.* at ¶¶ 29, 188. Six more Americans were wrongfully detained and eventually freed in exchange for Defendant Alex Saab. *Id.* at ¶ 118.

In sum, Maduro has been the head of multiple cartels for decades. Through these cartels, he and the other Individual Defendants operate a lucrative narco-terrorism conspiracy with a history of kidnapping U.S. citizens in order to gain concessions from the U.S. Government and to use as ransom to obtain the release of Maduro Criminal Enterprise associates. The conspiracy is also used to fund and maintain an authoritarian grip over the people of Venezuela.

### **III. THE DEFENDANTS KIDNAPPED AND TORTURED PLAINTIFFS MATTHEW HEATH AND OSMAN KHAN, CAUSING SEVERE INJURIES TO ALL PLAINTIFFS.**

#### **A. Plaintiffs Matthew Heath and Osman Khan Were Kidnapped and Tortured as part of the Defendants’ Criminal Enterprise.**

Defendants Salas Rivas, Granko Ortega, and Reynaldo Hernandez, members of both the Maduro Criminal Enterprise and the Venezuelan Directorate General of Military Counterintelligence (“DGCIM”)—kidnapped and tortured Mr. Heath and Mr. Khan. *Id.* at ¶¶ 39–41.

On or around September 9, 2020, Mr. Heath was traveling towards the Colombia-Venezuela border in an effort to get back to his boat that was docked in Aruba. *Id.* at ¶ 124. Mr. Heath was having difficulty getting back to Aruba because of travel restrictions related to the COVID-19 pandemic. *Id.* at ¶ 122. While in a taxi, Mr. Heath was stopped and forced to exit the

vehicle under the orders of the Venezuelan National Guard. *Id.* at ¶ 125. He was stripped of all his personal belongings including his U.S. passport, Tennessee identification card, and some cash. *Id.* After a couple of days, Mr. Heath was picked up by DGCIM agents. *Id.* at ¶ 124. Photos of the items seized from Mr. Heath were retweeted on Defendant Tarek Saab’s Twitter account. *Id.* at ¶ 124.<sup>7</sup> After the photos were posted, DGCIM officers planted weapons in Mr. Heath’s vehicle to frame him as a terrorist. *Id.* at ¶ 128. From this point on, Mr. Heath was shuttled back-and-forth between Caracas and a smaller DGCIM facility for extensive torture and interrogation. *Id.* at ¶¶ 126–34. Defendants defamed Mr. Heath by declaring that he was a terrorist and spy. *Id.* at ¶¶ 129–31. The DGCIM, under the orders of the Defendants, subjected Mr. Heath to intensive torture and interrogation, including:

- **Restraints.** Mr. Heath was handcuffed for the majority of the time he was in illegal custody until he was transferred to the “House of Dreams.” *Id.* at ¶ 132.
- **Beatings.** Mr. Heath was beaten all over his body. He had severe bruises and injuries, to the point where it was difficult for him to stand on his own. This included being placed in a torture device known as “El Tigrito” which simulated strangulation. The longest stretch he spent in this device was several days. *Id.*
- **Exposure.** At least twice, DGCIM agents stripped Mr. Heath naked to humiliate and torture him. While naked, he would be sprayed with cold water and kept at freezing and/or freezing cold temperatures. While confined, he was given little food, no use of the bathroom, and extremely little water. *Id.*
- **Psychological Torture.** Mr. Heath experienced severe isolation, physical and mental abuse and acts of terror intended to make him compliant with the Defendant’s demands. On one occasion, he was threatened with rape at gunpoint. *Id.* at ¶¶ 133–34. The DGCIM agents pointed a gun at Mr. Heath’s head and counted to three, threatening to shoot him if he did not unlock his phone. *See Ex. 1* at ¶ 13.
- **Electrocution and Suffocation.** On multiple occasions Mr. Heath was electrocuted with a car battery. ECF No. 12 at ¶ 132. At least once, a plastic bag was forced on his head and kept there until he nearly suffocated. *Id.*

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<sup>7</sup> Citing Tarek William Saab (@TarekWilliamSaab), Twitter (Sept. 14, 2020), <https://web.archive.org/web/20200917055249/https://twitter.com/TarekWilliamSaab>.

Mr. Khan was similarly exposed to egregious acts of torture and kept in deplorable conditions under the orders of the Defendants. After crossing the Colombia-Venezuela border to meet his girlfriend's family, Mr. Khan was apprehended. *Id.* at ¶ 159. After presenting his American passport, the guards began yelling "Gringo", and he was brought to a military-owned building for interrogation. *Id.* at ¶ 160. Like Mr. Heath, Mr. Khan was publicly called a criminal. *Id.* at ¶ 168. The DGCIM subjected Mr. Khan to intensive torture and interrogation that included:

- **Restraints and Stress Positions.** Mr. Khan was placed in tight-fitting restraints and stress positions during prolonged interrogations. *Id.* at ¶¶ 160–62. These included "El Tigrito," laying on a bed with exposed springs, and standing for hours. *Id.* ¶¶ 161–62, 169.
- **Exposure.** Throughout his captivity, Mr. Khan was given little food or water. He was reduced to drinking toilet water to survive. *Id.* at ¶ 169. More than once, he was placed in a frigid cell and doused with cold water. *Id.*
- **Waterboarding and Electrocution.** At his initial interrogation Mr. Khan was electrocuted and waterboarded to the point that he vomited from the pain. *Id.* at ¶ 161. He was subsequently forced to eat his vomit. *Id.*
- **Chemical Torture.** DGCIM agents forcibly injected Mr. Khan with different medications that would cause symptoms such as paralysis, seizures, and hallucinations. *Id.* at ¶ 170. He was sedated so much that he experienced withdrawals if he went too long without it. *Id.* at ¶ 171.
- **Psychological Torture.** Mr. Khan was placed in solitary confinement multiple times. When he was in his typical cell at the "House of Dreams," he was kept in the dark with his cell door covered. *Id.* at ¶ 169.

**B. When the Families of Mr. Heath and Mr. Khan Learned of Their Captivity, They Immediately Began Efforts to Liberate Them.**

Despite not hearing from Mr. Heath for close to a year, his family members tirelessly advocated for his return. *Id.* at ¶¶ 139–40. They spent close to a quarter million dollars trying to bring Mr. Heath home through payments to his lawyer, for translators, and through extortionist plots by the Defendants. *Id.* His father, Plaintiff Robert Heath, had to sell the family farm to pay his bills. *Id.* His mother, Plaintiff Connie Heath, traveled from Tennessee to Washington, D.C. to

advocate for her son, all the while being unable to eat and sleep due to the anxiety she felt for her son. *Id.* at ¶ 141. His sister McKenzie Daniels also put her life on pause to assist the family in release efforts. *Id.* at ¶ 146. The same is true for his brother Devin Waller. *Id.* at ¶ 149.

The family members of Mr. Khan were just as proactive in advocating for his release. Immediately after receiving a call from the Defendants alerting Mr. Khan's mother, Tania Valdes, that they had her son, she was extorted for \$600 believing he would be released. *Id.* at ¶ 164. After this, Mr. Khan's family set up an investigation headquarters with the sole purpose of freeing him. *Id.* at ¶ 165. His sister, Jasmin Khan, became his mother's largest support in advocating for his release. *Id.* at ¶ 178. They both had weekly meetings with the State Department and would strategize and de-brief after talking with the authorities. *Id.* They were in constant contact, trying to dream up ways to bring Mr. Khan home. *Id.* In fact, Jasmin even reached out to a hostage negotiator to try to bargain for Mr. Khan's freedom. *Id.*

### **C. Plaintiffs Mr. Heath and Mr. Khan are Eventually Released.**

The Maduro Criminal Enterprise secured the release of members Franqui Flores and Efrain Campo by using Mr. Heath and Mr. Khan as pawns to exchange for the release of these key members of their narco-terrorism conspiracy. ECF No. 12 at ¶ 113. At the time of their release, on October 1, 2022, Mr. Heath had been held hostage and tortured for 752 days, and Mr. Khan had been held hostage and tortured for 259 days. *See* ECF No. 12 at ¶¶ 1-2, 187-88.

### **D. Injuries Caused by the Defendants' Kidnapping and Torture of Mr. Heath.**

#### **1. Plaintiff Matthew John Heath**

In addition to the 752 days of torture, confinement, and malnutrition he endured, Mr. Heath currently suffers from mental and emotional trauma. He will not travel outside the United States for work or for pleasure because he fears for his safety. *Id.* at ¶ 156. He is no longer able to operate

his Caribbean-based charter business. *Id.* Mr. Heath had no income during his captivity, and one of his boats was repossessed because he was unable to pay docking and other fees during that time period. *Id.* at ¶¶ 47, 156. More devastatingly, Mr. Heath lost 752 days, more than two years of his life, that he would have spent with his family and friends. *Id.* at ¶ 157.

To support their theories of recovery available for Mr. Heath and Mr. Khan under the ATA, Plaintiffs offer the report of Stevan M. Weine, M.D. *See* Exs. 10-11. Based on Dr. Weine's declaration and supporting material, Plaintiffs request that the Court qualify Dr. Weine as an expert in the fields of psychiatry and the psychiatric impact of trauma and torture. *See* Ex. 9. In analyzing the likelihood of mental health consequences of survivors of hostage taking, Dr. Weine summarized that:

Persons who have experienced torture commonly experience chronic pain, PTSD, anxiety, depression, and other distress. Prisoners of war, who often experience both solitary confinement and torture during their captivity, also have well-documented long-term physical and mental health problems. *See* Ex. 10 at 7.

After evaluating Mr. Heath, Dr. Weine provided an opinion on the mental health diagnoses of Mr. Heath based on the Patient Health Questionnaire-9 ("PHQ-9"). *See* Ex. 10 at 7. Based on his analysis, Dr. Weine opined that Mr. Heath's current conditions were "caused by his exposure to being a hostage, being held in solitary confinement, and being exposed to torture for over two years in Venezuela." *Id.* at 8. Dr. Weine also opined that Mr. Heath has "great difficulty functioning in his family and in society and has difficulty working." *Id.*

## **2. Plaintiffs Robert John Heath and Connie Demeta Haynes**

Robert John Heath and Connie Demeta Haynes, Mr. Heath's parents, both suffered tremendous mental and emotional trauma because of the Maduro Criminal Enterprise. They did not speak to their son for nearly a year. *Id.* at ¶ 140. They were unable to celebrate holidays and

spent all their time advocating for his return. *Id.* They spent each day wondering whether he was alive and they would see him again.

Ms. Haynes missed long stretches of work because she was advocating for her son's return and could not focus on anything else, causing her to lose approximately \$20,000 in wages. *Id.* Her life was "upended" and she "woke up with it and went to bed with it every night." Ex. 5 at ¶ 8. Ms. Haynes suffered from malnutrition and lost eighty-seven pounds due to her inability to eat because she "did not know whether [her] son had anything to eat." *Id.* For Ms. Haynes, "every day was torture, and it consumed [her]." *Id.* She would be in a constant daze, driving until she realized she did not know where she was, or driving to work and forgetting to turn her vehicle off. *Id.* When Ms. Haynes finally heard from her son, she was in such a state of shock that her "legs were like rubber bands" and she collapsed to the floor. *Id.* at ¶ 6. She went through every emotion you could think of. *Id.* Holding onto her every moment, Ms. Haynes began recording the calls with Mr. Heath so that she could play it repeatedly to listen to his voice. *Id.* at ¶ 7. Additionally, due to the amount of stress Ms. Haynes received a mental health diagnosis and was prescribed medication. *Id.* at ¶ 9. Even today, Ms. Haynes lives in "constant fear" and is anxious. *Id.* at ¶ 12. She will "never be the same" because of what was done to her son. *Id.*

Robert Heath became "incredibly anxious" and felt "helpless" to save his son. Ex. 6 at ¶¶ 6-7. He was "fearful" for Mr. Heath's safety and "worried" that someone would harm his family. *Id.* at ¶ 7. Robert Heath's grief was compounded by the loss of his mother the same year that Mr. Heath was held hostage. *Id.* at ¶ 8. Additionally, Mr. Heath's captivity exacerbated his sense of grief due to the previous loss of another one of Robert Heath's sons. *Id.* at ¶ 11. He put all his energy into bringing Mr. Heath home, such that he could not sleep and ignored his health. Robert Heath suffered from physical ailments and had "eleven strokes" which nearly killed him. *Id.* at ¶



8. He had to sell the family farm because he could no longer afford to keep it after spending his money trying to free his son which amounted to approximately \$240,000. *Id.* at ¶ 12. Today, Robert Heath supports Mr. Heath through moments of “panic and severe anxiety.” *Id.* at ¶ 15. Despite this support, “[t]he trauma that [he] experienced still stays with [him].” *Id.*

### **3. Plaintiffs McKenzie Daniels and Devin Waller**

Mr. Heath’s siblings also suffered from mental stress and anguish as a result of the 752 days of torture, confinement, and malnutrition their brother endured. Mr. Heath’s sister, McKenzie Daniels, had learned that she was pregnant with her first child while Mr. Heath was held captive and was devastated that she could not tell her brother that he was going to be an uncle. *See* Ex. 7 at ¶ 9. The kidnapping of her brother caused her extreme anxiety, and she used food to cope with her emotions. *See* Ex. 7 at ¶ 6. Ms. Daniels developed preeclampsia during her pregnancy, became depressed, and isolated herself from everyone. *Id.* at ¶¶ 6-7. She “cried daily and would have panic attacks.” *Id.* at ¶ 7. Ms. Daniels quit her job and only left the house for doctors’ appointments or to visit her family. *Id.* She began having dreams of her brother and agonized over the fact that she could not just call him to make sure he was alright. *Id.* at ¶ 13. Ms. Daniels was once a woman who dreamed of traveling the world and now has no desire to leave the U.S. due to fear of being held captive. *Id.* at ¶ 19.

Mr. Heath’s Brother, Mr. Waller, felt the same sorrow, anger, and anxiety brought on by Mr. Heath’s kidnapping. *See* ECF No. 12 at ¶¶ 149-150. Mr. Waller was unable to sleep, eat, and maintained a pervasive sense of exhaustion. *Id.* at ¶ 150. He had vivid nightmares of his brother in captivity. *Id.* Mr. Waller’s “grades took a steep decline” and his “career trajectory changed drastically.” *See* Ex. 8 at ¶ 6.

#### **4. Plaintiff I.M.H.**

Plaintiff I.M.H. is the minor son of Mr. Heath and was particularly impacted by his father's 752 days of torture, confinement, and malnutrition. *See* ECF No. 12 at ¶ 151. He recalls the holidays being particularly difficult without his father, as they largely went uncelebrated. *Id.* I.M.H. and his father were particularly close, and they lost years together that can never be replaced. *Id.* at ¶ 152. At school, I.M.H. struggled to keep up with his studies because he was constantly worried that his father could be seriously injured or killed at any moment. *Id.* He also had to deal with defending his father in the community against the false accusation that he was a terrorist. *Id.* He still lives with the mental and emotional trauma of his father's captivity. *Id.*

#### **E. Injuries Caused by the Defendants Kidnapping and Torture of Mr. Khan.**

##### **1. Plaintiff Osman Khan**

In addition to the 259 days of torture, confinement, and malnutrition he endured, Mr. Khan suffered and continues to suffer from mental and emotional trauma. On the flight back to the United States and as a direct result of Defendants pumping him full of drugs, Mr. Khan suffered multiple seizures which caused him to be hospitalized almost immediately; he subsequently suffered more seizures at the hospital. *Id.* at ¶ 189. He also suffered withdrawal symptoms from the sudden cessation of the drugs Defendants forced into his body. *Id.* Mr. Khan lives with a collapsed vein in his arm from the administration of chemical torture, and ongoing gastrointestinal issues. *Id.* at ¶ 191. Mr. Khan also suffers from constant anxiety and panic attacks. *Id.*

Following his evaluation of Mr. Khan, Dr. Weine provided an opinion on the mental health diagnoses of Mr. Khan based on the PHQ-9. *See* Ex. 11 at 5-6. Mr. Khan's current conditions "were caused by his exposure to being a hostage and being exposed to torture for approximately seven months in 2022 in Venezuela." *Id.* at 6-7. Because of his conditions, Ms. Khan "has great difficulty

functioning in his family and in society and is only able to work remotely in a job which is below his level.” *Id.* at 6.

## **2. Plaintiff Tania Yudith Valdes**

Mr. Khan’s mother, Ms. Valdes, continues to deal with the reverberating consequences of her son’s captivity. First, Ms. Valdes was sent a photo and voice message of her son by his captors demanding a \$1,500 cash payment for his release. *See* Ex. 3 at ¶ 4. She was extorted \$600 for the initial payment to Mr. Khan’s captors and spent approximately \$20,000 purchasing medicine, food, and clothing for Mr. Khan that was given to an acquaintance who ultimately took advantage of Ms. Valdes and did not send any of the items to Mr. Khan. *Id.* at ¶ 20. Her mental health declined, and she had difficulty concentrating, was unable to sleep, cried uncontrollably, and was prescribed medication to assist her with sleeping. *Id.* at ¶ 22. Mr. Khan continued to call Ms. Valdes during his captivity at unpredictable times. *Id.* at ¶ 14. Every time the phone rang, she was traumatized, no matter who it was. *Id.* When she missed a call from Mr. Khan, she was heartbroken and had difficulty forgiving herself. *Id.*

After Mr. Khan was released from captivity, Ms. Valdes witnessed her son having a seizure due to withdrawal from the forced drug injections while being held captive. *Id.* at ¶ 18. Additionally, she feared that she would never get her son back mentally due to all the trauma he experienced. *Id.* at ¶ 19. Ms. Valdes is now hypervigilant when she travels out of fear that she and her family are still targets. *Id.* at ¶ 23. She still gets depressed to think about how Mr. Khan did not receive justice for what was done to him. *Id.*

## **3. Plaintiffs Jasmin Yudith Khan & A.I.K.**

Ms. Jasmin Yudith Khan and A.I.K. are the siblings of Mr. Khan and continue to feel the effects of the kidnapping and torture of their brother. Ms. Khan struggled to finish her last semester at Georgetown University, because she was preoccupied from worrying about her brother. *See* ECF

No. 12 at ¶ 183. Due to the stress of her brother's captivity, Ms. Khan was unable to sleep, cried every night and went on autopilot. *See* Ex. 4 at ¶ 13. To sleep, Ms. Khan resorted to taking edibles before bed and began to drink more. *Id.* at ¶ 12. Like Ms. Valdes, Ms. Khan too received frequent, random calls from Mr. Khan. *Id.* at ¶ 13. She "remained glued to [her] phone" and would even experience "phantom phone calls." *Id.* at ¶ 13. Ms. Khan could not enjoy her graduation day, because it only made Mr. Khan's absence more immediate. *Id.* at ¶ 17. Right before she walked across stage, the family received a call saying that Mr. Khan was having seizures. *Id.* To numb the pain, Ms. Khan drank alcohol from a flask. *Id.*

Moments after Ms. Khan embraced her brother upon his return, his eyes rolled back; he began foaming at the mouth and had a seizure. *Id.* at ¶ 18. When Mr. Khan initially returned home, Ms. Khan tried to console her brother as he suffered from withdrawals from the injections and frequent nightmares. *Id.* at ¶¶ 18-19. Today, Ms. Khan has a different career path, has diminished trust in people, and suffers from frequent panic attacks. *Id.* at ¶ 22. "When life is going well, [she] always wonder[s] when the rug will be ripped from under [her]." *Id.*

The same can be said about A.I.K., Mr. Khan's younger brother. Mr. Khan was, and still is, the best friend and role model of his then-fourteen-year-old brother when he was captured. *See* ECF No. 12 at ¶ 173. A.I.K. felt heightened responsibilities around the home, because he now saw himself as the "man of the house." *Id.* at ¶ 174. He increasingly felt isolated at home and in school, as none of his peers could relate to what he was going through. *Id.* His grades fell in school, and he was unable to focus. *Id.* at ¶ 175. A.I.K. and his father began having disagreements, which impacted their relationship as the two now rarely communicate with one another. *See* Ex. 3 at ¶ 17. These feelings of anxiety and depression continue to affect A.I.K. and the rest of Mr. Khan's family members. *See* ECF No. 12 at ¶ 192.

## **ARGUMENT**

### **I. THIS COURT HAS SUBJECT MATTER JURISDICTION**

#### **A. This Court Has Federal Question and Supplemental Jurisdiction.**

This court has subject matter jurisdiction over all claims stated in the complaint. Plaintiffs assert three distinct causes of action which are independently sufficient to establish federal question jurisdiction pursuant to 28 U.S.C. § 1331. First, Count I arises under the Anti-Terrorism Act (“ATA”), a federal law that provides its own cause of action. *See* ECF No. 12 at ¶¶ 197-217; 18 U.S.C. § 2333(a). The “district courts of the United States have exclusive jurisdiction over an action brought under” 18 U.S.C. § 2333(a). 18 U.S.C. § 2338. Similarly, Count II arises under the Torture Victim Protection Act (“TVPA”), which also carries its own federal cause of action. *See* ECF No. 12 at ¶¶ 218-228; 28 U.S.C. § 1350. Lastly, Count VII arises under the Racketeer Influenced and Corrupt Organizations (“RICO”) Act. *See* ECF No. 12 at ¶¶ 264-280, 18 U.S.C. 1962(c).

Moreover, this Court may also exercise supplemental jurisdiction over the remaining state-law claims pursuant to 28 U.S.C. § 1367, because each claim arises out of the same “nucleus of operative facts” as the federal claims. *Parker v. Scrap Metal Processors, Inc.*, 468 F.3d 733, 743 (11th Cir. 2006) (“The constitutional case or controversy standard confers supplemental jurisdiction over all state claims which arise out of a common nucleus of operative fact with a substantial federal claim.”). Here, the state law claims all arise from the kidnapping, torture, and ransom of Matthew Heath and Osman Khan.

### **II. THIS COURT HAS SPECIFIC JURISDICTION OVER DEFENDANTS**

#### **A. Plaintiffs Properly Served Defendants.**

The Plaintiffs have adequately served the Individual Defendants, Minerven, and Segunda Marquetalia, in conformance with this Court's order and the Federal Rules of Civil Procedure 4(f)(3). *See* ECF No. 20. Courts in this jurisdiction have held that service through email, text message, and social media have met the notice requirements, including cases with similar facts to the ones at hand. *See, e.g., Alban Osio v. Moros*, No. 21-20706-CIV, 2023 WL 5019877, at \*4 (S.D. Fla. July 19, 2023), *report and recommendation adopted sub nom. Osio v. Moros*, No. 1:21-CV-20706, 2023 WL 5015435 (S.D. Fla. Aug. 7, 2023) (holding that notice by email, direct messaging, and publication are sufficient when traditional service is difficult or impossible). On February 2, 2025, this Court granted the Plaintiffs' motion to serve the Defendants by alternative means under Fed. R. Civ. P. 4(f)(3) and 4(c)(3). *See* ECF No. 20. The Individual Defendants, Minerven and Segunda Marquetalia were served using the approved of methods, including e-mail, text messages, and social media messaging on August 19, 2025. *See* ECF No.56-56.1, Ex. 12 (copies of messages sent with link to service documents).

Defendants FARC-EP and Cartel of the Suns were sufficiently served pursuant to Fed. R. Civ. P. 4(c)(3). Courts have routinely permitted service of process on an officer of a criminal enterprise as a method of service upon the enterprise itself. *See, e.g., Order Granting Plaintiffs' Motion for Service, Marron v. Maduro Moros*, No. 21-cv-23190-FAM, ECF No. 33 (S.D. Fla. Sept. 6, 2022) (granting motion to serve FARC and Cartel of the Suns through Pineda and Cordones).

**A. Exercising Personal Jurisdiction Over the Defendants Satisfies Both Florida's Long-Arm Statute and Due Process Requirements.**

**1. Florida's long-arm Statute is satisfied.**

For this Court to exercise personal jurisdiction over the Defendants, the Court must determine whether the Defendant's activities satisfy the Florida long-arm statute and whether due process considerations are satisfied under the Fourteenth Amendment. *See Aronson v. Celebrity*

*Cruises, Inc.*, 30 F. Supp. 3d 1379, 1385 (S.D. Fla. 2014). Since the Defendants perpetrated tortious conduct within Florida and due process concerns are sufficiently satisfied, this court has personal jurisdiction over the defendants.<sup>8</sup>

The Florida long-arm statute is satisfied because the Defendants committed numerous tortious acts within the state, *See* Fla. Stat § 48.193(1)(a)(2), and committed tortious acts outside that state that caused substantial injury within the state. *See Licciardello v. Lovelady*, 544 F.3d 1280, 1283 (11th Cir. 2008). Moreover, the Florida long-arm statute is also satisfied in instances where only a single element of the tort claim occurs in Florida. *See Elandia Int'l, Inc. v. Ah Koy*, 690 F. Supp. 2d 1317, 1329 (S.D. Fla. 2010). Defendants' actions, as set forth in the complaint, far surpass this test. Lastly, a Defendants' status as a co-conspirator in carrying out a tortious act is sufficient to satisfy the statute, even where the co-conspirator himself did not commit an act within the state. *See United Techs. Corp. v. Mazer*, 556 F.3d 1260, 1281-82 (11th Cir. 2009).

Here, the Defendants engaged in a widespread narco-terrorism scheme that targeted and infiltrated the borders of Florida. In fact, the Maduro Criminal Enterprise's main source of funding derives from trafficking drugs throughout the United States, particularly the State of Florida. ECF No. 12 at ¶ 196. The narcotics trafficking and illegal gold trade that Defendants conducted in the United States and particularly in Florida directly funded the Maduro Criminal Enterprise and its terrorist activities. *Id.* at ¶¶ 53-54, 67-68, 106. The abduction, confinement, and torture of Mr. Heath and Mr. Khan were carried out in furtherance of the Maduro Criminal Enterprise's narco-

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<sup>8</sup> Plaintiffs have alternatively alleged personal jurisdiction pursuant to Rule 4(k)(2). *See* ECF. No. 12 at ¶ 48. Jurisdiction would be consistent with this provision if the Defendants are not subject to any state's courts of general jurisdiction and exercising jurisdiction is consistent with the Constitution and federal law. Trafficking narcotics into the United States for distribution, targeting and kidnapping United States citizens to use as leverage to negotiate a release of collaborators being held by the U.S. government, as well as other alleged acts directed at the United States, permit the exercise of personal jurisdiction here. *See id.*, *See* Ex. 1 and Ex. E, F of Ex. 1.

terrorism conspiracy that targeted the United States and Florida particularly, and Defendants used Mr. Heath and Mr. Khan as ransom for the release of Franqui Flores and Efraín Campo (key players in the enterprise), who were imprisoned in the United States for their role in the conspiracy to flood the United States and Florida with drugs. *Id.* at ¶¶ 108-118, 153-154, 194. This conduct is more than sufficient to support the exercise of personal jurisdiction in Florida.

In addition, the Defendants committed numerous tortious acts directly against the Plaintiffs in Florida, further supporting the exercise of personal jurisdiction within the state. This includes the defamation of Mr. Heath throughout the entirety of his capture. *Id.* at ¶¶ 286-289. The defamatory statements were published, disseminated, and widely accessed in Florida. *Id.* Defendants extorted Tania Yudith Valdes in Florida for payments Defendants claimed would lead to the release of Mr. Khan. *Id.* at ¶¶ 164, 180, 290. Defendants' conduct is sufficient to subject them to personal jurisdiction here. *See Adam J. Rubinstein, M.D., P.A. v. Ourian*, 20-21948-CIV, 2020 WL 6591559, at \*1 (S.D. Fla. Nov. 10, 2020) (tortious acts occurred in the state when the nonresident posts defamatory statements on a website that is accessible in Florida and accessed in Florida); *Marron v. Moros*, No. 21-23190-CIV, 2023 WL 357592, at \*3 (S.D. Fla. Jan. 23, 2023) (upholding personal jurisdiction over defendants under similar facts, including extortion of the plaintiffs family in Florida).

Finally, each Defendant is also subject to personal jurisdiction in Florida because they each committed acts in furtherance of the narco-terrorism conspiracy, even assuming a particular act was not specifically targeted at the State of Florida. The Florida long-arm statute confers personal jurisdiction on non-resident defendants based on the actions of co-conspirators. *See Tavakoli v. Doronin*, 18-21592-CIV, 2019 WL 1242669, at \*8 (S.D. Fla. Mar. 18, 2019). As has been explained, the tortious acts that were committed in Florida were interwoven and integral to the



Maduro Criminal Enterprise's narco-terrorism conspiracy. Narcotics trafficking and gold sales funded the acquisition of guns, soldiers and power which gave the Maduro Criminal Enterprise the ability to kidnap, torture, and ransom Mr. Heath and Mr. Khan for the release of high-ranking members of the criminal conspiracy. *Id.* at ¶¶ 53-54, 67-68, 106, 108-118, 153-154, 194. Consequently, each Defendant was a key player in that conspiracy, subjecting each of them to personal jurisdiction within the state.

## **2. Exercising personal jurisdiction comports with due process.**

To determine whether due process concerns are satisfied, courts in the Eleventh Circuit analyze whether “(1) the plaintiff’s claims arise out of or relate to at least one of the defendant’s contacts with the forum; (2) the nonresident defendant purposefully availed himself of the privilege of conducting activities within the forum state, thus invoking the benefit of the forum state’s laws; and (3) the exercise of personal jurisdiction comports with traditional notions of fair play and substantial justice.” *Louis Vuitton Malletier, S.A. v. Mosseri*, 736 F.3d 1339, 1355 (11th Cir. 2013) (quoting *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472-73 (1985)).

The claims by each Plaintiff arise out of the Defendant’s contacts with the forum state. To satisfy this liberal test, plaintiffs need only show “an affiliation between the forum and the underlying controversy.” *Ford Motor Co. v. Montana Eighth Judicial District Court*, 141 S. Ct. 1017, 1025 (2021). The torts committed in Florida are closely related to and indeed supported and aided the kidnapping and torture of Mr. Heath and Mr. Khan. The fact that Defendants used funds obtained through illegal activities in the state to support their narco-terrorism is, in and of itself, sufficient to satisfy this prong of the test. *See In re Chiquita Brands Int’l, Inc. Alien Tort Statute & S’holder Derivative Litig.*, 15-81585, 2018 WL 11251120, at \*4 (S.D. Fla. May 8, 2018) (personal jurisdiction where defendants “alleged illicit activity, which would create a realistic and foreseeable impact on the commerce of the forum state[]”). Here, the kidnapping also served the

Florida narcotics trafficking, as Mr. Heath and Mr. Khan were swapped for the release of traffickers Efraín Campo and Franqui Flores.

Second, the Defendants purposefully availed themselves of the laws of Florida, selling gold in Miami markets to support their narco-terrorism. *See* ECF No. 12 at ¶¶ 53-54, 67-68, 106.

Finally, subjecting the Defendants to personal jurisdiction in Florida would not violate the notions of fair play and substantial justice. *See Licci ex rel. Licci v. Lebanese Canadian Bank, SAL*, 732 F.3d 161, 174 (2d Cir. 2013). (finding personal jurisdiction over a bank that allegedly wired terrorist funds through U.S. channels as it “would not offend principles of fair play and substantial justice”); *Weiss v. Nat’l Westminster Bank PLC*, 176 F. Supp. 3d 264, 280 (E.D.N.Y. 2016) (doing the same). To hold otherwise would allow the Defendants to commit harms in Florida while allowing them to evade justice in Florida courts.<sup>9</sup>

### **III. PLAINTIFFS STATE CLAIMS FOR RELIEF AGAINST DEFENDANTS**

#### **A. Anti-Terrorism Act (ATA), 18 U.S.C. § 2333**

The ATA provides civil remedies for “any national of the United States injured in his or her person, property, or business by reason of an act of international terrorism . . .” 18 U.S.C. § 2333(a).

As set forth below, Plaintiffs have stated a claim for violation of the ATA.

#### **1. Plaintiffs are nationals of the United States.**

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<sup>9</sup> Additionally, the Southern District of Florida is the proper venue under 28 U.S.C. § 1391 because a substantial part of the events giving rise to Plaintiffs’ claims occurred in this district, including, but not limited to: the procurement of funds and provision of material support to terrorists and other acts facilitating the Maduro narco-terrorist conspiracy in violation of the ATA; flooding this district with cocaine through the Defendants’ criminal enterprise; laundering ill-gotten proceeds of narcotics; illegal gold trafficking; Maduro’s government corruption through this district; and accepting bribes from accounts maintained in this district.

Pursuant to the ATA, Plaintiffs must be a “national of the United States” to recover. 18 U.S.C. § 2331(2); 8 U.S.C. § 1101(22). Here, Plaintiffs are all U.S. citizens and are nationals of the United States. *See* Ex. A of Exs. 1-8; ECF No. 12 at ¶¶ 15-24.

## **2. Defendants committed an act of terrorism.**

Under the ATA, a defendant’s conduct must constitute an act of international terrorism. The phrase “international terrorism” is defined by 18 U.S.C. § 2331(1) as activities that:

- (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;
- (B) appear to be intended—
  - i. to intimidate or coerce a civilian population;
  - ii. to influence the policy of a government by intimidation or coercion; or
  - iii. to affect the conduct of a government by mass destruction, assassination, or kidnapping; and
- (C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

As set forth below, Defendants’ conduct meets every element.

**First**, Defendants’ narco-terrorism conspiracy violates the laws of the U.S. *See* 21 U.S.C. § 960(a). To establish a claim of narco-terrorism, Defendants must have (1) engaged in narcotics trafficking in violation of 18 U.S.C. § 841(a), (2) knowing or intending, (3) to provide anything of value, directly or indirectly to, (4) any person or entity that engages in terrorism or terrorist activity. *See Alban Osio*, 2023 WL 5019877, at \*6.

Defendants trafficked illicit drugs into the United States and particularly Florida in violation of 21 U.S.C. § 841(a). *See* ECF No. 12 at ¶¶ 51, 73, 91. Several members of the Maduro Criminal Enterprise were indicted on drug trafficking charges. *Id.* at ¶¶ 26, 31-32,

35, 58, 96-97, 209 (describing the indictments of Maduro, Padrino López, Reverol Torres, Cabello Rondón). Defendants trafficked narcotics with the intent to use proceeds to further fund the narco-terrorism conspiracy. *Id.* at ¶¶ 52, 64, 89. Terrorism “means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.” 22 U.S.C. § 2656f. The FARC-EP and Segunda Marquetalia are designated by the U.S. Government as a Foreign Terrorist Organization (“FTO”) and are entities that engages in terrorism. ECF NO. 12 at ¶¶ 27-30. The Cartel of the Suns is now designated as a Specially Designated Global Terrorist entity by the Treasury’s Office of Foreign Assets Control (“OFAC”) in part for activities undertaken in the past that would encompass the hostage-taking of Mr. Heath and Mr. Khan.<sup>10</sup> Similarly, the Maduro Criminal Enterprise is an entity that engages in terrorism. *See e.g.*, ECF No. 12 ¶¶ 28, 30, 51, 56, 92-94.

In addition to narcoterrorism, Defendants violated 18 U.S.C. § 2339A<sup>11</sup> by providing material support to FARC-EP, a designated FTO, by plotting to traffic cocaine into the United States to procure funds for the political campaign of Cilia Flores. *See* ECF No. 12 at ¶ 84-89. Indeed, Efraín Campo and Franqui Flores, nephews of Nicolás Maduro and Cilia Flores, were found guilty of their participation in the scheme. *Id.* at ¶ 89. Defendants engaged in narcotics trafficking and provided material support to an FTO with the intent to provide proceeds to entities which engage in terrorism. Consequently, Defendants’ conduct is in violation of the laws of the United States.

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<sup>10</sup> *See* U.S. Dep’t of the Treasury, *Treasury Sanctions Venezuelan Cartel Headed by Maduro* (July 25, 2025), <https://home.treasury.gov/news/press-releases/sb0207>

<sup>11</sup> Defendants also violated 18 U.S.C. § 2339C by financing terrorism.

**Second**, the foregoing acts are dangerous to human life. *See* ECF No. 12 at ¶ 209 (“Cartel de Los Soles, under the leadership of [Maduro] and others, prioritized using cocaine as a weapon against America”); *Id.* at ¶ 97 (“Maduro and the other defendants expressly intended to flood the United States with cocaine in order to undermine the health and wellbeing of our nation.”); *Id.* at ¶ 109 (highlighting human rights violations of detainees in Venezuela). Furthermore, the torture and threats of death made directly to Mr. Heath and Mr. Osman constitute acts that were dangerous to the lives of Mr. Heath and Mr. Osman.

**Third**, Defendants’ conduct is intended to “[i]ntimidate [and] coerce a civilian population.” 18 U.S.C. § 2331(1). Specifically, the Defendants’ conduct is for the purpose of intimidating the Venezuelan and U.S. populations, including the government. *See* ECF No. 12 at ¶¶ 92, 94; *Id.* at ¶ 204 (Plaintiffs targeted due to status as U.S. citizens); *Id.* at ¶¶ 110-118 (list of other U.S. citizens wrongfully detained and tortured).

**Fourth**, Defendants kidnapping, confining, and torturing U.S. Citizens, including Mr. Heath and Mr. Khan, was intended to influence U.S. government policy. Defendants sought concessions from the U.S. Government—namely, the loosening of sanctions including an oil embargo—by targeting U.S. citizens for abduction, kidnapping, torture, and arbitrary detention to use them as leverage to effectuate prisoner swaps. *See* ECF No. 12 at ¶¶ 11, 13, 38, 187-188, 196.

**Finally**, Defendants’ conduct transcends national boundaries. Defendants transported cocaine from South America to the U.S. *See* ECF No. 12 at ¶¶ 53, 73-74, 85, 91. Further, Defendants laundered proceeds from their narco-terrorism scheme in the U.S. and Venezuela through its individual agents, FARC, Cartel of the Suns, and cover companies, such as Minervan. *Id.* at ¶ 54, 61-62, 73, 104-105. Additionally, acts in Venezuela targeting U.S. citizens to coerce the U.S. Government transcend national boundaries. *See* ECF No. 12 at ¶¶ 94, 108-110.

Because Defendants' conduct (1) is violent and dangerous to human life, (2) is in violation of the laws of the United States, (3) is intended to coerce a civilian population, influence the policy of the U.S. government and affect the conduct of the U.S. government through kidnapping, and (4) occurred primarily outside the territorial jurisdiction of the United States, Defendants committed acts of terrorism. Leaving no doubt, this District has held that kidnapping and holding a person hostage constitutes an act of international terrorism. *See Tribin v. Herrera*, No. 1:21-CV-24198-JLK, 2023 WL 5625615, at \*3 (S.D. Fla. July 18, 2023).

### **3. Defendants' acts gave rise to Plaintiffs' injuries.**

As part of the Maduro Criminal Enterprise, Defendants conspired to kidnap and torture Plaintiffs, undeniably giving rise to Plaintiffs' injuries. *See* ECF No. 12 at ¶ 196. The proceeds from narcotics trafficking in the United States enabled the Maduro Criminal Enterprise to remain in power in Venezuela and fund its terrorist acts. *Id.* at ¶¶ 52. Defendants leveraged their power to abduct, detain, and torture Mr. Heath and Mr. Khan as part of the narco-terrorism conspiracy to intimidate and coerce the United States Government to effectuate a prisoner swap of Maduro family members and loyalist criminal drug traffickers. *Id.* at ¶¶ 55, 134, 213. Because Mr. Heath and Mr. Khan suffered human rights abuses by Defendants, their family members each suffered severe mental and emotional anguish. *See* Exs.3-8. Accordingly, Plaintiffs were injured by reason of Defendants acts of international terrorism. *Marron*, 2023 WL 357592, at \*3 ("But for the narcoterrorism fundraising, Defendants would not have been able to fund the kidnapping and torture of Plaintiff.").

Plaintiffs have alleged facts sufficient to establish violations of the ATA. Therefore, this Court should enter default judgment against the above listed Defendants as to Count I.

**B. Torture Victim Protection Act (TVPA), Pub.L. 102-256, 106 STAT. 73  
(Reprinted at 28 U.S.C. § 1350, Note.)**

Additionally, Defendants are liable to Mr. Heath and Mr. Khan under the Torture Victim Protection Act (“TVPA”) against the Individual Defendants. The TVPA creates a cause of action where “[a]n individual who, under actual or apparent authority, or color of law, on any foreign nation—(1) subjects an individual to torture shall, in a civil action, be liable for damages to that individual.” TVPA, Pub. L. No. 102-256 (Mar. 12, 1992), 106 Stat. 73 (codified at 28 U.S.C. § 1350 note). For the reasons set forth below, Plaintiffs have proved a claim under the TVPA.<sup>12</sup>

**1. Defendants acted under actual or apparent authority, or under color of law.**

Claims under the TVPA may be based on direct liability or “theories of indirect liability, including aiding and abetting, conspiracy, agency, and command.” *Mamani v. Sanchez Bustamante*, 968 F.3d 1216, 1220 (11th Cir. 2020). Liability under the theory of aiding and abetting attaches when the plaintiff establishes active participation. *Cabello v. Fernandez-Larios*, 402 F.3d 1148, 1158 (11th Cir. 2005). This is proven by showing the “defendants gave knowing substantial assistance to the individuals committing the wrongful act.” *Doe v. Drummond Co.*, 782 F.3d 576, 604 (11th Cir. 2015). Liability for conspiracy to violate the TVPA is established when the plaintiff shows that “(1) two or more persons agreed to commit a wrongful act, (2) [defendant] joined the conspiracy knowing of at least one of the goals of the conspiracy and intending to help accomplish

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<sup>12</sup> Further, there are no unsatisfied prerequisites to this action. The “TVPA exhaustion requirement ‘is an affirmative defense’ for which the defendant bears a ‘substantial’ burden of proof.” *Bidegain v. Vega*, Case No. 1:22cv60338, 2024 WL 3537482, at \*3 (S.D. Fla. June 18, 2024) (quoting *Jean v. Dorélien*, 431 F.3d 776, 781 (11th Cir. 2005)). Defendants have not plead any defense. Regardless, seeking relief for these claims in Venezuela would be futile.

it, and (3) one or more of the violations was committed by someone who was a member of the conspiracy and acted in furtherance of the conspiracy.” *Cabello*, 402 F.3d at 1159.

The Eleventh Circuit permits a victim of violations of international law to bring a claim under the TVPA against commanders “for acts of his subordinates, even where the commander did not order those acts” if plaintiffs establish:

(1) the existence of a superior-subordinate relationship between the commander and the perpetrator of the crime; (2) that the commander knew or should have known, owing to the circumstances at the time, that his subordinates had committed, were committing, or planned to commit acts violative of the law of war; and (3) that the commander failed to prevent the commission of the crimes, or failed to punish the subordinates after the commission of the crimes.

*Ford ex rel. Est. of Ford v. Garcia*, 289 F.3d 1283, 1288 (11th Cir. 2002).

Nicolás Maduro is the illegitimate President of Venezuela and the leader of the Maduro Criminal Enterprise’s narco-terrorism conspiracy. *See* ECF No. 12 at ¶ 55-56, 80, 97, 104-105. Nicolás Maduro was a manager and leader of Cartel of the Suns as he rose to power in Venezuela. *Id.* at ¶¶ 72, 52. Under the leadership of Maduro, as well as other Venezuelan officials including Padrino López, Reverol Torres, Cabello Rondón, and other Maduro loyalists, Cartel of the Suns sought to enrich itself and its members by flooding the United States with cocaine in collaboration with FARC. *Id.* at ¶ 72. Proceeds from narco-trafficking were laundered through an instrumentality such as Minervan. *Id.* at ¶¶ 100, 104. The Maduro Criminal Enterprise abducted, detained, interrogated, and tortured U.S. citizens to intimidate and coerce the United States Government into favorable concessions. *Id.* at ¶¶ 108-118. Nicolás Maduro and others in his inner circle are “involved in selecting [DGCIM] targets.” *Id.* at ¶ 34.

Padrino López is the de facto Minister of Defense and a central figure in the Maduro Criminal Enterprise. *Id.* at ¶ 31. He serves as a senior member of the Cartel of the Suns and perpetrated the distribution of cocaine into the United States. *Id.* Reverol Torres is a senior member



of the Cartel of the Suns and served as the leader of Venezuela's anti-narcotics agency. *Id.* at ¶ 32. While directing the anti-narcotics agency, Reverol Torres received payments from drug traffickers in exchange for assisting in the distribution of cocaine from Venezuela which was ultimately imported into the United States. *Id.* at ¶ 58. Reverol Torres also permitted vehicles carrying cocaine to leave Venezuela and arranged for the release of individuals arrested for narcotics violations and for the release of seized narcotics and narcotics-related currency. *Id.* at ¶ 32.

Tarek William Saab Halabi ("Tarek Saab") is the de facto Attorney General and Ombudsman of Venezuela, and serves the Maduro Criminal Enterprise. The Treasury's Office of Foreign Assets Control ("OFAC") designated Tarek Saab on July 26, 2017 for undermining democracy and human rights in Venezuela. *Id.* at ¶ 33. Iván Hernández is the de facto commander of Nicolás Maduro's Presidential Honor Guard and is the de facto leader of the DGCIM. Under Iván Hernández's command, DGCIM detains, interrogates, and tortures individuals suspected of plotting against Maduro and specifically targeted Americans as a means of targeting the United States. *Id.* at 34.

Diosdado Cabello is a member of the National Assembly of Venezuela and a powerful member in the Maduro Criminal Enterprise. Diosdado Cabello is a leader in the Cartel of the Suns and was indicted alongside Nicolás Maduro for his participation in narcotics trafficking, money laundering, embezzlement of state funds, and other corrupt activities. *Id.* at ¶¶ 35, 61. Alex Nain Saab Morán ("Alex Saab") is a long-time financier of the Maduro Criminal Enterprise. *Id.* at ¶ 36. He was indicted for conspiracy to commit money laundering and was arrested in June 2020. *Id.* at ¶ 36. In December 2023, Maduro released ten Americans detained in Venezuela and promised to release twenty political opposition-linked Venezuelan prisoners in exchange for Alex Saab's clemency and release. *Id.* at ¶ 62.

Domínguez Ramírez is the former Chief Commissioner of the Special Forces (“FAES”) and is currently the Director of the Directorate of Strategic and Tactical Actions (“DAET”). *Id.* at ¶ 63. Under his leadership, FAES was the most lethal security force in Venezuela. Cilia Flores is the spouse of Nicolás Maduro and serves as the illegitimate first lady of Venezuela and maintains significant influence over Venezuela. *Id.* at ¶ 64. Efraín Campo and Franqui Flores, the nephews of Cilia Flores and Nicolás Maduro were convicted of drug trafficking conspiracy in the United States District Court for the Southern District of New York. *Id.* at ¶ 38. The objective of the drug proceeds was “to prolong their family’s control of Venezuela by funding at least one political campaign for Cilia Flores.” *Id.* Mr. Heath and Mr. Khan were detained, held captive, and tortured to use as leverage against the U.S. Government in exchange for the clemency and release of the nephews. *Id.* at ¶¶ 153-54.

Defendant Salas Rivas is the Lieutenant Colonel in the DGCIM. *Id.* at ¶ 40. Defendant Granko Arteaga is the Chief of Special Affairs Unit of the DGCIM, the Lieutenant Colonel in the Bolivarian National Guard, and oversaw the detention, torture, and degrading treatment of Plaintiffs and other U.S. Citizens in the DGCIM facilities. *Id.* at ¶ 41. Defendant Reynaldo Hernández is an agent of the DGCIM and is directly involved in the abuse of U.S. Citizens. *Id.* at ¶ 41. These Defendants served the Maduro Criminal Enterprise by securing U.S. Citizens as collateral for Maduro to leverage against the U.S. government in prisoner swaps. *Id.* at ¶ 65. Each of these Defendants took part in the torture and abuse of Mr. Heath and Mr. Khan, or ordered, approved of, and encouraged the torture and abuse in furtherance of Maduro’s and Domínguez Ramírez’s policy of wrongfully abducting and detaining Americans to influence the U.S. Government into granted clemency of convicted narco-terrorists, a loosening of restrictions, and an end to the oil embargo. *Id.* at ¶ 39-41, 65.

The Individual Defendants conspired to support the Maduro Criminal Enterprise in narcotrafficking, oppression of political opposition in Venezuela, human rights violations against U.S. citizens, and the use of U.S. citizens as bargaining chips for the release of agents engaged in its illicit business selling drugs in the United States. Each Defendant was an active participant in the Maduro Criminal Enterprise and actively participated in wrongful acts in furtherance of the conspiracy. Defendants Nicolás Maduro commanded the Venezuelan security and military forces, Defendant Tarek Saab was the Attorney General, and Defendant Iván Hernández commanded the DGCIM. These admitted allegations are sufficient to establish liability under either aiding and abetting, conspiracy, or agency and command.

## **2. Defendants subjected Mr. Heath and Mr. Khan to Torture.**

It is undisputed that Mr. Heath and Mr. Khan are victims of torture. Torture is defined as:

[A]ny act, directed against an individual in the offender's custody or physical control, by which severe pain or suffering (other than pain or suffering arising only from or inherent in, or incidental to, lawful sanctions), whether physical or mental, is intentionally inflicted on that individual for such purposes as obtaining from that individual or a third person information or a confession, punishing that individual for an act that individual or a third person has committed or is suspected of having committed, intimidating or coercing that individual or a third person, or for any reason based on discrimination of any kind.

TVPA § 3(b). Mr. Khan and Mr. Heath were held against their will and were subjected to heinous acts of physical and mental abuse. *See* ECF No. 12 at ¶¶ 119-172. Plaintiffs have alleged facts sufficient to establish violations of the TVPA.

## **C. Intentional Infliction of Emotional Distress**

Family Member Plaintiffs have alleged sufficient facts to establish liability under the ATA. Alternatively, Family Member Plaintiffs have also alleged sufficient facts to establish liability for their claims of intentional infliction of emotional distress under the laws of Florida, Virginia, and Tennessee, where different family members resided. Under Florida law, a plaintiff must prove “(1)

the wrongdoer's conduct was deliberate or reckless, that is, he intended his behavior when he knew or should have known that emotional distress would likely result; (2) the conduct was outrageous. . .; (3) the conduct caused emotional distress; and (4) the emotional distress was severe.” *Saludes v. Republica de Cuba*, 577 F. Supp. 2d 1243, 1254 (S.D. Fla. 2008) (quoting *Samedi v. Miami–Dade County*, 134 F.Supp.2d 1320, 1353–1354 (S.D.Fla.2001)).

These elements are similar for an intentional infliction of emotional distress claim under Virginia law which requires that 1) the wrongdoer’s conduct was intentional or reckless; 2) the conduct was outrageous or intolerable; 3) there was a causal connection between the wrongdoer’s conduct and the resulting emotional distress; and 4) the resulting emotional distress was severe.” *Daniczek v. Spencer*, 156 F. Supp. 3d 739, 757 (E.D. Va. 2016) (quoting *Ogunde v. Prison Health Servs., Inc.*, 274 Va. 55, 65, 645 S.E.2d 520, 526 (2007)). Under Tennessee law, a plaintiff must establish that the defendant’s conduct was “(1) intentional or reckless, (2) so outrageous that it is not tolerated by civilized society, and (3) resulted in serious mental injury to the plaintiff.” *Johnson v. Hamilton Cnty. Gov’t*, No. 1:19-CV-304, 2023 WL 11979766, at \*12 (E.D. Tenn. Mar. 29, 2023) (quoting *Lemon v. Williamson Cnty. Schs.*, 618 S.W.3d 1, 21 (Tenn. 2021)).

Here, Defendants clearly acted deliberately and with reckless disregard, as it was highly probable that the family members of Mr. Khan and Mr. Heath would suffer extreme emotional distress due to their loved ones being held captive and tortured. *See Sutherland v. Islamic Republic of Iran*, 151 F. Supp. 2d 27, 50 (D.D.C. 2001) (“when an organization takes someone hostage, it is implicitly intending to cause emotional distress among the members of that hostage’s immediate family.”). This District has granted default judgments for intentional infliction of emotional distress for family members of those who were kidnapped and tortured despite not being present at the scene. *See Saludes*, 577 F. Supp. 2d at 1254-55. Other courts reasoned that “a terrorist

attack—by its nature—is directed not only at the victims but also at the victim’s families.” *See Bakhtiar v. Islamic Republic of Iran*, 2008 WL 2756606,\*5 (D.D.C. July 17, 2008). Defendants in carrying out the kidnapping and torture of Mr. Heath and Mr. Khan, should have reasonably foreseen that their families would experience severe emotional distress. *See Alban Osio*, 2023 WL 5019877, at \*10 (Defendants “should have reasonably foreseen that Mr. Albán’s family members would experience this type of suffering.”).

Conduct is outrageous if it is “extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.” Restatement (Second) of Torts, Section 46, Comment D; *Daniczek*, 156 F. Supp. 3d at 759; *Saludes*, 577 F. Supp. 2d at 1254; *Reagan v. City of Knoxville*, 692 F. Supp. 2d 891, 905–06 (E.D. Tenn. 2010). The arbitrary capture, detainment, and torture of Mr. Heath and Mr. Khan was outrageous and beyond all bounds of decency. Defendants Reynaldo Hernández, and Granko Arteaga illegally detained Mr. Khan and Mr. Heath in DGCIM facilities where they were beaten, starved, dehydrated, electrocuted, waterboarded, threatened with rape, and held in solitary confinement. *See e.g.*, ECF No. 12 at ¶¶ 127, 132-33, 161. Additionally, Tarek Saab issued public statements falsely accusing Mr. Heath of committing acts of terrorism. *Id.* at ¶ 284. Defendants also made false statements to Mr. Khan’s family to extort money from them. *Id.* at ¶ 164. All of these acts are utterly intolerable.

To support their claims for severe emotional distress, the Family Member Plaintiffs attach declarations as Exhibits 2-8. Osman’s mother, Tania Valdes suffered from crying spells, suicidal ideation, insomnia, and was prescribed medication to help her sleep. *See* ECF No. 12 at ¶¶ 179-180. Compounding her emotional distress, Defendants extorted money from her. *Id.* at ¶ 164.

Jasmin Khan developed insomnia and abused alcohol. *Id.* at ¶¶ 176-178. Osman’s younger brother, A.I.K., became isolated and severely anxious. *Id.* at ¶¶ 173-175.

Mr. Heath’s torture caused serious mental injury to his son, siblings, and parents. *Rodriguez Ortiz v. Jefferson Cnty., Tennessee*, No. 3:17-CV-00401, 2019 WL 5932757, at \*17 (E.D. Tenn. Nov. 12, 2019) (“A serious mental injury may be shown by evidence of several nonexclusive factors, including depression, crying spells, nightmares, weight loss, and more”). Connie Heath received mental health diagnoses and suffered from severe stress which caused her to not eat or sleep. *Id.* at ¶¶ 141-142, *See* Ex. 5 at ¶¶ 8-9. Connie became malnourished and lost eighty-seven pounds. *See* Ex. 5 at ¶ 8. Defendant Diosdado Cabello gave a speech with a photo of Connie in the background with a target superimposed over her face which further exacerbated her anxiety. ECF 12 at ¶ 142. Mr. Heath’s father, Robert Heath became so consumed with researching ways to bring Matthew home that he neglected his health and resulting in him being admitted into the hospital. *See* Ex. 6 at ¶ 8. He “felt a sense of shock and agony for two years”, and “there was not a day that passed that [he] did not grieve the absence of [his] son. *Id.* at ¶ 11. Because of the previous loss of his son, Jonathan, and the loss of his mother the same year Matthew Heath was held captive, Robert Heath’s grief was further compounded. *Id.* at ¶¶ 8, 11. Mr. Heath’s son, I.M.H., was only eleven years old when his father was taken hostage. *Id.* at ¶¶ 151-152. I.M.H. became aware of the details of his father’s captivity and became fearful that his father could die at any moment. *Id.* He went through some of the most pivotal moments in his youth without his father.

McKenzie Heath suffered physically through weight gain and elevated blood pressure which had caused her to be high risk during her first pregnancy. *Id.* at ¶¶ 145-148. McKenzie also became isolated in her home, depressed, and struggled with suicidal ideation. *Id.* Mr. Heath’s

brother, Devin Waller suffered from anxiety, depression, and insomnia with frequent dreams of his brother. *Id.* at ¶¶ 149-150; Ex. 8.

Plaintiffs have alleged facts sufficient to establish an intentional infliction of emotional distress claim under Tennessee, Florida, and Virginia law. Therefore, this Court should enter default judgment against the above listed Defendants as to Counts III, IV, and V.

#### **D. False Imprisonment**

False imprisonment is the unlawful restraint of a person against his will. *See Cruz v. Carroll*, No. 19-61160-CIV, 2019 WL 10058779, at \*3 (S.D. Fla. Sept. 12, 2019) (a claim under Florida law requires “(1) an unlawful detention and deprivation of liberty against the plaintiff’s will; (2) an unreasonable detention which is not warranted by the circumstances and (3) an intentional detention.”); *Zelaya v. Hammer*, 516 F. Supp. 3d 778, 811 (E.D. Tenn. 2021) (“plaintiffs must prove (1) the detention or restraint of one against his will and (2) the unlawfulness of such detention or restraint.”). Under Article 23 of Venezuela’s Constitution “all international treaties and conventions regarding human rights are to be incorporated within Venezuelan law, superior to any other conflicting laws.” *Perez v. Moros*, Civ. No. 24-23719 (S.D. Fla. Mar. 24, 2025), ECF No. 50 at p. 9. Additionally, under Article 44 of Venezuela’s Constitution, “[n]o person shall be arrested or detained except by virtue of a court order” or “must be brought before a judge within forty-eight hours” of arrest and be able to “communicate immediately with members of his or her family, an attorney or any other person in whom he or she reposes trust.” Venez. Const. Art. 44.

Defendants conspired to falsely imprison Mr. Khan and Mr. Heath for leverage against the U.S. Government. ECF No. 12 at ¶¶ 134, 137, 203, 213. Mr. Khan and Mr. Heath did not commit a crime and were detained against their will by Maduro’s agents, including Defendants Salas Rivas, Reynaldo Hernández, and Granko Arteaga. ECF No. 12 at ¶¶ 39-41, 124-135, 159-167, 258. The

fabricated charges against Mr. Khan and Mr. Heath are based on no evidence or planted evidence. *Id.* at ¶¶ 128-131, 168, *See* Ex. 2. at ¶ 30. Further, Mr. Khan and Mr. Heath were not advised of the charges against them or brought before a judge until several days into their detainment. *Id.* at ¶¶ 168, *See* Ex. 1 at ¶ 16. Therefore, the detention of Mr. Khan and Mr. Heath was unlawful. Plaintiffs have alleged facts sufficient to establish false imprisonment against all Defendants in the Maduro Criminal Enterprise. Therefore, this Court should enter default judgment as to Count VI.

### **E. Civil RICO**

To establish a civil RICO claim, the plaintiff must allege a violation of 18 U.S.C. § 1962(c). To satisfy this provision, the plaintiff must show that the defendant (1) conducted or participated, directly or indirectly, in the conduct (2) of an enterprise, (3) through a pattern of racketeering activity. *See Durham v. Bus. Mgmt. Assocs.*, 847 F.2d 1505, 1511 (11th Cir. 1988) (quoting *Sedima S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 496 (1985)). After these elements are met, the plaintiff must then show that the unlawful racketeering activity caused injury to the plaintiff's business or property. *Walgreen Co. v. Premier Prod. Of Am., Inc.*, 8:11-cv-812, 2012 WL 527169, at \*3 (M.D. Fla. Feb. 17, 2012). As discussed below, Plaintiffs have sufficiently alleged a Civil RICO violation.

#### **1. The RICO Enterprise**

The Maduro Criminal Enterprise satisfies the test for an “association-in-fact” enterprise. An association-in-fact enterprise “requires (1) a purpose, (2) relationships among those associated with the enterprise, and (3) longevity sufficient to permit these associates to pursue the enterprise's purpose.” *Alban Osio*, 2023 WL 5019877, at \*10. A group of individual entities qualifies as a RICO enterprise when “the association of individual entities, however loose or informal, . . . furnishe[d] a vehicle for the commission of two or more predicate crimes.” *United States v. Goldin Indus. Inc.*, 219 F.3d 1271, 1275 (11th Cir. 2000).



This Court has already held that the Maduro Criminal Enterprise serves a common purpose to qualify as an “enterprise-in-fact” under similar facts. *Alban Osio*, 2023 WL 5019877, at \*6 (“Here, the Maduro Criminal Enterprise functions to achieve the common purpose of exerting control over the Venezuelan population by engaging in narcotics trafficking, acts of terrorism, human rights violations, and public corruption offenses.”). Similar to the *Alban Osio* case, Defendants have admitted by defaulting that their common purpose is to control power in Venezuela through their illegal activities. *See* ECF No. 12 at ¶ 51. The Maduro Criminal Enterprise’s claim to power would not have been possible without the narco-terrorism activities of Cartel of the Suns, FARC-EP, and Segunda Marquetalia. *Id.* Each of these cartels is under the control of the Individual Defendants and perpetrates the trafficking of narcotics into the United States, and particularly Florida, and other countries to produce funds for the Maduro Criminal Enterprise in support of its grip on Venezuela. *Id.* at ¶ 55. Minervén also furthers this purpose based on the sale of “blood gold” in defiance of United States sanctions and money laundering at the service of narcotrafficking. *Id.* at ¶ 54. Overall, the Maduro Criminal Enterprise includes all Defendants and uses narco-terrorism, money laundering, and intimidation to further the common purpose of remaining in power.

Similarly, this Court has also held that the relationship between the Individual Defendants and the cartels is sufficient to allege an enterprise-in-fact. *Alban Osio*, 2023 WL 5019877, at \*6. The same is true here. The facts alleged in the complaint establish that each Individual Defendant, including Maduro himself, is a leader and enforcer of the multiple cartels to keep the enterprise in power. ECF No. 12 at ¶¶ 69–107. Furthermore, an enterprise need not have “a hierarchical structure or chain of command, and the group need not have a name, regular meetings, dues, established rules and regulations, disciplinary procedures, or indication or initiation ceremonies.” *Al-Rayes v.*

*Willingham*, 914 F.3d 1302, 1309 (11th Cir. 2019) (internal citations omitted). Instead, all that is required is the “shared purpose of engaging in illegal activity.” *Id.* at 1308. Minerven also fits comfortably within the Maduro criminal enterprise relationship based on this test. Minerven acted as a major financier of the enterprise through illegal sales of gold and money laundering. ECF No. 12 at ¶¶ 43, 54, 67-68, 104-106. Therefore, not only does Minerven maintain a relationship with the cartels and Individual Defendants, but it constitutes a key piece in the enterprise. This satisfies the relationship prong of the enterprise-in-fact test.

Lastly, each defendant has supported the enterprise with enough “longevity sufficient to permit these associates to pursue the enterprise’s purpose.” *Boyle v. United States*, 556 U.S. 938, 946 (2009). The enterprise has been committing acts of narco-terrorism, money laundering, and torture for at least twenty years. *See* ECF No. 12 at ¶ 52. This is more than enough time—as is evidenced by the continued existence of the criminal enterprise—to permit each defendant to pursue the common purpose of the enterprise.

The Court should find that the Defendants comprise an enterprise-in-fact for the purposes of a civil RICO claim.

## **2. Conducting the Affairs of the Enterprise**

Each Defendant has either directly or indirectly conducted or participated in the affairs of the Maduro Criminal Enterprise. “[T]o conduct or participate, directly or indirectly, in the conduct of such enterprise’s affairs, one must participate in the operation or management of the enterprise itself.” *Reves v. Ernst & Young*, 507 U.S. 170, 185 (1993). Again, like the *Alban Osio* case, the Individual Defendants have admitted by defaulting that they are the “leaders of the Maduro Criminal Enterprise, and therefore, are liable for the affairs of the enterprise.” *Alban Osio*, 2023 WL 5019877, at \*6.

Defendants FARC-EP, Cartel of the Suns, Segunda Marquetalia, and Minerven are also liable for the affairs of the enterprise. “Liability under § 1962(c) is not limited to upper management . . . [a]n enterprise is operated also by lower-rung participants in the enterprise who are under the direction of upper management or by others associated with the enterprise who exert control over it.” *United States v. Starrett*, 55 F.3d 1525, 1542 (11th Cir. 1995) (quoting *Reves*, 507 U.S. at 184. Each of these Defendants is sufficiently alleged to be “under the direction of upper management or by others associated with the enterprise who exert control over it.” *Id.* Minerven is controlled by the Individual Defendants and used as an instrumentality to launder money and sell illegal gold to support the Maduro Criminal Enterprise’s narco-terrorism and overall criminal activities. *See* ECF No. 12 at ¶ 104. It plays an indispensable role and is therefore “under the direction of upper management” by the Individual Defendants. Furthermore, Cartel of the Suns and its offshoots of FARC-EP and Segunda Marquetalia have been under the leadership of the Individual Defendants to enrich themselves and their members by flooding the United States and Florida with narcotics. *Id.* at ¶¶ 56, 72-79, 83-86, 90. This relationship continues to perpetuate its narco-terrorism and money laundering scheme in conjunction with the Individual Defendants. *Id.* at ¶¶ 56, 91.

Each of the Defendants has either directly or indirectly participated in the operation or management of the enterprise itself.

### **3. The Pattern of Racketeering Activity**

The Maduro Criminal Enterprise has engaged in a pattern of racketeering activity making each liable under the statute. “The heart of any RICO complaint is the allegation of a pattern of racketeering” activity. *Agency Holding Corp. v. Malley-Duff & Assocs., Inc.*, 483 U.S. 143, 154 (1987). To show a pattern, the plaintiff must plead that the defendant engaged in two or more

predicate RICO offenses enumerated in 18 U.S.C. § 1961(1). *See* 18 U.S.C. § 1961 (5); *H.J. Inc. v. Nw. Bell Tel. Co.*, 492 U.S. 229, 237 (1989). Additionally, the offenses must be related, or have “similar purposes, results, participants, victims, or methods of commission . . . .” *Alban Osio*, 2023 WL 5019877, at \*6; *H.J. Inc.*, 492 U.S. at 240. Lastly, the pattern must reflect a threat of continuing racketeering activity, which may be established by showing that the predicate acts or offenses are part of an ongoing entity’s regular way of doing business. *Alban Osio*, 2023 WL 5019877, at \*6; *H.J. Inc.*, 492 U.S. at 240.

The Defendants have all engaged in a myriad of predicate RICO offenses to satisfy the statute. These include: the kidnapping of Mr. Heath and Mr. Khan in violation of 18 U.S.C. § 1203, money laundering in violation of 18 U.S.C. § 1956, providing material support to organizations engaged in violent activities in violation of 18 U.S.C. § 2339A, providing material support to designated foreign terrorist organizations in violation of 18 U.S.C. § 2339B, and drug trafficking in violation of 21 U.S.C. § 841.

At all relevant times, each Defendant either directly participated in or were an instrumental part in the commission of more than two predicate offenses. Specifically, the Maduro Criminal Enterprise kidnapped Mr. Heath and Mr. Khan to use them as bargaining chips to free two high-ranking members of the narco-terrorism conspiracy. *See* ECF No. 12 at ¶ 113. In addition, RICO predicates include “any offense involving . . . the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance.” 18 U.S.C. § 1961(1)(d). Defendants have committed this predicate offense through the ongoing narco-terrorism scheme to traffic narcotics throughout the United State and Florida and use the funds to engage in other criminal acts. *See* ECF No. 12 at ¶¶ 73–75. Also, the proceeds from the criminal conspiracy were used to fund the FARC-EP, Cartel of the Suns, and Segunda Marquetalia, each of

which was designated as a terrorist organization in violation of 18 U.S.C. § 2339A and 18 U.S.C. § 2339B. *See* ECF No. 12 at ¶¶ 27–30. Moreover, “[c]ongress has recognized that money laundering and other post-investment offenses may constitute predicate acts causing racketeering injury for which damages may be recovered under § 1964.” *Maiz v. Virani*, 253 F.3d 641, 674 (11th Cir. 2001). Minervén engaged in an elaborate money-laundering scheme for years to further the purpose of the Maduro Criminal Enterprise. *See* ECF No. 12 at ¶ 107. Each Defendant has clearly engaged in more than two predicate RICO offenses to satisfy the statute.

The predicate offenses perpetrated by the Defendants are also related in that they have the purpose in maintaining the Maduro Criminal Enterprise’s power over Venezuela as has already been recognized by this court. *See Alban Osio*, 2023 WL 5019877, at \*7 (“The foregoing RICO predicate acts are related to one another because they were committed by the same group of actors . . . and have the same purposes: to raise revenue through drug-trafficking abroad and reinforce Maduro’s authoritarian control over Venezuela.”). The same is true here. All the Defendants are an integral part of the Maduro Criminal Enterprise’s control over narco-terrorism and the citizenry of Venezuela. *See* ECF No. 12 at ¶ 196. They all work towards that common purpose.

The Defendants’ pattern of engaging in racketeering activity also displays the continuity needed to state a claim under RICO. The Maduro Criminal Enterprise has been engaging in these activities for at least twenty years. *Id.* at ¶ 97. There is no evidence that these activities have ceased, and in fact the enterprise continues to engage in these activities to perpetuate power and terrorism around the world. *Alban Osio*, 2023 WL 5019877, at \*7 (“In fact, the Individual Defendants have been working together for decades and continue to exercise control over Venezuela through the oppression of its civilian population.”). Plaintiffs have sufficiently alleged that the Defendants have engaged in a pattern of racketeering activity to support a claim for Civil Rico.

#### 4. Injury to Business or Property Due to RICO Violations

The kidnapping of Mr. Heath and Mr. Khan, each a RICO violation in its own right, has also caused injury to business or property of the plaintiffs. “To establish civil liability, the plaintiff must further allege that the unlawful racketeering activity caused damage to the plaintiff’s business or property.” *Alban Osio*, 2023 WL 5019877, at \*5, *Walgreen Co.*, 2012 WL 527169, at \*3. Under civil RICO claims that involve kidnapping, courts have recognized that “alleged out-of-pocket expenses incurred as a direct result of [an] ordeal in the form of travel, lodging, attorney’s fees” are “arguably considered injury to business or property.” *Geraci v. Women’s All., Inc.*, 436 F. Supp.2d 1022, 1039 (D.N.D. 2006). Moreover, there is no longer a bar under civil RICO claims for pecuniary losses that are properly understood as derivative of a personal injury claim. *See Med. Marijuana, Inc. v. Horn*, 145 S. Ct. 931, 936 (2025) Therefore, any losses stemming from the injuries relating to the kidnap and torture of Mr. Heath and Mr. Khan, are damages to business or property under the statute.

All Plaintiffs have sustained injury in their business or property based on the kidnapping of Mr. Heath and Mr. Khan. Akin to the plaintiffs in *Alban Osio* and *Geraci*, the Plaintiffs in this case spent an exorbitant amount of money trying to free their loved ones from captivity. This includes close to a quarter of a million dollars spent by Mr. Heath’s father for a Venezuelan lawyer, translators, and to satisfy extortionist plots by the Defendants. *See* ECF No. 12 at ¶ 140. This eventually resulted in Mr. Heath’s father having to sell his farm to pay his bills. *Id.* Multiple Plaintiffs also traveled to Washington D.C. to advocate for Mr. Heath’s freedom, incurring traveling, lodging, and other expenses based on the kidnapping. *Id.* at ¶¶ 141, 150. For example, Ms. Haynes spent approximately \$8,000 on traveling to raise awareness of Mr. Heath’s captivity. *See* Ex. 5 at ¶¶ 5, 8. These are the exact type of expenses stemming from a kidnapping that this

court in *Alban Osio* and *Geraci* recognized as recoverable under a civil RICO action. *Alban Osio*, 2023 WL 5019877, at \* 7; *Geraci*, 436 F. Supp.2d at 1039.

The same is true for Mr. Khan. Following Mr. Khan's kidnapping, his mother was immediately extorted for the freedom of her son. *See* ECF No. 12 at ¶ 164. She also sent over \$400 dollars every week to an associate of the Maduro Criminal Enterprise that claimed the funds would be used to purchase her son food, which Osman never received. *Id.* at ¶ 180. This money totaled \$20,000. *Id.* These out-of-pocket expenses are the direct result of the RICO violations and constitute damage to business or property to support a claim.

The Defendants RICO violations also caused pecuniary losses stemming from the personal injuries caused by the kidnapping of Mr. Heath and Mr. Khan. While not traditionally sufficient to state a RICO claim in this circuit, the Supreme Court has held that injuries to business or property resulting from personal injuries caused by RICO violations are not barred. *Med. Marijuana, Inc. v. Horn*, 145 S. Ct. at 936. So, "a human trafficking-victim can sue for her business or property harm, even though the harm necessarily resulted from her captivity." *Id.* at 943. Like the human trafficking victim in that hypothetical, the Plaintiffs in this case can sue under RICO for harms to their business and property stemming from the captivity of Mr. Heath and Mr. Khan. These harms include Mr. Heath's mother, Ms. Haynes, missing significant swaths at work to advocate for her son's return. ECF No. 12 at ¶ 141. Due to this, Ms. Haynes earned only about half of her wages, losing approximately \$20,000 in potential earnings over the two years Mr. Heath was held captive. *See* Ex. 5, ¶ 8. They also include Mr. Heath's sister, Ms. Daniels quitting her job brought on by the anxiety and stress of waiting for the return of her brother. *See* ECF No. 12 at ¶ 146. On top of this, upon his return home Mr. Heath lost his charter business and the boats he spent his life savings purchasing to operate that business. *Id.* at ¶ 156. This logic carries to Mr. Khan as well, as his

kidnapping and torture created significant adverse pecuniary consequences to both him and his family. *Id.* at ¶ 193.

The Plaintiffs in this case have sufficiently stated a claim under civil RICO. The Maduro Criminal Enterprise meets the statutory definition for enterprise, they participated in conduct that supported that enterprise, and that was carried out exhibiting a pattern of racketeering activity. In turn, this enterprise caused damage to the business and property of all plaintiffs to support a claim under RICO.

### **5. Conspiracy to Violate Civil RICO, 18 U.S.C. § 1962(d)**

“In order to state a claim for civil RICO conspiracy, a plaintiff must ‘allege an illegal agreement to violate a substantive provision of the RICO statute.’” *Super Vision Int'l, Inc. v. Mega Int'l Com. Bank Co.*, 534 F. Supp. 2d 1326, 1342 (S.D. Fla. 2008) (quoting *Jackson v. BellSouth Telecomm.*, 372 F.3d 1250, 1269 (11th Cir. 2004)). The plaintiffs do not need to show direct evidence of a RICO agreement, but it can be inferred from the conduct of the participants. *American Dental Ass'n v. Cigna Corp.*, 605 F.3d 1283, 1293 (11th Cir. 2010).

In this context, this Court has held that “Maduro and the individual defendants knowingly, willfully, and unlawfully conspired to facilitate a scheme that included the operation of a RICO enterprise through a pattern of racketeering activity as alleged in the sections above.” *Alban Osio*, 2023 WL 5019877, at \*8. This Court should hold the same. The Maduro Criminal Enterprise is supported by, run, and maintained by each of the Defendants. *Id.*; *See* ECF No. 12 at ¶ 196.

The conspiracy's purpose is to exercise unlawful authoritarian control over Venezuela, further the Maduro Criminal Conspiracy, and engage in (a) narcotics trafficking; (b) acts of terrorism including but by no means limited to narco-terrorism; (c) human rights violations including kidnapping, torture, and murder; (d) public corruption offenses; and (e) money laundering.



*Alban Osio*, 2023 WL 5019877, at \*8. As the Court has previously recognized, each of these acts was entered into by the Defendants with the purpose of maintaining and supporting the enterprise, thereby qualifying as a conspiracy to violate RICO.

Accordingly, Plaintiffs are entitled to a default judgment on their federal civil RICO claim against Defendants.

#### **F. Defamation and Defamation Per Se**

Defendants, acting through Defendant Tarek Saab, one of the Maduro Criminal Enterprise’s senior members, defamed Mr. Heath and Mr. Khan by falsely accusing them of terrorism, espionage, and human trafficking. ECF No. 12 at ¶¶ 284–90. These false accusations satisfy the elements required to prove defamation *per se* under Florida law.

“Under Florida law, to state a claim for defamation—libel or slander—the plaintiff must allege that: ‘(1) the defendant published a false statement; (2) about the plaintiff; (3) to a third party; and (4) that the falsity of the statement caused injury to the plaintiff.’” *Matonis v. Care Holdings Grp., L.L.C.*, 423 F. Supp. 3d 1304, 1315 (S.D. Fla. 2019) (quoting *Alan v. Wells Fargo Bank, N.A.*, 604 F. App’x 863, 865 (11th Cir. 2015)). All that is required for a statement to be considered “published” under Florida law, is that it be communicated to a third person. *See Estes v. Rodin*, 259 So. 3d 183, 191 (Fla. Dist. Ct. App. 2018). To step into the realm of defamation *per se*, the statements must be “so obviously defamatory” and “damaging to [one’s] reputation” that they “give[] rise to an absolute presumption of both malice and damage.” *Klayman v. Judicial Watch, Inc.*, 22 F. Supp. 3d 1240, 1247 (S.D. Fla. 2014) (quoting *Wolfson v. Kirk*, 273 So.2d 774, 776 (Fla. 4th DCA 1973)). To give rise to this presumption the statement “(1) charges that a person has committed an infamous crime; (2) tends to subject one to hatred, distrust, ridicule, contempt or disgrace; or (3) tends to injure one in his trade or profession.” *Aflalo v. Weiner*, No. 17-61923-

CIV, 2018 WL 3235529, at \*2 (S.D. Fla. July 2, 2018) (quoting *Richard v. Gray*, 62 So. 2d 597, 598 (Fla. 1953)).<sup>13</sup>

Defendants have engaged in defamation *per se* against Mr. Heath through Defendant Tarek Saab's announcement on Venezuelan television that Mr. Heath was arrested for sabotage and terrorist activities. ECF No. 12 at ¶ 284. This began when Defendant Tarek Saab went on Venezuelan television to accuse the plaintiff of "plotting to attack oil refineries and electrical service" to "sow sabotage and destabilization in Venezuela." *Id.* at ¶ 130. Defendant Tarek Saab then reaffirmed these false accusations by reiterating them on his Twitter page, where they were seen by residents of Florida. *Id.* Further, the accusations were then published in multiple media outlets, as the television address was published on YouTube and a story was run in The Miami Herald. *Id.* at ¶¶ 286-87. The far-reach of these vile accusations is beyond doubt, especially in Florida where there is a large Venezuelan ex-patriot community. Additionally, vitriolic statements such as these have been recognized to state a claim for defamation *per se*, as they were false, made with malice, published, and stated that Plaintiff Heath committed multiple felonies (including terrorism and arms trafficking). *See Marron*, 2023 WL 357592, at \*4 (holding defendants liable for defamation *per se* with similar false accusations.). As this Court did in that case, the Court should hold the Defendants liable to Mr. Heath for defamation. *See id.*

The Defendants also engaged in defamation *per se* against Mr. Khan. Shortly after the kidnapping of Mr. Khan, agents of the Maduro Criminal Enterprise called Mr. Khan's mother, Ms.

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<sup>13</sup> Under Florida law "each communication of the same defamatory matter by the same defamer . . . is a separate and distinct publication, for which a separate cause of action arises." *Block v. Matesic*, No. 21-61032-CIV, 2023 WL 8527670, at \*3 (S.D. Fla. Dec. 8, 2023) (citation omitted). Further, the statute of limitations is an affirmative defense that Defendants have not made by nature of their default. *See R&R Int'l Consulting LLC v. Banco do Brasil, S.A.*, 981 F.3d 1239, 1245 (11th Cir. 2020). *Wood v. Milyard*, 566 U.S. 463, 472 (2012) ("courts are under no obligation to raise *sua sponte*.")

Valdes, and told her that he was being held because he committed acts of terrorism, human trafficking, and conspiracy. *See* ECF No. 12 at ¶ 290. These statements had far-reaching effects in Florida as at least one publication, CWV, printed that Khan was “an American ex-convict,” another untrue statement attributed to the initial accusations by the Defendants. *Id.* at ¶ 291. Therefore, the statements made about Mr. Khan following his arrest satisfy defamation *per se*, as they were made to a third-party (his mother), accuse Mr. Khan of multiple felonies, and subject him to distrust, ridicule, contempt, or disgrace, just like the plaintiff in *Marron* who was adjudged to have been defamed. *Marron*, 2023 WL 357592, at \*4; ECF No. 12 at ¶¶ 290, 293.

## DAMAGES

### I. PLAINTIFFS MR. HEATH AND MR. KHAN

#### A. Kidnapping and Torture Under the ATA—Compensatory Damages

Under the ATA, a person injured by an act of international terrorism may sue and “shall recover threefold the damages he or she sustains and the cost of the suit, including attorney’s fees.” 18 U.S.C. § 2333. The Plaintiffs have sufficiently plead the facts entitling them to the full range of economic and non-economic damages under the ATA. Typically, courts have awarded victims of kidnapping and hostages approximately \$10,000 per day (before trebling). *See Stansell v. Revolutionary Armed Forces of Colom. (FARC)*, 9-cv-2308, 2010 WL 11507790, at \*3 (M.D. Fla. June 4, 2010). However, this court has allowed for an adjustment considering inflation and has awarded an additional lump sum where “pain and suffering is heightened by torture.” *Marron*, 2023 WL 357592, at \*5; *Alban Osio*, 2023 WL 5019877, at \*10. In similar cases, the lump sum has been calculated at \$10 million. *Marron*, 2023 WL 357592, at \*5 (finding a \$10 million-dollar lump sum appropriate after finding evidence of torture); *Alban Osio*, 2023 WL 5019877, at \*10. This Court has also recognized that compensatory damages are trebled under the ATA. *In re Chiquita Brands Int’l, Inc.*, 284 F. Supp. 3d 1284, 1309 (S.D. Fla. 2018).

Given the strikingly similar facts and same Defendants in these cases, there is no reason for this Court to depart from the formula previously deployed. In 2023, the per diem amount was increased to \$18,164 per day for inflation. *Marron*, 2023 WL 357592, at \*3. Today, this amounts to a \$19,764 *per diem* award.<sup>14</sup> Multiplied by the 752 days Mr. Heath was in captivity and the 259 that Mr. Khan was, this amounts to \$14,862,528 and \$5,118,876 respectively. This is in addition to the \$10,000,000 lump sum that should be awarded based on the previous cases involving almost identical circumstances. This amounts to compensatory damages in the amount of \$24,862,528 for Mr. Heath and \$15,118,876 for Mr. Khan, and a total compensatory damages amount of \$74,587,584 for Mr. Heath and \$45,356,628 for Mr. Khan after trebling.

#### **B. Kidnapping and Torture Under the TVPA—Compensatory Damages**

Mr. Heath and Mr. Khan are also entitled to damages under the TVPA. Courts in this circuit have awarded significant compensatory and punitive damages under the TVPA. *See Licea v. Curacao Drydock Co., Inc.*, 584 F. Supp. 2d 1355, 1363 (S.D. Fla. 2008). When determining the amount of damages for plaintiffs under the TVPA, courts consider a wide range of factors such as the brutality of the acts, egregiousness of defendant's conduct, and international condemnation of act. *Id.*

Further, courts in this circuit have upheld large compensatory damage awards under the TVPA under similar circumstances to that of Mr. Heath and Mr. Khan. *See e.g., Arce v. Garcia*, 434 F.3d 1254, 56 (11th Cir. 2006) (noting a \$54 million award for plaintiffs who were kidnapped and tortured by the Salvadoran military); *Mehinovic v. Vuckovic*, 198 F. Supp. 2d 1322, 1359 (N.D.

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<sup>14</sup>Inflation Calculator [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm) (comparing July 1998 with June 2025, the most recent month with inflation figures).

Ga. 2002) (awarding plaintiffs \$10 million each to plaintiffs who were detained and tortured by a Serbian concentration camp).

Mr. Heath and Mr. Khan lived through egregious conditions of torture and suffer ongoing physical and emotional pain. *See* ECF No. 12 at ¶¶ 132, 169. There is no doubt that they are entitled to compensatory damages under the TVPA. Using the pre-trebled amount of the compensatory damages that would be awarded under the ATA, Plaintiffs request compensatory damages of \$24,862,528 for Mr. Heath and \$15,118,876 for Mr. Khan under the TVPA, in the event that they are not awarded any compensatory damages under the ATA.

### **C. Defamation—Compensatory Damages**

The nature of the false accusations in this case has elicited large damages for defamation under similar circumstances. *See, e.g., id.; Alban Osio*, 2023 WL 5019877, at \*10 (awarding \$1 million in defamation damages after plaintiff was labeled a terrorist by the Maduro regime); *Friedman v. Schiano*, 777 F. App'x 324, 325 (11th Cir. 2019) (awarding \$640,000 in compensatory damages and \$640,000 in punitive damages after defendant false accused the plaintiff of scams, frauds and crimes); *Lustig v. Stone*, 2015 WL 13326350, at \*7 (S.D. Fla. Aug. 18, 2015) (awarding plaintiffs \$700,000 in compensatory and \$1 million in punitive damages under defamation.).

Both Mr. Heath and Mr. Khan were labeled terrorists, weapons traffickers, and spies that posed a threat the government of Venezuela. *See* ECF No. 12 at ¶¶ 284–90. This was for the sole purpose of justifying their detentions and used as leverage to extort funds from the plaintiff's families. *Id.* Additionally, they were also unable to defend themselves, as they were both in captivity with no way to refute the defamation. This allowed other media outlets to refer to Osman Khan as “an American ex-Convict” and Matt Heath to have the accusation reported on in the *Miami Herald*. *Id.* at ¶¶ 287, 291. The statements continue to have effects on the plaintiffs' professional

lives. Given the egregious defamation they suffered, Plaintiffs respectfully request Mr. Heath and Mr. Khan be awarded \$1 million each.

## II. FAMILY MEMBER PLAINTIFFS

### A. Pain, Suffering, and Loss of Companionship—Compensatory Damages

Family Member Plaintiffs all suffered extreme hardship and loss of companionship while Mr. Heath and Mr. Khan were kidnapped and tortured at the hands of Maduro Criminal Enterprise and should be granted damages for their pain, suffering, and loss of companionship based on the abductions. *See* ECF No. 12 at ¶¶ 139-140, 148–49, 152, 164, 174-175, 177-181.

In determining the amount of solatium damages under the Foreign Sovereign Immunities Act (“FSIA”) for family members of a surviving victim, courts look at factors such as the nature of the relationship between the family member and victim and the severity of the pain suffered by the family member. *Miller v. Cartel*, No. 1:20-CV-00132, 2022 WL 2286952, at \*31 (D.N.D. June 24, 2022). Spouses typically received greater damages awards than parents, who, in turn, receive greater awards than siblings.” *Id.*, at \*31. However, “[p]arents of victims typically receive awards similar in amount to those awarded to children of the victim. *Saludes v. Republica De Cuba*, 655 F. Supp. 2d 1290, 1295 (S.D. Fla. 2009). Further, “families of hostage or captivity victims are also typically awarded greater damages than are the families of victims of a single attack.” *Haim v. Islamic Republic of Iran*, 425 F. Supp. 2d 56, 75 (D.D.C. 2006). Other courts permit upward adjustments when there is evidence of “circumstances surrounding the terrorist attack which made the suffering particularly more acute or agonizing.” *Oveissi v. Islamic Republic of Iran*, 768 F. Supp. 2d 16, 26-7 (D.D.C. 2011).

Damages for family members of kidnapping victims under the ATA has been affirmed by this court based on similar facts. *See Marron*, 2023 WL 357592, at \*6. Similarly, courts in other

jurisdictions have awarded damages based on the extreme nature and emotional trauma caused by the kidnapping and torture of a loved one. *Delloye v. Revolutionary Armed Forces of Colombia (FARC)*, No. 18-cv-1307, 2022 WL 36292, at \*4 (M.D. Pa. Jan 4, 2022) (awarding \$12 million in compensatory damages to Plaintiff who was a minor during the kidnapping of her mother for six years by FARC); *Cicippio v. Islamic Republic of Iran*, 18 F. Supp. 2d 62, 70 (D.D.C. 1998) (awarding \$10 million each to spouses of two kidnapping victims); *Sutherland v. Islamic Republic of Iran*, 151 F. Supp. 2d at 51 (D.D.C. 2001) (awarding a spouse \$10 million after their husband was kidnapped for over six years).

Accordingly, Plaintiffs respectfully request that this Court award Plaintiff Robert John Heath \$5,000,000, Plaintiff Connie Demeta Haynes \$5,000,000 with an upward departure of 25% due to her mental health diagnoses for an award of \$6,250,000, Plaintiff I.M.H. \$5,000,000, and Plaintiffs McKenzie Daniels and Devin Waller \$2,500,000 each before trebling. *See Marron*, 2023 WL 357592, at \*3. (awarding minor child \$5,000,000 for pain and suffering for a parent who was held captive and tortured for 635 days). Mr. Khan's family members were extorted for money by his captors. ECF No. 12 at ¶ 164. They feared what harm would come to Osman if they failed to comply. *Id.* Additionally, they were sent video messages and calls from Osman to ensure their compliance. *Id.* at ¶¶ 164, 166. Consequently, Plaintiffs request that the Court award Plaintiff Tania Valdes \$5,000,000 with an upward departure of 25% for an award of \$6,250,000, and award Plaintiff Jasmin Khan \$2,500,000 with an upward departure of 25% for an award of \$3,125,000, and award Plaintiff A.I.K. \$2,500,000, before trebling. All of these amounts are subject to trebling under the ATA, with the resultant amount remaining compensatory damages.

**B. In the Alternative, Family Member Plaintiffs are Entitled to Damages under their Intentional Infliction of Emotional Distress Claims**

### **1. Family Members of Matt Heath Under Tennessee Law— Compensatory Damages**

Under Tennessee law, damages for IIED claims are primarily compensatory and focus on the plaintiff's emotional suffering. *See Stacy v. Clarksville Police Dep't*, 771 F. Supp. 3d 1024, 1041 (M.D. Tenn. 2025). To state claim for damages, the plaintiff must show that they suffered a "serious mental injury" which is informed by a non-exhaustive list of factors including "evidence of physiological manifestations of emotional distress, evidence of psychological manifestations of emotional distress, and evidence that the plaintiff has suffered significant impairment in his or her daily functioning." *Id.* Courts have awarded damages for IIED to immediate family members of victims of terrorism. *Murphy v. Islamic Rep. of Iran*, 740 F. Supp. 2d 51, 76 (D.D.C. 2010); *Heiser II v. Islamic Rep. of Iran*, 659 F. Supp. 2d 20, 28 (D.D.C. 2009); *Sheikh v. Repub. of Sudan*, 485 F. Supp. 3d 255, 265 (D.D.C. 2020).

The emotional and mental harms of Matt Heath's family members show a "serious mental injury" to be awarded damages. *See* ECF No. 12 at ¶¶ 140–52. Based on the extreme mental anguish experienced by Mr. Heath's family members stemming from the outrageous conduct by the defendants, they should be awarded damages based on IIED. To the extent that damages are not awarded to Mr. Heath's family members under the ATA, Plaintiffs request that damages be awarded under the state law claims of IIED in the amount of \$5,000,000 for Plaintiff Robert John Heath, \$5,000,000 with an upward departure of 25% due to Plaintiff Connie Demeta Haynes diagnoses of anxiety and depression for a total award of \$6,250,000, \$5,000,000 for Plaintiff I.M.H, \$2,500,000 for Plaintiff McKenzie Daniels, and \$2,500,000 for Plaintiff Devin Waller.

### **2. Family Members of Osman Khan under Florida and Virginia Law—Compensatory Damages**



Mr. Khan's mother and younger brother should be awarded damages for their IIED claim under Florida law. When determining damage amounts under IIED in Florida, courts mainly look to the severity of emotional distress caused by the defendants. *See Saludes*, 655 F. Supp. 2d at 1297 (awarding \$2.5 million to the mother of a kidnapping victim by the Cuban government because the mother's emotional trauma was severe based on physical health issues). Courts will also look at what other courts have awarded in similar cases. *Id.* at 1295; *Surette v. Islamic Repub. of Iran*, 231 F. Supp. 2d 260, 267 n.5 (D.D.C. 2002). On this point, this court has accepted a claim for damages under IIED under similar circumstances. *See Marron*, 2023 WL 357592, at \*4 (awarding \$15 million to the wife and \$5 million to each of the children of a plaintiff kidnapped and tortured by the same defendants). The emotional and mental distress of Mr. Khan's mother and his younger brother is like the plaintiffs in *Saludes* and *Marron*. *See* ECF No. 12 at ¶¶ 173-74, 179. These overall bouts of depression and anxiety by Khan's mother and younger brother are comparable to the "severe emotional and physical distress" that this court awarded damages for in *Marron*. *Marron*, 2023 WL 357592, at \*4.

The standard is similar for Mr. Khan's sister, Jasmin Khan under the Virginia law. Courts will look to the severity of the mental distress claimed when calculating damages. *See Williams v. Agency, Inc.*, 997 F. Supp. 2d 409, 415 (E.D. Va. 2014) (quoting *Russo v. White*, 241 Va. 23, 400 S.E.2d 160, 163 (1991)) (allowing a damages claim when the plaintiff was "constantly terrified that she is being watched at home . . . and is moving to a new location"). Under Virginia law, it is also permissible to look at how outrageous the conduct by the defendant is when determining damages. *See Harrison v. Prince William Cnty. Police Dep't*, 640 F. Supp. 2d 688, 709–10 (E.D. Va. 2009) (finding racially motivated police violence sufficient to award damages on an IIED claim as the acts went "beyond all possible bounds of decency"). Family members of victims of

terrorism have also been recognized to have a claim for damages under Virginia law. *Kumar v. Repub. of Sudan*, No. 2:10CV171, 2019 WL 13251350, at \*14 (E.D. Va. July 31, 2019).

Ms. Khan and A.I.K. experienced extreme emotional and mental distress based on Mr. Khan's kidnapping. *See* ECF No. 12 at ¶ 177-178. Based on Mr. Khan being the victim of kidnapping and torture and the mental distress it caused his sister; she should also be awarded damages for IIED under Virginia law. All Family Member Plaintiffs experienced crippling emotional trauma and mental distress. To the extent that damages are not awarded to Mr. Khan's family members under the ATA, Plaintiffs request that damages be awarded under the state law claims of IIED in the amount of \$5,000,000 for Plaintiff Tania Valdes with an upward departure of 25% for an award of \$6,250,000 due to her compounded grief as a result of extortion, \$2,500,000 for Plaintiff Jasmin Khan with an upward departure of 25% for an award of \$3,125,000 due to her compounded grief as a result of extortion, and \$2,500,000 for A.I.K.

### **III. PUNITIVE DAMAGES SHOULD ALSO BE AWARDED**

The Plaintiffs further request that the Court also order punitive damages based on the "egregiousness of the defendant's conduct, the central role he played in the abuses, and the international condemnation with which these abuses are viewed." *Paul v. Avril*, 901 F. Supp. at 334–36. The purposes of punitive damages are twofold. First, they serve as a tool to punish truly reprehensible conduct. *Alejandro v. Repub. of Cuba*, 996 F. Supp. 1239, 1250 (S.D. Fla. 1997). Punitive damages also serve the purpose of remedying egregious wrongs in international law. *See id.* Significant punitive damages have been awarded in cases involving acts of terrorism. *See Polhill v. Islamic Republic of Iran*, 2001 WL 34157508, at \*5 (D.D.C. Aug. 23, 2001) (awarding \$300 million in punitive damages against Cuba); *Elahi v. Islamic Repub. of Iran*, 124 F. Supp. 2d 97 (D.D.C. 2000) (on default, awarding the brother of a deceased plaintiff \$300 million in punitive

damages). Courts have considered the wealth of the defendants in similar cases when determining if punitive damages are appropriate. *See, e.g., Alejandre*, 996 F. Supp. at 1253; *Equal Emp. Opportunity Comm'n v. Swami Pancake, LLC.*, No. 19-60714-CIV, 2019 WL 10058714, at \*2 (S.D. Fla. Oct. 15, 2019). Further punitive damage awards are tailored to the size of the organization – a large organization will only face sufficient punishment from a significant award. *See Mehinovic*, 198 F. Supp. 2d at 1359; *Arce*, 434 F.3d at 56. In *Perez*, Plaintiffs were awarded significant punitive damages against some of the same defendants. *See Perez v. Moros*, Civ. No. 24-23719 (S.D. Fla. Mar. 24, 2025), ECF No. 50. Here, there is no doubt that Defendants, who control an oil-rich nation and an extensive illicit gold and narcotics market, have the resources to support a large punitive damage award. *See* ECF No. 12 ¶¶ 99–106. Clearly, punitive damages of three times the amount of actual damages is justified in this case.

#### IV. SUMMARY OF DAMAGES

Plaintiffs are entitled to recovery in this action under the ATA, under the TVPA and for defamation and IIED under the state law in their respective jurisdictions. Plaintiffs respectfully request that the Court prioritize their treble compensatory damages award under the ATA because those damages can be recovered from blocked assets of the judgment debtors or their instrumentalities pursuant to TRIA § 201.

That said, Plaintiffs respectfully request that they not be denied a measure of punitive damages that would have been awarded under the TVPA had the ATA not been passed or sued under here. The ATA does not forbid punitive damages. Further, the ATA does not preclude an award of damages based on another claim, particularly when those damages do not overlap with

the ATA damage award. A reasonable punitive damage award, equal to the actual pre-trebled compensatory award and that does not overlap with the ATA award, is appropriate here.<sup>15</sup>

In sum, Plaintiffs respectfully request that the Court award trebled compensatory damages under the ATA, in an amount of \$219,319,212, to the victims as listed; award \$2 million each to Mr. Heath and Mr. Khan for defamation; and award punitive damages in the amount of \$79,106,404, as listed in the chart in heading A below.

Only in the event that the Court were to find that there were no valid ATA claims, Plaintiffs request that the Court award compensatory damages under the TVPA and under the state law claims totaling \$75,106,404, and punitive damages in three times the amount of actual damages, or \$225,319,212, as listed in the chart in heading B below.

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<sup>15</sup> Plaintiffs recognize that some courts have found that the trebling of ATA damages is in effect punitive damages. They have denied requests for additional punitive damage awards that are excessive, for example \$300,000,000 in addition to the ATA trebled damages and that overlapped with the compensatory awards. *Marron*, 2023 WL 357592, at \*6. Here, Plaintiffs are only requesting that the amount of total damages not be reduced by their ATA claim. Such formulation does not constitute any double-dipping or overlap between the compensatory and punitive awards. It avoids punishing Plaintiffs for bringing an ATA claim, and relieving Defendants for behavior that is actionable under both the ATA and TVPA.

**A. Compensatory Damages Under the ATA and Defamation, Along with  
Non-overlapping Punitive Damages of One Times Actual Damages,  
and Three Times Actual Damages for Defamation.**

<b>ATA Damages</b>					
<b>Plaintiff</b>	<b>Claims</b>	<b>Compensatory Damages (Actual) Amount Before Trebling</b>	<b>Total Compensatory Damages (Trebled)</b>	<b>Punitive Damages*</b>	<b>Total</b>
Matthew John Heath	ATA	\$24,862,528	\$74,587,584	\$24,862,528	\$99,450,112.00
Matthew John Heath	Defa- mation	\$1,000,000	\$1,000,000 (no trebling)	\$3,000,000	\$4,000,000.00
Osman Imran Khan	ATA	\$ 15,118,876	\$45,356,628	\$ 15,118,876	\$60,475,504.00
Osman Imran Khan	Defa- mation	\$1,000,000	\$1,000,000 (no trebling)	\$3,000,000	\$4,000,000.00
I.M.H.	ATA	\$5,000,000	\$15,000,000	\$5,000,000	\$20,000,000.00
Robert John Heath	ATA	\$5,000,000	\$15,000,000	\$5,000,000	\$20,000,000.00
Connie Demeta Haynes	ATA	\$6,250,000	\$18,750,000	\$6,250,000	\$25,000,000.00
Devin Edward Waller	ATA	\$2,500,000	\$7,500,000	\$2,500,000	\$10,000,000.00
McKenzie Conneal Daniels	ATA	\$2,500,000	\$7,500,000	\$2,500,000	\$10,000,000.00
Tania Yudith Valdes	ATA	\$6,250,000	\$18,750,000	\$6,250,000	\$25,000,000.00
Jasmin Yudith Khan	ATA	\$3,125,000	\$9,375,000	\$3,125,000	\$12,500,000.00
A.I.K.	ATA	\$2,500,000	\$7,500,000	\$2,500,000	\$10,000,000.00
<b>Total:</b>		\$75,106,404	\$221,319,212	\$79,106,404	\$300,425,616.00

\*Awarded for kidnapping and torture under the TVPA to the extent that they do not overlap with ATA damages.

**B. In the Alternative, Compensatory Damages Under the TVPA and Defamation for Mr. Heath and Mr. Khan, Compensatory Damages under State Law IIED Claims for Family Members, and Punitive Damages of Three Times Actual Damages on All Counts.**

<b>TVPA and State Law Claim Damages</b>				
<b>Plaintiff</b>	<b>Claims</b>	<b>Compensatory (Actual) Damages</b>	<b>Punitive Damages</b>	<b>Total</b>
Matthew John Heath	TVPA	\$24,862,528	\$74,587,584	\$99,450,112.00
Matthew John Heath	Defa- mation	\$1,000,000	\$3,000,000	\$4,000,000.00
Osman Imran Khan	TVPA	\$15,118,876	\$45,356,628	\$60,475,504.00
Osman Imran Khan	Defa- mation	\$1,000,000	\$3,000,000	\$4,000,000.00
I.M.H.	IIED	\$5,000,000	\$15,000,000	\$20,000,000.00
Robert John Heath	IIED	\$5,000,000	\$15,000,000	\$20,000,000.00
Connie Demeta Haynes	IIED	\$6,250,000	\$18,750,000	\$25,000,000.00
Devin Edward Waller	IIED	\$2,500,000	\$7,500,000	\$10,000,000.00
McKenzie Conneal Daniels	IIED	\$2,500,000	\$7,500,000	\$10,000,000.00
Tania Yudith Valdes	IIED	\$6,250,000	\$18,750,000	\$25,000,000.00
Jasmin Yudith Khan	IIED	\$3,125,000	\$9,375,000	\$12,500,000.00
A.I.K.	IIED	\$2,500,000	\$7,500,000	\$10,000,000.00
<b>Total Damages:</b>		<b>\$75,106,404</b>	<b>\$225,319,212</b>	<b>\$300,425,616.00</b>

Finally, Plaintiffs respectfully request that this court reserve jurisdiction to award attorneys' fees pursuant to the ATA and post-judgment interest after all other aspects of this matter have been addressed. Post-judgment interest is mandatory under 28 U.S.C. §1961(a) ("Interest shall be allowed on any money judgment in a civil case recovered in a district court.").

### CONCLUSION

For the reasons stated above, the Court should enter a default judgment for Plaintiffs and against all Defendants, jointly and severally, in the amount of \$221,319,212 in compensatory damages and \$79,106,404 in punitive damages.

Dated: September 15, 2025

Respectfully submitted,

/s/ John Thornton

John Thornton

**do Campo & Thornton, P.A.**

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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 15, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

A copy of the foregoing has been mailed via USPS to defendants:

Cartel de los Soles aka Cartel of the Suns  
Care of Cliver Antonio Alcala Cordones  
Reg. No. 87971-054  
FCI Cumberland  
Federal Correctional Institution  
P.O. Box 1000  
Cumberland, MD 21501

and

Fuerzas Armadas Revolucionarias De Colombia-Ejército Del Pueblo (“FARCEP”)  
Care of Juvenal Ovidio Ricardo Palmera Pineda  
Reg. No. 27896-016  
USP Florence Admax  
U.S. Penitentiary  
P.O. Box 8500  
Florence, CO 81226

Additionally, consistent with the means for service of process that were approved by the Court (*see* ECF 21), a copy of the foregoing has been sent to the following defendants as indicated:

Alex Nain Saab Morán by sending a message to his personal cell phone at +58(0)414-243-2368.

Alexander Enrique Granko Arteaga, by sending a message to the personal cell phone of Nicolás Maduro Moros at +58(0)426-216-8871.

Cilia Adela Flores de Maduro by sending a message to her Instagram account at <https://www.instagram.com/florescilia/?hl=en>.

Diosdado Cabello Rondón by sending a message to his personal email at mazazos@gmail.com.

Iván Rafael Hernández Dala, by sending a message to the personal cell phone of Nicolás Maduro Moros at +58(0)426-216-8871.

José Miguel Domínguez Ramírez by sending a message to the personal cell phone of Nicolás Maduro Moros at +58(0)426-216-8871.



Marlon Salas Rivas by sending a message to the personal cell phone of Nicolás Maduro Moros at +58(0)426-216-8871.

Compañía General de Minería de Venezuela by sending a message to Héctor Silva's Instagram account at <https://www.instagram.com/hectorsilvavzla/?hl=en>.

Néstor Luis Reverol Torres by sending a message to his personal email at [nreverol@gmail.com](mailto:nreverol@gmail.com) and message to his Instagram account at <https://www.instagram.com/reverolnestor/?hl=en>.

Nicolás Maduro Moros, by sending a message to his personal cell phone at +58(0)426-216-8871.

Reynaldo Hernández by sending a message to the personal cell phone of Nicolás Maduro Moros at +58(0)426-216-8871.

Segunda Marquetalia by sending a message to the personal cell phone of Nicolás Maduro Moros at +58(0)426-216-8871.

Tarek William Saab Halabi by sending a message to his personal cell phone at +58(0)212-509-8504.

Vladimir Padrino López by sending a message to his personal cell phone at +58(212)607-1645.

s/ John Thornton  
John Thornton

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
Case No. 1:25-cv-20040-JB

MATTHEW JOHN HEATH *et al*,

Plaintiffs,

vs.

NICOLÁS MADURO MOROS *et al.*,

Defendants.

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**[PROPOSED] ORDER GRANTING DEFAULT JUDGMENT AS TO ALL DEFENDANTS**

This matter comes before the Court on Plaintiffs’ Motion for Default Judgment filed against Nicolás Maduro Moros (“Nicolás Maduro” or “Maduro”), Vladimir Padrino López (“Padrino López”), Néstor Luis Reverol Torres (“Reverol Torres”), Tarek William Saab Halabi (“Tarek Saab”), Iván Rafael Hernández Dala (“Iván Hernández”), Diosdado Cabello Rondón (“Diosdado Cabello”), Alex Nain Saab Morán (“Alex Saab”), José Miguel Domínguez Ramírez (“Domínguez Ramírez”), Cilia Adela Flores de Maduro (“Cilia Flores”), Reynaldo Hernández, Marlon Salas Rivas (“Salas Rivas”), Alexander Enrique Granko Arteaga (“Granko Arteaga”) (collectively, “Individual Defendants”), Compañía General de Minería de Venezuela, (a.k.a. CVG Compañía General de Minería de Venezuela CA, a.k.a. Corporación Venezolana de Guyana Minerven C.A., a.k.a. CVG Minerven, a.k.a. and hereinafter “Minerven”), Segunda Marquetalia, Fuerzas Armada Revolucionarias de Colombia - Ejército del Pueblo (“FARC-EP”) and Cártel de Los Soles (“Cartel of the Suns”). The Court has reviewed the Motion, the pleadings, the applicable law, and is otherwise fully advised. For the reasons explained below, the Motion is **GRANTED**.

### **PROCEDURAL HISTORY**

Plaintiffs filed their complaint on January 6, 2025. ECF No. 1. The same day, Plaintiffs moved for an order granting service of process by alternate methods under Federal Rule of Civil Procedure 4(f)(3) and an order directing the U.S. Marshal's Office to serve the Complaint and Summons on the representatives of Defendants FARC-EP and the Cartel of the Suns pursuant to Rule 4(c)(3). ECF No. 6. Plaintiffs filed their amended complaint on January 10, 2025. ECF No. 12. On February 25, 2025, this Court granted Plaintiffs' motion permitting service of process through alternative methods and directed the U.S. Marshal's Service to serve the amended complaint and summonses on FARC-EP and the Cartel of the Suns. ECF No. 20.

On March 13, 2025, Plaintiffs, through a third-party service processor, Global Legal Notices ("GLN") served each of the Individual Defendants as well as Compañía General de Minería de Venezuela, (a.k.a. CVG Compañía General de Minería de Venezuela CA, a.k.a. Corporación Venezolana de Guyana Minerven C.A., a.k.a. CVG Minerven, a.k.a. and hereinafter "Minerven"), and Segunda Marquetalia by direct message on social media, text message, or e-mail. ECF Nos. 25, 25.1 – 25.15.<sup>1</sup> These Defendants failed to file responsive pleadings by April 3, 2025. On March 19, 2025, Plaintiffs filed a motion to extend time for service under Rule 4(m) for Defendants FARC-EP and Cartel of the Suns. ECF No. 24. This Court granted the motion and ordered that the representatives of FARC-EP and the Cartel of the Suns be served no later than May 26, 2025. ECF No. 26. On March 21, 2025, the Cartel of the Suns were served with the Summons and Amended Complaint. ECF Nos. 27-28. The Cartel of the Suns failed to timely file responsive pleadings by April 11, 2025. On April 29, 2025, Plaintiffs moved for Clerk's Default

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<sup>1</sup> Plaintiffs moved to voluntarily dismiss the action against Defendant Petróleos De Venezuela, S.A ("PDVSA") without prejudice on August 5, 2025 which was dismissed the same day. *See* ECF Nos. 48-49.

against all Defendants except FARC-EP (ECF No. 29), which was entered on April 30, 2025. ECF No. 30.

On May 8, 2025, FARC-EP was served with the Summons and Amended Complaint. ECF No. 31. The FARC-EP did not file responsive pleadings by May 29, 2025. On May 30, 2025 Plaintiffs moved for Clerk's Default against FARC-EP (ECF No. 32), which was entered that same day. ECF No. 33. On July 2, 2025, on Plaintiffs' motion, the Court ordered Plaintiffs to file their motion for default judgment by August 15, 2025. ECF No. 36.

On August 1, 2025, Plaintiffs discovered that the process server, Global Legal Notices ("GLN") inadvertently omitted the summons in the service materials for all Defendants except FARC-EP and the Cartel of the Suns, who were served through the U.S. Marshal's Service. Plaintiffs moved this Court to set aside entry of Clerk's Default on August 7, 2025, and requested that the Court extend time to effectuate service within seven (7) days after entry of the Courts' Order and extend time to apply for Default Judgment against Defendants FARC-EP and the Cartel of the Suns. ECF No. 51.

On August 15, 2025, this Court granted Plaintiffs' Motion to Set Aside Default, to extend time to serve Defendants previously served through GLN, and to extend time to file the Default Judgment against FARC-EP and the Cartel of the Suns. On August 19, 2025, the Individual Defendants, Minerven, and Segunda Marquetalia were served. ECF No. 56-56.1. These Defendants failed to respond to the pleadings by September 9, 2025. Plaintiffs filed a motion for entry of Clerk's Default on September 10, 2025, ECF No. 58, which was entered that day. ECF Nos. 59-60.

In sum, because all Defendants "failed to plead or otherwise defend" in a timely manner, the Clerk has entered default against all Defendants in this case. Fed. R. Civ. P. 55(a).

### **LEGAL STANDARD**

The Federal Rules of Civil Procedure outline a two-step process for a plaintiff to obtain a default judgment. First, a defendant must fail to plead or otherwise defend the lawsuit; thereafter, “the clerk must enter the party’s default.” Fed. R. Civ. P. 55(a). This procedural step was completed on April 29, 2025 for Defendant Cartel of the Suns, on May 30, 2025 for Defendant FARC-EP, and on September 9, 2025 for Minerven, Segunda Marquetalia, and the Individual Defendants. ECF Nos. 30, 33, 59-60. After the clerk enters the default, the trial court must determine whether it is appropriate to enter the judgment and award the plaintiff damages. Fed. R. Civ. P. 55(b)(2).

By defaulting, the Defendants have admitted the well-pleaded facts in the complaint. *Eagle Hosp. Physicians, LLC v. SRG Consulting Inc.*, 561 F.3d 1298, 1307 (11th Cir. 2009). When the facts show that the court has jurisdiction over the defendant and the plaintiff has a right of relief (*i.e.*, sufficiently states a claim), then a default judgment is appropriate. *Vance v. Doué & Co LLC*, No. 9:24-CV-81163, 2025 WL 240826 (S.D. Fla. Jan. 17, 2025).

### **ARGUMENT**

#### **I. THIS COURT HAS SUBJECT MATTER JURISDICTION**

##### **A. This Court Has Federal Question and Supplemental Jurisdiction.**

This court has subject matter jurisdiction over all claims stated in the complaint. Plaintiffs assert three distinct causes of action which are independently sufficient to establish federal question jurisdiction pursuant to 28 U.S.C. § 1331. First, Count I arises under the Anti-Terrorism Act (“ATA”), a federal law that provides its own cause of action. *See* ECF No. 12 at ¶¶ 197-217; 18 U.S.C. § 2333(a). 18 U.S.C. § 2338. Similarly, Count II arises under the Torture Victim Protection Act (“TVPA”), which also carries its own federal cause of action. *See* ECF No. 12 at ¶¶

218-228; 28 U.S.C. § 1350. Lastly, Count VII arises under the Racketeer Influenced and Corrupt Organizations (“RICO”) Act. *See* ECF No. 12 at ¶¶ 264-280, 18 U.S.C. 1962(c).

Moreover, this Court may also exercise supplemental jurisdiction over the remaining state-law claims pursuant to 28 U.S.C. § 1367, because each claim arises out of the same “nucleus of operative facts” as the federal claims. *Parker v. Scrap Metal Processors, Inc.*, 468 F.3d 733, 743 (11th Cir. 2006) (“The constitutional case or controversy standard confers supplemental jurisdiction over all state claims which arise out of a common nucleus of operative fact with a substantial federal claim.”). Here, the state law claims all arise from the kidnapping, torture, and ransom of Matthew Heath and Osman Khan.

## **II. THIS COURT HAS SPECIFIC JURISDICTION OVER DEFENDANTS**

### **A. Plaintiffs Properly Served Defendants.**

The Plaintiffs have adequately served the Individual Defendants, Minerven, and Segunda Marquetalia, in conformance with this Court’s order and the Federal Rules of Civil Procedure 4(f)(3). *See* ECF No. 20. Courts in this jurisdiction have held that service through email, text message, and social media have met the notice requirements, including cases with similar facts to the ones at hand. *See, e.g., Alban Osio v. Moros*, No. 21-20706-CIV, 2023 WL 5019877, at \*4 (S.D. Fla. July 19, 2023), *report and recommendation adopted sub nom. Osio v. Moros*, No. 1:21-CV-20706, 2023 WL 5015435 (S.D. Fla. Aug. 7, 2023) (holding that notice by email, direct messaging, and publication are sufficient when traditional service is difficult or impossible). On February 2, 2025, this Court granted the Plaintiffs’ motion to serve the Defendants by alternative means under Fed. R. Civ. P. 4(f)(3) and 4(c)(3). *See* ECF No. 20. The Individual Defendants, Minerven and Segunda Marquetalia were served using the approved off methods, including e-mail, text messages, and social media messaging on August 19, 2025. ECF No.56-56.1.

Defendants FARC-EP and Cartel of the Suns were sufficiently served pursuant to Fed. R. Civ. P. 4(c)(3). Courts have routinely permitted service of process on an officer of a criminal enterprise as a method of service upon the enterprise itself. *See, e.g.*, Order Granting Plaintiffs' Motion for Service, *Marron v. Maduro Moros*, No. 21-cv-23190-FAM, ECF No. 33 (S.D. Fla. Sept. 6, 2022) (granting motion to serve FARC and Cartel of the Suns through Pineda and Cordones).

**A. Exercising Personal Jurisdiction Over the Defendants Satisfies Both Florida's Long-Arm Statute and Due Process Requirements.**

**1. Florida's long-arm Statute is satisfied.**

For this Court to exercise personal jurisdiction over the Defendants, the Court must determine whether the Defendant's activities satisfy the Florida long-arm statute and whether due process considerations are satisfied under the Fourteenth Amendment. *See Aronson v. Celebrity Cruises, Inc.*, 30 F. Supp. 3d 1379, 1385 (S.D. Fla. 2014). Since the Defendants perpetrated tortious conduct within Florida and due process concerns are sufficiently satisfied, this court has personal jurisdiction over the defendants.<sup>2</sup>

The Florida long-arm statute is satisfied because the Defendants committed numerous tortious acts within the state, *See* Fla. Stat § 48.193(1)(a)(2), and committed tortious acts outside that state that caused substantial injury within the state. *See Licciardello v. Lovelady*, 544 F.3d 1280, 1283 (11th Cir. 2008). Moreover, the Florida long-arm statute is also satisfied in instances where only a single element of the tort claim occurs in Florida. *See Elandia Int'l, Inc. v. Ah Koy*,

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<sup>2</sup> Plaintiffs have alternatively alleged personal jurisdiction pursuant to Rule 4(k)(2). *See* ECF. No. 12 at ¶ 48. Jurisdiction would be consistent with this provision if the Defendants are not subject to any state's courts of general jurisdiction and exercising jurisdiction is consistent with the Constitution and federal law. Trafficking narcotics into the United States for distribution, targeting and kidnapping United States citizens to use as leverage to negotiate a release of collaborators being held by the U.S. government, and wrongfully stealing the title to Mr. Heath's boat, a small 53-foot trawler hulled yacht, by selling it, and retaining the proceeds of the sale are all actions that permit the exercise of personal jurisdiction here. *See id.*

690 F. Supp. 2d 1317, 1329 (S.D. Fla. 2010). Defendants' actions, as set forth in the complaint, far surpass this test. Lastly, a Defendants' status as a co-conspirator in carrying out a tortious act is sufficient to satisfy the statute, even where the co-conspirator himself did not commit an act within the state. *See United Techs. Corp. v. Mazer*, 556 F.3d 1260, 1281-82 (11th Cir. 2009).

Here, the Defendants engaged in a widespread narco-terrorism scheme that targeted and infiltrated the borders of Florida. In fact, the Maduro Criminal Enterprise's main source of funding derives from trafficking drugs throughout the United States, particularly the State of Florida. ECF No. 12 at ¶ 196. The narcotics trafficking and illegal gold trade that Defendants conducted in the United States and particularly in Florida directly funded the Maduro Criminal Enterprise and its terrorist activities. *Id.* at ¶¶ 53-54, 67-68, 106. The abduction, confinement, and torture of Mr. Heath and Mr. Khan were carried out in furtherance of the Maduro Criminal Enterprise's narco-terrorism conspiracy that targeted the United States and Florida particularly, and Defendants' used Mr. Heath and Mr. Khan as ransom for the release of Franqui Flores and Efraín Campo (key players in the enterprise), who were imprisoned in the United States for their role in the conspiracy to flood the United States and Florida with drugs. *Id.* at ¶¶ 108-118, 153-154, 194. This conduct is more than sufficient to support the exercise of personal jurisdiction in Florida.

In addition, the Defendants committed numerous tortious acts directly against the Plaintiffs in Florida, further supporting the exercise of personal jurisdiction within the state. This includes the defamation of Mr. Heath throughout the entirety of his capture. *Id.* at ¶¶ 286-289. The defamatory statements were published, disseminated, and widely accessed in Florida. *Id.* Defendants extorted Tania Yudith Valdes in Florida for payments Defendants claimed would lead to the release of Mr. Khan. *Id.* at ¶¶ 164, 180, 290. Defendants' conduct is sufficient to subject them to personal jurisdiction here. *See Adam J. Rubinstein, M.D., P.A. v. Ourian*, 20-21948-CIV,



2020 WL 6591559, at \*1 (S.D. Fla. Nov. 10, 2020) (tortious acts occurred in the state when the nonresident posts defamatory statements on a website that is accessible in Florida and accessed in Florida); *Marron v. Moros*, No. 21-23190-CIV, 2023 WL 357592, at \*3 (S.D. Fla. Jan. 23, 2023) (upholding personal jurisdiction over defendants under similar facts, including extortion of the plaintiffs family in Florida).

Finally, each Defendant is also subject to personal jurisdiction in Florida because they each committed acts in furtherance of the narco-terrorism conspiracy, even assuming a particular act was not specifically targeted at the State of Florida. The Florida long-arm statute confers personal jurisdiction on non-resident defendants based on the actions of co-conspirators. *See Tavakoli v. Doronin*, 18-21592-CIV, 2019 WL 1242669, at \*8 (S.D. Fla. Mar. 18, 2019). As has been explained, the tortious acts that were committed in Florida were interwoven and integral to the Maduro Criminal Enterprise's narco-terrorism conspiracy. Narcotics trafficking and gold sales funded the acquisition of guns, soldiers and power which gave the Maduro Criminal Enterprise the ability to kidnap, torture, and ransom Mr. Heath and Mr. Khan for the release of high-ranking members of the criminal conspiracy. *Id.* at ¶¶ 53-54, 67-68, 106, 108-118, 153-154, 194. Consequently, each Defendant was a key player in that conspiracy, subjecting each of them to personal jurisdiction within the state.

## **2. Exercising personal jurisdiction comports with due process.**

To determine whether due process concerns are satisfied, courts in the Eleventh Circuit analyze whether “(1) the plaintiff's claims arise out of or relate to at least one of the defendant's contacts with the forum; (2) the nonresident defendant purposefully availed himself of the privilege of conducting activities within the forum state, thus invoking the benefit of the forum state's laws; and (3) the exercise of personal jurisdiction comports with traditional notions of fair play and

substantial justice.” *Louis Vuitton Malletier, S.A. v. Mosseri*, 736 F.3d 1339, 1355 (11th Cir. 2013) (quoting *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472-73 (1985)).

The claims by each Plaintiff arise out of the Defendant’s contacts with the forum state. To satisfy this liberal test, plaintiffs need only show “an affiliation between the forum and the underlying controversy.” *Ford Motor Co. v. Montana Eighth Judicial District Court*, 141 S. Ct. 1017, 1025 (2021). The torts committed in Florida are closely related to and indeed supported and aided the kidnapping and torture of Mr. Heath and Mr. Khan. The fact that Defendants used funds obtained through illegal activities in the state to support their narco-terrorism is, in and of itself, sufficient to satisfy this prong of the test. *See In re Chiquita Brands Int’l, Inc. Alien Tort Statute & S’holder Derivative Litig.*, 15-81585, 2018 WL 11251120, at \*4 (S.D. Fla. May 8, 2018) (personal jurisdiction where defendants “alleged illicit activity, which would create a realistic and foreseeable impact on the commerce of the forum state[]”). Here, the kidnapping also served the Florida narcotics trafficking, as Mr. Heath and Mr. Khan were swapped for the release of Efraín Campo and Franqui Flores.

Second, the Defendants purposefully availed themselves of the laws of Florida, selling gold in Miami markets to support their narco-terrorism. *See* ECF No. 12 at ¶¶ 53-54, 67-68, 106.

Finally, subjecting the Defendants to personal jurisdiction in Florida would not violate the notions of fair play and substantial justice. *See Licci ex rel. Licci v. Lebanese Canadian Bank, SAL*, 732 F.3d 161, 174 (2d Cir. 2013). (finding personal jurisdiction over a bank that allegedly wired terrorist funds through U.S. channels as it “would not offend principles of fair play and substantial justice”); *Weiss v. Nat’l Westminster Bank PLC*, 176 F. Supp. 3d 264, 280 (E.D.N.Y. 2016) (doing

the same). To hold otherwise would allow the Defendants to commit harms in Florida while allowing them to evade justice in Florida courts.<sup>3</sup>

### **III. PLAINTIFFS STATE CLAIMS FOR RELIEF AGAINST DEFENDANTS**

#### **A. Anti-Terrorism Act (ATA), 18 U.S.C. § 2333**

The ATA provides civil remedies for “any national of the United States injured in his or her person, property, or business by reason of an act of international terrorism . . .” 18 U.S.C. § 2333(a). As set forth below, Plaintiffs have stated a claim for violation of the ATA.

##### **1. Plaintiffs are nationals of the United States.**

Pursuant to the ATA, Plaintiffs must be a “national of the United States” to recover. 18 U.S.C. § 2331(2); 8 U.S.C. § 1101(22). Plaintiffs are all U.S. citizens and are nationals of the United States. *See* Ex. A of Exs. 1-8; ECF No. 12 at ¶¶ 15-24.

##### **2. Defendants committed an act of terrorism.**

Under the ATA, a defendant’s conduct must constitute an act of international terrorism. The phrase “international terrorism” is defined by 18 U.S.C. § 2331(1) as activities that:

- (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;
- (B) appear to be intended—
  - i. to intimidate or coerce a civilian population;
  - ii. to influence the policy of a government by intimidation or coercion; or

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<sup>3</sup> Additionally, the Southern District of Florida is the proper venue under 28 U.S.C. § 1391 because a substantial part of the events giving rise to Plaintiffs’ claims occurred in this district, including, but not limited to: the procurement of funds and provision of material support to terrorists and other acts facilitating the Maduro narco-terrorist conspiracy in violation of the ATA; flooding this district with cocaine through the Defendants’ criminal enterprise; laundering ill-gotten proceeds of narcotics, illegal gold trafficking, and Maduro’s government corruption through this district; and accepting bribes from accounts maintained in this district.

- iii. to affect the conduct of a government by mass destruction, assassination, or kidnapping; and
- (C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

As set forth below, Defendants' conduct meets every element.

**First**, Defendants' narco-terrorism conspiracy violates the laws of the U.S. *See* 21 U.S.C. § 960(a). To establish a claim of narco-terrorism, Defendants must have (1) engaged in narcotics trafficking in violation of 18 U.S.C. § 841(a)(2) knowing or intending, (3) to provide anything of value, directly or indirectly to, (4) any person or entity that engages in terrorism or terrorist activity. *See Alban Osio*, 2023 WL 5019877, at \*6.

Defendants trafficked illicit drugs into the United States and particularly Florida in violation of 21 U.S.C. § 841(a). *See* ECF No. 12 at ¶¶ 51, 73, 91. Several members of the Maduro Criminal Enterprise were indicted on drug trafficking charges. *Id.* at ¶¶ 26, 31-32, 35, 58, 96-97, 209 (describing the indictments of Maduro, Padrino López, Reverol Torres, Cabello Rondón). Defendants trafficked narcotics with the intent to use proceeds to further fund the narco-terrorism conspiracy. *Id.* at ¶¶ 52, 64, 89. Terrorism "means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents." 22 U.S.C. § 2656f. The FARC-EP and Segunda Marquetalia are designated by the U.S. Government as a Foreign Terrorist Organization ("FTO") and are entities that engages in terrorism. ECF NO. 12 at ¶¶ 27-30. The Cartel of the Suns is now designated as a Specially Designated Global Terrorist entity by the Treasury's Office of Foreign Assets Control ("OFAC") in part for activities undertaken in the past that would

encompass the hostage-taking of Mr. Heath and Mr. Khan.<sup>4</sup> Similarly, the Maduro Criminal Enterprise is an entity that engages in terrorism. *See e.g.*, ECF No. 12 ¶¶ 28, 30, 51, 56, 92-94.

In addition to narcoterrorism, Defendants violated 18 U.S.C. § 2339A<sup>5</sup> by providing material support to FARC-EP, a designated FTO, by plotting to traffic cocaine into the United States to procure funds for the political campaign of Cilia Flores. *See* ECF No. 12 at ¶ 84-89. Indeed, Efraín Campo and Franqui Flores, nephews of Nicolás Maduro and Cilia Flores, were found guilty of their participation in the scheme. *Id.* at ¶ 89. Defendants engaged in narcotics trafficking and provided material support to an FTO with the intent to provide proceeds to entities which engage in terrorism. Consequently, Defendants' conduct is in violation of the laws of the United States.

**Second**, the foregoing acts are dangerous to human life. *See* ECF No. 12 at ¶ 209 (“Cartel de Los Soles, under the leadership of [Maduro] and others, prioritized using cocaine as a weapon against America”); *Id.* at ¶ 97 (“Maduro and the other defendants expressly intended to flood the United States with cocaine in order to undermine the health and wellbeing of our nation.”); *Id.* at ¶ 109 (highlighting human rights violations of detainees in Venezuela). Furthermore, the torture and threats of death made directly to Mr. Heath and Mr. Osman constitute acts that were dangerous to the lives of Mr. Heath and Mr. Osman.

**Third**, Defendants' conduct is intended to “[i]ntimidate [and] coerce a civilian population.” 18 U.S.C. § 2331(1). Specifically, the Defendants' conduct is for the purpose of intimidating the

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<sup>4</sup> *See* U.S. Dep't of the Treasury, *Treasury Sanctions Venezuelan Cartel Headed by Maduro* (July 25, 2025), <https://home.treasury.gov/news/press-releases/sb0207>.

<sup>5</sup> Defendants also violated 18 U.S.C. § 2339C by financing terrorism. Further, exhaustion of these claims in Venezuela is unobtainable

Venezuelan and U.S. populations, including the government. *See* ECF No. 12 at ¶¶ 92, 94; *Id.* at ¶ 204 (Plaintiffs targeted due to status as U.S. citizens); *Id.* at ¶¶ 110-118 (list of other U.S. citizens wrongfully detained and tortured).

***Fourth***, Defendants kidnapping, confining, and torturing U.S. Citizens, including Mr. Heath and Mr. Khan, was intended to influence U.S. government policy. Defendants sought concessions from the U.S. Government—namely, the loosening of sanctions including an oil embargo—by targeting U.S. citizens for abduction, kidnapping, torture, and arbitrary detention to use them as leverage to effectuate prisoner swaps. *See* ECF No. 12 at ¶¶ 11, 13, 38, 187-188, 196.

***Finally***, Defendants’ conduct transcends national boundaries. Defendants transported cocaine from South America to the U.S. *See* ECF No. 12 at ¶¶ 53, 73-74, 85, 91. Further, Defendants laundered proceeds from their narco-terrorism scheme in the U.S. and Venezuela through its individual agents, FARC, Cartel of the Suns, and cover companies, such as Minervan. *Id.* at ¶ 54, 61-62, 73, 104-105. Additionally, acts in Venezuela targeting U.S. citizens to coerce the U.S. Government transcend national boundaries. *See* ECF No. 12 at ¶¶ 94, 108-110.

Because Defendants’ conduct (1) is violent and dangerous to human life, (2) is in violation of the laws of the United States, (3) is intended to coerce a civilian population, influence the policy of the U.S. government and affect the conduct of the U.S. government through kidnapping, and (4) occurred primarily outside the territorial jurisdiction of the United States, Defendants committed acts of terrorism. Leaving no doubt, this District has held that kidnapping and holding a person hostage constitutes an act of international terrorism. *See Tribin v. Herrera*, No. 1:21-CV-24198-JLK, 2023 WL 5625615, at \*3 (S.D. Fla. July 18, 2023).

### **3. Defendants’ acts gave rise to Plaintiffs’ injuries.**

As part of the Maduro Criminal Enterprise, Defendants conspired to kidnap and torture Plaintiffs, undeniably giving rise to Plaintiffs' injuries. *See* ECF No. 12 at ¶ 196. The proceeds from narcotics trafficking in the United States enabled the Maduro Criminal Enterprise to remain in power in Venezuela and fund its terrorist acts. *Id.* at ¶¶ 52. Defendants leveraged their power to abduct, detain, and torture Mr. Heath and Mr. Khan as part of the narco-terrorism conspiracy to intimidate and coerce the United States Government to effectuate a prisoner swap of Maduro family members and loyalist criminal drug traffickers. *Id.* at ¶¶ 55, 134, 213. Because Mr. Heath and Mr. Khan suffered human rights abuses by Defendants, their family members each suffered severe mental and emotional anguish. *See* Exs.3-8. Accordingly, Plaintiffs were injured by reason of Defendants acts of international terrorism. *Marron*, 2023 WL 357592, at \*3 (“But for the narcoterrorism fundraising, Defendants would not have been able to fund the kidnapping and torture of Plaintiff.”).

Plaintiffs have alleged facts sufficient to establish violations of the ATA. Therefore, this Court finds Defendants liable to Plaintiffs under Count I.

**B. Torture Victim Protection Act (TVPA), Pub.L. 102-256, 106 STAT. 73  
(Reprinted at 28 U.S.C. § 1350, Note.)**

Additionally, Defendants are liable to Mr. Heath and Mr. Khan under the Torture Victim Protection Act (“TVPA”) against the Individual Defendants. The TVPA creates a cause of action where “[a]n individual who, under actual or apparent authority, or color of law, on any foreign nation—(1) subjects an individual to torture shall, in a civil action, be liable for damages to that individual.” TVPA, Pub. L. No. 102-256 (Mar. 12, 1992), 106 Stat. 73 (codified at 28 U.S.C. § 1350 note). For the reasons set forth below, Plaintiffs have proved a claim under the TVPA.<sup>6</sup>

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<sup>6</sup> Further, exhaustion of these claims in Venezuela is unobtainable and futile. Mr. Heath and Mr. Khan were wrongfully detained and attended sham court proceedings in Venezuela. *See* ECF No.

**1. Defendants acted under actual or apparent authority, or under color of law.**

Claims under the TVPA may be based on direct liability or “theories of indirect liability, including aiding and abetting, conspiracy, agency, and command.” *Mamani v. Sanchez Bustamante*, 968 F.3d 1216, 1220 (11th Cir. 2020). Liability under the theory of aiding and abetting attaches when the plaintiff establishes active participation. *Cabello v. Fernandez-Larios*, 402 F.3d 1148, 1158 (11th Cir. 2005). This is proven by showing the “defendants gave knowing substantial assistance to the individuals committing the wrongful act.” *Doe v. Drummond Co.*, 782 F.3d 576, 604 (11th Cir. 2015). Liability for conspiracy to violate the TVPA is established when the plaintiff shows that “(1) two or more persons agreed to commit a wrongful act, (2) [defendant] joined the conspiracy knowing of at least one of the goals of the conspiracy and intending to help accomplish it, and (3) one or more of the violations was committed by someone who was a member of the conspiracy and acted in furtherance of the conspiracy.” *Cabello*, 402 F.3d at 1159.

The Eleventh Circuit permits a victim of violations of international law to bring a claim under the TVPA against commanders “for acts of his subordinates, even where the commander did not order those acts” if plaintiffs establish:

- (1) the existence of a superior-subordinate relationship between the commander and the perpetrator of the crime; (2) that the commander knew or should have known,

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12 at ¶¶ 135, 168. The U.S. Department of State has also issued a travel advisory warning U.S. citizens to “not travel to or remain in Venezuela due to the high risk of wrongful detention, torture in detention, terrorism, kidnapping, arbitrary enforcement of local laws, crime, civil unrest, and poor health infrastructure.” U.S. Department of State, Venezuela Travel Advisory, (May 12, 2025) <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/venezuela-travel-advisory.html>. Additionally, Defendants have not appeared or responded to the pleadings in this case and the “TVPA exhaustion requirement ‘is an affirmative defense’ for which the defendant bears a ‘substantial’ burden of proof.” *Bidegain v. Vega*, Case No. 1:22cv60338, 2024 WL 3537482, at \*3 (S.D. Fla. June 18, 2024) (quoting *Jean v. Dorélien*, 431 F.3d 776, 781 (11th Cir. 2005)).



owing to the circumstances at the time, that his subordinates had committed, were committing, or planned to commit acts violative of the law of war; and (3) that the commander failed to prevent the commission of the crimes, or failed to punish the subordinates after the commission of the crimes.

*Ford ex rel. Est. of Ford v. Garcia*, 289 F.3d 1283, 1288 (11th Cir. 2002).

Nicolás Maduro is the illegitimate President of Venezuela and the leader of the Maduro Criminal Enterprise’s narco-terrorism conspiracy. *See* ECF No. 12 at ¶ 55-56, 80, 97, 104-105. Nicolás Maduro was a manager and leader of Cartel of the Suns as he rose to power in Venezuela. *Id.* at ¶¶ 72, 52. Under the leadership of Maduro, as well as other Venezuelan officials including Padrino López, Reverol Torres, Cabello Rondón, and other Maduro loyalists, Cartel of the Suns sought to enrich itself and its members by flooding the United States with cocaine in collaboration with FARC. *Id.* at ¶ 72. Proceeds from narco-trafficking were laundered through an instrumentality such as Minervan. *Id.* at ¶¶ 100, 104. The Maduro Criminal Enterprise abducted, detained, interrogated, and tortured U.S. citizens to intimidate and coerce the United States Government into favorable concessions. *Id.* at ¶¶ 108-118. Nicolás Maduro and others in his inner circle are “involved in selecting [DGCIM] targets.” *Id.* at ¶ 34.

Padrino López is the de facto Minister of Defense and a central figure in the Maduro Criminal Enterprise. *Id.* at ¶ 31. He serves as a senior member of the Cartel of the Suns and perpetrated the distribution of cocaine into the United States. *Id.* Reverol Torres is a senior member of the Cartel of the Suns and served as the leader of Venezuela’s anti-narcotics agency. *Id.* at ¶ 32. While directing the anti-narcotics agency, Reverol Torres received payments from drug traffickers in exchange for assisting in the distribution of cocaine from Venezuela which was ultimately imported into the United States. *Id.* at ¶ 58. Reverol Torres also permitted vehicles carrying cocaine to leave Venezuela and arranged for the release of individuals arrested for narcotics violations and for the release of seized narcotics and narcotics-related currency. *Id.* at ¶ 32.

Tarek William Saab Halabi (“Tarek Saab”) is the de facto Attorney General and Ombudsman of Venezuela, and serves the Maduro Criminal Enterprise. The Treasury’s Office of Foreign Assets Control (“OFAC”) designated Tarek Saab on July 26, 2017 for undermining democracy and human rights in Venezuela. *Id.* at ¶ 33.

Iván Hernández is the de facto commander of Nicolás Maduro’s Presidential Honor Guard and is the de facto leader of the DGCIM. Under Iván Hernández’s command, DGCIM detains, interrogates, and tortures individuals suspected of plotting against Maduro and specifically targeted Americans as a means of targeting the United States. *Id.* at 34.

Diosdado Cabello is a member of the National Assembly of Venezuela and a powerful member in the Maduro Criminal Enterprise. Diosdado Cabello is a leader in the Cartel of the Suns and was indicted alongside Nicolás Maduro for his participation in narcotics trafficking, money laundering, embezzlement of state funds, and other corrupt activities. *Id.* at ¶¶ 35, 61.

Alex Nain Saab Morán (“Alex Saab”) is a long-time financier of the Maduro Criminal Enterprise. *Id.* at ¶ 36. He was indicted for conspiracy to commit money laundering and was arrested in June 2020. *Id.* at ¶ 36. In December 2023, Maduro released ten Americans detained in Venezuela and promised to release twenty political opposition-linked Venezuelan prisoners in exchange for Alex Saab’s clemency and release. *Id.* at ¶ 62.

Domínguez Ramírez is the former Chief Commissioner of the Special Forces (“FAES”) and is currently the Director of the Directorate of Strategic and Tactical Actions (“DAET”). *Id.* at ¶ 63. Under his leadership, FAES was the most lethal security force in Venezuela.

Cilia Flores is the spouse of Nicolás Maduro and serves as the illegitimate first lady of Venezuela and maintains significant influence over Venezuela. *Id.* at ¶ 64. Efraín Campo and Franqui Flores, the nephews of Cilia Flores and Nicolás Maduro were convicted of drug trafficking

conspiracy in the United States District Court for the Southern District of New York. *Id.* at ¶ 38. The objective of the drug proceeds was “to prolong their family’s control of Venezuela by funding at least one political campaign for Cilia Flores.” *Id.* Mr. Heath and Mr. Khan were detained, held captive, and tortured to use as leverage against the U.S. Government in exchange for the clemency and release of the nephews. *Id.* at ¶¶ 153-54.

Defendant Salas Rivas is the Lieutenant Colonel in the DGCIM. *Id.* at ¶ 40. Defendant Granko Arteaga is the Chief of Special Affairs Unit of the DGCIM, the Lieutenant Colonel in the Bolivarian National Guard, and oversaw the detention, torture, and degrading treatment of Plaintiffs and other U.S. Citizens in the DGCIM facilities. *Id.* at ¶ 41. Defendant Reynaldo Hernández is an agent of the DGCIM and is directly involved in the abuse of U.S. Citizens. *Id.* at ¶ 41. These Defendants served the Maduro Criminal Enterprise by securing U.S. Citizens as collateral for Maduro to leverage against the U.S. government in prisoner swaps. *Id.* at ¶ 65. Each of these Defendants took part in the torture and abuse of Mr. Heath and Mr. Khan, or ordered, approved of, and encouraged the torture and abuse in furtherance of Maduro’s and Domínguez Ramírez’s policy of wrongfully abducting and detaining Americans to influence the U.S. Government into granted clemency of convicted narco-terrorists, a loosening of restrictions, and an end to the oil embargo. *Id.* at ¶ 39-41, 65.

The Individual Defendants conspired to support the Maduro Criminal Enterprise in narcotrafficking, oppression of political opposition in Venezuela, human rights violations against U.S. citizens, and the use of U.S. citizens as bargaining chips for the release of agents engaged in its illicit business selling drugs in the United States. Each Defendant was an active participant in the Maduro Criminal Enterprise and actively participated in wrongful acts in furtherance of the conspiracy. Defendants Nicolás Maduro commanded the Venezuelan security and military forces,

Defendant Tarek Saab was the Attorney General, and Defendant Iván Hernández commanded the DGCIM. These admitted allegations are sufficient to establish liability under either aiding and abetting, conspiracy, or agency and command.

## **2. Defendants subjected Mr. Heath and Mr. Khan to Torture.**

It is undisputed that Mr. Heath and Mr. Khan are victims of torture. Torture is defined as:

[A]ny act, directed against an individual in the offender's custody or physical control, by which severe pain or suffering (other than pain or suffering arising only from or inherent in, or incidental to, lawful sanctions), whether physical or mental, is intentionally inflicted on that individual for such purposes as obtaining from that individual or a third person information or a confession, punishing that individual for an act that individual or a third person has committed or is suspected of having committed, intimidating or coercing that individual or a third person, or for any reason based on discrimination of any kind.

TVPA § 3(b). Mr. Khan and Mr. Heath were held against their will and were subjected to heinous acts of physical and mental abuse. *See* ECF No. 12 at ¶¶ 119-172. Plaintiffs have alleged facts sufficient to establish violations of the TVPA.

## **C. Intentional Infliction of Emotional Distress**

Family Member Plaintiffs have alleged sufficient facts to establish liability under the ATA. Alternatively, Family Member Plaintiffs have also alleged sufficient facts to establish liability for their claims of intentional infliction of emotional distress under the laws of Florida, Virginia, and Tennessee, where different family members resided. Under Florida law, a plaintiff must prove “(1) the wrongdoer's conduct was deliberate or reckless, that is, he intended his behavior when he knew or should have known that emotional distress would likely result; (2) the conduct was outrageous. . .; (3) the conduct caused emotional distress; and (4) the emotional distress was severe.” *Saludes v. Republica de Cuba*, 577 F. Supp. 2d 1243, 1254 (S.D. Fla. 2008) (quoting *Samedi v. Miami-Dade County*, 134 F.Supp.2d 1320, 1353–1354 (S.D.Fla.2001)).

These elements are similar for an intentional infliction of emotional distress claim under Virginia law which requires that 1) the wrongdoer's conduct was intentional or reckless; 2) the conduct was outrageous or intolerable; 3) there was a causal connection between the wrongdoer's conduct and the resulting emotional distress; and 4) the resulting emotional distress was severe.” *Daniczek v. Spencer*, 156 F. Supp. 3d 739, 757 (E.D. Va. 2016) (quoting *Ogunde v. Prison Health Servs., Inc.*, 274 Va. 55, 65, 645 S.E.2d 520, 526 (2007)). Under Tennessee law, a plaintiff must establish that the defendant's conduct was “(1) intentional or reckless, (2) so outrageous that it is not tolerated by civilized society, and (3) resulted in serious mental injury to the plaintiff.” *Johnson v. Hamilton Cnty. Gov't*, No. 1:19-CV-304, 2023 WL 11979766, at \*12 (E.D. Tenn. Mar. 29, 2023) (quoting *Lemon v. Williamson Cnty. Schs.*, 618 S.W.3d 1, 21 (Tenn. 2021)).

Here, Defendants clearly acted deliberately and with reckless disregard, as it was highly probable that the family members of Mr. Khan and Mr. Heath would suffer extreme emotional distress due to their loved ones being held captive and tortured. *See Sutherland v. Islamic Republic of Iran*, 151 F. Supp. 2d 27, 50 (D.D.C. 2001) (“when an organization takes someone hostage, it is implicitly intending to cause emotional distress among the members of that hostage's immediate family.”). This District has granted default judgments for intentional infliction of emotional distress for family members of those who were kidnapped and tortured despite not being present at the scene. *See Saludes*, 577 F. Supp. 2d at 1254-55. Other courts reasoned that “a terrorist attack—by its nature—is directed not only at the victims but also at the victim's families.” *See Bakhtiar v. Islamic Republic of Iran*, 2008 WL 2756606,\*5 (D.D.C. July 17, 2008). Defendants in carrying out the kidnapping and torture of Mr. Heath and Mr. Khan, should have reasonably foreseen that their families would experience severe emotional distress. *See Alban Osio*, 2023 WL

5019877, at \*10 (Defendants “should have reasonably foreseen that Mr. Albán’s family members would experience this type of suffering.”).

Conduct is outrageous if it is “extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.” Restatement (Second) of Torts, Section 46, Comment D; *Daniczek*, 156 F. Supp. 3d at 759; *Saludes*, 577 F. Supp. 2d at 1254; *Reagan v. City of Knoxville*, 692 F. Supp. 2d 891, 905–06 (E.D. Tenn. 2010). The arbitrary capture, detainment, and torture of Mr. Heath and Mr. Khan was outrageous and beyond all bounds of decency. Defendants Reynaldo Hernández, and Granko Arteaga illegally detained Mr. Khan and Mr. Heath in DGCIM facilities where they were beaten, starved, dehydrated, electrocuted, waterboarded, threatened with rape, and held in solitary confinement. *See e.g.*, ECF No. 12 at ¶¶ 127, 132-33, 161. Additionally, Tarek Saab issued public statements falsely accusing Mr. Heath of committing acts of terrorism. *Id.* at ¶ 284. Defendants also made false statements to Mr. Khan’s family to extort money from them. *Id.* at ¶ 164. All of these acts are utterly intolerable.

To support their claims for severe emotional distress, the Family Member Plaintiffs attach declarations as Exhibits 2-8. Osman’s mother, Tania Valdes suffered from crying spells, suicidal ideation, and insomnia. *See* ECF No. 12 at ¶¶ 179-180. Compounding her emotional distress, Defendants extorted money from her. *Id.* at ¶ 164. Jasmin Khan developed insomnia and abused alcohol. *Id.* at ¶¶ 176-178. Osman’s younger brother, A.I.K., became isolated and severely anxious. *Id.* at ¶¶ 173-175.

Mr. Heath’s torture caused serious mental injury to his son, siblings, and parents. *Rodriguez Ortiz v. Jefferson Cnty., Tennessee*, No. 3:17-CV-00401, 2019 WL 5932757, at \*17 (E.D. Tenn. Nov. 12, 2019) (“A serious mental injury may be shown by evidence of several

nonexclusive factors, including depression, crying spells, nightmares, weight loss, and more”). Connie Heath suffered from severe anxiety and depressed and struggled with severe stress which caused her to not eat or sleep. *Id.* at ¶¶ 141-142, *See* Ex. 5 at ¶¶ 8-9. Connie became malnourished and lost eighty-seven pounds. *See* Ex. 5 at ¶ 8. Defendant Diosdado Cabello gave a speech with a photo of Connie in the background with a target superimposed over her face which further exacerbated her anxiety. ECF 12 at ¶ 142. Mr. Heath’s father, Robert Heath became so consumed with researching ways to bring Matthew home that he neglected his health and resulting in him being admitted into the hospital. *See* Ex. 6 at ¶ 8. He “felt a sense of shock and agony for two years”, and “there was not a day that passed that [he] did not grieve the absence of [his] son. *Id.* at ¶ 11. Because of the previous loss of his son, Jonathan, and the loss of his mother the same year Matthew Heath was held captive, Robert Heath’s grief was further compounded. *Id.* at ¶¶ 8, 11. Mr. Heath’s son, I.M.H., was only eleven years old when his father was taken hostage. *Id.* at ¶¶ 151-152. I.M.H. became aware of the details of his father’s captivity and became fearful that his father could die at any moment. *Id.* He went through some of the most pivotal moments in his youth without his father.

McKenzie Heath suffered physically through weight gain and elevated blood pressure which had caused her to be high risk during her first pregnancy. *Id.* at ¶¶ 145-148. McKenzie also became isolated in her home, depressed, and struggled with suicidal ideation. *Id.* Mr. Heath’s brother, Devin Waller suffered from anxiety, depression, and insomnia with frequent dreams of his brother. *Id.* at ¶¶ 149-150; Ex. 8.

Plaintiffs have alleged facts sufficient to establish an intentional infliction of emotional distress claim under Tennessee, Florida, and Virginia law. Therefore, this Court finds Defendants liable to Plaintiffs under Counts III, IV, and V.

### **D. False Imprisonment**

False imprisonment is the unlawful restraint of a person against his will. *See Cruz v. Carroll*, No. 19-61160-CIV, 2019 WL 10058779, at \*3 (S.D. Fla. Sept. 12, 2019) (a claim under Florida law requires “(1) an unlawful detention and deprivation of liberty against the plaintiff’s will; (2) an unreasonable detention which is not warranted by the circumstances and (3) an intentional detention.”); *Zelaya v. Hammer*, 516 F. Supp. 3d 778, 811 (E.D. Tenn. 2021) (“plaintiffs must prove (1) the detention or restraint of one against his will and (2) the unlawfulness of such detention or restraint.”). Under Article 23 of Venezuela’s Constitution “all international treaties and conventions regarding human rights are to be incorporated within Venezuelan law, superior to any other conflicting laws.” *Perez v. Moros*, Civ. No. 24-23719 (S.D. Fla. Mar. 24, 2025), ECF No. 50 at p. 9. Additionally, under Article 44 of Venezuela’s Constitution, “[n]o person shall be arrested or detained except by virtue of a court order” or “must be brought before a judge within forty-eight hours” of arrest and be able to “communicate immediately with members of his or her family, an attorney or any other person in whom he or she reposes trust.” Venez. Const. Art. 44.

Defendants conspired to falsely imprison Mr. Khan and Mr. Heath for leverage against the U.S. Government. ECF No. 12 at ¶¶ 134, 137, 203, 213. Mr. Khan and Mr. Heath did not commit a crime and were detained against their will by Maduro’s agents, including Defendants Salas Rivas, Reynaldo Hernández, and Granko Arteaga. ECF No. 12 at ¶¶ 39-41, 124-135, 159-167, 258. The fabricated charges against Mr. Khan and Mr. Heath are based on no evidence or planted evidence. *Id.* at ¶¶ 128-131, 168, *See* Ex. 2. at ¶ 30. Further, Mr. Khan and Mr. Heath were not advised of the charges against them or brought before a judge until several days into their detainment. *Id.* at ¶¶ 168, *See* Ex. 1 at ¶ 16. Therefore, the detention of Mr. Khan and Mr. Heath was unlawful. Plaintiffs have alleged facts sufficient to establish false imprisonment against all Defendants in the



Maduro Criminal Enterprise. Therefore, this Court finds Defendant liable to Plaintiffs under Count VI.

### **E. Civil RICO**

To establish a civil RICO claim, the plaintiff must allege a violation of 18 U.S.C. § 1962(c). To satisfy this provision, the plaintiff must show that the defendant (1) conducted or participated, directly or indirectly, in the conduct (2) of an enterprise, (3) through a pattern of racketeering activity. *See Durham v. Bus. Mgmt. Assocs.*, 847 F.2d 1505, 1511 (11th Cir. 1988) (quoting *Sedima S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 496 (1985)). After these elements are met, the plaintiff must then show that the unlawful racketeering activity caused injury to the plaintiff's business or property. *Walgreen Co. v. Premier Prod. Of Am., Inc.*, 8:11-cv-812, 2012 WL 527169, at \*3 (M.D. Fla. Feb. 17, 2012). As discussed below, Plaintiffs have sufficiently alleged a Civil RICO violation.

#### **1. The RICO Enterprise**

The Maduro Criminal Enterprise satisfies the test for an “association-in-fact” enterprise. An association-in-fact enterprise “requires (1) a purpose, (2) relationships among those associated with the enterprise, and (3) longevity sufficient to permit these associates to pursue the enterprise's purpose.” *Alban Osio*, 2023 WL 5019877, at \*10. A group of individual entities qualifies as a RICO enterprise when “the association of individual entities, however loose or informal, . . . furnishe[d] a vehicle for the commission of two or more predicate crimes.” *United States v. Goldin Indus. Inc.*, 219 F.3d 1271, 1275 (11th Cir. 2000).

This Court has already held that the Maduro Criminal Enterprise serves a common purpose to qualify as an “enterprise-in-fact” under similar facts. *Alban Osio*, 2023 WL 5019877, at \*6 (“Here, the Maduro Criminal Enterprise functions to achieve the common purpose of exerting control over the Venezuelan population by engaging in narcotics trafficking, acts of terrorism,

human rights violations, and public corruption offenses.”). Similar to the *Alban Osio* case, Defendants have admitted by defaulting that their common purpose is to control power in Venezuela through their illegal activities. *See* ECF No. 12 at ¶ 51. The Maduro Criminal Enterprise’s claim to power would not have been possible without the narco-terrorism activities of Cartel of the Suns, FARC-EP, and Segunda Marquetalia. *Id.* Each of these cartels is under the control of the Individual Defendants and perpetrates the trafficking of narcotics into the United States, and particularly Florida, and other countries to produce funds for the Maduro Criminal Enterprise in support of its grip on Venezuela. *Id.* at ¶ 55. Minerven also furthers this purpose based on the sale of “blood gold” in defiance of United States sanctions and money laundering at the service of narcotrafficking. *Id.* at ¶ 54. Overall, the Maduro Criminal Enterprise includes all Defendants and uses narco-terrorism, money laundering, and intimidation to further the common purpose of remaining in power.

Similarly, this Court has also held that the relationship between the Individual Defendants and the cartels is sufficient to allege an enterprise-in-fact. *Alban Osio*, 2023 WL 5019877, at \*6. The same is true here. The facts alleged in the complaint establish that each Individual Defendant, including Maduro himself, is a leader and enforcer of the multiple cartels to keep the enterprise in power. ECF No. 12 at ¶¶ 69–107. Furthermore, an enterprise need not have “a hierarchical structure or chain of command, and the group need not have a name, regular meetings, dues, established rules and regulations, disciplinary procedures, or indication or initiation ceremonies.” *Al-Rayes v. Willingham*, 914 F.3d 1302, 1309 (11th Cir. 2019) (internal citations omitted). Instead, all that is required is the “shared purpose of engaging in illegal activity.” *Id.* at 1308. Minerven also fits comfortably within the Maduro criminal enterprise relationship based on this test. Minerven acted as a major financier of the enterprise through illegal sales of gold and money laundering. ECF No.

12 at ¶¶ 43, 54, 67-68, 104-106. Therefore, not only does Minerven maintain a relationship with the cartels and Individual Defendants, but it constitutes a key piece in the enterprise. This satisfies the relationship prong of the enterprise-in-fact test.

Lastly, each defendant has supported the enterprise with enough “longevity sufficient to permit these associates to pursue the enterprise’s purpose.” *Boyle v. United States*, 556 U.S. 938, 946 (2009). The enterprise has been committing acts of narco-terrorism, money laundering, and torture for at least twenty years. *See* ECF No. 12 at ¶ 52. This is more than enough time—as is evidenced by the continued existence of the criminal enterprise—to permit each defendant to pursue the common purpose of the enterprise.

The Court finds that the Defendants comprise of an enterprise-in-fact for the purposes of a civil RICO claim.

## **2. Conducting the Affairs of the Enterprise**

Each Defendant has either directly or indirectly conducted or participated in the affairs of the Maduro Criminal Enterprise. “[T]o conduct or participate, directly or indirectly, in the conduct of such enterprise’s affairs, one must participate in the operation or management of the enterprise itself.” *Reves v. Ernst & Young*, 507 U.S. 170, 185 (1993). Again, like the *Alban Osio* case, the Individual Defendants have admitted by defaulting that they are the “leaders of the Maduro Criminal Enterprise, and therefore, are liable for the affairs of the enterprise.” *Alban Osio*, 2023 WL 5019877, at \*6.

Defendants FARC-EP, Cartel of the Suns, Segunda Marquetalia, and Minerven are also liable for the affairs of the enterprise. “Liability under § 1962(c) is not limited to upper management . . . [a]n enterprise is operated also by lower-rung participants in the enterprise who are under the direction of upper management or by others associated with the enterprise who exert

control over it.” *United States v. Starrett*, 55 F.3d 1525, 1542 (11th Cir. 1995) (quoting *Reves*, 507 U.S. at 184. Each of these Defendants is sufficiently alleged to be “under the direction of upper management or by others associated with the enterprise who exert control over it.” *Id.* Minerven is controlled by the Individual Defendants and used as an instrumentality to launder money and sell illegal gold to support the Maduro Criminal Enterprise’s narco-terrorism and overall criminal activities. *See* ECF No. 12 at ¶ 104. It plays an indispensable role and is therefore “under the direction of upper management” by the Individual Defendants. Furthermore, Cartel of the Suns and its offshoots of FARC-EP and Segunda Marquetalia have been under the leadership of the Individual Defendants to enrich themselves and their members by flooding the United States and Florida with narcotics. *Id.* at ¶¶ 56, 72-79, 83-86, 90. This relationship continues to perpetuate its narco-terrorism and money laundering scheme in conjunction with the Individual Defendants. *Id.* at ¶¶ 56, 91.

Each of the Defendants has either directly or indirectly participated in the operation or management of the enterprise itself.

### **3. The Pattern of Racketeering Activity**

The Maduro Criminal Enterprise has engaged in a pattern of racketeering activity making each liable under the statute. “The heart of any RICO complaint is the allegation of a pattern of racketeering” activity. *Agency Holding Corp. v. Malley-Duff & Assocs., Inc.*, 483 U.S. 143, 154 (1987). To show a pattern, the plaintiff must plead that the defendant engaged in two or more predicate RICO offenses enumerated in 18 U.S.C. § 1961(1). *See* 18 U.S.C. § 1961 (5); *H.J. Inc. v. Nw. Bell Tel. Co.*, 492 U.S. 229, 237 (1989). Additionally, the offenses must be related, or have “similar purposes, results, participants, victims, or methods of commission . . . .” *Alban Osio*, 2023 WL 5019877, at \*6; *H.J. Inc.*, 492 U.S. at 240. Lastly, the pattern must reflect a threat of continuing

rackeering activity, which may be established by showing that the predicate acts or offenses are part of an ongoing entity's regular way of doing business. *Alban Osio*, 2023 WL 5019877, at \*6; *H.J. Inc.*, 492 U.S. at 240.

The Defendants have all engaged in a myriad of predicate RICO offenses to satisfy the statute. These include: the kidnapping of Mr. Heath and Mr. Khan in violation of 18 U.S.C. § 1203, money laundering in violation of 18 U.S.C. § 1956, providing material support to organizations engaged in violent activities in violation of 18 U.S.C. § 2339A, providing material support to designated foreign terrorist organizations in violation of 18 U.S.C. § 2339B, and drug trafficking in violation of 21 U.S.C. § 841.

At all relevant times, each Defendant either directly participated in or were an instrumental part in the commission of more than two predicate offenses. Specifically, the Maduro Criminal Enterprise kidnapped Mr. Heath and Mr. Khan to use them as bargaining chips to free two high-ranking members of the narco-terrorism conspiracy. *See* ECF No. 12 at ¶ 113. In addition, RICO predicates include “any offense involving . . . the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance.” 18 U.S.C. § 1961(1)(d). Defendants have committed this predicate offense through the ongoing narco-terrorism scheme to traffic narcotics throughout the United State and Florida and use the funds to engage in other criminal acts. *See* ECF No. 12 at ¶¶ 73–75. Also, the proceeds from the criminal conspiracy were used to fund the FARC-EP, Cartel of the Suns, and Segunda Marquetalia, each of which was designated as a terrorist organization in violation of 18 U.S.C. § 2339A and 18 U.S.C. § 2339B. *See* ECF No. 12 at ¶¶ 27–30. Moreover, “[c]ongress has recognized that money laundering and other post-investment offenses may constitute predicate acts causing racketeering injury for which damages may be recovered under § 1964.” *Maiz v. Virani*, 253 F.3d 641, 674 (11th

Cir. 2001). Minervén engaged in an elaborate money—laundering scheme for years to further the purpose of the Maduro Criminal Enterprise. *See* ECF No. 12 at ¶ 107. Each Defendant has clearly engaged in more than two predicate RICO offenses to satisfy the statute.

The predicate offenses perpetrated by the Defendants are also related in that they have the purpose in maintaining the Maduro Criminal Enterprise’s power over Venezuela as has already been recognized by this court. *See Alban Osio*, 2023 WL 5019877, at \*7 (“The foregoing RICO predicate acts are related to one another because they were committed by the same group of actors . . . and have the same purposes: to raise revenue through drug-trafficking abroad and reinforce Maduro’s authoritarian control over Venezuela.”). The same is true here. All the Defendants are an integral part of the Maduro Criminal Enterprise’s control over narco-terrorism and the citizenry of Venezuela. *See* ECF No. 12 at ¶ 196. They all work towards that common purpose.

The Defendants’ pattern of engaging in racketeering activity also displays the continuity needed to state a claim under RICO. The Maduro Criminal Enterprise has been engaging in these activities for at least twenty years. *Id.* at ¶ 97. There is no evidence that these activities have ceased, and in fact the enterprise continues to engage in these activities to perpetuate power and terrorism around the world. *Alban Osio*, 2023 WL 5019877, at \*7 (“In fact, the Individual Defendants have been working together for decades and continue to exercise control over Venezuela through the oppression of its civilian population.”). Plaintiffs have sufficiently alleged that the Defendants have engaged in a pattern of racketeering activity to support a claim for Civil Rico.

#### **4. Injury to Business or Property Due to RICO Violations**

The kidnapping of Mr. Heath and Mr. Khan, each a RICO violation in its own right, has also caused injury to business or property of the plaintiffs. “To establish civil liability, the plaintiff must further allege that the unlawful racketeering activity caused damage to the plaintiff’s business

or property.” *Alban Osio*, 2023 WL 5019877, at \*5, *Walgreen Co.*, 2012 WL 527169, at \*3. Under civil RICO claims that involve kidnapping, courts have recognized that “alleged out-of-pocket expenses incurred as a direct result of [an] ordeal in the form of travel, lodging, attorney’s fees” are “arguably considered injury to business or property.” *Geraci v. Women’s All., Inc.*, 436 F. Supp.2d 1022, 1039 (D.N.D. 2006). Moreover, there is no longer a bar under civil RICO claims for pecuniary losses that are properly understood as derivative of a personal injury claim. *See Med. Marijuana, Inc. v. Horn*, 145 S. Ct. 931, 936 (2025). Therefore, any losses stemming from the injuries relating to the kidnap and torture of Mr. Heath and Mr. Khan, are damages to business or property under the statute.

All Plaintiffs have sustained injury in their business or property based on the kidnapping of Mr. Heath and Mr. Khan. Akin to the plaintiffs in *Alban Osio* and *Geraci*, the Plaintiffs in this case spent an exorbitant amount of money trying to free their loved ones from captivity. This includes close to a quarter of a million dollars spent by Mr. Heath’s father for a Venezuelan lawyer, translators, and to satisfy extortionist plots by the Defendants. *See* ECF No. 12 at ¶ 140. This eventually resulted in Mr. Heath’s father having to sell his farm to pay his bills. *Id.* Multiple Plaintiffs also traveled to Washington D.C. to advocate for Mr. Heath’s freedom, incurring traveling, lodging, and other expenses based on the kidnapping. *Id.* at ¶¶ 141, 150. For example, Ms. Haynes spent approximately \$8,000 on traveling to raise awareness of Mr. Heath’s captivity. *See* Ex. 5 at ¶¶ 5, 8. These are the exact type of expenses stemming from a kidnapping that this court in *Alban Osio* and *Geraci* recognized as recoverable under a civil RICO action. *Alban Osio*, 2023 WL 5019877, at \* 7; *Geraci*, 436 F. Supp.2d at 1039.

The same is true for Mr. Khan. Following Mr. Khan’s kidnapping, his mother was immediately extorted for the freedom of her son. *See* ECF No. 12 at ¶ 164. She also sent over \$400

dollars every week to an associate of the Maduro Criminal Enterprise that claimed the funds would be used to purchase her son food, which Osman never received. *Id.* at ¶ 180. This money totaled \$20,000. *Id.* These out-of-pocket expenses are the direct result of the RICO violations and constitute damage to business or property to support a claim.

The Defendants RICO violations also caused pecuniary losses stemming from the personal injuries caused by the kidnapping of Mr. Heath and Mr. Khan. While not traditionally sufficient to state a RICO claim in this circuit, the Supreme Court has held that injuries to business or property resulting from personal injuries caused by RICO violations are not barred. *Med. Marijuana, Inc. v. Horn*, 145 S. Ct. at 936. So, “a human trafficking-victim can sue for her business or property harm, even though the harm necessarily resulted from her captivity.” *Id.* at 943. Like the human trafficking victim in that hypothetical, the Plaintiffs in this case can sue under RICO for harms to their business and property stemming from the captivity of Mr. Heath and Mr. Khan. These harms include Mr. Heath’s mother, Ms. Haynes, missing significant swaths at work to advocate for her son’s return. ECF No. 12 at ¶ 141. Due to this, Ms. Haynes earned only about half of her wages, losing approximately \$20,000 in potential earnings over the two years Mr. Heath was held captive. *See* Ex. 5, ¶ 8. They also include Mr. Heath’s sister, Ms. Daniels quitting her job brought on by the anxiety and stress of waiting for the return of her brother. *See* ECF No. 12 at ¶ 146. On top of this, upon his return home Mr. Heath lost his charter business and the boats he spent his life savings purchasing to operate that business. *Id.* at ¶ 156. This logic carries to Mr. Khan as well, as his kidnapping and torture created significant adverse pecuniary consequences to both him and his family. *Id.* at ¶ 193.

The Plaintiffs in this case have sufficiently stated a claim under civil RICO. The Maduro Criminal Enterprise meets the statutory definition for enterprise, they participated in conduct that



supported that enterprise, and that was carried out exhibiting a pattern of racketeering activity. In turn, this enterprise caused damage to the business and property of all plaintiffs to support a claim under RICO.

### **5. Conspiracy to Violate Civil RICO, 18 U.S.C. § 1962(d)**

“In order to state a claim for civil RICO conspiracy, a plaintiff must ‘allege an illegal agreement to violate a substantive provision of the RICO statute.’” *Super Vision Int'l, Inc. v. Mega Int'l Com. Bank Co.*, 534 F. Supp. 2d 1326, 1342 (S.D. Fla. 2008) (quoting *Jackson v. BellSouth Telecomm.*, 372 F.3d 1250, 1269 (11th Cir. 2004)). The plaintiffs do not need to show direct evidence of a RICO agreement, but it can be inferred from the conduct of the participants. *American Dental Ass'n v. Cigna Corp.*, 605 F.3d 1283, 1293 (11th Cir. 2010).

In this context, this Court has held that “Maduro and the individual defendants knowingly, willfully, and unlawfully conspired to facilitate a scheme that included the operation of a RICO enterprise through a pattern of racketeering activity as alleged in the sections above.” *Alban Osio*, 2023 WL 5019877, at \*8. The Maduro Criminal Enterprise is supported by, run, and maintained by each of the Defendants. *Id.*; See ECF No. 12 at ¶ 196.

The conspiracy's purpose is to exercise unlawful authoritarian control over Venezuela, further the Maduro Criminal Conspiracy, and engage in (a) narcotics trafficking; (b) acts of terrorism including but by no means limited to narco-terrorism; (c) human rights violations including kidnapping, torture, and murder; (d) public corruption offenses; and (e) money laundering.

*Alban Osio*, 2023 WL 5019877, at \*8. As the Court has previously recognized, each of these acts was entered into by the Defendants with the purpose of maintaining and supporting the enterprise, thereby qualifying a conspiracy to violate RICO.

Accordingly, Plaintiffs are entitled to a default judgment on their federal civil RICO claim against Defendants.

## F. Defamation and Defamation Per Se

Defendants, acting through Defendant Tarek Saab, one of the Maduro Criminal Enterprise’s senior members, defamed Mr. Heath and Mr. Khan by falsely accusing them of terrorism, espionage, and human trafficking. ECF No. 12 at ¶¶ 284–90. These false accusations satisfy the elements required to prove defamation *per se* under Florida law.

“Under Florida law, to state a claim for defamation—libel or slander—the plaintiff must allege that: ‘(1) the defendant published a false statement; (2) about the plaintiff; (3) to a third party; and (4) that the falsity of the statement caused injury to the plaintiff.’” *Matonis v. Care Holdings Grp., L.L.C.*, 423 F. Supp. 3d 1304, 1315 (S.D. Fla. 2019) (quoting *Alan v. Wells Fargo Bank, N.A.*, 604 F. App’x 863, 865 (11th Cir. 2015)). All that is required for a statement to be considered “published” under Florida law, is that it be communicated to a third person. *See Estes v. Rodin*, 259 So. 3d 183, 191 (Fla. Dist. Ct. App. 2018). To step into the realm of defamation *per se*, the statements must be “so obviously defamatory” and “damaging to [one’s] reputation” that they “give[] rise to an absolute presumption of both malice and damage.” *Klayman v. Judicial Watch, Inc.*, 22 F. Supp. 3d 1240, 1247 (S.D. Fla. 2014) (quoting *Wolfson v. Kirk*, 273 So.2d 774, 776 (Fla. 4th DCA 1973)). To give rise to this presumption the statement “(1) charges that a person has committed an infamous crime; (2) tends to subject one to hatred, distrust, ridicule, contempt or disgrace; or (3) tends to injure one in his trade or profession.” *Aflalo v. Weiner*, No. 17-61923-CIV, 2018 WL 3235529, at \*2 (S.D. Fla. July 2, 2018) (quoting *Richard v. Gray*, 62 So. 2d 597, 598 (Fla. 1953)).<sup>7</sup>

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<sup>7</sup> What is more, under Florida law “each communication of the same defamatory matter by the same defamer . . . is a separate and distinct publication, for which a separate cause of action arises.” *Block v. Matesic*, No. 21-61032-CIV, 2023 WL 8527670, at \*3 (S.D. Fla. Dec. 8, 2023) (quoting *Five for Entm’t S.A. v. El Cartel Records, Inc.*, 725 F. App’x 793, 797 (11th Cir. 2018)). Thus, while it may be true that the statute of limitations may pose an issue here, it is an affirmative

Defendants have engaged in defamation *per se* against Mr. Heath through Defendant Tarek Saab's announcement on Venezuelan television that Mr. Heath was arrested for sabotage and terrorist activities. ECF No. 12 at ¶ 284. This began when Defendant Tarek Saab went on Venezuelan television to accuse the plaintiff of "plotting to attack oil refineries and electrical service" to "sow sabotage and destabilization in Venezuela." *Id.* at ¶ 130. Defendant Tarek Saab then reaffirmed these false accusations by reiterating them on his Twitter page, where they were seen by residents of Florida. *Id.* Further, the accusations were then published in multiple media outlets, as the television address was published on YouTube and a story was run in The Miami Herald. *Id.* at ¶¶ 286-87. The far-reach of these vile accusations is beyond doubt, especially in Florida where there is a large Venezuelan ex-patriot community. Additionally, vitriolic statements such as these have been recognized to state a claim for defamation *per se*, as they were false, made with malice, published, and stated that Plaintiff Heath committed multiple felonies (including terrorism and arms trafficking). *See Marron*, 2023 WL 357592, at \*4 (holding defendants liable for defamation *per se* with similar false accusations.). As this Court did in that case, the Court should hold the Defendants liable to Mr. Heath for defamation. *See id.*

The Defendants also engaged in defamation *per se* against Mr. Khan. Shortly after the kidnapping of Mr. Khan, agents of the Maduro Criminal Enterprise called Mr. Khan's mother, Ms. Valdes, and told her that he was being held because he committed acts of terrorism, human trafficking, and conspiracy. *See* ECF No. 12 at ¶ 290. These statements had far-reaching effects in Florida as at least one publication, CWV, printed that Khan was "an American ex-convict,"

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defense that Defendants have not made by nature of their default. *See R&R Int'l Consulting LLC v. Banco do Brasil, S.A.*, 981 F.3d 1239, 1245 (11th Cir. 2020). Furthermore, a "statute of limitations defense . . . is not jurisdictional . . . courts are under no obligation to raise the time bar *sua sponte*" and it should only be raised if "the interests of justice would be better served . . . by dismissing the petition as time barred." *Wood v. Milyard*, 566 U.S. 463, 472 (2012).

another untrue statement attributed to the initial accusations by the Defendants. *Id.* at ¶ 291. Therefore, the statements made about Mr. Khan following his arrest satisfy defamation *per se*, as they were made to a third-party (his mother), accuse Mr. Khan of multiple felonies, and subject him to distrust, ridicule, contempt, or disgrace, just like the plaintiff in *Marron* who was adjudged to have been defamed, 2023 WL 357592, at \*4; ECF No. 12 at ¶¶ 290, 293.

Therefore, this Court finds Defendant liable to Plaintiffs under Count VIII.

### **DAMAGES<sup>8</sup>**

#### **I. PLAINTIFFS MR. HEATH AND MR. KHAN**

##### **A. Kidnapping and Torture Under the ATA—Compensatory Damages**

Under the ATA, a person injured by an act of international terrorism may sue and “shall recover threefold the damages he or she sustains and the cost of the suit, including attorney’s fees.” 18 U.S.C. § 2333. The Plaintiffs have sufficiently plead the facts entitling them to the full range of economic and non-economic damages under the ATA. Typically, courts have awarded victims of kidnapping and hostages approximately \$10,000 per day (before trebling). *See Stansell v. Revolutionary Armed Forces of Colom. (FARC)*, 9-cv-2308, 2010 WL 11507790, at \*3 (M.D. Fla. June 4, 2010). However, this court has allowed for an adjustment considering inflation and has awarded an additional lump sum where “pain and suffering is heightened by torture.” *Marron*, 2023 WL 357592, at \*5; *Alban Osio*, 2023 WL 5019877, at \*10. In similar cases, the lump sum has been calculated at \$10 million. *Marron*, 2023 WL 357592, at \*5 (finding a \$10 million-dollar lump sum appropriate after finding evidence of torture); *Alban Osio*, 2023 WL 5019877, at \*10.

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<sup>8</sup> Plaintiffs alternatively sought damages under the TVPA and for IIED under state law. The Court awards the Plaintiffs damages under the ATA. Therefore, the Court does not analyze damages under the alternate legal theories.

This Court has also recognized that compensatory damages are trebled under the ATA. *In re Chiquita Brands Int'l, Inc.*, 284 F. Supp. 3d 1284, 1309 (S.D. Fla. 2018).

Given the strikingly similar facts and same Defendants in these cases, there is no reason for this Court to depart from the formula previously deployed. In 2023, the per diem amount was increased to \$18,164 per day for inflation. *Marron*, 2023 WL 357592, at \*3. Today, this amounts to a \$19,764 *per diem* award.<sup>9</sup> Multiplied by the 752 days Mr. Heath was in captivity and the 259 that Mr. Khan was, this amounts to \$14,862,528 and \$5,118,876 respectively. This is in addition to the \$10,000,000 lump sum that should be awarded based on the previous cases involving almost identical circumstances. This amounts to compensatory damages in the amount of \$24,862,528 for Mr. Heath and \$15,118,876 for Mr. Khan and a total compensatory damages amount of \$74,587,584 for Mr. Heath and \$45,356,628 for Mr. Khan after trebling.

### **B. Defamation—Compensatory Damages**

The nature of the false accusations in this case has elicited large damages for defamation under similar circumstances. *See, e.g., id.; Alban Osio*, 2023 WL 5019877, at \*10 (awarding \$1 million in defamation damages after plaintiff was labeled a terrorist by the Maduro regime); *Friedman v. Schiano*, 777 F. App'x 324, 325 (11th Cir. 2019) (awarding \$640,000 in compensatory damages and \$640,000 in punitive damages after defendant false accused the plaintiff of scams, frauds and crimes); *Lustig v. Stone*, 2015 WL 13326350, at \*7 (S.D. Fla. Aug. 18, 2015) (awarding plaintiffs \$700,000 in compensatory and \$1 million in punitive damages under defamation.).

Both Mr. Heath and Mr. Khan were labeled terrorists, weapons traffickers, and spies that posed a threat the government of Venezuela. *See* ECF No. 12 at ¶¶ 284–90. This was for the sole

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<sup>9</sup>Inflation Calculator [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm) (comparing July 1998 with June 2025, the most recent month with inflation figures).

purpose of justifying their detentions and used as leverage to extort funds from the plaintiff's families. *Id.* Additionally, they were also unable to defend themselves, as they were both in captivity with no way to refute the defamation. This allowed other media outlets to refer to Osman Khan as "an American ex-Convict" and Matt Heath to have the accusation reported on in the *Miami Herald*. *Id.* at ¶¶ 287, 291. The statements continue to have effects on the plaintiffs' professional lives. Given the egregious defamation they suffered, this Court will award Plaintiffs Mr. Heath and Mr. Khan \$1 million each.

## II. FAMILY MEMBER PLAINTIFFS

### A. Pain, Suffering, and Loss of Companionship pursuant to the ATA—Compensatory Damages

Family Member Plaintiffs all suffered extreme hardship and loss of companionship while Mr. Heath and Mr. Khan were kidnapped and tortured at the hands of Maduro Criminal Enterprise and should be granted damages for their pain, suffering, and loss of companionship based on the abductions. *See* ECF No. 12 at ¶ 139-140, 148-49, 152, 164, 174-175, 177-181.

In determining the amount of solatium damages under the Foreign Sovereign Immunities Act ("FSIA") for family members of a surviving victim, courts look at factors such as the nature of the relationship between the family member and victim and the severity of the pain suffered by the family member. *Miller v. Cartel*, No. 1:20-CV-00132, 2022 WL 2286952, at \*31 (D.N.D. June 24, 2022). Spouses typically received greater damages awards than parents, who, in turn, receive greater awards than siblings." *Id.*, at \*31. However, "[p]arents of victims typically receive awards similar in amount to those awarded to children of the victim. *Saludes v. Republica De Cuba*, 655 F. Supp. 2d 1290, 1295 (S.D. Fla. 2009). Further, "families of hostage or captivity victims are also typically awarded greater damages than are the families of victims of a single attack." *Haim v. Islamic Republic of Iran*, 425 F. Supp. 2d 56, 75 (D.D.C. 2006). Other courts permit upward

adjustments when there is evidence of “circumstances surrounding the terrorist attack which made the suffering particularly more acute or agonizing.” *Oveissi v. Islamic Republic of Iran*, 768 F. Supp. 2d 16, 26-7 (D.D.C. 2011).

Damages for family members of kidnapping victims under the ATA has been affirmed by this court based on similar facts. *See Marron*, 2023 WL 357592, at \*6. Similarly, courts in other jurisdictions have awarded damages based on the extreme nature and emotional trauma caused by the kidnapping and torture of a loved one. *Delloye v. Revolutionary Armed Forces of Colombia (FARC)*, No. 18-cv-1307, 2022 WL 36292, at \*4 (M.D. Pa. Jan 4, 2022) (awarding \$12 million in compensatory damages to Plaintiff who was a minor during the kidnapping of her mother for six years by FARC); *Cicippio v. Islamic Republic of Iran*, 18 F. Supp. 2d 62, 70 (D.D.C. 1998) (awarding \$10 million each to spouses of two kidnapping victims); *Sutherland v. Islamic Republic of Iran*, 151 F. Supp. 2d at 51 (D.D.C. 2001) (awarding a spouse \$10 million after their husband was kidnapped for over six years).

Accordingly, this Court will award Plaintiff Robert John Heath \$5,000,000.00, Plaintiff Connie Demeta Haynes \$5,000,000 with an upward departure of 25% due to her mental health diagnoses, Ex. 5 at ¶ 9, for an award of \$6,250,000, Plaintiff I.M.H. \$5,000,000, and Plaintiffs McKenzie Daniels and Devin Waller \$2,500,000 each before trebling. *See Marron*, 2023 WL 357592, at \*3. (awarding minor child \$5,000,000 for pain and suffering for a parent who was held captive and tortured for 635 days). Mr. Khan’s family members were extorted for money by his captors. ECF No. 12 at ¶ 164. They feared what harm would come to Osman if they failed to comply. *Id.* Additionally, they were sent video messages and calls from Osman to ensure their compliance. *Id.* at ¶¶ 164, 166. Consequently, the Court awards Plaintiff Tania Valdes \$5,000,000 with an upward departure of 25% for an award of \$6,250,000, and awards Plaintiff Jasmin Khan

\$2,500,000 with an upward departure of 25% for an award of \$3,125,000, and awards Plaintiff A.I.K. \$2,500,000, before trebling. All of these amounts are subject to trebling under the ATA, with the resultant amount remaining compensatory damages.

### III. PUNITIVE DAMAGES

The purposes of punitive damages are twofold. First, they serve as a tool to punish truly reprehensible conduct. *Alejandro v. Repub. of Cuba*, 996 F. Supp. 1239, 1250 (S.D. Fla. 1997). Punitive damages also serve the purpose of remedying egregious wrongs in international law. *See id.* Significant punitive damages have been awarded in cases involving acts of terrorism. *See Polhill v. Islamic Republic of Iran*, 2001 WL 34157508, at \*5 (D.D.C. Aug. 23, 2001) (awarding \$300 million in punitive damages against Cuba); *Elahi v. Islamic Repub. of Iran*, 124 F. Supp. 2d 97 (D.D.C. 2000) (on default, awarding the brother of a deceased plaintiff \$300 million in punitive damages). Courts have considered the wealth of the defendants in similar cases when determining if punitive damages are appropriate. *See, e.g., Alejandro*, 996 F. Supp. at 1253; *Equal Emp. Opportunity Comm'n v. Swami Pancake, LLC.*, No. 19-60714-CIV, 2019 WL 10058714, at \*2 (S.D. Fla. Oct. 15, 2019).

Further punitive damage awards are tailored to the size of the organization – a large organization will only face sufficient punishment from a significant award. *See Mehinovic*, 198 F. Supp. 2d at 1359; *Arce*, 434 F.3d at 56. In *Perez*, Plaintiffs were awarded significant punitive damages against some of the same defendants. *See Perez v. Moros*, Civ. No. 24-23719 (S.D. Fla. Mar. 24, 2025), ECF No. 50. Here, there is no doubt that Defendants, who control an oil-rich nation and an extensive illicit gold and narcotics market, have the resources to support a large punitive damage award. *See* ECF No. 12 ¶¶ 99–106. Clearly, punitive damages of three times the amount of actual damages is justified in this case. The end result is a total award of four times the actual



damages for all counts. Given that the Plaintiffs request that the ATA damages be given priority, and that ATA provides for a trebling of compensatory damages, the ATA trebled compensatory damages plus punitive damages equal to one times actual damages are hereby awarded on the counts based on kidnapping and torture that could be brought under either the ATA or TVPA.

#### IV. SUMMARY OF DAMAGES

ATA Damages					
Plaintiff	Claims	Compensatory Damages (Actual) Amount Before Trebling	Total Compensatory Damages (Trebled)	Punitive Damages	Total
Matthew John Heath	ATA	\$24,862,528	\$74,587,584	\$24,862,528	\$99,450,112.00
Matthew John Heath	Defa-mation	\$1,000,000	\$1,000,000 (no trebling)	\$3,000,000	\$4,000,000.00
Osman Imran Khan	ATA	\$ 15,118,876	\$45,356,628	\$ 15,118,876	\$60,475,504.00
Osman Imran Khan	Defa-mation	\$1,000,000	\$1,000,000 (no trebling)	\$3,000,000	\$4,000,000.00
I.M.H.	ATA	\$5,000,000	\$15,000,000	\$5,000,000	\$20,000,000.00
Robert John Heath	ATA	\$5,000,000	\$15,000,000	\$5,000,000	\$20,000,000.00
Connie Demeta Haynes	ATA	\$6,250,000	\$18,750,000	\$6,250,000	\$25,000,000.00
Devin Edward Waller	ATA	\$2,500,000	\$7,500,000	\$2,500,000	\$10,000,000.00
McKenzie Conneal Daniels	ATA	\$2,500,000	\$7,500,000	\$2,500,000	\$10,000,000.00
Tania Yudith Valdes	ATA	\$6,250,000	\$18,750,000	\$6,250,000	\$25,000,000.00
Jasmin Yudith Khan	ATA	\$3,125,000	\$9,375,000	\$3,125,000	\$12,500,000.00
A.I.K.	ATA	\$2,500,000	\$7,500,000	\$2,500,000	\$10,000,000.00
<b>Total:</b>		\$75,106,404	\$221,319,212	\$79,106,404	\$300,425,616.00

Finally, the Court reserve jurisdiction to award attorneys' fees pursuant to the ATA and post-judgment interest after all other aspects of this matter have been addressed. Post-judgment interest is mandatory under 28 U.S.C. §1961(a) ("Interest shall be allowed on any money judgment in a civil case recovered in a district court.").

**CONCLUSION**

For the reasons stated above, the Court hereby enters default judgment for Plaintiffs and against all Defendants, jointly and severally, in the amount of \$221,319,212 in compensatory damages and \$75,106,404 in punitive damages.

**DONE AND ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
JACQUELINE BECERRA  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
Case No. 1:25-cv-20040-JB

MATTHEW JOHN HEATH *et al*,

Plaintiffs,

vs.

NICOLÁS MADURO MOROS *et al.*,

Defendants.

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**[PROPOSED] ORDER OF FINAL DEFAULT JUDGMENT**

**THIS MATTER**, having come before the Court on Plaintiffs’ Motion for Default Judgment as to Defendants Nicolás Maduro Moros (“Nicolás Maduro” or “Maduro”), Vladimir Padrino López (“Padrino López”), Néstor Luis Reverol Torres (“Reverol Torres”), Tarek William Saab Halabi (“Tarek Saab”), Iván Rafael Hernández Dala (“Iván Hernández”), Diosdado Cabello Rondón (“Diosdado Cabello”), Alex Nain Saab Morán (“Alex Saab”), José Miguel Domínguez Ramírez (“Domínguez Ramírez”), Cilia Adela Flores de Maduro (“Cilia Flores”), Reynaldo Hernández, Marlon Salas Rivas (“Salas Rivas”), Alexander Enrique Granko Arteaga (“Granko Arteaga”) (collectively, “Individual Defendants”), Compañía General de Minería de Venezuela, (a.k.a. CVG Compañía General de Minería de Venezuela CA, a.k.a. Corporación Venezolana de Guyana Minerven C.A., a.k.a. CVG Minerven, a.k.a. and hereinafter “Minerven”), Segunda Marquetalia, Fuerzas Armada Revolucionarias de Colombia - Ejército del Pueblo (“FARC-EP”) and Cártel de Los Soles (“Cartel of the Suns”). ECF No. \_\_\_. The Court granted Plaintiffs’ Motion for Default Judgment. ECF No. \_\_\_. Pursuant to Federal Rule of Civil Procedure 58(a), the Court now enters this separate and Final Judgment.

Accordingly, it is **ORDERED** and **ADJUDGED** that Plaintiffs' Motion, ECF No. \_\_, is **GRANTED**. Final Judgment is hereby entered in favor of Plaintiffs Matthew John Heath, I.M.H., Robert John Heath, Connie Demeta Haynes, McKenzie Conneal Daniels, Devin Waller, Osman Imran Khan, Tania Yudith Valdes, Jasmin Yudith Khan, and A.I.K. for compensatory damages pursuant to the ATA and punitive damages against all Defendants, jointly and severally, in the following amount, for which sums let execution issue forthwith:

<b>ATA Damages</b>					
<b>Plaintiff</b>	<b>Claims</b>	<b>Compensatory Damages (Actual) Amount Before Trebling</b>	<b>Total Compensatory Damages (Trebled)</b>	<b>Punitive Damages*</b>	<b>Total</b>
Matthew John Heath	ATA	\$24,862,528	\$74,587,584	\$24,862,528	\$99,450,112.00
Matthew John Heath	Defa- mation	\$1,000,000	\$1,000,000 (no trebling)	\$3,000,000	\$4,000,000.00
Osman Imran Khan	ATA	\$ 15,118,876	\$45,356,628	\$ 15,118,876	\$60,475,504.00
Osman Imran Khan	Defa- mation	\$1,000,000	\$1,000,000 (no trebling)	\$3,000,000	\$4,000,000.00
I.M.H.	ATA	\$5,000,000	\$15,000,000	\$5,000,000	\$20,000,000.00
Robert John Heath	ATA	\$5,000,000	\$15,000,000	\$5,000,000	\$20,000,000.00
Connie Demeta Haynes	ATA	\$6,250,000	\$18,750,000	\$6,250,000	\$25,000,000.00
Devin Edward Waller	ATA	\$2,500,000	\$7,500,000	\$2,500,000	\$10,000,000.00
McKenzie Conneal Daniels	ATA	\$2,500,000	\$7,500,000	\$2,500,000	\$10,000,000.00
Tania Yudith Valdes	ATA	\$6,250,000	\$18,750,000	\$6,250,000	\$25,000,000.00
Jasmin Yudith Khan	ATA	\$3,125,000	\$9,375,000	\$3,125,000	\$12,500,000.00
A.I.K.	ATA	\$2,500,000	\$7,500,000	\$2,500,000	\$10,000,000.00
<b>Total:</b>		\$75,106,404	\$221,319,212	\$79,106,404	\$300,425,616.00

This final judgment shall bear interest at the rate prescribed by 28 U.S.C. § 1961 from the date this Order is entered until the date the judgment is satisfied. The Court shall retain jurisdiction of this matter for the purposes of enforcing this Judgment and to award attorneys' fees.

**DONE AND ORDERED** in Miami, Florida this \_\_\_\_ day of \_\_\_\_\_, 2025.

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JACQUELINE BECERRA  
UNITED STATES DISTRICT JUDGE