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13  
14  
15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17

18 **EMIL ALPERIN,**  
**JEWGENIJA ROMANOVA,**  
19 **MARIA DANKEWITSCH,**  
**VLADIMIR MORGUNOV,**  
20 **VLADIMIR BRODICH,**  
**WILLIAM DORICH,**  
21 **IGOR NAJFELD,**  
**LIZABETH LALICH,**  
22 **MLADEN DJURICICH,**  
**ROBERT PREDRAG GAKOVICH,**  
23 **NEVENKA VUKASOVIC MALINOWSKI,**  
**ELI ROTEM,**  
24 **MILORAD SKORIC,**  
**VELJKO MILJUS,**  
25 **FRED ZLATKO HARRIS,**  
**MILJA CONGER,**  
26 **ALLEN DOLFI HERSKOVICH,**  
**BOGDAN KLJAIC,**  
27 **DAVID LEVY,**  
**ZDENKA BAUM RUCHWARGER-LEVY,**  
28 **VLADAN CELEBONOVIC,**

**NO. C99-4941 MMC (EDL)**  
**FIFTH AMENDED CLASS ACTION**  
**COMPLAINT FOR:**

1. **AN ACCOUNTING;**
2. **CONVERSION;**
3. **UNJUST ENRICHMENT;**
4. **RESTITUTION;**
5. **VIOLATIONS OF**  
**INTERNATIONAL LAW;**
6. **REPLEVIN & SAFEKEEPING.**

**JURY TRIAL DEMANDED**

1 DANIEL PYEVICH,  
2 KOVILJKA POPOVIC,  
3 NADEZDA BATES,  
4 DUBRAVCA PAVIC,  
5 MILEVA RELJANOVIC,  
6 ORGANIZATION OF UKRAINIAN  
7 ANTIFASCIST RESISTANCE FIGHTERS,  
8 UKRAINIAN UNION OF NAZI VICTIMS  
9 AND PRISONERS,  
10 JASENOVAC RESEARCH INSTITUTE,  
11 THE INTERNATIONAL UNION OF  
12 FORMER JUVENILE PRISONERS OF  
13 FASCISM OF UKRAINE, RUSSIA, AND  
14 BELARUS,  
15 THE REPUBLIC OF SERBIAN KRAJINA  
16 IN EXILE, and  
17 INDEPENDENT COUNCIL OF GYPSIES  
18 IN SERBIA  
19 on behalf of themselves and all others  
20 similarly situated,

21 **Plaintiffs,**

22 v.

23 THE FRANCISCAN ORDER (ORDER OF  
24 FRANCISCANS MINOR - OFM) a/k/a  
25 CROATIAN CUSTODY OF THE HOLY  
26 FAMILY OF CHICAGO and  
27 CROATIAN CONFRATERNITY OF SAN  
28 GIROLAMO (SAINT JEROME),

**Defendants.**

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1           **I. INTRODUCTORY STATEMENTS REGARDING FIFTH AMENDED COMPLAINT**

2           1. This is a civil action arising under international law and the laws of the United States  
3 of America on behalf of named plaintiffs and a worldwide class of all SERBS, JEWS, ROMA  
4 (GYPSIES or SINTI-ROMANI), and CERTAIN FORMER SOVIET UNION CITIZENS and their legal heirs,  
5 successors in interest, assignees, legatees and beneficiaries hereafter referred to as *Holocaust*  
6 *Survivors*, who suffered monetary and/or property losses during the systematic and brutal  
7 persecution of the class of Holocaust Survivors by the regime known as THE INDEPENDENT  
8 STATE OF CROATIA (hereinafter referred to as the *Ustasha Regime*) and whose property,  
9 collectively known as the USTASHA TREASURY, was deliberately concealed, laundered,  
10 hypothecated, and converted by defendant OFM and its agents for the benefit of defendant and  
11 members of the former Ustasha Regime.

12           2. Defendant OFM was heavily involved in the politics of Croatia and Bosnia at the  
13 outbreak of the Second World War in 1939 through its five administrative Provinces in Croatia  
14 and Bosnia. An OFM Province is an ecclesiastical administrative unit containing at least 8  
15 friaries headed by a Minister Provincial. In 1939, the OFM and its Minister General invested  
16 certain powers to a Croatian member of their Central Administration from Herzegovina, Father  
17 Dominik Mandic, who was contemporaneously Treasurer of OFM and General Definitior (Rome  
18 Representative) of all the Franciscan provinces in Slavic countries including Croatia and Bosnia  
19 1939-1945. With the Ustasha takeover of Croatia and establishment of the Ustasha Regime in  
20 April 1941, a significant number of Croatian OFM priests, monks, friars and seminarians joined  
21 the ranks of the Ustasha. Some of those who had been affiliated with OFM committed atrocities  
22 and mass murder against Holocaust victims including the infamous chief of the Jasenovac  
23 Concentration Camp, Father Miroslav Filipovic-Majstorovic, known as "Brother Satan" due to  
24 his incredible cruelty to Serbs, Jews, and Roma. While OFM in Rome did not appear to condone  
25 or order any atrocities, it was aware of the genocidal policies of the Ustasha Regime and the  
26 looting of Holocaust victims' property that occurred through regular dispatches and visits  
27 received from OFM Minister Provincials in Croatia and Bosnia to Mandic and the OFM Minister  
28 General, Leonard Bello, in Rome (The OFM Minister General is the highest office in OFM and

1 he is considered the successor and representative of Saint Francis of Assisi). Mandic and OFM  
2 were also politically involved with the Ustasha Regime and sympathetic to Croatian  
3 independence from Yugoslavia, and with the consent of the OFM Minister General, Mandic  
4 attempted to negotiate with the British government on behalf of the Ustasha Regime in the  
5 closing years of the war.

6 3. Upon the fall of the Ustasha Regime in May 1945, OFM and its Minister General  
7 detailed to Mandic the urgent task of providing aid to Croatians fleeing Tito's Communists,  
8 including those members of the Ustasha Regime who had successfully fled Zagreb to Austria  
9 and Italy. To carry out his instruction from OFM, Mandic entered into a partnership with Fr.  
10 Krunoslav Draganovic, another Croatian priest and former official of the Ustasha Regime's  
11 Colonization Ministry who was responsible for looting property from Serbs in Slavonia, Srem,  
12 and Krajina. Draganovic also held the rank of Lt. Colonel in the Ustasha Regime Armed Forces  
13 and had served at Jasenovac Concentration Camp. Draganovic was not only aware of the Ustasha  
14 Regime's atrocities against Holocaust victims but had witnessed them first hand and had  
15 engaged in the organized looting of Holocaust victims' property. In 1943 Draganovic was  
16 detailed as a Croatian diplomat in Rome by the Ustasha Regime and was recalled to Zagreb by  
17 Pavelic before the fall of the Ustasha Regime to remove an unknown quantity of the Ustasha  
18 Treasury to the Vatican before the end of Second World War. With the fall of the Ustasha  
19 Regime, Draganovic was appointed by the Vatican Pontifical Commission of Assistance as  
20 Apostolic Visitor to the Croatians reporting to Vatican Under Secretary of State Montini (later  
21 Pope Paul VI), a position that provided him travel documents in post war Europe,

22 4. Mandic, Draganovic, and OFM quickly established a plan of action - Ustasha fugitives  
23 would be sheltered by Mandic and Draganovic through the Croatian Confraternity of San  
24 Girolamo in Rome. The Croatian Confraternity was reestablished in 1945 by Mandic and  
25 Draganovic as a separate entity at the premises of The Pontifical Croatian College of St. Jerome  
26 in Rome after the Confraternity had been disbanded in 1901. Funds from the Ustasha Treasury  
27 would be used as part of the operation as well as being converted and banked on behalf of the  
28 fugitive Ustasha war criminals. At no time, was Mandic, a senior official of OFM acting on his

1 own behalf, OFM and its Minister General made an informed decision to become involved with  
2 the remnants of the Ustasha Regime despite foreknowledge of their treatment of Holocaust  
3 victims.

4 5. The second phase of OFM involvement began in 1952 with the splitting of the Ustasha  
5 support activities between Rome, where Draganovic continued at the Croatian Confraternity, and  
6 Chicago where Mandic established a publishing enterprise with money from the Ustasha  
7 Treasury at the OFM controlled Croatian Custody of the Holy Family of Chicago. The Croatian  
8 Custody was an administrative dependency of the OFM Minister General in Rome and Mandic's  
9 relocation there was explicitly approved by the OFM Minister General. The publishing entity  
10 was used to print propaganda favorable to the Ustasha program. Promotion of a Croatian  
11 nationalistic agenda at the Croatian Custody of the Holy Family of Chicago continued after  
12 Mandic's death in 1979 with residual funds from the Ustasha Treasury through the establishment  
13 of Croatia as an independent state in 1991. After 1991, the Custody continued to support the  
14 Croatian cause during the conflict in former Yugoslavia and supports the controversial shrine  
15 of Medjugorje located in the Croatian sector of Bosnia, Herceg-Bosna, and the shrine's main  
16 promoter, the Croatian ultra nationalist OFM priest Jozo Zovko.

17 6. This complaint was originally filed in November 1999 and has been amended several  
18 times since. Pursuant to the Court's ruling of February 21, 2008, dismissing the Fourth  
19 Amended Complaint with the leave to amend, the Fifth Amended Complaint is filed  
20 incorporating the following changes (in no particular order):

21 (a). Plaintiffs Nadezda Bates, Dubravca Pavic, Mileva Reljanovic, and Independent  
22 Council of Gypsies in Serbia has been added under the 10 year ATS statute of limitations that  
23 began running no earlier than June 1998 with the publication of the US State Department's  
24 Report on the Ustasha Treasury (Eizenstat Report).

25 (b). The membership of plaintiff Jasenovac Research Institute as including members of  
26 the proposed class who could sue in their own right has been clarified.

27 (c). The status of individual plaintiffs as legal heirs, beneficiaries, legatees, assignees,  
28 executors, estate administrators or successors in interest to their looted property has been

1 clarified.

2 (d). The relationship of the Croatian Custody of the Holy Family of Chicago, the former  
3 Croatian Confraternity of San Girolamo, Fr. Krunoslav Draganovic and Fr. Dominik Mandic as  
4 agents, alter egos, co-venturers and fully controlled agencies of the defendant OFM is expanded  
5 upon. The defendant's scienter of the genocidal Ustasha regime and its policy of looting is  
6 described fully. The actual role of the defendant in carrying out the post war conversion of the  
7 Ustasha Treasury and the phases of this activity is delineated.

8 (e). A demand regarding looted cultural and religious properties of the Serbian Orthodox  
9 Church is included.

10 (f). The claims of the Roma (Gypsies) are expanded upon based upon materials provided  
11 by plaintiff Independent Council of Gypsies in Serbia.

12 (g). A demand for replevin (delivery and safekeeping) of any uniquely identifiable  
13 property still in existence is clarified.

14 (h). A demand for declaratory relief has been clarified.

15 (I). The geography of the Ustasha Regime is clarified.

16 (j). The agents and apparatus of the Ustasha Regime involved in organized looting of  
17 Holocaust Victim property are identified and explained as well as the collection and ultimate  
18 disposition of looted property collectively known as the Ustasha Treasury.

19 7. Pursuant to the Courts' ruling of December 27, 2007 dismissing defendant Vatican  
20 Bank as a defendant on grounds of sovereign immunity, the caption no longer makes mention  
21 of the Vatican Bank, without prejudice to any right of appeal by plaintiffs.

22 8. The organized looting of the Holocaust Survivors' property took place during the time  
23 period April 10, 1941 through the end of May 1945 when their assets and property were seized,  
24 carried away and deposited, or otherwise added to the Ustasha Treasury by agents of the Ustasha  
25 Regime.

26 9. The Ustasha Regime during the entirety of its existence was led by the dictator or  
27  
28

1 *Poglavnik*, Ante Pavelic<sup>1</sup> and his Ustasha Party that controlled Croatia, Bosnia-Herzegovina,  
2 Dalmatia and portions of Slovenia and Serbia, and militarily occupied sectors of the former  
3 Soviet Union. After the war, Pavelic continued to exercise control over many of the Ustasha  
4 exiles and fugitives until his death in 1959.

5 10. This is an action against the Order of Friars Minor (OFM) and OFM's agents, alter  
6 egos and co-venturers including Fr. Dominik Mandic, Fr. Krunoslav Draganovic, the Croatian  
7 Franciscan Custody of the Holy Family of Chicago, and the former Croatian Confraternity of  
8 Saint Jerome (all hereinafter collectively referred to as OFM), for an accounting, declaratory  
9 relief, unjust enrichment, restitution, replevin, violation of international law and continuing  
10 conversion of the Ustasha Treasury after the fall of the Ustasha Regime in May 1945.

11 11. The defendant concealed, hypothecated, converted, laundered, profited from, and  
12 retained a significant portion of the illegally looted wealth of the Ustasha Regime which has  
13 been deemed collectively the "Ustasha Treasury" by the United States State Department in the  
14 1998 Eizenstat/Slany Report entitled *U.S. Concerns About the Fate of the Wartime Ustasha*  
15 *Treasury* and by Holocaust restitution experts.

16 12. Plaintiffs seek a declaratory judgment, an accounting, restitution, disgorgement,  
17 replevin and to recover damages arising out of defendant's actions.

18 13. Defendant profited from, both directly and indirectly, the financial proceeds of the  
19 inhumane and genocidal system instituted by the Ustasha Regime in Croatia and territories  
20 subject to Ustasha Regime civil or military occupation upon those peoples that it viewed, not as  
21 human beings, but as subhuman according to Ustasha ideology which equated Catholic Croatians  
22 and Bosnian Muslims with Aryan Goths while the supposedly subhuman Serbs, Jews, and Roma  
23 were characterized as enemies of the Croatian people.

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24  
25 <sup>1</sup> Ante Pavelic (1889-1959) was a Croatian nationalist leader implicated in the 1934 assassination of the  
26 Yugoslavian King Alexander who was cofounder of the Ustasha circa 1930. In 1941 he became the  
27 *Poglavnik* (supreme leader) of the NDH. As the leader of the Ustasha, he directly ordered, organized and  
28 conducted a campaign of terror and genocide directed against Serbs, Jews, Roma, and Orthodox Christians.  
In May 1945, Pavelic and his entourage fled to Austria and then to Italy where he was shielded by the  
Vatican from extradition to Yugoslavia for war crimes. He subsequently was smuggled to Argentina in 1947  
and after an assassination attempt died in Spain.

1 14. Defendant acted post Second World War in concert with former Ustasha Regime  
2 leaders and sympathizers including such wanted war criminals as Ante Pavelic, Andrija  
3 Artukovic, Fr. Krunoslav Draganovic, and Vjekoslav “Maks” Luburic.

4 15. Defendant by making available assets from the Ustasha Treasury, directly assisted  
5 the Ustasha Regime leaders and their Ustasha followers to successfully evade justice post  
6 Second World War for their genocidal crimes, bank their assets, propagandize and reestablish  
7 themselves and the Ustasha network in Europe and the Americas.

8 16. Recipients of funds from the Ustasha Treasury, laundered and converted by the  
9 defendant, included the Ustasha war criminals: Ante Pavelic, leader of the Ustasha Regime who  
10 went in to exile in Argentina and Spain; Andrija Artukovic, Ustasha Minister of the Interior, who  
11 fled to California; Ante Bonifacic, former Ustasha official and Leader of the Croatian  
12 Government in Exile, who fled to Chicago; Stepan Hefer, Ustasha Minister of Agriculture, who  
13 fled to Argentina; Ustasha Army Commander and Chief Vjekoslav “Maks” Luburic who fled  
14 to Spain; Ustasha Vice President Djafer beg Kulenovic who went to Lebanon; Jasenovac  
15 Concentration Camp officer Lt. Petar “The Throat Slasher” Brzica<sup>2</sup> who fled to the United  
16 States; Dinko Sakic, Jasenovac Concentration Camp Commander, who fled to Argentina and  
17 hundreds of others.

18 17. Defendants by converting, retaining and concealing assets from the Ustasha Treasury,  
19 prevented the rightful owners and beneficiaries from recovering their assets and making use of  
20 them.

21 18. By the end of the Second World War, the defendant was advised by the international  
22 community that the knowing use and benefit from the Ustasha Treasury were long standing  
23 violations of international law and various codes of criminal conduct including the Hague  
24 Convention of 1907, the Multilateral Declaration on Forced Transfers of Property in Enemy  
25 Controlled Territory of 1943, the “London Declaration,” 943 U.S.T. LEXIS 188; 3 Bevans 754;

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26  
27 <sup>2</sup> Lt. Petar Brzica was a former Franciscan seminarian from Siroki Brijuni who boasted he had single-handedly  
28 killed over 1300 Serbs at Jasenovac in a short period of time with a special killing device called the *srbosek*  
or Serb cutter.

1 and the Multilateral Gold Policy of 1944 between the United States, United Kingdom, and Soviet  
2 Union, 1944 U.S.T. LEXIS 149; 3 Bevans 889. Defendant nevertheless improperly retained and  
3 concealed illicit profits and withheld them from their rightful owners.

4 19. Defendant has unlawfully and unfairly profited from these practices for more than  
5 half a century, thereby illegally and improperly enriching themselves at the expense of Holocaust  
6 survivors.

## 7 II. DEFINITIONS

8 20. The term “Confraternity” refers to a voluntary association of Catholic laymen and  
9 priests, established and guided by a competent ecclesiastical authority for the promotion of  
10 special works.

11 21. The term “Custody” refers to a lesser grouping within OFM dependent either upon  
12 an OFM Province or reporting directly to the OFM Minister General in Rome.

13 22. “Looted Assets” is defined as, but not limited to, any and all personal, commercial,  
14 real, and/or intangible property, including cash, securities, silver, gold, jewelry, businesses, art  
15 masterpieces, equipment, collectibles, religious items, livestock, and intellectual property, that  
16 was illegally and/or improperly taken from the ownership or control of an individual,  
17 organization or entity, by means including, but not limited to, theft, forced transfer, and  
18 exploitation, during the period of April 1941 through May 1945 by any person, organization or  
19 entity acting on behalf of, or in furtherance of the acts of, the Ustasha Regime, its officials,  
20 agents or related entities, in connection with crimes against humanity, war crimes, crimes against  
21 peace, genocide, or any other violations of fundamental human rights.

22 23. The term “Ustasha” refers to a Croatian fascist organization put in charge of the  
23 Independent State of Croatia by the Axis Powers in April 1941 and which ruled through May  
24 1945, after which time its leaders fled into exile in Austria and Italy where they were sheltered  
25 by defendant, its agents and their co-venturers before being moved via the Ustasha ratline to  
26 Spain, Lebanon, the United States, and Latin America.

27 24. The “Ustasha Regime” is defined as the fascist government of Croatia from April  
28 1941 through May 1945. Its agents included the Ustasha party members, police, armed forces,

1 and government ministries.

2 25. "Ustasha Regime Armed Forces" refers to various military and paramilitary  
3 formations under the control or coordinated by the Ustasha Regime, including all domestic  
4 military and paramilitary formations and the Croatian Legion, Croatian Naval Legion, and  
5 Croatian Air Force which served against the Soviet Union; the Croat SS Volunteer Division; the  
6 13th Waffen Mountain Division of the SS Handschar and the 23rd Waffen Mountain Division  
7 of the SS Kama, both recruited from Muslim Ustasha members and which served in Bosnia,  
8 Srem, Sanjak, and Croatia; various Ustasha Party units including Pavelic's bodyguards, the  
9 Ustasha Security Service - Ustaška Nadzorna Služba, Ustasha Reserve, Ustasha Youth, the Black  
10 Legion, Gendarmerie, and irregular Ustasha militia; the regular Croatian Home Army; and other  
11 miscellaneous units and irregular bands.

12 26. The "Ustasha Ratline" refers to a network consisting of Ustasha Regime, OFM and  
13 Roman Catholic priests utilizing the offices of the Croatian Confraternity of Saint Jerome in  
14 Rome and funds from the Ustasha Treasury to facilitate and arrange the escape of over two  
15 hundred wanted Ustasha war criminal to Argentina and elsewhere 1945-1949. The OFM agent  
16 involved in managing this network was Fr. Mandic OFM who worked with Fr. Draganovic,  
17 Pavelic's son-in-law Vilko Pecnikar, and Monsignor Juraj Madjerec, the Rector of the Pontifical  
18 College of San Girolamo in this venture.

19 27. The "Ustasha Treasury" refers to a horde of "looted assets" originally plundered from  
20 Serbs, Jews, and Gypsies in Croatia, Bosnia-Herzegovina, Dalmatia, portions of Slovenia and  
21 Serbia, and from citizens of the former Soviet Union by agents of the Ustasha Regime and  
22 revealed as having been concealed since May 1945 in the Eizenstat Report on the Ustasha  
23 Treasury released in June 1998 by the US State Department. In the closing months of the  
24 Second World War, this plunder was collected from various repositories and banks in Zagreb  
25 by the Ustasha Regime dictator Pavelic, who personally supervised its partial evacuation in  
26 several tranches from Zagreb to Switzerland. In late 1944 or early 1945, Draganovic transported  
27 an unknown quantity of the Ustasha Treasury to Rome and the Vatican at the behest of Pavelic.  
28 Another substantial portion of the Ustasha Treasury accompanied Pavelic into exile in Austria

1 about May 1945 where it was hidden. In late 1945 two boxes containing 45 kilograms of the  
2 Austrian gold horde was entrusted to Draganovic who brought it to Mandic and the Croatian  
3 Confraternity of San Girolamo in Rome to set up operations. In 1946 Ustasha colonel Ivan  
4 Babic, and Ustasha dressed in British uniforms, escorted the bulk of the Ustasha Treasury in a  
5 10 truck convoy through Northern Italy to San Girolamo College in Rome where it was received  
6 by Mandic, Draganovic and the Confraternity of San Girolamo on behalf of OFM. This transfer  
7 was estimated to be worth an estimated 200 million Swiss Francs in 1946 by US Treasury Agent  
8 Emerson Bigelow and contained the greater part of the Austrian and Swiss hordes. That portion  
9 of the Ustasha Treasury was shortly thereafter dispersed by Mandic in 1946, who as former OFM  
10 Treasurer had the knowledge, access and ability to use the Vatican financial system, Vatican  
11 extraterritorial rights in Rome, the OFM's internal resources and various external OFM accounts  
12 to convert the treasure into a useful form that could be dispersed worldwide to banks in Spain,  
13 Portugal, Latin America, and elsewhere in evasion of post war Allied currency and monetary  
14 controls in place in Italy.

### 15 III. JURISDICTION & VENUE

16 28. This Court has jurisdiction pursuant to 28 USC § 1331 in that plaintiffs make claims  
17 against defendants under federal common law as it incorporates customary international law and  
18 international treaties enforceable as federal common law.

19 29. Plaintiffs' claims involve violation of well known international treaties and norms  
20 condemning the practice of looting and plunder and retention of loot and profits from converting  
21 loot, including the Hague Convention of 1907, the Treaty of Versailles of 1919, the Roerich Pact  
22 of 1935, the 1943 Declaration of the United Nations regarding property looted by the Axis, the  
23 1944 Multilateral Policy on Gold Looted by the Axis Powers and the Holocaust Victims Redress  
24 Act of 1998 (Pub.L. No. 105-158, 112 Stat. 15 1998).

25 30. This Court has jurisdiction pursuant to 28 USC §1332 in that the amount in  
26 controversy as to each claim asserted and sought to be asserted herein by certain plaintiffs  
27 exceeds the sum of \$75,000, exclusive of interest and costs and certain plaintiffs herein are U.S.  
28 residents and thus diverse in state citizenship from defendant OFM.

1           31. This Court has jurisdiction pursuant to 28 USC § 1350 in that certain plaintiffs are  
2 citizens of Serbia (Popovic, Celebonovic, Pavic, Bates), Sweden (Reljanovic), and Ukraine  
3 (Alperin, Romanova, Dankewitsch, Morgunov), while five plaintiffs are foreign organizations  
4 from: Ukraine (Ukraine Organization of Ukrainian Antifascist Resistance Fighters, Ukrainian  
5 Union of Nazi Victims And Prisoners, International Union of Former Juvenile Prisoners of  
6 Fascism), and Serbia (Serbian Republic of Krajina in Exile and Independent Council of Gypsies  
7 in Serbia), who assert claims for equitable relief and torts in violation of the law of nations  
8 including the common law of the United States, customary international law, the Hague  
9 Convention of 1907, Customary International Principles of International Law Recognized in the  
10 Charter of the Nuremberg Tribunal, G.A.Res. 95(I), UN GAOR, 1st Sess., at 188, UN Doc.  
11 A/236 (1947); Multilateral Declaration on Forced Transfers of Property in Enemy Controlled  
12 Territory of 1943, “London Declaration,” 943 U.S.T. LEXIS 188; 3 Bevans 754; Multilateral  
13 Gold Policy of 1944 between the United States, United Kingdom, and Soviet Union, 1944 U.S.T.  
14 LEXIS 149; 3 Bevans 889; Convention on the Prevention and Punishment of the Crime of  
15 Genocide, 78 U.N.T.S. 277 (1948); Universal Declaration of Human Rights, U.N. G.A.  
16 Responent. 217 (III1948); International Covenant on Civil & Political Rights, 999 U.N.T.S. 171  
17 (December 16, 1966); International Declaration Concerning the Laws and Customs of War,  
18 adopted by the Conference of Brussels, Aug. 27, 1874, reprinted in (1907) 1 Am.Jur.Int.L. Supp.  
19 96; and Protocol No. 1 to the European Convention on Human Rights and Fundamental  
20 Freedoms (Mar. 20, 1952, 213 U.N.T.S. 262,E.T.S.9).

21           32. This Court has supplemental jurisdiction over plaintiffs’ non-federal law claims  
22 pursuant to 28 USC § 1367 and for any claims not otherwise covered by the aforementioned  
23 jurisdictional bases.

24           33. This Court has personal jurisdiction over the alien defendants in that all of the alien  
25 plaintiffs are alleging tort violations arising under the law of nations in accordance with the  
26 Alien Tort Claims Act and the named defendant conducts business within the State of California  
27 and has minimum contacts with the State based on defendant’s continuous and systematic  
28 general business activities within the State of California since 1769 when Fr. Junipero Serra

1 began establishing Franciscan Missions in California including Mission San Francisco de Asís.

2 34. Venue is proper in this Court because the defendants are doing business in this  
3 District and may be found in this District within the meaning of 28 USC § 1391(b) and/or, as  
4 aliens, may be sued in any district pursuant to 28 USC § 1391(d) and service of process was  
5 made upon the defendant in this district pursuant to Federal Rules of Civil Procedure Rule  
6 4(c)(2)(A) and Rule 4(d)(3).

7 35. Further, defendant and certain plaintiffs may be found in this District and plaintiffs  
8 are unable to pursue remedies in the place where the transaction occurred in that no adequate or  
9 available remedies exist and that such efforts would be futile in that the transactions occurred  
10 in multiple jurisdictions.

11 36. Funds from the Ustasha Treasury laundered by OFM were used to set up the  
12 publishing and commercial activities of the Croatian Franciscan Custody of the Holy Name in  
13 Chicago, including the Croatian Publishing House Croatia and the Croatian Historical Institute,  
14 both under the direction of Fr. Dominik Mandic and to expand the existing operations of the  
15 *Danica* newspaper, the Franciscan Printery, the *Croatian Almanac*, and the *Croatian Catholic*  
16 *Messenger* newspaper, all in Chicago but conducting business nationwide and in California  
17 under the direction of OFM.

18 **IV. STANDING OF PLAINTIFFS**

19 37. All individual plaintiffs allege specifically in this complaint below, that their personal  
20 and/or real property was taken by the Ustasha Regime through its agents which maintained a  
21 systematic procedure of looting and plunder from its victims in which confiscated property was  
22 deposited in central accounts in Zagreb controlled by the Ustasha Regime or was auctioned or  
23 sold first and the proceeds sent to the Ustasha Treasury. All individual plaintiffs allege below  
24 that they are legal heirs or otherwise legally entitled to present a claim for property lost to the  
25 Ustasha Regime and combined into the portions of the Ustasha Treasury which are dealt with  
26 herein.

27 38. Specifically, the looting and conversion process was institutionalized by the Ustasha  
28 Regime. The agents of the Ustasha Regime included police, the armed forces, irregular bands

1 of Ustasha party members, and all the various government ministries of the Ustasha Regime and  
2 in particular Interior, Colonization, Treasury, and Agriculture.

3 39. The Ministry of Colonization of the Ustasha Regime carried out much of the  
4 institutional looting. The Ministry's mission was to ethnically cleanse regions of Serbs and  
5 Roma, liquidate their belongings for the benefit of the Ustasha Treasury and redistribute land  
6 to Croats, Muslims, and *Volksdeutch*. For example in the regions of Kozara and Prosara, in 1942  
7 alone, grain and cattle worth over 100 million Kuna<sup>3</sup> were confiscated from Serbs who had either  
8 fled in well founded fear of their lives, been summarily executed, or were sent to concentration  
9 camps. This was repeated nationwide as Serb regions were plundered, livestock were driven to  
10 central locations like the fairgrounds at the Croatian town of Hrvatska Dubica and sold, the  
11 funds being deposited in the Ustasha treasury. Jews were treated similarly, for example in the  
12 town of Bihac in 1941, Jews were rounded up, their belongings expropriated by agents of  
13 Ustasha Regime and transported to Ustasha Treasury in Zagreb by rail.

14 40. The property of Jews was meticulously documented and disposed of by branches of  
15 the Ustasha State Treasury Department for the benefit of the Ustasha Regime and addition to the  
16 Ustasha Treasury. The Croatian State Archives currently contains specific documentation of this  
17 stolen property including 20,000 dossiers, one for each Jewish family, including property  
18 declarations listing both moveable and immovable assets.

19 41. Of particular interest to the Ustasha Regime were items of gold. A ransom of 1004  
20 kilos of gold items was collected from the Jewish community of Zagreb alone by the Ustasha  
21 Regime in 1941. The Jewish Community of Zagreb eventually was dispossessed of 82 bags of  
22 gold items, 19 boxes of jewelry and diamonds, four boxes of pearl necklaces, six bags of gold  
23 coins, 1 bag of cast gold, and various foreign currency. This extortion from Jews was repeated  
24 throughout Croatia by the agents of the Ustasha Regime until the Jews were eventually  
25 murdered. Only 20% of the prewar Jewish population survived the Ustasha persecutions either  
26 by being named honorary Aryans by Pavelic or through the intervention of Italian military units

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27  
28 <sup>3</sup> 37.5 Croatia *Kuna* were the equivalent of 1 German *Reichsmark* in 1942.

1 stationed within the Ustasha Regime's territory or nearby.

2 42. Organized robbing of Roma (Gypsies) began in as early as April 1941 and was in full  
3 swing by 1942. The agents of the Ustasha Regime in 1942 alone confiscated 200,000 gold coins,  
4 millions of banknotes, and various jewelry and clothing from the Roma. Plaintiff Independent  
5 Council of Gypsies in Serbia has collected over one thousand claims from its members regarding  
6 Ustasha looting. Typical items looted included: gold crucifixes, rings and icons, gold and silver  
7 *ducats* (the ducat was the trade coin of central and eastern Europe), and livestock. The valuable  
8 items taken from Roma were shipped directly to the Ustasha Regime's repositories in Zagreb and  
9 the other items sold and then transferred as cash to Zagreb and the Ustasha Treasury. The  
10 Ustasha Regime maintained a strict policy towards diversion of looted property for personal use.  
11 Some Ustasha officers arrested by the Interior Ministry for diverting Gypsy gold for their own  
12 profit at Jasenovac concentration camp were tortured and then executed as an example to others  
13 who might be tempted to divert looted property to their own account.

14 43. Between 1941 and 1945 the Ustasha Regime plundered the contents of over 300  
15 Orthodox Churches and monasteries in Croatia, Bosnia, Krajina, and Serbia. Special Ustasha  
16 units transported dozens of railway car loads full of icons, valuable books, manuscripts, church  
17 vessels, and gold and silver items to Zagreb pursuant to Ustasha Regime Order LXXXVII 135 -  
18 Z.p. 1941 to remove from all Orthodox churches before their destruction, all moveables  
19 including icons and iconostasis. The value of these properties has been estimated by the Holy  
20 Synod of the Serbian Orthodox Church to have been tens of millions of dollars.

21 44. All individual plaintiffs allege that their property in the Ustasha Treasury was  
22 removed from Croatia by June 1945 to Austria, Switzerland, or Italy and, with the assistance of  
23 OFM and its confederates, the property was converted, concealed and/or laundered for the  
24 benefit of the exiled Ustasha regime members with some portion retained by the defendant for  
25 its own profit as well as to further promote the Ustasha cause in exile.

26 45. Items from the Ustasha Treasury include readily identifiable artwork, numismatic  
27 properties, gems, jewelry, religious articles (both Jewish and Orthodox Christian) and philatelic  
28 rarities that are still recognizable by their rightful owners and are subject to accounting,

1 identification, and replevin if in the possession of defendants or if in the possession of others  
2 may be recovered under various remedies including California Code of Civil Procedure § 354.3  
3 once discovered and identified.

4 46. All organizational plaintiffs have, and represent, members whose property was looted  
5 by the Ustasha and deposited in the Ustasha Treasury and converted or retained by defendants  
6 and may sue in their own right and therefore these organizations have a direct stake and interest  
7 in an accounting of the Ustasha Treasury and a declaratory judgement.

8 **V. PLAINTIFFS**

9 47. Plaintiff Emil Alperin was born June 3, 1922. Prior to and during the Axis  
10 occupation of the former USSR he resided in Odessa, Ukraine at 63 Sverdlova Street, Apt. 11.  
11 Armed forces of the Ustasha Regime looted household belongings and personal property of the  
12 Alperin family in 1942 - valuables such as currency, small items of jewelry, and miscellaneous  
13 personalty of value were seized. Under Ustasha law property seized by agents of the Ustasha  
14 Regime were turned over to the Ustasha Regime on penalty of death. Plaintiff was held prisoner  
15 at Buchenwald Concentration Camp from March 1944 until April 1945 where he was prisoner  
16 #34646. Emil Alperin has a Jewish background and currently resides in Kharkov, Ukraine and  
17 makes claims in his own right and as legal heir to his family's claim.

18 48. Plaintiff Jewgenija Romanova, formerly Petrushina, was born December 7, 1927.  
19 Before and during the Axis occupation of the former USSR, she resided in Nikolayev, Ukraine  
20 at 13 Kolodeznaya Street. In 1942 military forces of the Ustasha Regime looted and destroyed  
21 all the household belongings and confiscated personal property of Romanova and her family  
22 including gold rings, jewelry and currency. Under Ustasha law property seized by agents of the  
23 Ustasha Regime were turned over to the Ustasha Regime on penalty of death. Romanova was  
24 held prisoner at Ravensbruck Concentration Camp from March 1944 until April 1945 where she  
25 was prisoner #33543. Romanova currently resides in Kharkov, Ukraine. Jewgenija Romanova  
26 is of Ukrainian nationality and background and makes claims in her own right and as legal heir  
27 to her family's claim.

28 49. Plaintiff Maria Dankewitsch was born January 29, 1922. During the Axis occupation

1 of Ukraine, she resided in Sevastopol, Ukraine in the Fudolf District. Croatian armed forces  
2 under the control of the Ustasha Regime confiscated all the household belongings and her  
3 personal property including small items of value - rings, a gold watch, and other valuables of  
4 Dankewitsch. Under Ustasha law property seized by agents of the Ustasha Regime were turned  
5 over to the Ustasha Regime on penalty of death. Dankewitsch was held prisoner at Ravensbruck  
6 Concentration Camp from February 1943 until May 1945 where she was prisoner #17406.  
7 Dankewitsch currently resides in Kiev, Ukraine. Maria Dankewitsch is of Ukrainian nationality  
8 and background and makes claims in her own right and as legal heir to her family's claim

9         50. Plaintiff Vladimir Morgunov was born September 2, 1925. During part of the Second  
10 World War, he resided in Mariupol, Ukraine at 75 Kotovskoogo Street. In 1942 Croatian Naval  
11 Legion personnel of the Croatian armed forces under the control of the Ustasha Regime looted  
12 and destroyed all the household belongings and personal property including small items of value  
13 of Morgunov's family in Mariupol. Under Ustasha law property seized by agents of the Ustasha  
14 Regime were turned over to the Ustasha Regime on penalty of death. Morgunov was held  
15 prisoner at Buchenwald Concentration Camp from March 1943 until April 1945 where he was  
16 prisoner #13341. Morgunov currently resides in Kiev, Ukraine.

17         51. Plaintiff Nikola Brodich is the surviving son of Vladimir Brodich who was born  
18 March 1, 1931 in the Kingdom of Yugoslavia. As a young Serb Orthodox boy, Vladimir resided  
19 in the town of Kostajnica, Krajina. In August 1941 the Ustasha Regime's police took away his  
20 father Nikola, his 24 year old brother Dragomir, and his older sister to a detention center due to  
21 their status as Serbs. Vladimir's father and brother were tortured, then murdered. At the  
22 detention center plaintiff's sister was gang raped by Ustasha. In late 1941, the Ustasha Regime  
23 agents confiscated two homes belonging to plaintiff's immediate family including all their  
24 property such as small valuables and substantial furnishings. It took the Ustasha Regime's  
25 agents more than two years to auction all of his brother's property. The proceeds were then sent  
26 to the capital Zagreb and deposited in the Ustasha Treasury. Vladimir came to the United States  
27 in 1949, and was the only surviving heir to the family property. Vladimir Brodich died in 2006  
28 and by order of the Court, his son and successor in interest and heir, Nikola Brodich, a resident

1 of New Hampshire, was substituted in his stead.

2 52. Plaintiff William Dorich was born July 17, 1939 in West Virginia. During the  
3 Second World War, the Ustasha burned to death 45 Serb victims in the Orthodox Serb church  
4 in the village of Vojnic in Knin-Krajina of which 17 victims were related to plaintiff. All of the  
5 Dorich-Todorovic family property in Vojic was seized by agents of the Ustasha Regime  
6 including gold, currency, jewelry and coins. Plaintiff resides in California. In 1995 the remnants  
7 of the Dorich-Todorovic family were murdered in the Republic of Serbian Krajina by Croatian  
8 forces during Operation Storm leaving William Dorich as the only legal heir and surviving  
9 claimant to the property stolen by the Ustasha.

10 53. Plaintiff Igor Najfeld was born June 28, 1944 in Yugoslavia. Plaintiff's parents had  
11 been living in Zagreb on April 10, 1941 when the Nazi's invaded Yugoslavia, but by October  
12 4, 1941 the Ustasha Regime had imprisoned plaintiff's parents as Jews and later sent them as  
13 forced laborers to Bosnia. Plaintiff's grandparents, who were sent to Jasenovac concentration  
14 camp and murdered there, owned a department store in Slavonski Brod that was looted and taken  
15 over by the agents of Ustasha regime and the proceeds sent to Zagreb and the Ustasha Treasury.  
16 Fifty-six of plaintiff's mother's relatives were murdered by the Ustasha, many of whom perished  
17 in the Jasenovac Concentration Camp system. Most of plaintiff's relatives were prosperous and  
18 all lost significant property, including gold, to the Ustasha Regime's organized looting.  
19 Documentation of the family's property is in the Croatian National Archives in Zagreb. Plaintiff  
20 grew up in Yugoslavia and eventually emigrated to the United States, where he now resides in  
21 Vermont. He is a legal heir and successor to the above claims.

22 54. Plaintiff Lizabeth Lalich born in 1950 and is the legal heir to her maternal and  
23 paternal family claims. Her family lost 48 family members in early May 1945, when all the  
24 women and children from the Lalich family were murdered and placed in a mass grave. They  
25 were murdered by Ustasha Regime military forces after they descended from hiding in the  
26 mountains above their village in Korencia, Lika (Krajina) Yugoslavia. The Ustasha Regime's  
27 agents looted all their property including the contents of homes and buildings, livestock, and  
28 personal properties and small valuables which were then carried to Zagreb and added to the

1 Ustasha treasury that was being evacuated to Austria by Pavelic. In plaintiff's maternal family  
2 (Knezevic), Jovan Knezevic, brother of plaintiff's grandfather Stojan Knezevic, was taken from  
3 his home and tortured and murdered by Ustasha armed forces in May 1944 in Mutilich, Lika  
4 (Krajina) and their property homes, land, livestock, crops, and personal possessions looted by  
5 agents of the Ustasha Regime. Plaintiff's teenage cousin Dusanka Kovacevic (niece of  
6 plaintiff's grandfather Stojan Knezevic) was taken from her home in Dalmatia to Croatian  
7 capital Zagreb, along with other kidnaped Serbs, and hung to death on Serb Eastern Orthodox  
8 Christmas, January 7, 1942. Plaintiff resides in Illinois and is the legal successor to all these  
9 claims.

10 55. Plaintiff Mladen Djuricich was born March 20, 1929 in Strmen, Township of Crkveni  
11 Bok, County of Kostajnica, Krajina, on the Sava River. During the first week of May 1941  
12 plaintiff's father discovered a naked body floating down the river from Sisak and pulled it out.  
13 After removing the board nailed to its head, he recognized it as a Jewish liquor dealer from Sisak  
14 and thereafter buried his body in the Strmen Orthodox cemetery. Two days later plaintiff's  
15 father was arrested by Ustasha for the crime of burying a Jew and sent off to Auschwitz. He  
16 survived, was reunited with his family after the war, and died in 1958. Plaintiff was in August  
17 1942 one of some 3,000 Serb children forcibly converted to Catholicism by the Ustasha and  
18 Franciscans (OFM), where he was so viciously kicked by Franciscan priests for accidentally  
19 tripping into one, that his friend watching reported to his mother that he was dead. A little later,  
20 on October 13, 1942 a large number of armed Ustasha surrounded the three villages of the  
21 Township to round up everyone to take them to Jasenovac extermination camp, but plaintiff and  
22 his older brother Djuka escaped and went to join the partisans. However, plaintiff was too young  
23 and had to return to Strmen where he found everything burned and looted and learned that more  
24 than a 100 people had been killed on the spot. His aunt Stoja Maslovara was one of two women  
25 that the Ustasha beheaded. Plaintiff's father's entire estate of a large house and furnishings, two  
26 barns, four horses, eight cows, many pigs and turkeys and chickens was destroyed and looted by  
27 the Ustasha. Plaintiff currently resides in Indiana. He is legal heir to these claims.

28 56. Plaintiff Robert Predrag Gakovich was ten years old in June 1941 when the Ustasha

1 came to the town of Plaski in Krajina where he lived with his parents and two brothers. His  
2 father, a 40 year old Serb Orthodox priest was taken along with all of the town's prominent  
3 Serbs to Velebit Mountain, tortured, and in July 1941 thrown into the Jadovno pit to die.  
4 Plaintiff's mother fled with her children for Belgrade in July 1941, leaving behind all their  
5 household possessions and personal property which were looted and converted by the Ustasha  
6 Regime's agents and added to the Ustasha treasury. Plaintiff thereafter emigrated to the United  
7 States in 1952 where he graduated from Berkeley and retired in 1994. Plaintiff resides in  
8 Wisconsin.

9         57. Plaintiff Nevenka Vukasovic Malinowski was born in the village of Mala Pralovica.  
10 In 1942 plaintiff's father Panteluja, brother Nikola, aunt Vida and uncle Gjulo Kovacevic, cousin  
11 Milan Zigic and his 18 year old son Nikola, and most of her friends and neighbors were taken  
12 by the Ustasha because they were Serbs, some sent to forced labor in Germany but those that  
13 were left were sent to the Jasenovac concentration camp system. All the family property -  
14 household belongings, livestock, crops were looted by agents of the Ustasha Regime and  
15 disposed of for the benefit of the Ustasha Treasury. A surviving witness told plaintiff that her  
16 relatives were tortured, then made to dig their own graves, chained together, and every other  
17 victim shot (to save bullets) causing them all to fall into the graves, dying and alive together.  
18 Some in her village who resisted were murdered on the spot. Plaintiff's uncle Samojlo  
19 Vukasovic resisted and was beheaded in his own yard; an eyewitness told plaintiff that his body  
20 stood upright for a few unbelievable seconds with blood spouting from his neck, while his wife  
21 ran out from her hiding place screaming in horror. The Ustasha then murdered her by smashing  
22 her head with their rifle butts until her brains oozed out. Another eyewitness told plaintiff that  
23 her cousin Sava Otkovic resisted also and as punishment the Ustasha tied him up in his yard  
24 while they drove his widowed mother and wife and two small children back into the home to  
25 which they then set fire. The Ustasha only murdered him after forcing him to listen until the  
26 dying screams of his family and ended by cutting off his extremities and finally decapitating him  
27 so that his body looked like the carcass of a slaughtered animal. Plaintiff resides in Florida and  
28 is legal heir to her family's claims.

1           58. Plaintiff Eli Rotem was born June 11, 1931 in Zagreb. On April 3, 1941. All the  
2 family property - furnishings, money, valuables - in Zagreb was forfeited and taken by the  
3 Ustasha Regime because the family was Jewish. Documentation of the confiscated property is  
4 in the Croatian National Archives. Plaintiff's father survived the war years in a prisoner of war  
5 camp in Germany, while plaintiff and mother and sister managed to get to Split, in the Italian  
6 zone of Dalmatia. Plaintiff thereafter spent some five months in refugee camps before  
7 emigrating to Palestine in April 1945. After serving in the Israeli armed forces, plaintiff  
8 emigrated to the United States in 1952 and became a citizen. Plaintiff currently resides in  
9 Florida and the sole remaining claimant and successor in interest to the property above.

10           59. Plaintiff Milorad Skoric was born in Pakrac, Yugoslavia, on December 12, 1948, but  
11 his father was born on January 8, 1924 in Loncarica, a small village between Virovitica and  
12 Grubisno Polje in Slavonia. Plaintiff's father was grazing pigs in the nearby forest in 1942 at  
13 the age of 18 when he saw smoke rising from Loncarica. By the time plaintiff's father returned  
14 home the whole village had been pillaged and burned down and every person, including all his  
15 family, taken away, by the Ustasha because they were Serbs. The Skoric household property,  
16 crops, livestock and furnishings had been looted by agents of the Ustasha Regime and carried  
17 away for disposal and conversion to the benefit of the Ustasha Treasury. In 1945 it was learned  
18 that his father and mother and two of his six sisters had perished in the Jasenovac concentration  
19 camp system, and that some younger sisters had been sent as forced laborers to Germany.  
20 Plaintiff emigrated to the United States in 1991, became a citizen, and currently resides in  
21 California and is the legal heir and beneficiary to the remaining family claims for property taken  
22 by the Ustasha.

23           60. Plaintiff Veljko Miljus was born in 1950 in the same village as his ancestors in  
24 Tusilovacski Cerovac, Kingdom of Yugoslavia. There under Ustasha Regime occupation,  
25 plaintiff's grandfather Mica Miljus and uncle Nikola Miljus were arrested by Ustasha in 1942  
26 and sent to Jasenovac concentration camp where they perished. Plaintiff's grandfather and uncle  
27 were peasants and not guilty of any crime except being Orthodox Serbs, but a Croatian  
28 neighbor's accusations against them was enough to send them to their death at Jasenovac.

1 Plaintiff's remaining family was forced to flee from the Ustasha several times during World War  
2 II. All the family property, household items and valuables were looted each time by agents of  
3 the Ustasha Regime. Plaintiff immigrated to the United States in 1965 and now resides in  
4 Illinois and is legal heir to these claims.

5         61. Plaintiff Fred Zlatko Harris was born in Zagreb on April 15, 1911 as Zlatko Hirschler  
6 and his now deceased wife Milica Neumann was born on August 17, 1918. As a Croatian Jew,  
7 plaintiff and his relatives lost all their property to agents of the Ustasha Regime's Ministry for  
8 the State Treasury, including their homes and apartments and furnishings which were sold for  
9 the benefit of the Ustasha Regime's Treasury. Plaintiff was the production manager for his in-  
10 law's apparel factory, the second largest in Yugoslavia at the time, and the factory and its  
11 contents including 50 advanced industrial Singer sewing machines was confiscated by the  
12 Ustasha Regime. Plaintiff's in-laws also owned many pieces of investment real estate, a new  
13 car, and plaintiff a motorcycle, all of which were confiscated. Documentation of this property  
14 is in the Croatian National Archives. Plaintiff and his in-laws managed to eventually reach Split,  
15 Dalmati1 then under Italian occupation, but not before having to deliver to the Zagreb police  
16 headquarters most of their gold, jewelry, and other valuables under pain of immediate execution.  
17 Plaintiff became a US citizen and currently resides in the San Francisco Bay Area, California  
18 and sole remaining heir and successor in interest under the California Probate Code to the claims  
19 of his deceased wife for her family's possessions.

20         62. Plaintiff Milja Conger was born January 1, 1925 in Slunj, Krajina. After undergoing  
21 surgery in the hospital in Ogulin in April 1941 plaintiff was taken by Ustasha to Karlovac as a  
22 forced laborer in a formerly Jewish factory, and then on January 28, 1943 sent to Germany for  
23 forced labor for the remainder of the war. Plaintiff and one cousin were the only members of  
24 her family to survive the Ustasha purges of Orthodox Serbs in Croatia. All family property was  
25 confiscated by the Ustasha Regime's agents for the befit of the Ustasha Treasury including  
26 household possessions and small items of gold and silver. Plaintiff eventually emigrated to the  
27 United States and became a citizen. Plaintiff currently resides in California. Plaintiff is legal  
28 heir to these claims.

1           63. Plaintiff Allen Dolfi Herskovich, born April 20, 1918, was an important sports figure  
2 in prewar Yugoslavia, representing his county in Vienna in 1937, in London in 1938, and Cairo  
3 in 1939 in table tennis. With the invasion by Hitler in 1941 the team of five players dispersed  
4 to five different countries, plaintiff reaching Italy after five months with what remained of his  
5 family. In October 1943 plaintiff was liberated by the Allies along with two brothers, but  
6 plaintiff lost his father and sister with her two small children in Auschwitz, while a brother was  
7 killed that year by the Ustasha. Plaintiff's father had been a very successful businessman in  
8 textile manufacturing, but all his property was confiscated by agents of the Ustasha Regime.  
9 This property was valued by the Tito government in 1948 in excess of \$1,500,000 in prewar  
10 dollars and is documented in the Croatian national Archives' records of Jewish property  
11 appropriated by the Ustasha Regime. No compensation has ever been received by plaintiff.  
12 Plaintiff and his wife Dorothy and two sons presently reside in the San Francisco Bay Area,  
13 California. Plaintiff is legal heir to these claims.

14           64. Plaintiff Bogdan Kljaic's father Luka Kljaic his first wife and two children were  
15 murdered by the Ustasha between 1941 to 1943. Plaintiff's mother lost her first husband, Stojan  
16 Mitic, to the Ustasha, the same day that 700 other Serbs were murdered in the Orthodox Church  
17 in Glina in 1941. Plaintiff's half-sister Ljubica Kljaic, born 1927 in Strmen, was sent to  
18 Jasenovac in June 1941 at the age of 14, where she was tortured and killed. Plaintiff's older  
19 half-brother Bogdan Kljaic, born 1924 in Strmen, was killed by Ustasha in 1942 on a mountain  
20 top called Lebrenica near Kostajnica. Family and personal property was looted by the Ustasha  
21 Regime's agents for the benefit of the Ustasha treasury. Plaintiff's parents afterwards met and  
22 married and had two children, Jelena Kljaic born in 1946, and plaintiff born in 1947. Plaintiff  
23 currently resides in Illinois and legal successor to these claims.

24           65. Plaintiff David Levy was born April 12, 1922 in Belgrade and resided in Zagreb at  
25 the outbreak of the war. All of plaintiff's family property - gold, valuables, furnishings in  
26 Zagreb - was taken in 1941 by the Ustasha Regime's agents for the benefit of the Ustasha  
27 treasury. Documentation of the property exists in the Croatian National Archives' records of  
28 Jewish property. Plaintiff was made a forced laborer until he escaped in September 1941, after

1 which his mother and brother and grandmother were murdered in concentration camps. Plaintiff  
2 was caught in January 1942, taken in chains to Italy, where he survived to become one of the  
3 1,000 Jews allowed to come to the United States in August 1944. Plaintiff currently resides in  
4 the San Francisco Bay Area, California, with his wife Zdenka Baum Ruchwarger-Levy and is  
5 legal heir to these claims.

6 66. Plaintiff Zdenka Baum Ruchwarger-Levy was born September 15, 1925 in Zagreb.  
7 All of plaintiff's family property was taken in 1941 by agents of the Ustasha Regime including  
8 her father's metal furniture plant and sold for the benefit of the Ustasha Treasury.  
9 Documentation of the property exists in the Croatian National Archives' records of Jewish  
10 property. Plaintiff's father was taken to Jasenovac but released after three weeks. In November  
11 1941 plaintiff and her family fled into the mountains, were eventually captured and sent to Italy  
12 where they spent the next year and a half until freed by the Allies and brought to the United  
13 States. Plaintiff lost 11 relatives to the extermination camps. Plaintiff met and married plaintiff  
14 David Levy in 1985 and currently resides in the San Francisco Bay Area, California. She is legal  
15 heir to these claims.

16 67. Plaintiff Vladan Celebonovic was born in 1955 in Belgrade. Plaintiff's aunt, Alice  
17 Celebonovic, born in 1910, was undergoing medical treatment in Zagreb at the beginning of the  
18 war when she was murdered by the Ustasha on April 10, 1941 or shortly thereafter in an anti  
19 Serb pogrom and her personal possessions including jewelry was looted by agents of the Ustasha  
20 Regime for the benefit of the Ustasha Treasury. Plaintiff, her only heir, is a research physicist  
21 residing in Belgrade, Yugoslavia.

22 68. Plaintiff Daniel Pyevich's parents were born in Citluk, near Gospic, Lika, and  
23 emigrated to the United States in 1928. On plaintiff's father's side, in 1941 his father's mother,  
24 two brothers, the son and daughter of his sister, and the daughter of a brother were killed by the  
25 Ustasha because they were Serbs. Plaintiff's uncle Mile was killed in a brutal fashion by being  
26 thrown into the notorious Jadovno pit outside of Gospic, where hundreds of Serbs met their  
27 death. All of the property - household belonging, rings, coins, icons - of these murdered  
28 relatives was looted by the Ustasha regime's agents for the benefit of the Ustasha Treasury.

1 Plaintiff resides in Hillsdale, Illinois and sole legal heir to these claims.

2           69. Plaintiff Koviljka Popovic, a Serb, is the daughter of Bozo Kolak, a farmer of the  
3 village of Tulje, Trebinje, Bosnia and Herzegovina. In March 1944 while Bozo Kolak was in  
4 his fields with his 7 year old son Branko, agents of the Ustasha Regime came upon them and  
5 killed Kolak and wounded Branko in both of his legs. The killers then burned down and looted  
6 his homestead of all crops, furnishing, and valuables entirely on the same day, the family thus  
7 losing all their worldly possessions to the Ustasha Regime. Branko Kolak survives as a  
8 pensioner in Tulje, along with a sister Slavka Kolak. Plaintiff resides in Smederevo, Serbia and  
9 presents this claim on her and her siblings behalf as heirs to the property claims.

10           70. Plaintiff Ukraine Organization of Ukrainian Antifascist Resistance Fighters is  
11 recognized by Ukrainian Ministry of Justice as an official representative of 8,500 former  
12 partisans and resisters of the Nazi occupation of Ukraine and concentration camp victims and  
13 as such has an interest in an accounting of the Ustasha Treasury. This membership includes  
14 some victims of the Ustasha Armed Forces in Ukraine who lost property to agents of the Ustasha  
15 Regime.

16           71. Plaintiff Ukrainian Union of Nazi Victims and Prisoners represents over 300,000  
17 former slave and forced laborers, prisoners, concentration camp, and ghetto survivors and as  
18 such has an interest in an accounting of the Ustasha Treasury. This membership includes some  
19 victims of the Ustasha Armed Forces in Ukraine who lost property to agents of the Ustasha  
20 Regime.

21           72. Plaintiff Jasenovac Research Institute was established in 1998 as a non-profit (503-1)  
22 human rights organization and research institute registered in the state of Michigan, committed  
23 to establishing the truth about the Holocaust in Yugoslavia, dedicated to the search for justice  
24 for the crimes of genocide committed by the Ustasha Regime at the Jasenovac and Stara  
25 Gradiska concentration camp system and Ustasha persecution against Serbs, Jews, and Romas.  
26 The Jasenovac Research center also assists its members in Holocaust restitution matters. The  
27 Jasenovac Research Institute's membership includes Serb, Jewish, and Roma Holocaust  
28 survivors of the Ustasha terror in former Yugoslavia and their heirs including some of the

1 plaintiffs and has sponsored conferences, publications, videos and memorials for victims of the  
2 Ustasha in the United States, Serbia and Bosnia-Hercegovina. Jasenovac Research Institute has  
3 an interest in an accounting of the Ustasha Treasury.

4 73. Typical members of Jasenovac Research Institute include individuals like Eva Deutch  
5 Costabel who was born in Zagreb, Kingdom of Yugoslavia in November 1924. In 1941 her  
6 father was arrested by the Ustasha Regime and his assets and successful chemical business were  
7 confiscated by agents of the Ustasha regime because of the family being Jewish. He was handed  
8 over to the German authorities by the Ustasha Regime and was murdered at a German  
9 concentration camp in 1943. Eva's mother's children's clothing shop and home and all  
10 household belongings, store stock, and property was confiscated by the Ustasha Regime's agents  
11 in 1942. As was customary no receipt was provided and asking for such would be either futile  
12 or result in deadly consequences, although documentation of confiscated Jewish property exists  
13 in the Croatian National Archives. Eva and her mother escaped from Zagreb to the Italian  
14 occupied zone of Croatia where they were interned in various concentration camps until the  
15 Italian government surrendered to the Allies in 1943. They then escaped from the concentration  
16 camp on the island of Rab before it was liquidated by the Ustasha and made their way to partisan  
17 held territory in Yugoslavia. Plaintiff now resides in New York. Plaintiff is a legal heir and  
18 successor under the law of New York to her mother's claims for the loss of the family property  
19 and businesses in 1941-1942 and is a member of the Jasenovac Research Institute Advisory  
20 Board.

21 74. Plaintiff International Union of Former Juvenile Prisoners of Fascism based in Kiev,  
22 Ukraine represents Nazi victims in the former Soviet Union including Ukraine, Russia, and  
23 Belarus and as such has an interest in an accounting of the Ustasha Treasury. This membership  
24 includes some victims of the Ustasha Armed Forces in Ukraine who lost property to agents of  
25 the Ustasha Regime

26 75. The Republic of Serbian Krajina In Exile (RSK) is based in Zemun, Serbia under the  
27 leadership of Premier Milorad Buha who is also a deputy in the Serbian Parliament. The RSK  
28 is the legitimate continuation of The Republic of Serbian Krajina which exercised sovereignty

1 over Krajina and Slavonia between 1991 and 1998 when the region was eventually overrun by  
2 Croatian army units and paramilitaries in a series of invasions called Operation Storm and  
3 Operation Flash under the command of General Ante Gotavica now on trial at the International  
4 Criminal Tribunal for Yugoslavia in The Hague. Serb residents of modern Krajina and Slavonia  
5 were ethnically cleansed by murder, forced conversion to Roman Catholicism, or forced to flee  
6 to Serbia as refugees after 1998. The Ustasha previously committed atrocities against Serbs,  
7 Jews, and Roma in the same region 1941-1945 when it was part of the Ustasha Regime. The  
8 RSK represents the interests of all Serb, Jewish, and Roma Holocaust Survivors from Krajina,  
9 Western Srem, Baranja and Slavonia. The RSK also presents a claim on behalf of looted  
10 Orthodox Christian Church properties within the borders of the RSK 1991-1998 and as such has  
11 a direct interest in an accounting of the Ustasha Treasury.

12 76. The Independent Council of Gypsies in Serbia (*Nezavisni Savet Roma Srbije*)  
13 represents over eighty Roma organizations in Serbia and is a non profit organization based in  
14 Belgrade, Serbia. It's president is Slobodan Bojic-Bittner. The purpose of the organization is  
15 to promote the socio-economic well being of the Roma people in Serbia including addressing  
16 the historic injustices committed against the Roma throughout former Yugoslavia. The  
17 Independent Council has collected over one thousand claims from its members involving  
18 property looted by the Ustasha; each member's claim if filed separately would have standing to  
19 sue in this matter. These claims involve theft and murder by the Ustasha regime's agents of  
20 Roma 1941-1945 and looting of numerous items including gold and silver: rings, bracelets,  
21 *ducats*, icons, and crucifixes; livestock, clothing, and miscellaneous property.

22 77. Mileva Reljanovic (Vujcic) was born in 1930 in Vojskova, Bosnia, Kingdom of  
23 Yugoslavia. In 1942 the Ustasha Regime's agents forcibly removed all Serbs from Vojskova  
24 in order to "colonize" the region. The village store and its contents owned by plaintiff's family  
25 was seized and the Serb residents of the town terrorized by rampaging Ustasha armed forces who  
26 killed and raped indiscriminately among the Serbs. The store and its contents were converted  
27 to cash by the Ustasha Regime's Ministry of Colonization and the proceeds added to the Ustasha  
28 Treasury. Plaintiff and her family members were sent to Jasenovac where her father and some

1 of her siblings died. Upon entering Jasenovac, the Ustasha Regime agents confiscated the  
2 jewelry the family had concealed on their persons. Plaintiff after many travails was eventually  
3 released to the custody of a Croatian farmer and used as a forced laborer until the end of the war.  
4 Plaintiff is legal heir to her family's claims in this matter.

5         78. Nadezda Bates born in Bihac, Bosnia, Kingdom of Yugoslavia in 1923. Plaintiff's  
6 father, Janko Bates, was a wealthy Serb businessman in Bihac and owned an establishment  
7 named *Kafana Beograd*. The Bates family owned numerous other properties through out the  
8 region and had accumulated a great deal of wealth including an opulently furnished home and  
9 jewelry including one dozen hand made bracelets of 18 carat gold with sapphires and diamonds  
10 and three necklaces made in the same fashion with dark sapphires, twenty rings made of 18 carat  
11 gold, hundreds of gold *ducats*, and many items of lesser value. They also possessed a quantity  
12 of cash and a large stock of food and drink used in their trade. On June 23, 1941 agents of the  
13 Ustasha Regime entered into Bihac and arrested the Serb and Jewish inhabitants. Plaintiff  
14 witnessed the well organized pillaging and plundering of the Bates family property and Jewish  
15 properties in the and neighborhood by the Ustasha Regime's agents. Teams of special soldiers  
16 with trucks conducted the looting operation in a thorough manner. The Ustasha soldiers herded  
17 the Serbs and Jews into the changing rooms at the Bihac sports grounds, where they were  
18 thoroughly searched relieved of any concealed valuables. Plaintiff and her family was  
19 transported to Krnjeusa by the Ustasha where her father and brother were murdered by Ustasha  
20 armed forces under the command of the Ustasha Governor of Bihac, Ljubomir Kvaternik. The  
21 murder of Serbs was witnessed by a Franciscan priest and a local Croat merchant, Dudek.  
22 Plaintiff and her remaining family were eventually sent to Jasenovac from which they were  
23 eventually ransomed in November 1943. Plaintiff now lives in Belgrade, Serbia and is legal heir  
24 to these claims on behalf of her family.

25         79. Dubravka (Stojakovic) Pavic was born in 1956 in Belgrade, Serbia where she now  
26 lives. Her deceased father Milutin Stojakovic was a Serb, born in 1925 in a village of Subocka,  
27 Pakrac, Slavonia-Croatia, in the Kingdom of Yugoslavia. The Stojakovic family consisted of  
28 nine members. In 1941 agents of the Ustasha Regime ordered the family to convert to Roman

1 Catholicism against their will. Plaintiff's father (Milutin) went to Pakrac in the Autumn of 1941  
2 to train as a tailor. But in March 1942 he was arrested by the Ustasha police during a raid and  
3 because he was a Serb and was deported to the concentration camp Stara Gradiska where his  
4 personal possessions and clothes were taken from him by the Ustasha Regime's agents in the  
5 course of the organized plunder of incoming prisoners and then he was sent to Jasenovac from  
6 where he escaped on April 22, 1945 in a prisoner revolt. Milutin Stojakovic never received any  
7 compensation for his suffering from any source. Plaintiff is sole legal heir to her father's claims.

8 **VI. DEFENDANT - FRANCISCAN ORDER (OFM)**

9 80. Defendant OFM, also known as Order of Friars Minor and Franciscans, is a  
10 hierarchal Roman Catholic mendicant religious order which follows the rule of St. Francis of  
11 Assisi. All OFM members, including Fr. Dominik Mandic, during the times described herein  
12 took a lifetime solemn vow of obedience to the OFM Minister General and absolute poverty  
13 upon becoming a professed member of OFM , currently described as:

14 "For the good of the Church and the Order, all the friars owe to the Minister  
15 General, the legitimate successor of St. Francis, the highest obedience and respect, as  
16 a sign of the unity and fellowship of the whole fraternity."  
OFM General Constitutions Art. 7 CC §2.

17 . . .“(To) renounce the right to use and dispose of material goods without  
18 the permission of their Ministers and Guardians; indeed, after solemn  
19 profession they also renounce the right of ownership.”  
OFM General Constitutions Art. 8 CC.

20 81. OFM has its headquarters in Rome and is and was during the times described herein,  
21 a hierarchal organization headed by an elected Minister General who is assisted by a Procurator  
22 General and six or seven Definitor Generals who form the Minister General's Council. Other  
23 officers include a Secretary General and Postulator General.

24 82. OFM's administrative structure is and was during the times described herein divided  
25 into geographically based Provinces including several in the United States. OFM maintains a  
26 Provincial headquarters in Oakland, California. The administrative structure of the Provinces  
27 reproduces the hierarchy of OFM in Rome. The Provinces of OFM are united under the Minister  
28 General and the General Definitors.

1 83. OFM historically draws some of its staunchest support from Croatia and Bosnia-  
2 Herzegovina which includes the OFM Provinces of Holy Cross (Sarajevo), Assumption of BM  
3 (Mostar), Province of St. Cyril and Methodius (Zagreb), Province of St. Jerome (Zadar), and  
4 Province of the Holy Redeemer (Split).

5 84. At all times mentioned herein, Fr. Dominik Mandic OFM, was acting not on his own  
6 behalf but as an obedient agent and servant on behalf of OFM and its hierarchy in his various  
7 capacities as a Provincial Minister General, General Definitor, Treasurer, and in his other  
8 capacities. Mandic as a member of the Franciscan Order (OFM) and as part of his vocation had  
9 taken a vow of poverty and obedience to the OFM Minister General. Mandic thus could not  
10 accumulate individual wealth and all his actions were for the collective benefit of OFM. Mandic  
11 did not repudiate his OFM vows at anytime described herein or OFM denounce Mandic for his  
12 actions connected with the Ustasha Treasury.

13 **VII. THE CROATIAN CONFRATERNITY OF SAINT JEROME**

14 85. The Croatian Confraternity of Saint Jerome founded in the 15<sup>th</sup> Century was an  
15 association of Catholic priests and layman with the mission of assisting Croatian priests,  
16 pilgrims, and students in Rome and originally included a church, hostel, chapter house and  
17 hospital. In 1901 the Confraternity was disbanded and its property taken over by the Pontifical  
18 College of Saint Jerome.

19 86. In 1945, the Croatian Confraternity was reestablished at the behest of OFM, Fr.  
20 Dominik Mandic and Fr. Krunoslav Draganovic as part of an elaborate scheme to assist not just  
21 Croatians fleeing the fall of the Ustasha Regime but to provide material and financial support  
22 to the Ustasha Regime in exile with help eventually extended to non Croatians who had been  
23 affiliated with the Axis including German Nazi officials and Nazi collaborators from Serbia,  
24 Montenegro, Slovenia, Macedonia, and Albania. Mandic as a General Definitor and Treasurer  
25 of OFM was the ranking clerical member and Director of the Confraternity while Draganovic,  
26 as a member of the Ustasha Regime holding Vatican credentials, handled day to day affairs as  
27 the Confraternity Secretary. The purpose of this enterprise was to prevent Ustasha Regime  
28 members and other antiTito Yugoslavs from being deported to Yugoslavia and to materially

1 support antiYugoslav activities including infiltration of Ustasha partisan units called *Krizari*  
2 back into Yugoslavia. The Ustasha Treasury was the major source of funding for the  
3 Confraternity including the part of the Ustasha Treasury transported by Draganovic to Rome in  
4 late 1944 and late 1945.

5 87. In late 1945, Draganovic traveled to Austria under the guise of his position as a  
6 Vatican relief official and retrieved an additional two boxes of gold weighing 45 kilograms total  
7 from the portion of the Ustasha Treasury hidden in Austria and returned with it to Rome to fund  
8 the activities of the Confraternity and Ustasha Regime in exile. Mandic meanwhile began  
9 organizing Ustasha exiles at the Displaced Persons Camp at Fermo, Italy and with funds from  
10 the Ustasha Treasury obtained through the Confraternity and set up printing presses there and  
11 at an OFM property at Grottaferrata near Rome to forge identity and travel documents for the  
12 benefit of the Ustasha Regime members. Mandic also facilitated the role of the Confraternity  
13 as a financial arm of the Ustasha Regime in exile by using his knowledge and access to the  
14 Vatican City financial system obtained while acting in the capacity of OFM Treasurer.

15 88. By 1946 the Confraternity-OFM-Mandic-Draganovic combination had concealed a  
16 significant number of Ustasha Regime exiles, wanted by the Allies or Yugoslav government for  
17 war crimes, in the Vatican or its extraterritorial properties in Rome proper or in Italy, Franciscan  
18 Monasteries in Italy, or at the Pontifical College of Saint Jerome. First and foremost of these  
19 wanted criminals were Ante Pavelic, who was sheltered at Vatican City, the College of Saint  
20 Jerome and elsewhere in the environs of Rome until 1947. The war criminal Andrija Artukovic,  
21 the Ustasha Regime Interior Minister, was also hidden by the Confraternity. The cost of this  
22 operation was paid for with the proceeds of the Ustasha Treasury banked through financial  
23 channels within Vatican City which was unoccupied by the Allies and treated as a sovereign  
24 entity which enjoyed certain extraterritorial rights within Rome and its environs.

25 89. By mid-1946, the major part of the Ustasha Treasury from Switzerland and Austria  
26 was received at the College of Saint Jerome in Rome by Draganovic and members of the  
27 Confraternity. According to the deposition testimony of US Army Counter Intelligence Corps  
28 Special Agent William E. W. Gowen, who in 1947 debriefed Draganovic and Ustasha Colonel

1 Ivan Babic, two of the main participants in the operation, a convoy of ten trucks commanded by  
2 Colonel Babic with helpers in British uniforms, delivered its cargo of the Ustasha Treasury to  
3 Draganovic at St. Jerome. Col. Babic, despite being an Ustasha, had enjoyed good relations with  
4 the British Eighth Army having been dispatched by Pavelic before the war's end to attempt to  
5 negotiate a separate peace. The value of this horde consisting of the bulk of the Ustasha treasury  
6 including gold in various forms, jewelry, foreign currency, and other moveable items of value,  
7 was estimated by United States Treasury Agent Emerson Bigelow to be worth as much as 200  
8 million Swiss Francs in 1946. Mandic banked the Ustasha Treasury through Vatican City  
9 financial channels for export to Spain, Portugal, and Latin America on behalf of Pavelic while  
10 retaining a portion for the Confraternity's and related ongoing activities. Other less liquid  
11 property such as religious articles and artworks were retained or dispersed through channels  
12 available to OFM and Mandic.

#### 13 **VIII. CROATIAN FRANCISCAN CUSTODY OF THE HOLY FAMILY**

14 90. The Croatian Custody of the Holy Family of Chicago was originally known as the  
15 Croatian Commissariat of the Holy Family when established in 1926 under the direct control of  
16 the Minister General of OFM. Between 1931 and 1939 the Commissariat was attached to the  
17 OFM Province of Herzegovina but was detached again and placed under the control of the  
18 Minister General of OFM from 1939 to 1969. In 1950 all OFM Commissariats were renamed  
19 Custodies. In 1969 the Custody was again placed under the control of the OFM Province of  
20 Herzegovina but was detached in 1977 and returned to control of the OFM Minister General.

21 91. In 1944 St. Anthony's Friary in Chicago became the headquarters of the Croatian  
22 Custody of Chicago. In 1952, coinciding with the arrival of Fr. Dominik Mandic from Rome,  
23 the friary was rededicated and served as the hub of several operations controlled by the Custody  
24 including the Franciscan Printery and the Croatian Franciscan Publications which included the  
25 Croatian Catholic Messenger, Croatian Almanac, and the newspaper Danica. These all espoused  
26 a proCroatian and antiYugoslav agenda. The Croatian Almanac was edited by Mandic from  
27 1953 to 1954. Mandic's main role at the Croatian Custody was to establish the Croatian  
28 Publishing House and Croatian Historical Institute with funds from the Ustasha Treasury. These

1 organizations promoted proCroatian, antiSerb, propaganda masquerading as historical research  
2 which promoted the Ustasha view that Croats (unlike Serbs) were not Slavs and were descended  
3 from Aryans and that Krajina Serbs were decedents of African Mauretanians and thus an inferior  
4 race. Mandic also published works by former Ustasha officials like Ante Bonfacic attacking  
5 Yugoslavia. Non Croatian contemporary academics found Mandic's dubious historical works  
6 to be chauvinistic and racist. Ustasha Treasury funds were used extensively at the Croatian  
7 Custody in Chicago, which became a hub of pro Croatian independence activities for North  
8 America intermingled with promoting Croatian cultural activities.

9 92. At all times mentioned herein, OFM through its Minister General directly supervised  
10 the activities of the Croatian Franciscan Custody of the Holy Family except for the period 1969  
11 to 1977 when it was attached to the OFM Province of Herzegovina for administrative purposes.  
12 Funds from the Ustasha Treasury were administered through the Croatian Custody by Mandic  
13 and upon Mandic's death in 1979, the remaining funds and property from the Ustasha Treasury  
14 came under the administration of the Croatian Custody of Chicago and its ecclesiastical superior,  
15 the OFM Minister General.

#### 16 IX. FACTS PERTAINING TO SERB VICTIMS

17 93. Upon its founding, the Ustasha Regime immediately began a campaign to "purify"  
18 Croatia of those that the Ustasha Regime Interior Minister Andrija Artukovic called "the  
19 insatiable parasites:" Serbs, Jews, and Roma. On May 26, 1941, the Ustasha *Zupan* (Governor)  
20 of Western Bosnia, Viktor Gutic, proclaimed: "All undesirable elements will be exterminated  
21 so no trace remains." On June 2, 1941, Milovan Zanic, Ustasha Regime Minister of Justice  
22 proclaimed: "This state, our country is only for Croats and no one else. There are no ways and  
23 means which we Croats will not use to make our country truly ours and to cleanse it of Orthodox  
24 Serbs."

25 94. By late April 1941 Serbs were forced to wear a white armband with the letter "P",  
26 the initial for Orthodox Christian (*Pravoslavac*) in the Serbo-Croatian language.

27 95. The Ustasha regime *Doglavnik* (Deputy Leader) and government Minister, Mile  
28 Budac, stated in 1941 that the Ustasha Regime's policy towards the Serbs under its control was:

1 To kill a third, expel a third from Croatia, and forcibly convert a third of the Serbian population  
2 to Roman Catholicism.

3 96. The Ustasha promoted this objective through the use of organized terror including  
4 mass murder, punitive raids and pogroms, concentration camp complexes, forced labor,  
5 deportations, forced conversion to Roman Catholicism and genocide.

6 97. Over 600,000 Serbs were murdered by the Ustasha between April 1941 and May 1945  
7 and despoiled of their property.

8 **X. FACTS PERTAINING TO JEWISH VICTIMS**

9 98. In 1941 Jews in Croatia, though not numerous, were largely urbanized and  
10 constituted one of the region's wealthiest groups.

11 99. By late April 1941 Jews had to wear the Star of David on their sleeves, and later,  
12 across their backs and were expelled from Zagreb by order of the Ustasha Regime's Minister of  
13 the Interior, Andrija Artukovic.<sup>4</sup>

14 100. The majority of Croatian Jews (upwards of 75%) were either murdered outright by  
15 the Ustasha or sent to Croatian or German concentration camps after having all their property  
16 confiscated by the Ministry of State Treasury - Department of Finance, State Property, and Debts  
17 - Office for Nationalized Property.

18 101. Jews were ruthlessly hunted, robbed and murdered save for the wealthiest 5% who  
19 were charged a sizable ransom for the "privilege" of being named honorary Aryans.<sup>5</sup>

20 102. Ransoms greatly enriched the Ustasha treasury along with other funds and property  
21 extorted from the Jewish population of the NDH.

22 103. Approximately 30,000 Jews were murdered by the Ustasha Regime.

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24 <sup>4</sup> Artukovic resided in California for over 30 years before he was extradited in 1985 to face charges of  
25 murder in Yugoslavia. *In re Extradition of Andrija Artukovic*, 628 F.Supp. 1370 (C.D. Cal. 1985)

26 <sup>5</sup> Decree 76 of April 30, 1941 On Racial Affiliation: "Persons who prior to April 10, 1941 have shown  
27 themselves to be deserving before the Croatian people, especially toward its liberation, as well as their  
28 marital partners with whom they concluded marriage prior to the enactment of this decree and the  
descendants of such a marriage, in the event these persons may be affected by this decree, may receive  
recognition of all rights belonging to persons of Aryan descent at the discretion of the head of state,  
regardless of the provisions of this decree."

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**XI. FACTS PERTAINING TO ROMA VICTIMS**

104. The Roma, like the Serbs and Jews, were victims of Ustasha policies of institutionalized racism, genocide and looting. Only those Roma who were able to pass as Albanians or Macedonians avoided execution.

105. Approximately 30,000 Roma were murdered by the Ustasha Regime after being robbed of all their possessions.

**XII. FACTS PERTAINING TO CLAIMS BY FORMER SOVIET CITIZENS**

106. When Nazi Germany invaded Russia on June 22, 1941, the Ustasha leader, Ante Pavelic declared war on the Soviet Union on June 23, 1941 in order to join the battle of “all freedom loving nations against Communism.”

107. Pavelic offered ground, sea and air forces, to fight alongside Germany. Hitler responded to Pavelic's letter on July 1, 1941, accepting the Croatian offer and thanking them for their service. Beginning in July 1941, Croatian ground, sea, and air forces invaded, alongside Germans, the Soviet Union including Ukraine, Belarus, and Russia. Croatian units wore German style uniforms with Croatian indicia and provided front line and support units in Ukraine, Belarus, and Russia. Croatian air force and navy units patrolled the Black and Azov Seas in Russia and Ukraine. Croatian ground troops took part in battles in Kiev, Kharkov, and Stalingrad. In September 1942, Pavelic, on behalf of the Croatian government, visited Croatian troops outside Stalingrad.

108. Croatian troops assisted the German occupiers of Ukraine, Belarus, and Russia and participated in a systematic plunder and looting of Ukrainian, Russian, and Belorussian resources and individual property for the benefit of the Ustasha Regime. The Ustasha Treasury contained loot from the former Soviet Union.

**XIII. FACTS PERTAINING TO USTASHA CONCENTRATION CAMPS**

109. Jasenovac and Stara Gradiska Concentration Camp complexes, termed by historians as the “Auschwitz of the Balkans,” were the home of horrific and nearly indescribable brutality against Serbs, Jews, and Roma. The notorious Jasenovac camp was actually a complex of five major and three smaller “special” camps spread out over 240 square kilometers (150 square

1 miles) in south-central Croatia. Along with hundreds of thousands of Serbs, some 30,000 Jews  
2 and at least 30,000 Romas were murdered in these camps. The names of some 20,000 murdered  
3 children of all three nationalities collected thus far by historians provides only a fraction of the  
4 crimes committed there against children.

5 110. The Ustasha at their concentration camps also looted from their victims their last  
6 remaining possessions before being murdered including gold teeth and dentures, wedding rings,  
7 and gold eyeglass frames. Textiles were reprocessed by agents of the Ustasha Regime from the  
8 bloodstained and soiled clothes of those murdered for the profit of the Ustasha Regime and its  
9 Treasury. The loot from the Ustasha run concentration camp complexes comprises a significant  
10 part of the Ustasha Treasury. Serbs and Jews were also occasionally ransomed from Ustasha  
11 Regime concentration camps, these funds also flowing into the Ustasha treasury.

12 **XIV. FACTS PERTAINING TO THE USTASHA REGIME’S RELATIONSHIP WITH OFM**

13 111. OFM members in Croatia were some of the early supporters of the Ustasha prior to  
14 the takeover in 1941 of Croatia by the Axis. The operational headquarters in which the plan for  
15 the Ustasha take-over of Croatia was made was a Franciscan (OFM) monastery. OFM  
16 Monasteries, parish houses, cathedrals, Franciscan high schools, seminaries, etc., throughout  
17 Croatia doubled as meeting places, recruiting centers, arms depots, and staging areas for the  
18 Ustasha terror in the years prior to and during the war.

19 134. Upon the establishment of the Ustasha Regime individual Franciscan priests  
20 deserted their vocations and incited attacks on Serb and Roma settlements, tortured, killed and  
21 expropriated their victims in dozens of villages in Croatia and Bosnia. In one typical example,  
22 the Franciscan Priest Shimich exhorted Croats to commit genocide: “All Serbs must be murdered  
23 within the shortest time. That is our program.” One of the most notorious examples of the  
24 Franciscan clerical killers was Fr. Miroslav Filipovic-Majstorovic, known as “Brother Satan,”  
25 who personally killed tens of thousand of Serbs at Jasenovac concentration camp where he  
26 served as Commander for four months, from September 1942 to the beginning of January 1943.  
27 Brother Satan also directed numerous actions against Serbian villages in which he played a  
28 conspicuous part in the killings. Before one such attack in the town of Drakulic, Brother Satan

1 strangled a Serbian baby with his bare hands in order to incite the Ustasha to commit barbarities.  
2 Brother Satan was hanged as a war criminal in 1946 by the Yugoslav government. OFM did not  
3 actively seek out and punish most priests associated with the Ustasha during the Second World  
4 War despite knowledge of their activities. OFM and in particular its General Definitor, Dominik  
5 Mandic, had in its possession by May 1945 irrefutable proof of atrocities of genocide and looting  
6 committed by the Ustasha Regime.

7 **XV. FACTS PERTAINING TO THE USTASHA TREASURY**

8 135. The Ustasha Regime's looting of Serbs, Jews, Romas, and others was systematic  
9 and kept under tight control of the Ustasha Regime until 1944 when Pavelic took personal  
10 control of all liquid assets of the Ustasha Regime for the purpose of relocating them outside  
11 Croatia for safekeeping.

12 136. During the Second World War the Swiss National Bank and other banks in  
13 Switzerland, as well as facilities in Croatia, acted as depositories for some of the Ustasha  
14 Treasury.<sup>6</sup>

15 137. The Independent Commission of Experts - Switzerland - Second World War, known  
16 as the Bergier Commission, linked Swiss banks with Croatian wartime gold transactions (p. 25  
17 of their report).

18 138. With the fall of the Ustasha Regime imminent in 1945, an effort was made by  
19 Pavelic to move the remaining Ustasha Treasury outside the borders of the Ustasha Regime. In  
20 late May 1945 Ustasha Regime agents were found at the British-occupied Austro-Swiss border  
21 with gold, currency and other assets valued at 350 million Swiss francs. Over 200 million Swiss  
22 francs value of this particular hoard were eventually transferred to the Croatian Confraternity  
23 at Saint Jerome, Mandic and Draganovic and then to the Vatican City financial system and  
24 elsewhere for conversion. One portion of the horde contained in two chests of gold was  
25 personally brought from Austria by Draganovic for the use of the Croatian Confraternity in late  
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27 <sup>6</sup> 500 kilograms of gold were deposited by the Croatians in the Swiss National Bank along with 2.5 million  
28 francs during the Second World War. In early 1946 an additional 12 to 16 million francs in gold deposits  
were still controlled by the Ustasha in various other private Swiss bank accounts.

1 1945. The larger portion of the Ustasha Treasury consisting of a ten truck convoy was  
2 commanded by Ustasha Colonel Ivan Babic and trucked from Northern Italy to the College of  
3 San Girolamo Degli Illirici in 1946 by Babic and Ustasha confederates wearing British uniforms.  
4 Other remnants of the Ustasha treasury arrived in similar fashion 1946-1948, first to Mandic,  
5 Draganovic and the Confraternity and then dispersed though either Vatican City, Vatican  
6 extraterritorial properties in Italy, or OFM accounts.

7 139. In 1948 some 2,400 kilograms of Ustasha Treasury gold was moved from accounts  
8 in Vatican City to Swiss bank accounts.

9 140. In 1952 the Ustasha leader Pavelic transferred 5 million Swiss francs from the  
10 Ustasha Treasury horde from Switzerland to Argentina.

11 141. Pavelic and other exiled Ustasha war criminals, in order to bank and transfer assets  
12 from the Ustasha Treasury, depended upon the intermediation and cooperation of OFM and its  
13 agents.

14 142. A significant portion of the post war Ustasha Treasury was in the form of jewels and  
15 non monetary valuables that required either conversion by OFM or was retained by OFM and  
16 its agents.

17 143. Ustasha Treasury assets were banked and converted by OFM using its accounts in  
18 the Vatican and elsewhere for use in Argentina, Brazil, Spain, Portugal the United States, and  
19 Italy by the exiled Ustasha and Dominik Mandic-OFM controlled enterprises.

20 **XVI. FACTS PERTAINING TO POST WAR BENEFICIARIES OF THE USTASHA TREASURY**

21 144. In 1956 the overt successor to the Ustasha, the Croatian Liberation Movement  
22 (HOP), was founded by Ante Pavelic in Buenos Aires as a beneficiary of the Ustasha Treasury  
23 along with its terrorist front group - the Croatian Revolutionary Brotherhood (HRB) and related  
24 organizations. Funds from the Ustasha Treasury banked and converted by Dominik Mandic  
25 helped fund these organizations.

26 145. The Croatian Custody of the Holy Family of Chicago and OFM have continued to  
27 use the funds derived from the Ustasha treasury to set up the OFM operations at Medjugorje,  
28 Bosnia and to support financially the Croatian paramilitary, who often used Ustasha indicia in

1 their ethnic cleansing battles against Bosnian Serbs, Muslims, and Roma in Bosnia-Herzegovina  
2 and Serbian Krajina in the 1990's.

3 146. As the principal postwar financier to the former Ustasha Regime, the OFM profited  
4 from Ustasha Treasury transactions, including transfer of funds to it from the Ustasha Treasury  
5 in exchange for services.

6 **XVII. CLASS ALLEGATIONS**

7 147. This action is brought and may properly be maintained as a class action pursuant  
8 to the provisions of Federal Rule of Civil Procedure 23.

9 148. Plaintiffs bring this action on behalf of themselves and a class of all Jews, Serbs,  
10 Roma and former Soviet Union citizens and their heirs and beneficiaries who had property -  
11 looted assets - taken from them as part of the systematic and brutal murder and persecution of  
12 Jews, Serbs, and Roma by the Ustasha Regime, and as a result of the occupation of the Soviet  
13 Union by Ustasha Regime controlled military forces.

14 149. The exact number of the members of the class, as identified above, is not known to  
15 plaintiffs, but it is estimated that members of the class number in the tens of thousands<sup>7</sup> and are  
16 so numerous that joinder of individual members herein is impracticable.

17 150. Questions of fact and law common to the class predominate over any questions  
18 affecting only individual members. Common questions of fact and law include:

19 (a) Whether OFM and its agents improperly retained or converted looted assets of the  
20 plaintiffs.

21 (b) Whether OFM was unjustly enriched by their wrongful conduct.

22 (c) Whether plaintiffs experienced irreparable harm by defendants' wrongful taking of  
23 plaintiffs' property and goods, supporting a claim for restitution and/or replevin.

24 (d) Whether defendant has failed to account for the Ustasha Treasury by fraudulently  
25 and/or intentionally concealing and/or limiting access to their archives and records .

26

27 \_\_\_\_\_  
28 <sup>7</sup> Plaintiffs have revised downward their original estimate of the class due to the passage of time since the  
filing of this lawsuit in 1999 and the deaths of thousands if not tens of thousands of Holocaust survivors in  
the meantime.

1 (e) Whether defendant was directly and/or indirectly involved with the conversion of  
2 plaintiffs' property in violation of international law.

3 (f) Whether defendant should disgorge any profits resulting from their dealings with the  
4 Ustasha Treasury.

5 (g) Whether any identifiable property including cultural property of the Serbian Orthodox  
6 Church or important works of art remains in the possession of the defendant or its whereabouts  
7 is known to the defendant.

8 151. Plaintiffs' claims are typical of the claims of the other members of the Class, since  
9 all such claims arise out of defendants' actions or the actions of its agents, which resulted in the  
10 loss and conversion of plaintiffs' and their ancestors' rightful property, which gives plaintiffs  
11 the right to the relief sought.

12 152. There is no conflict as between the named plaintiffs and the members of the class  
13 which they represent with respect to this action, or with respect to the claims for relief set forth  
14 herein.

15 153. Plaintiffs are committed to the vigorous prosecution of this action and have retained  
16 competent counsel experienced in the prosecution of class actions. Accordingly, plaintiffs are  
17 adequate representatives of the Class and will fairly and adequately protect the interests of the  
18 Class.

19 154. The prosecution of separate actions by individual members of the Class would  
20 create a risk of inconsistent or varying adjudications, which would establish incompatible  
21 standards of conduct for the defendants in this action.

22 155. Plaintiffs anticipate that there will be no difficulty in the management of this  
23 litigation. A class action is superior to other available methods for fair and efficient adjudication  
24 of the controversy. Accordingly, Certification of the plaintiff class is appropriate under the  
25 Federal Rules of Civil Procedure, Rules 23(b)(1), (2) and/or (3).

26 **XVIII. LEGAL AND EQUITABLE TOLLING & ESTOPPEL**

27 156. Plaintiffs' legal right to seek compensation for genocide, war crimes and crimes  
28 against humanity during the Second World War is preserved by the Convention on the Non-

1 Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (26  
2 November 1968) and accordingly, there are no statutory limitations on claims of war crimes,  
3 crimes against humanity, or genocide.

4 157. Furthermore, plaintiffs' legal right in general to seek compensation for property  
5 seized during the Second World War was deferred by the London Debt Settlement Agreement  
6 of 1953 until November 7, 1997 when the German court ruled that the Treaty on the Final  
7 Settlement with Germany had lifted the moratorium upon individual claims for compensation  
8 for Second World War losses. Accordingly, statutes of limitation upon claims for compensation  
9 for Second World War losses were tolled by operation of treaty from 1953 through November  
10 7, 1997.

11 158. As to the Ustasha Treasury and the related post war claims against the defendant,  
12 the earliest date the class members would have been made aware of their potential rights  
13 coincided with the publication of the US State Department Eizenstat Report on *The Fate of the*  
14 *Wartime Ustasha Treasury* in June 1998. Prior to June 1998 class members were unaware of  
15 the extent of defendant's misconduct, having been denied access to vital information essential  
16 to pursue the stated claims as a result of defendant's fraudulent, willful, and intentional  
17 concealment of its misconduct as well as the classification of vital information by the United  
18 States government, without any fault or want of diligence or due care on the part of plaintiffs or  
19 defendant's victims. Thus the earliest possible date a statute of limitation could apply would be  
20 three years from June 1998 for domestic plaintiffs and 10 years from June 1998 for Alien Tort  
21 Statute plaintiffs.

22 159. Evidence of the extent of the defendant's participation in wrongdoing has more fully  
23 come to light in recent years as a result of the disclosure of archived and declassified documents  
24 in the United States, Germany, and other countries, as well as from the reports of several  
25 commissions and/or task forces created in the United States, Germany, and other countries, much  
26 of which information was not available prior to the reunification of Germany and the dissolution  
27 of the Soviet Union and Yugoslavia. The deposition of former Army Counter Intelligence  
28 Special Agent William Gowen, who in 1946-1947 investigated the issues contained herein, has

1 also provided many unknown details in the form of his sworn testimony.

2 160. Moreover, knowing that its behavior violated international law, at no time since the  
3 end of Second World War has defendant made any reasonable attempt to compensate plaintiffs  
4 and members of the Class for their injuries and losses. Such failure should estop defendants  
5 from interposing any time bar defense to these claims.

6 161. Additionally, no statute of limitations has begun to run on the cause of action stated  
7 herein because defendants' misconduct is continuing; defendants have not made any reasonable  
8 attempt to disgorge their illicit profits, account for property, return property, or otherwise  
9 compensate class members. Defendant has continued to reap profits as a result of its actions and  
10 has refused all requests by plaintiffs for an accounting of the funds in question. Defendant is  
11 therefore estopped from interposing any type of time bar defense to these claims.

12 **XIX. CAUSES OF ACTION**

13 **FIRST CAUSE OF ACTION - ACCOUNTING**

14 162. Plaintiffs reallege and incorporate herein, as though fully set forth, the allegations  
15 of all preceding paragraphs of the Complaint.

16 163. Defendant has never accounted for or paid the value of plaintiffs' property or the  
17 profits which defendants have derived from that property since end of the Second World War.

18 164. As a result of the value of their property having been forcibly taken from them,  
19 against their will and without just payment by defendants, plaintiffs have been unable to use or  
20 invest those assets.

21 165. As a result of defendants' aforesaid wrongful acts and omissions, plaintiffs have  
22 been injured and damaged and demand the equitable remedy of accounting.

23 **SECOND CAUSE OF ACTION - CONVERSION**

24 166. Plaintiffs reallege and incorporate herein, as though fully set forth, the allegations  
25 of all preceding paragraphs of the Complaint.

26 167. As a result of defendant's failure and refusal to account for, acknowledge and pay  
27 to plaintiffs the value of the property taken, defendants, and each of them, have willfully and  
28 wrongfully misappropriated and converted the value of that property and its derivative profits

1 into their own property.

2 168. As a result of defendant's wrongful acts and omissions, plaintiffs have been injured  
3 and damaged and demand restitution and judgment against defendants, in an amount to be  
4 determined at trial.

5 169. Defendant's conduct described herein was undertaken by the defendant's officers,  
6 agents, or co-venturers. The aforesaid conduct of said managing agents and individuals was  
7 therefore undertaken for and on behalf of defendant. Said defendant further had advance  
8 knowledge of the actions and conduct of the individuals whose actions and conduct were  
9 ratified, authorized and approved by defendant's managing agents and by other officers,  
10 directors or managing agents.

11 **THIRD CAUSE OF ACTION - UNJUST ENRICHMENT**

12 170. Plaintiffs reallege and incorporate herein, as though fully set forth, the allegations  
13 of all preceding paragraphs of the Complaint.

14 171. Defendant received, retained and made use of stolen property given to them by  
15 members of the Ustasha Regime, which rightfully belongs to plaintiffs.

16 172. Defendant has failed to account for and/or pay to plaintiffs the value of their  
17 property and profits derived therefrom.

18 173. As a result of defendant's wrongful acts and omissions, defendant has been unjustly  
19 enriched to the detriment of plaintiffs.

20 174. Plaintiffs therefore demand restitution and judgment against defendants in an  
21 amount to be determined at trial, together with interest, attorneys' fees, and the costs of this  
22 action.

23 **FOURTH CAUSE OF ACTION - RESTITUTION**

24 175. Plaintiffs reallege and incorporate herein, as though fully set forth, the allegations  
25 of all preceding paragraphs of the Complaint.

26 176. Plaintiffs' goods and property have been taken, thus denying plaintiffs the use and  
27 enjoyment thereof; defendants have wrongfully used and profited from that property; and  
28 compensation in damages is inadequate in that the property taken cannot be replaced and the

1 harm inflicted cannot be undone by mere compensation.

2 177. As a result of defendant's wrongful acts and omissions, plaintiffs have been injured  
3 and damaged and demand equitable remedies including restitution.

4 **FIFTH CAUSE OF ACTION - DECLARATORY RELIEF**

5 178. Plaintiffs reallege and incorporate herein, as though fully set forth, the allegations  
6 of all preceding paragraphs of the Complaint.

7 179. Defendant, by dealing in property looted by the Axis and as agent of a Axis nation,  
8 violated customary international and treaty law actionable in this Court as federal common law  
9 and the law of nations as evidenced by various sources including but not limited to: The Hague  
10 Convention of 1907, The Treaty of Versailles (1919), The United Nations Charter and the  
11 Universal Declaration of Human Rights, the Multilateral Declaration on Forced Transfers of  
12 Property in Enemy Controlled Territory of 1943, "London Declaration," 943 U.S.T. LEXIS 188;  
13 3 Bevens 754; and the Multilateral Gold Policy of 1944 between the United States, United  
14 Kingdom, and Soviet Union, 1944 U.S.T. LEXIS 149; 3 Bevens 889.

15 180. As a result of the value of their property having been forcibly taken from them,  
16 against their will and then converted, concealed, and utilized without just payment by  
17 defendants, plaintiffs have been unable to use or invest those assets.

18 181. As a result of defendants' aforesaid wrongful acts and omissions, plaintiffs have  
19 been injured and damaged and demand the equitable, declaratory, and such other relief which  
20 is available to them under the applicable principles of international law. Plaintiffs seek a  
21 declaratory judgement setting forth the violations of international law by defendant and that the  
22 defendant had scienter that its actions were wrongful.

23 **SIXTH CAUSE OF ACTION - REPLEVIN & SAFEKEEPING**

24 182. Plaintiffs reallege and incorporate herein, as though fully set forth, allegations of  
25 all preceding paragraphs of the Complaint.

26 183. To the extent plaintiffs' unique personal property is still readily identifiable and in  
27 the wrongful possession of defendant, plaintiffs request the property be restored to them along  
28 with the costs of restoration and that such property be immediately delivered up to the Court for

1 safekeeping until the conclusion of this litigation.

2 184. To effect safekeeping by the Court during the pendency of this litigation, plaintiffs  
3 request a preliminary list of moveable property in the possession of OFM, its agents and  
4 subdivisions with its provenance in wartime Yugoslavia, be provided immediately.

5 **XX. PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiffs pray that the Court:

7 1. Certify this action as a class action pursuant to Federal Rule of Civil Procedure 23, and  
8 designate named plaintiffs as the class representatives and counsel for plaintiffs as Class counsel.

9 2. Declare that defendant had scienter of the origins of the Ustasha Treasury as the fruits  
10 of genocide which had been obtained through systematic persecution, torture, slave labor,  
11 looting, and murder of Serbs, Jews, Roma and others and defendant, by trafficking in,  
12 laundering, retaining, hypothecating, profiting from, disposing of and concealing assets looted  
13 from persecuted targets of the Ustasha Regime, violated international treaties and customary  
14 international law and treaty law enforceable in this Court as federal common law, the law of the  
15 nations and international law.

16 4. Declare that the defendant by concealing, converting, and laundering the Ustasha  
17 treasury for the partial benefit of the Ustasha exiles and fugitive war criminals, defendant  
18 became a co-venturer with war criminals.

19 5. Order defendant to make available all information relating to the Ustasha Treasury  
20 including the inflows to the defendants and outflows from the defendants of such assets; with  
21 a particular view to establishing the existence and/or ultimate disposition of assets held by  
22 defendants belonging to Holocaust Victims; and in order that an accounting of assets may be  
23 realized.

24 6. Direct defendants to catalog and return all remaining identifiable property looted from  
25 plaintiffs and received by defendants.

26 7. Award plaintiffs the value of any identified property deposited by, or looted from,  
27 plaintiffs and received by or transferred to defendants, plus interest compounded annually since  
28 received by defendants but in no event earlier than June 1, 1945.

