

05-1815, 05-1816, 01-1812 & 05-1822

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

U.S.C.A. - 7th Circuit  
RECEIVED LMB  
AUG 22 2008  
GINO J. AGNELLO  
CLERK

STANLEY BOIM, individually and, as  
administrator of the ESTATE OF DAVID  
BOIM, deceased, and JOYCE BOIM,

*Plaintiffs-Appellees,*

v.

HOLY LAND FOUNDATION FOR RELIEF  
AND DEVELOPMENT, et al.,

*Defendants-Appellants.*

Appeals from the United States  
District Court for the Northern  
District of Illinois, Eastern Division

No. 00 C 2905

Arlander Keys, *Magistrate Judge*

**MOTION BY 9/11 FAMILIES UNITED TO BANKRUPT TERRORISM FOR LEAVE  
TO FILE AN AMICUS CURIAE BRIEF**

NOW COMES the 9/11 Families United to Bankrupt Terrorism (“9/11 Families”) and files this Motion for Leave to File an Amicus Curiae Brief pursuant to Fed. R. App. p. 29(b), and in support thereof avers as follows:

1. The 9/11 Families is an organization which represents survivors and family members of those who died in the terror attacks on September 11, 2001. The 9/11 Families have organized to follow anti-terrorist issues in the legislature and in the courts, including litigation brought pursuant to the Anti-Terrorism Act. As direct victims of the terrorist attacks of September 11, 2001, the 9/11 Families are devoted to cutting off the flow of terrorism financing.

2. The 9/11 Families are plaintiffs in litigation brought pursuant to the Anti-Terrorism Act against individuals, banks, corporations and charities implicated in the financing of the terrorist organization, al-Qaeda. *Burnett, et al. v. Al Baraka Invest. & Dev. Corp., et al.*, No. 03-CV-9849 (GBD) (S.D.N.Y.) (MDL). The 9/11 Families seek to hold al Qaeda’s

financiers accountable for their central role in the atrocities of September 11, 2001, and desire to make the World and America safer by cutting off the financial pipeline fueling global terrorism

3. The 9/11 Families have an interest in the case before this Court because at issue is whether and under what circumstances persons and groups who have provided money and other support directly and indirectly to terrorist organizations may also be liable for injuries or deaths caused by those organizations. This is the central issue in the litigation in which certain members of the 9/11 Families are involved.

4. Another issue in both cases is whether liability under the Anti-Terrorism Act can attach to contributions made prior to the time an organization was declared a specially designated global terrorist by the United States Secretary of State. Thus, any decision in this appeal and the overall case may have an impact on the litigation being prosecuted by the 9/11 Families.

5. The 9/11 Families bring a unique perspective to this appeal because its membership is composed primarily of Americans or relatives of Americans who were injured or killed in the most horrific terrorist attack on American soil. None of the parties in this case or any of the amici share this unique perspective.

6. On June 16, 2008, this Court entered an order, granting the petition for rehearing en banc, and inviting the parties to file supplemental briefs on the question of whether a donor to an organization that, the donor knows, practices terrorism, can be liable under 18 U.S.C. §2333(a) in the absence of proof that the donor intended to advance the violent component of the recipient's activities.

7. This Court's order provided that "amicus briefs supporting the appellees are due at the same time as appellees' responsive briefs [August 22, 2008]." Therefore, the Court's order

appeared to include an invitation to amici to file such supporting briefs, but the 9/11 Families are filing this motion for leave out of an abundance of caution.

8. For the foregoing reasons, the 9/11 Families seek leave to file an amicus curiae brief, which brief accompanies this motion.

WHEREFORE, the 9/11 Families move for leave to file an amicus curiae brief in this matter.

DATED: August 22, 2008

Respectfully submitted,  
The 9/11 Families United to Bankrupt  
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**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalties of perjury that the foregoing *Motion By 9/11 Families United to Bankrupt Terrorism for Leave to File an Amicus Curiae Brief*, was served upon:

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via regular U.S. mail this 22<sup>nd</sup> day of August, 2008, before the hour of 5:00 p.m..

  
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