

# Complaint of the Federal Case

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Monday, 01 January 2001

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

JOHN DOE I, individually and as Administrator of the Estate of his deceased child BABY DOE I, JANE DOE I, on behalf of herself, as Administratrix of the Estate of her deceased child BABY DOE I, and JOHN DOE II, JOHN DOE III, JOHN DOE V, JANE DOE II, JANE DOE III, JOHN DOE VII, JOHN DOE VIII, JOHN DOE IX, JOHN DOE XI, on behalf of themselves,

Plaintiffs,

v.

UNOCAL CORP., a California corporation, UNION OIL COMPANY OF CALIFORNIA, a California corporation, TOTAL S.A., a foreign corporation, JOHN IMLE, an individual, ROGER C. BEACH, an individual, and MOES 1-500

Defendants.

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Defendants.

Case No.:

CV 96-6959-RAP (BQRx)

THIRD AMENDED COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF FOR:

1. RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO)
2. FORCED LABOR
3. CRIMES AGAINST HUMANITY
4. TORTURE
5. VIOLENCE AGAINST WOMEN
6. ARBITRARY ARREST AND DETENTION
7. CRUEL, INHUMAN, OR DEGRADING TREATMENT
8. WRONGFUL DEATH
9. BATTERY
10. FALSE IMPRISONMENT
11. ASSAULT
12. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
13. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
14. NEGLIGENCE PER SE
15. NEGLIGENT HIRING
16. NEGLIGENT SUPERVISION

17. VIOLATION OF BUSINESS & PROFESSIONS CODE §17200  
 18. INJUNCTIVE AND DECLARATORY RELIEF

DEMAND FOR JURY TRIAL

Introduction

1. Defendant oil and gas companies Unocal Corp. (El Segundo, CA), acting through defendant Union Oil Company of California, and Total, S.A. (France)--together with the military regime in Burma, the State Law and Order Restoration Council (SLORC), and the SLORC-controlled petroleum company, the Myanma Oil and Gas Enterprise (MOGE)--are engaged in a joint venture, the Yadana gas pipeline project. Defendants are building offshore drilling stations to extract natural gas resources from the Andaman Sea, and a port and pipeline for transport of the gas through the Tenasserim region of Burma to Thailand. In addition, two of Unocal's top executives, John Imle and Roger C. Beach, are complicit in the project and the abuses surrounding it.

2. In pursuit of the Yadana gas pipeline project, defendants, through SLORC military, intelligence and/or police forces, have in the past and, continuing through the present, used force and intimidation to relocate whole villages, forced the farmers living in the area of the proposed pipeline to provide their labor, and stolen the farmers' property. Defendants' conduct violates state and federal law, and customary international law, including the prohibitions against forced labor and forced relocation, rape and other torture, and other human rights violations.

3. As a result of defendants' acts, plaintiffs John Does and Jane Does, who are all Burmese farmers from the Tenasserim region, suffered the death of family members, assaults, rapes, forced labor and the loss of their homes and property. Plaintiffs seek compensatory, punitive, and treble damages for the harm they have suffered. In addition, they seek injunctive and declaratory relief on behalf of themselves. In addition, plaintiffs charge defendants with seeking an unfair business advantage through the use of forced labor, forced relocation, and other human rights violations and forms of intimidation. Plaintiffs seek injunctive relief, disgorgement of all profits resulting from these unfair business practices, restitution and other appropriate relief, on behalf of themselves and members of the general public.

JURISDICTION and VENUE

4. This Court has jurisdiction over plaintiffs' claims under 28 U.S.C. §1331 (federal question jurisdiction), 28 U.S.C. § 1350 (Alien Tort Claims Act and Torture Victim Protection Act), 28 U.S.C. § 1367 (supplemental jurisdiction), and 18 U.S.C. § 1964(c) (Racketeer Influenced and Corrupt Organizations Act).

5. The Alien Tort Claims Act provides federal jurisdiction for "any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States." The Torture Victim Protection Act provides federal jurisdiction for acts of torture and extrajudicial execution.

6. In addition, plaintiffs invoke the supplemental jurisdiction of this Court over claims based upon laws of the State of California.

PARTIES

7. All plaintiffs, are subjects, citizens, and residents of Burma.

8. John Doe I and Jane Doe I bring this action individually and as administrators of the estate of their deceased child, Baby Doe I. Baby Doe I, now deceased, was a subject, citizen, and resident of Burma.

9. Defendant Unocal Corp. is a corporation doing business in California. Its corporate headquarters is in El Segundo, California, in the County of Los Angeles. It produces and sells energy products and is a major investor in Burma. Unocal owns a 28.26% share in a joint venture with Total, S.A., the Myanma Oil and Gas Enterprise (MOGE) and the Petroleum Authority of Thailand Exploration & Production Public Co., Ltd (PTTEP).

10. Defendant Union Oil Company of California (collectively with Unocal Corp., "Unocal") is a wholly owned subsidiary of Defendant Unocal Corp. doing business in California as Unocal Corporation and its alter ego.

11. Defendant Total S.A. is a corporation which has done business in California with its joint venture partner Unocal since at least 1993. Its corporate headquarters is in Paris, France. It produces and sells energy products and is a major investor in Burma. It owns a 31.24% share in the joint venture described in paragraph 9.

12. The Myanma Oil and Gas Enterprise (MOGE) is the state company controlled by the State Law and Order Restoration Council (SLORC). It has operated in the joint venture in Burma since at least 1992. Its corporate headquarters is in Rangoon, Burma. It produces and sells energy products and is a major investor in Burma. Upon information and belief, it owns a 15.0% share in the joint venture described in paragraph 9.

13. The State Law and Order Restoration Council (SLORC) is the military junta which seized power in Burma in 1988. SLORC's participation in the commercial joint venture has had and continues to have a direct effect on United States commerce. Upon information and belief, payments were and continue to be made by U.S. participants in the joint venture pursuant to and/or outside the joint venture contract, decisions about employer/labor relations were and continue to be made in the United States, information was and continues to be injected into the U.S. market in an effort to attract shareholders, and other acts furthering the conspiracy to gain unfair advantage over competitors were and continue to be taken in the United States.

14. Defendant John Imle is the President of Unocal Corp. and Union Oil Company of California. On information and belief, he participated in, directed and/or authorized the tortious conduct resulting from the unlawful conspiracy between Unocal, Total, MOGE and SLORC alleged herein, or he specifically knew or reasonably should have known that some hazardous condition or activity under his control could injure plaintiffs and negligently failed to take or order appropriate action to avoid the harm. His actions violated international, federal and state law and are outside the scope of his duties as an officer of the corporation.

15. Defendant Roger C. Beach is the Chairman and Chief Executive Officer of Unocal Corp. and Union Oil Company of California. On information and belief, he participated in, directed and/or authorized the tortious conduct resulting from the unlawful conspiracy between Unocal, Total, MOGE and SLORC alleged herein, or he specifically knew or reasonably should have known that some hazardous condition or activity under his control could injure plaintiffs and negligently failed to take or order appropriate action to avoid the harm. His actions violated international, federal and state law and are outside the scope of his duties as an officer of the corporation.

16. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as MOES 1-500, inclusive, and therefore sue these defendants by such fictitious names and capacities. Plaintiffs will amend this complaint to allege their true names and capacities when ascertained. Plaintiffs are informed and believe and on that basis allege, that each fictitiously named defendant is responsible in some manner for the occurrence herein alleged and that the injuries to plaintiffs herein alleged were proximately caused by the conduct of such defendants.

17. Plaintiffs are informed and believe, and on that basis allege, that at all times herein material each of the defendants was the agent, employee and/or joint venturer, or working in concert with, his/her co-defendants and was acting within the course and scope of such agency, employment and/or joint venture or concerted activity. To the extent that said conduct was perpetrated by certain defendants, the remaining defendant or defendants confirmed and ratified the same.

18. Plaintiffs are informed and believe, and on that basis allege, that at all times herein material, each defendant was completely dominated and controlled by his/her co-defendants and each was the alter ego of the other.

19. Plaintiffs are informed and believe, and on that basis allege, that at all times herein material, each defendant conspired with his/her co-defendants by entering into an agreement to commit wrongful and tortious acts contained herein and each defendant participated in or committed a wrongful act in furtherance of said conspiracy which resulted in injury to the plaintiffs.

20. Whenever and wherever reference is made in this complaint to any conduct by defendant or defendants, such allegations and references shall also be deemed to mean the conduct of each of the defendants, acting individually, jointly and severally.

21. Whenever and wherever reference is made to individuals who are not named or defendants in this complaint, but were employees/agents of defendants, such individuals at all relevant times acted on behalf of defendants named in this complaint within the scope of their respective employments.

## STATEMENT OF FACTS

### General Facts

22. On September 18, 1988, after massive nonviolent demonstrations throughout Burma in which Burmese citizens demanded democracy, human rights, and an end to 26 years of military dictatorship, the ruling military elite reorganized themselves and declared a new regime, the State Law and Order Restoration Council (SLORC). SLORC imposed martial law on the country and later renamed Burma, "Myanmar."

23. In an effort to gain international legitimacy, SLORC held multi-party elections on May 27, 1990. The main opposition party, the National League for Democracy (NLD), which was founded by Tin Oo and 1991 Nobel Peace Prize Laureate Aung San Suu Kyi, won an overwhelming victory.

24. The NLD captured 82 percent of the parliamentary seats. SLORC refused to acknowledge the election results, arrested NLD leaders and intensified its campaign of repression against the pro-democracy movement throughout the

country.

25. SLORC has been condemned both domestically and abroad for its brutal crackdown in 1988 and its subsequent practices.
26. There is no functioning judiciary in Burma and any suit against defendants would have been and would still be futile and would result in serious reprisals. There is a pervasive atmosphere of terror and repression throughout the country.
27. Because of the atmosphere of terror and repression in Burma, and the threat of reprisals to anyone seeking relief from any source, including United States courts, from the oppression occasioned by the building of the gas pipeline, plaintiffs were prevented from bringing and/or were unable to bring any claims in the United States until such time as this complaint was originally filed.
28. Not later than 1991, international oil companies, including Unocal and Total, began negotiating with SLORC for oil and gas exploration deals in Burma.
29. On information and belief, during the course of the negotiations, the parties agreed that SLORC would clear the way and provide security for the Yadana gas pipeline project.
30. In July 1992, Total and MOGE signed a production-sharing contract for a joint venture gas drilling project in the Yadana natural gas field.
31. In early 1993, Unocal formally entered into an agreement with Total and MOGE to participate in the joint venture drilling project in the Yadana natural gas field.
32. The joint venture was established for the exploitation of natural gas and oil in the Andaman Sea and the construction of a pipeline through the Tenasserin region of Burma.
33. When defendants Unocal and Total entered into the agreement by which SLORC undertook to clear the pipeline route and provide security along the pipeline route, defendants knew or should have known that SLORC had a history of human rights abuses violative of customary international law, including forced relocation and forced labor.
34. On information and belief, according to the agreement, SLORC was to clear tracks of forest, level the pipeline route, and provide labor, materials and security for the joint venture, and SLORC would act as an agent of the joint venture.
35. On information and belief, as part of said agreement, defendants Unocal and Total subsidized SLORC activities in the area. Plaintiffs are informed and believe and on that basis allege that numerous acts in furtherance of the conspiracy and/or joint venture were and continue to be taken in California, such as the provision of funds and other resources to support the Yadana gas pipeline project, numerous decisions relating to the assignment of personnel, technology, and expertise to the project, monitoring, advising, and auditing the activities of the project by all of the joint venturers. In addition, on information and belief, decisions relating to employer/labor relations on the project were and continue to be made in California, information was and continues to be injected into the U.S. market in an effort to attract shareholders through acts and decisions made in the State of California, and acts furthering the conspiracy to gain unfair advantage over competitors were and continue to be taken in California.
36. Unocal and Total provided money to SLORC to pay costs incurred by SLORC for its work on the Yadana gas pipeline project. In addition, defendants paid some but not all of the persons forced to work on the pipeline project. Those paid included persons forced to act as porters to the military and to carry military equipment.
37. At all times relevant hereto, SLORC was acting on behalf of its joint venture with MOGE and with defendants Unocal and Total. In the alternative, SLORC was acting at all times as an agent for defendant corporations.
38. Villages A through K are or were located in the immediate area of the Yadana gas pipeline project.
39. SLORC soldiers carried out a program of violence and intimidation against area villagers which included directing the relocation of villages, confiscating property and forcing the inhabitants to work on the preparation of the area for the construction of the pipeline.
40. SLORC soldiers required area farmers to clear tracks of forest, level the pipeline route, build headquarters for pipeline employees, prepare military outposts and carry supplies and equipment.
41. Forced labor became so common in the area that farmers, including plaintiffs John Does II, V, VII, VIII, IX and XI, were unable to maintain their own homes and farms and had to flee their villages.
42. On information and belief, defendants Unocal and Total were aware of and benefitted from and continue to be aware

of and benefit from the use of forced labor to support the Yadana gas pipeline project.

43. At all times relevant herein, defendant corporations knew that SLORC and its military and intelligence forces committed human rights abuses, including forced labor and forced relocation, in connection with the Yadana gas pipeline project.

44. In 1991, as part of its obligation to defendants, SLORC began to build permanent military outposts in the area of the proposed pipeline.

45. Since 1991, numerous SLORC Light Infantry Battalions (LIBs), including LIBs 273, 401, 406, 407, 408, 409, and 410 have moved into the pipeline region to assist with protecting and providing security for the Yadana gas pipeline project.

46. In 1992, to clear the way for the pipeline and to provide a supply of labor for the Yadana gas pipeline project, SLORC forced villages, including Villages A, B, and K to relocate.

47. As a result of the forced relocation, villagers lost their homes and were deprived of use of their crops and livestock.

48. On information and belief, women and girls in the Tenassarim region have been targets of rape and other sexual abuse by SLORC officials. They have been raped after male family members have been taken away to perform forced labor or when they themselves have been detained for forced labor; there are reports of gang-rapes and/or the rape of women when they were forced to sleep with soldiers guarding them during periods of forced labor. Girls and women have been raped in the presence of family members or within hearing distance of family members.

49. The acts herein described constitute a continuing pattern of conduct against the plaintiffs that began on or before January, 1991 and continues to the present.

#### Specific Allegations By Plaintiffs

##### Village A

John Doe I, Jane Doe I and Baby Doe I

50. Plaintiff John Doe I and his wife Jane Doe I lived in Village A. They had 18 cows, 150 rice paddies, 100 hens, and 113 cashew trees.

51. On May 12, 1992, SLORC soldiers ordered Village A to be relocated to Village A1 before the end of the month.

52. The forced relocation of Village A was part of the plan to clear the pipeline route and to provide a ready pool of forced labor for the Yadana gas pipeline project.

53. Refusing to move to Village A1, from approximately 1992 through 1994 Jane Doe I and her husband John Doe I lived in Village G, where they continued to farm, raise animals and cultivate cashew trees.

54. In 1992, when SLORC soldiers came into Village G, they burned down two houses, seized and ate betel nut and coconut, and seized the villagers' household possessions. They then forced villagers from the surrounding area to work on the Yadana gas pipeline project and the construction of the Ye-Tavoy railroad.

55. During the last week of November 1994, while John Doe I was at the river fishing, five SLORC soldiers led by SLORC Officer 1 entered the house where Jane Doe I, her two daughters, and sister were present.

56. Plaintiff Jane Doe I was threshing rice when SLORC Officer 1 kicked her, scattering the rice over the floor. Then he pushed her down the stairs in front of the house, leaving her dazed. Because Jane Doe I was afraid that the soldiers would go after her husband, she told SLORC Officer 1 that her husband was on the river logging.

57. SLORC Officer 1 took an ax and broke into the rice storage room. While plaintiff Jane Doe I was nursing her baby (Baby Doe I), SLORC Officer 1 kicked her with his booted foot, and she and the baby fell into the fire where Jane Doe I became unconscious. When she awoke, dizzy with pain, SLORC Officer 1 was beating and kicking her sister-in-law, and a villager was holding her baby.

58. About this time, John Doe I came back from the river and saw the soldiers surrounding his home. The soldiers shot at John Doe I who fled back into the jungle. SLORC Officer 1 told Jane Doe I she had to relocate from Village G to Village A1, or he would take her cows, hens and rice.

59. John Doe I eventually returned to the village and he, Jane Doe I, and their daughters left their home, carrying only a few supplies. John Doe I carried the older daughter, who was crying and shaking and asking for food.

60. Baby Doe I, the younger daughter, was suffering from injuries inflicted when she and her mother were pushed into the fire. For three days the baby grew worse, breathing with difficulty and bleeding into her urine and stools. Jane Doe I sought medical help in Village A1 for a week, but there was no doctor or medicine.

61. Jane Doe I, and her two sisters hired someone to drive them to a place where she hoped to get medical care for her daughter. They were stopped by SLORC soldiers who forced them to stay for two days in a paddy field without water.

62. Jane Doe I and her children were stopped a second time by SLORC soldiers who ransacked her suitcases and took her cigarettes and ordered her and her children to stay in the valley. By now Baby Doe I's jaw was swollen. The soldiers brought a little rice twice a day, but it was not enough, and her older daughter cried for food. It was so cold in the paddy that they could not sleep.

63. After two days, Jane Doe I's mother-in-law was able to sell a cow and give the money to Jane Doe I. Jane Doe I paid the SLORC soldiers, so she and her children would be allowed to leave.

64. Jane Doe I was stopped once again by SLORC soldiers and forced to sleep outside with her children.

65. By the time they reached a hospital, the doctors told Jane Doe I that the baby's head wound was infected, and there was nothing more they could do. Baby Doe I died that night.

66. She was one month and ten days old when she and her mother were kicked into the fire by SLORC Officer 1.

John Doe II

67. Prior to May 1992, plaintiff John Doe II and his family lived in Village A in a newly built house, where he had a plantation with betel nut, coconut, and jackfruit, and a vegetable garden nearby, as well as a cow.

68. SLORC soldiers forced plaintiff John Doe II and his household to move to Village A1 in the jungle where there was no place for his cow to graze. The relocated village is five miles from Village A, and in the rainy season, it is not possible to reach the fields in Village A without swimming. Even in the dry season, plaintiff was prevented from working his farm in Village A because he needed SLORC's permission to go there.

69. After they settled in Village A1, SLORC Officer 2 came to the village head and said that if the village supplied bamboo and wood the people in the village would not have to be forced to work on the pipeline project.

70. Subsequently, SLORC Officer 3 demanded that the village provide one person per household to be porters on a regular basis or pay 3000 Kyat (approximately 20 working days of pay) per household.

71. Plaintiff John Doe II was required to supply the wood, bamboo and leaves and build the SLORC outpost. He was not paid for the supplies or his labor.

72. After the relocation to Village A1, plaintiff John Doe II did some form of forced labor for SLORC about once a week.

73. After the village moved from Village A to Village A1, plaintiff John Doe II and the other villagers lived in temporary huts and were unable to build more substantial housing because of the work that SLORC forced them to perform.

74. In June 1992, SLORC soldiers took a young 18-year-old man from the village. John Doe II and the village head went to the military camp, but the boy was so beaten that he was not recognizable. They heard the beatings, screaming and interrogation during the night. On information and belief, the boy died that night.

75. In October 1992, SLORC took a second 18-year-old man from the village. The man was forced to carry supplies to Ban E-Tong, the last point of the pipeline route in Burma before it crosses the border into Thailand. When he could not carry the load any further, he disappeared and was never seen again.

76. In October 1992, during the harvest, the village headman told John Doe II that he had been instructed to bring John Doe II and five other men to SLORC. John Doe II was afraid and fled.

77. John Doe II fled Village A1 in November 1992 with approximately 50 other villagers because he feared injury or death and because SLORC forcibly relocated Village A and demanded porter fees and forced labor, thereby preventing plaintiff from working his farm and supporting his family.

John Doe III

78. In 1991, SLORC began to build permanent military headquarters in Village H for a battalion assigned to the Yadana

gas pipeline project.

79. SLORC demanded that Village A provide workers to build the headquarters.

80. As a result, plaintiff John Doe III was forced to work there approximately 10 days a month with no pay; he used his own tools and supplies.

81. On several occasions he worked on barracks with approximately 1,000 people from other villages in Burma.

82. In May 1992, because of the threats and intimidation by SLORC and the forced labor, plaintiff John Doe III and his family fled Village A rather than relocate to Village A1.

#### Village B

John Doe V

83. Plaintiff John Doe V lived with his wife, Jane Doe II, and their children in Village B.

84. In December 1992, SLORC ordered Village B to be relocated to Village B1.

85. Plaintiff John Doe V was forced to leave behind his house, livestock, chickens and rice, which were stolen by SLORC soldiers.

86. After the forced relocation, plaintiff had to pay a fee to get permission to go to work his farm which still was in Village B. In October 1993, SLORC imposed a restriction on the villagers' movements so that plaintiff could not harvest his crops.

87. Before the forced relocation, plaintiff John Doe V had a house with bamboo and hardwood beams. Afterward plaintiffs John Doe V and Jane Doe II and their family slept on the ground until they could build a temporary hut.

88. Plaintiff John Doe V was repeatedly forced to provide labor between 1992 and December 1993 when he finally fled Village B1.

89. During that time, he had to provide labor for SLORC at least once a week.

a. Sometimes he had to work two weeks in a row because the village could not provide replacements, and there was no money to pay for replacements.

b. In March 1992, he had to serve as a porter for more than ten consecutive days during which he was forced to carry six 75 millimeter launchers and fruit and vegetables which the soldiers had taken from the villagers without permission or payment.

c. In June 1992, plaintiff John Doe V was again forced to serve as a porter for SLORC. Another porter from Village F, who fell down from the weight of his load, was beaten by SLORC soldiers and then left to die in the road.

d. Plaintiff John Doe V was required by SLORC to work one week each month. During this time, plaintiff was unable to work his own fields and was also forced to sell livestock to pay the portering fees demanded by SLORC

e. In September 1993, when the village could not provide enough laborers, SLORC took the village officials, tied them up in the middle of the village, and tortured them by having water poured in their mouths, thereby forcing them to drink continuously.

90. In December 1993, because of conduct of SLORC, the physical threats and intimidation, the forced labor, the burdensome porter fees, the theft of his livestock and produce, plaintiffs John Doe V and Jane Doe II and their family fled from Village B1.

Jane Doe II and Jane Doe III

91. In December 1994, plaintiffs Jane Doe II, her great niece Jane Doe III, then about 15 years old, and a nephew went back to Village B to get two pigs to celebrate Christmas. After leaving Village B and on their return to their new home, they were seized by SLORC soldiers who were providing security for the Yadana gas pipeline project.

92. The soldiers told the women that they, the soldiers, were going to keep the pigs.

93. SLORC Officer 5, ordered Jane Doe II to bring her "granddaughter" and threatened Jane Doe II with a hoe and knife

when he told her to leave Jane Doe III alone with him. Jane Doe II heard Jane Doe III calling, "Help me. Help me." However, she was afraid to go to her aid.

94. Plaintiff Jane Doe III was raped by SLORC Officer 5 and then released.

95. SLORC Officer 6 warned Jane Doe II not to tell about the rape of Jane Doe III and then attempted unsuccessfully to rape her.

96. The following morning, the soldiers took one of the pigs, and plaintiff's jagger, rice and money and permitted them to leave.

#### Village C

John Doe VII

97. John Doe VII lived as a farmer with his wife and children in Village C.

98. In November 1995, when he was harvesting his crops, SLORC demanded that he work for them.

99. Plaintiff John Doe VII had to pay someone else 200 Kyat a day (600 Kyat that month), so his own crop could be harvested.

100. From December 1995 until May 1996, plaintiff John Doe VII and other villagers in Village C had to work constantly for SLORC.

101. During this period, someone from each household in the village had to go when laborers or porters were demanded. Those forced to work included men, women and children between the ages of 12 and 60. Pregnant women were forced to work if the men from their households were dead or could not work.

102. Those who would not work on the assigned roadway were arrested and taken to work on the military outposts.

103. Plaintiff John Doe VII worked because he was threatened.

104. Plaintiff John Doe VII was never paid.

105. In May 1996, John Doe VII fled from his village with his wife and three children because of SLORC's continued demands for his labor.

#### Village D

John Doe VIII

106. In April 1995, Total Employee 1, accompanied by a SLORC lieutenant and 50 SLORC soldiers, came into Village D, where plaintiff John Doe VIII lived.

107. The Total representative talked about the pipeline and told the villagers that they must cooperate with the project and take care of the pipeline area.

108. Beginning in May 1995, plaintiff John Doe VIII and other villagers were forced to serve as porters for the soldiers patrolling the pipeline region.

109. While working as porters for the Yadana gas pipeline project, the weights that villagers were forced to carry were so great that they needed assistance to stand up. Those who failed to carry the weight or tried to leave were beaten.

110. In May 1995, when SLORC soldiers who guarded the pipeline route came to the village and demanded 40 men to serve as porters for them, plaintiff John Doe VIII had to serve as a porter carrying ammunition, rice, and boots for the soldiers as they patrolled the pipeline region. At the end he was paid 600 Kyat by Total employees.

111. Because the loads were so heavy, much heavier than what plaintiff carried working for himself, plaintiff John Doe VIII tried to avoid being in the village when SLORC came to demand workers.

112. Because of threats and intimidation by SLORC, the village head came to plaintiff John Doe VIII and other men hiding in the jungle and pleaded with them to comply with the SLORC soldiers' demand for their labor.

113. As a result, plaintiff John Doe VIII again portered for patrols along the pipeline route. Although he worked for two

days until he collapsed, he received no pay.

114. During this period, the soldiers guarding the pipeline route would come into the villages and simply move into plaintiff's house for periods from one day to a week; without payment or permission, they would take all the food they could find.

115. Almost every day SLORC soldiers came into the village to force villagers, including plaintiff, to work for them: the villagers were forced to carry rice and ammunition to the outposts which guarded the Yadana gas pipeline project, clear the brush at the outposts, guard the pipeline route, and carry supplies -- including food which the soldiers had stolen from the villagers.

116. Within the last year, plaintiff John Doe VIII was forced by SLORC to work at least once a week without pay.

117. Within the last year, plaintiff John Doe VIII had to pay SLORC soldiers to obtain a pass to go to his fields.

118. In early 1996, SLORC soldiers entered Village D, tied a noose around the neck of the village head, killed at least eight people, and tortured one youth.

119. In March 1996, because of the violent conduct of SLORC soldiers and their demands for his labor, plaintiff John Doe VIII fled from his village alone without his family.

#### Village E

#### John Doe IX

120. Plaintiff John Doe IX was a jewelry maker and part-time rubber plantation worker. He also farmed on six acres in Village E, about 25 kilometers from the pipeline route.

121. In 1996, SLORC officials notified the village head that the village was to provide pipeline porters. Villagers were picked on a rotation basis to serve as porters.

122. Villagers were told that they could avoid work as a porter by paying SLORC money.

123. If there were not enough people, the police, acting under the direction of the SLORC soldiers, would forcibly enter the village and take people.

124. In April 1996, plaintiff John Doe IX was directed to go with the soldiers to work as a "pipeline porter" to carry supplies for soldiers along the pipeline route who were guarding Total employees in the area and providing other security for the project.

125. Plaintiff could not afford to pay to have another person go in his place.

126. He and the other villagers were transported by the police who turned them over to the army for whom he served as a porter along the pipeline route.

127. Twice a day, the porters were given rice and salt to eat.

128. When plaintiff was having trouble carrying his heavy load due to the heat and lack of adequate food, he was beaten by the soldiers.

129. Plaintiff was expected to serve as a porter for not less than two months.

130. After six days of portering on this occasion, plaintiff John Doe IX escaped.

131. About a month after his escape in early 1996, plaintiff John Doe IX was again directed to go with SLORC to be a "pipeline porter."

132. There were 80 SLORC soldiers for whom the porters were forced to work. Sometimes, when they passed through villages, the villagers would take pity on plaintiff and the other porters and give them extra food.

133. The headman of Village E raised money to give to the porters to help support them and buy medicine while they were working as porters.

134. Plaintiff John Doe IX then worked as a porter on the pipeline for another five days.

135. At the end of the five days, the SLORC soldiers demanded money in return for releasing plaintiff and the others from Village E.

136. For their release from forced labor, plaintiff and the other porters gave SLORC soldiers the money raised by the village head.

137. Plaintiff did not receive pay for any of his work as a pipeline porter.

138. When plaintiff John Doe IX was free from forced labor and able to work at his normal occupation. SLORC demanded that he pay over a third of his income as "forced labor fees." Adding the forced labor fees to the other money extorted by SLORC, plaintiff was paying approximately 70% of his income to SLORC.

139. Plaintiff John Doe IX fled with his family because they could not pay the porter and labor fees imposed by SLORC and because he wanted to escape from the forced labor SLORC was demanding for the pipeline.

#### Village K

#### John Doe XI

140. In October, 1992, at the end of the rainy season SLORC soldiers came to Village K and told the headman that the village had to relocate in ten days.

141. SLORC soldiers remained in the village to ensure that the move was made quickly and villagers were warned that anyone who failed to move would be shot.

142. SLORC soldiers seized all the property that the villagers were forced to leave behind.

143. SLORC soldiers ate five cows belonging to John Doe XI and used produce from his betel nut farm.

144. On information and belief, Village K was relocated to provide security for the Yadana gas pipeline project and the railroad.

145. After Village K was relocated, plaintiff John Doe XI had to serve, without pay, as a porter at least fifteen times in one year and his children were forced to work on the railroad.

146. During this period, plaintiff John Doe XI was required to labor for seven days at a time and on one occasion was forced to serve as a porter for ten days.

147. In the year following the relocation, plaintiff John Doe XI was also forced to serve as an "emergency porter", when SLORC soldiers would simply grab him and force him to porter, in addition to being forced to porter in rotation with other villagers.

148. On four or five occasions that year, plaintiff was forced to pay portering fees and also pay others to porter in his place.

149. In 1994, SLORC soldiers came to the relocated village and told plaintiff and the other villagers that westerners were coming to do pipeline construction and that they had to cooperate with them.

150. Plaintiff John Doe XI and his family fled from Village K because of the increased forced labor on the Yadana gas pipeline project and the portering fees he was forced to pay.

#### General Allegations

151. The acts described herein were inflicted under color of law and under color of official authority and/or in conspiracy or on behalf of those acting under color of official authority, and were inflicted deliberately and intentionally.

152. The acts and injuries to plaintiffs and their next-of-kin described herein were part of a pattern and practice of systematic human rights violations designed, ordered, implemented and directed by defendants and their agents.

153. As a direct and proximate result of defendants' unlawful conduct, plaintiffs have suffered and will continue to suffer physical injuries, pain and suffering, and extreme and severe mental anguish and emotional distress; plaintiffs have incurred and will continue to incur medical expenses; and plaintiffs have suffered and will continue to suffer a loss of their means of economic support. Plaintiffs are thereby entitled to general and compensatory damages in amounts to be proven at trial.

154. The conduct of defendants and each of them, including Moes 1-500, and/or their agents/employees, as described herein, was malicious, fraudulent and/or oppressive and done with a wilful and conscious disregard for plaintiffs' rights and for the deleterious consequences of defendants' actions. Consequently, plaintiffs are entitled to punitive damages from each of the defendants.

155. Plaintiff's causes of action arise under and violate the following laws, agreements, conventions, resolutions and treaties:

- (a) Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961-68;
- (b) Alien Tort Claims Act, 28 U.S.C. § 1350;
- (c) Torture Victim Protection Act, 28 U.S.C. § 1350
- (d) Customary international law;
- (e) United Nations Charter, 59 Stat. 1031, 3 Bevans 1153 (1945);
- (f) Universal Declaration of Human Rights, G.A. Res. 217A(iii), U.N. Doc. A/810 (1948);
- (g) International Covenant on Civil and Political Rights, G.A. Res. 2220A(xxi), 21 U.N. Doc., GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966);
- (h) Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, 39 U.N. Doc., GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984);
- (i) Declaration on the Protection of All Persons From Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 3452, 30 U.N. Doc., GAOR Supp. (No. 34) at 91, U.N. Doc. A/10034 (1976);
- (j) Slavery Convention, concluded Sept. 1926, 46 Stat. 2183, T.S. No. 788. 60 I.N.T.S. 253 (entered into force Mar. 9, 1927);
- (k) Protocol Amending the Slavery Convention, done Dec. 7, 1953, 7 U.S.T. 479 (entered into force Dec. 7, 1953);
- (l) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;
- (m) International Labour Organisation Convention No. 29 Concerning Forced or Compulsory Labor (1930), adopted June 28, 1930, 39 U.N.T.S. 55 (entered into force May 1, 1932);
- (n) International Labour Organisation Convention No. 105 Concerning the Abolition of Forced Labour Convention;
- (o) Declaration for the Elimination of Violence against Women (UN General Assembly Resolution);
- (p) Vienna Declaration and Programme of Action (World Conference on Human Rights, 1993);
- (q) Fourth World Conference on Women Platform for Action (Beijing, 1994);
- (r) Convention for the Elimination of Discrimination Against Women and Recommendation 19 of the Committee for the Elimination of Discrimination Against Women;
- (s) Common law of the United States of America;
- (t) Statutes and common law of the State of California, including but not limited to wrongful death, theft by coercion, assault and battery, false imprisonment, kidnapping, negligence, recklessness, intentional infliction of emotional distress, negligent infliction of emotional distress, negligence and recklessness, and unfair business practices;

and the

- (u) Laws of Burma.

FIRST CLAIM FOR RELIEF

(Racketeer Influenced and Corrupt Organizations Act)

[All Doe Plaintiffs Against All Defendants and Moes 1-500]

156. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

157. The Yadana gas pipeline project is an enterprise engaged in foreign commerce.

158. Defendants are engaged in interstate acts of commerce and the acts alleged herein have a potential effect on commerce.

159. Over a period of years, beginning in or about 1991 and continuing to the present, defendants Unocal and Total, with their joint venturers or co-conspirators or agents, in violation of 18 U.S.C. 1962(b), through a pattern of racketeering activity, have acquired or maintained an interest in or control of the Yadana gas pipeline project which is engaged in or affects interstate or foreign commerce.

160. Over a period of years, beginning in or about 1991 and continuing to the present, defendants Unocal and Total, with their joint venturers or co-conspirators or agents, in violation of 18 U.S.C. §§1962(c) and (d), conspired to and did conduct the affairs of the Yadana gas pipeline project through a pattern of racketeering activities.

161. During the period from in or about 1991 and continuing to the present, defendants Unocal and Total, with their joint venturers or co-conspirators or agents, conducted or participated directly or indirectly in the conduct of the partnership joint venture through a pattern of racketeering activity within the meaning of 18 U.S.C. § 1961 (1)(5) in violation of 18 U.S.C. § 1962(c).

162. In particular, the conduct of defendants Unocal and Total, with their joint venturers or co-conspirators or agents, as described above, conspiring together and acting through SLORC, in continually forcing plaintiffs John Does I, II, III, V, VII, VIII, IX, and XI and Jane Does I, II, and III, through fear, intimidation, violence and threat of violence, to surrender their labor, constitutes a pattern of extortion as defined under 18 U.S.C. § 1951, otherwise known as the Hobbs Act.

163. The objects of defendants' extortion was the use of plaintiffs' forced labor in furtherance of the Yadana gas pipeline project.

164. Defendants Unocal and Total, with their joint venturers or co-conspirators or agents, engaged in such conduct in order to obtain profits for the enterprise through a considered disregard for persons of plaintiffs.

165. Each plaintiff was injured by the loss of income as a result of defendants' unlawful activity.

## SECOND CLAIM FOR RELIEF

(Forced Labor)

[Doe Plaintiffs John Does II, V, VII, VIII, IX and XI Against All Defendants and Moes 1-500]

166. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

167. Defendants forced plaintiffs John Does II, V, VII, VIII, IX and XI to provide their labor to defendants under menace of the penalties of actual and threatened physical and psychological harm to themselves and members of their families and communities. Defendants also removed plaintiffs from their usual places of residence.

168. Defendants' use of plaintiffs' forced labor constitutes a violation of the prohibition against slavery and slave-like practices and the prohibitions against forced labor, in violation of the laws described in paragraph 155.

## THIRD CLAIM FOR RELIEF

(Crimes Against Humanity)

[All Doe Plaintiffs Against All Defendants and Moes 1-500]

169. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

170. Defendants' use of forced labor and forced relocation and accompanying human rights abuses against plaintiffs -- including killing, rape and other torture, beatings, and other assaults--was neither random nor occasional but widespread and/or systematic. These acts occurred under the direction, encouragement or acquiescence of defendants.

171. The acts described herein constitute crimes against humanity, in violation of the laws described in paragraph 155. Customary international law prohibits inhumane acts of a very serious nature such as willful killing, enslavement, deportation and other inhumane acts committed as part of a widespread or systematic attack against any civilian population or persecutions on political, racial or religious grounds. Leaders, organizers, instigators and accomplices participating in the formulation of these acts are responsible for all acts performed by any person in execution of such plan.

#### FOURTH CLAIM FOR RELIEF

(Torture)

[Doe Plaintiffs Jane Does I, II and III and John Doe IX Against All Defendants and Moes 1-500]

172. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

173. The acts described herein placed plaintiffs Jane Does I, II and III and John Doe IX in great fear for their lives and caused them to suffer severe physical and mental pain and suffering.

174. The acts described herein were inflicted deliberately and intentionally for purposes which included, among others, punishing the victim or intimidating the victim or third persons, and constitute torture in violation of the laws described in paragraph 155.

#### FIFTH CLAIM FOR RELIEF

(Violence Against Women)

[Plaintiffs Jane Does II and III Against All Defendants]

175. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

176. Defendants committed or acted in concert to commit acts against plaintiffs Jane Does II and III of physical and psychological violence against women because of their gender, including sexual violence against women and girls, thus violating their rights to be free from torture and their rights to equality, liberty and security of person, equal protection under the law, and the right to be free from all forms of discrimination.

177. The acts described herein constitute violations of the laws described in paragraph 155.

#### SIXTH CLAIM FOR RELIEF

(Arbitrary Arrest and Detention)

[Plaintiffs John Does II, III, V, VII, VIII,

IX, and XI, and Jane Does I, II, and III

Against All Defendants and Moes 1-500]

178. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

179. The arrest and detention of plaintiffs John Does II, III, V, VII, VIII, IX, and XI and Jane Does I, II, and III described herein was illegal and unjust, carried out without a warrant, probable cause, articulable suspicion or notice of charges.

180. The plaintiffs were placed in fear for their lives, were deprived of their freedom, separated from their families and forced to suffer severe physical and mental abuse.

181. The acts described herein constitute arbitrary detention in violation of the laws described in paragraph 155.

#### SEVENTH CLAIM FOR RELIEF

(Cruel, Inhuman, or Degrading Treatment)

[All Doe Plaintiffs Against All Defendants and Moes 1-500]

182. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

183. The acts described herein had the intent and the effect of grossly humiliating and debasing plaintiffs John Does I, II, III, V, VII, VIII, IX, and XI, and Jane Does I, II, and III, forcing them to act against their will and conscience, inciting fear and anguish, and breaking their physical and/or moral resistance.

184. Defendants' actions forced plaintiffs John Does I, II, III, V, VII, VIII, IX, and XI, Jane Does I, II, and III, Baby Doe I, against their will and under fear of harm, to flee their homes and villages.

185. Plaintiffs were placed in great fear for their lives and forced to suffer severe physical and psychological abuse and agony. The acts described herein constitute cruel, inhuman or degrading treatment in violation of the laws described in paragraph 155.

#### EIGHTH CLAIM FOR RELIEF (Wrongful Death)

[Plaintiffs John Doe I and Jane Doe I,

individually and as Administrators of the Estate

of their Deceased Child Baby Doe I

Against All Defendants and Moes 1-500]

186. Plaintiffs John Doe I and Jane Doe I on their own behalf and on behalf of their deceased child Baby Doe I reallege and incorporate by reference the allegations set forth in paragraphs 1 through 155 as if fully set forth herein.

187. Plaintiff John Doe I was the natural father and plaintiff Jane Doe I was the natural mother of the deceased child Baby Doe I. Plaintiffs John Doe I and Jane Doe I are the heirs at law for Baby Doe I.

188. As a direct result of the defendants' acts and omissions and as a result of the death of their child Baby Doe I, plaintiffs John Doe I and Jane Doe I have sustained pecuniary loss resulting from loss of society, comfort, attention, services and support of decedent, killed by military or other personnel acting under the direction and control of defendant SLORC in conspiracy with the other defendants.

189. Defendants' actions and omissions were a direct and substantial cause of Baby Doe I's death at the hands of SLORC Officer 1 the last week of November 1994. Defendants failed to use due care to protect Baby Doe I from injury and harm, thereby proximately causing the wrongful death of Baby Doe I.

#### NINTH CLAIM FOR RELIEF

(Battery)

[Plaintiffs John Doe IX and Jane Does I, II, and III Against All Defendants and Moes 1-500]

190. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

191. Defendants intentionally committed acts which resulted in harmful or offensive contact with plaintiffs' persons. Plaintiffs did not consent to the contact, which caused injury, damage, loss or harm to plaintiffs John Doe IX and Jane Does I, II, and III.

192. The acts described herein constitute battery, actionable under the laws of California, the laws of the United States and the laws of Burma.

#### TENTH CLAIM FOR RELIEF

(False Imprisonment)

[All Doe Plaintiffs Against All Defendants and Moes 1-500]

193. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference

as if fully set forth herein.

194. Defendants intentionally and unlawfully exercised force or the express or implied threat of force to restrain, detain or confine the plaintiffs. The restraint, detention or confinement compelled the plaintiffs to stay or go somewhere against their will for some appreciable time. The plaintiffs did not consent to this restraint, detention or confinement.

195. Defendants' actions constituted false imprisonment, actionable under the laws of California and constituted false imprisonment under the laws of the United States and the laws of Burma.

#### ELEVENTH CLAIM FOR RELIEF

(Assault)

[All Doe Plaintiffs Against All Defendants and Moes 1-500]

196. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

197. The conduct of defendants and each of them and Moes 1-500 caused plaintiffs John Does I, II, III, V, VII, VIII, IX, and XI, Jane Does I, II, and III to be apprehensive that defendants would subject them to imminent batteries and/or intentional invasions of their rights to be free from offensive and harmful contact, and said conduct demonstrated that defendants had a present ability to subject plaintiffs to an immediate, intentional, offensive and harmful touching.

198. The acts described herein constitute assault, actionable under the laws of California, the laws of the United States and the laws of Burma.

#### TWELFTH CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress)

[All Doe Plaintiffs Against All Defendants and Moes 1-500]

199. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

200. The acts described herein constitute outrageous conduct against plaintiffs John Does I, II, III, V, VII, VIII, IX and XI, Jane Does I, II, and III, and were without privilege.

201. Defendants intended to cause plaintiffs to suffer emotional distress, or, in the alternative, (a) defendants engaged in the conduct with reckless disregard of the probability of causing plaintiffs to suffer emotional distress, (b) the plaintiffs were present at the time the outrageous conduct occurred and (c) the defendant knew that the plaintiffs were present.

202. Plaintiffs suffered severe emotional distress and the outrageous conduct of the defendants was a cause of the emotional distress suffered by plaintiffs.

203. Defendants' outrageous conduct constitutes the intentional infliction of emotional distress and is actionable under the laws of California, the United States and Burma.

#### THIRTEENTH CLAIM FOR RELIEF

(Negligent Infliction of Emotional Distress)

[All Doe Plaintiffs Against All Defendants and Moes 1-500]

204. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

205. At all relevant times, defendants, and each of them, owed plaintiffs a duty to act with reasonable care, and/or injury to the plaintiffs was reasonably foreseeable.

206. At all relevant times, defendants, and each of them, had the power, ability, authority and duty to stop engaging in the conduct described herein and to intervene to prevent or prohibit such conduct.

207. At all relevant times, defendants, and each of them, knew, or reasonably should have known, that the conduct described herein would and did proximately result in physical and emotional distress to plaintiffs.

208. Despite said knowledge, power, and duty, defendants, and each of them, breached their duty to plaintiffs, and thereby negligently failed to act so as to stop engaging in the conduct described herein and to prevent or to prohibit such conduct or to otherwise protect plaintiffs. To the extent that said negligent conduct was perpetrated by certain defendants, and each of them, the remaining defendants confirmed and ratified said conduct with the knowledge that plaintiffs' emotional and physical distress would thereby increase and with a wanton and reckless disregard for the deleterious consequences to plaintiffs.

209. Plaintiffs were bystanders and immediately observed the circumstances of the torture including rape, death, and other assaults on family members.

210. As a direct and legal result of defendants' wrongful acts, plaintiffs have suffered and will continue to suffer significant physical injury, pain and suffering and extreme and severe mental anguish and emotional distress.

211. Defendants' conduct constitutes the negligent infliction of emotional distress and is actionable under the laws of California, the United States and Burma.

#### FOURTEENTH CLAIM FOR RELIEF

(Negligence Per Se)

[All Doe Plaintiffs Against All Defendants and Moes 1-500]

212. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

213. Defendants failed to use ordinary or reasonable care in order to avoid injury to plaintiffs. Defendants' negligence was a cause of injury, damage, loss or harm to plaintiffs.

214. As a result of these acts, plaintiffs suffered harm including, but not limited to, severe emotional distress. Defendants' conduct constitutes negligence and is actionable under the laws of California, the United States, Burma, and customary international law, including but not limited to, the laws described in paragraph 155.

#### FIFTEENTH CLAIM FOR RELIEF

(Negligent Hiring)

[All Doe Plaintiffs Against All Defendants and Moes 1-500]

215. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

216. On information and belief, plaintiffs allege that defendants selected, hired, retained and contracted with SLORC military, intelligence and/or police forces and/or the other joint venturers to perform work and provide security for the Yadana gas pipeline project.

217. Defendants failed to exercise reasonable care in selecting, hiring, retaining and contracting with SLORC military, intelligence and/or police forces and/or the other joint venturers to perform this work. At the time that defendants selected, hired, retained and contracted with SLORC military, intelligence and/or police forces and/or the other joint venturers and at all other relevant times, defendants knew or reasonably should have known that SLORC military, intelligence and/or police forces and/or the other joint venturers would violate plaintiffs' rights and that, as a direct and proximate result of those violations, the plaintiffs would suffer injuries as alleged herein.

218. As a direct and proximate result of defendants' negligent selection, hiring, retention and contracting with SLORC military, intelligence and/or police forces and/or the other joint venturers, plaintiffs have suffered and continue to suffer injuries entitling them to damages in amounts to be proven at trial.

#### SIXTEENTH CLAIM FOR RELIEF

(Negligent Supervision)

[All Doe Plaintiffs and On Behalf of All Others Similarly Situated

Against All Defendants and Moes 1-500]

219. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

220. On information and belief, when engaging in the wrongful conduct alleged herein, SLORC military, intelligence and/or police forces and/or the other joint venturers were acting as the agents of the defendants. On information and belief, defendants exercised control over the operative details of the Yadana gas pipeline work performed by SLORC military, intelligence and/or police forces and/or the other joint venturers.

221. Defendants knew or reasonably should have known that SLORC military, intelligence and/or police forces and/or the other joint venturers would violate plaintiffs' rights and the rights of all others similarly situated, and that, as a direct and proximate result of those violations, the plaintiffs would suffer injuries as alleged herein.

222. Defendants had the authority to supervise, prohibit, control, and/or regulate SLORC military, intelligence and/or police forces and/or the other joint venturers so as to prevent these acts and omissions from occurring.

223. Defendants knew or reasonably should have known unless they intervened to protect plaintiffs and properly to supervise, prohibit, control and/or regulate the conduct described herein, SLORC military, intelligence and/or police forces and/or the other joint venturers would perceive their acts and omissions as being ratified and condoned.

224. Defendants failed to exercise due care by failing to supervise, prohibit, control or regulate the SLORC military, intelligence and/or police forces and/or the other joint venturers. As a direct and proximate result of defendants' negligent selection, hiring, retention and contracting with SLORC military, intelligence and/or police forces and/or the other joint venturers, plaintiffs and all others similarly situated have suffered and continue to suffer injuries entitling them to damages in amounts to be proven at trial.

#### SEVENTEENTH CLAIM FOR RELIEF

(Violation of Business & Professions Code § 17200)

[All Doe Plaintiffs On Behalf of Themselves

and the General Public Against Defendants

Unocal Corp and Union Oil Company of California,

John Imle, and Roger C. Beach and Moes 1-500]

225. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

226. Plaintiffs bring this cause of action on behalf of herself and on behalf of the general public, pursuant to Business and Professions Code § 17204. The conduct of defendants as alleged herein has been and continues to be deleterious to plaintiffs and the general public, and plaintiff is seeking to enforce important rights affecting the public interest within the meaning of Code of Civil Procedure § 1021.5.

227. Defendants' fraudulent and deceptive practices as alleged herein constitute ongoing and continuous unfair business practices within the meaning of Business and Professions Code § 17200. Such practices include, but are not limited to, the use of forced labor on the Yadana gas pipeline and related Projects, threats, rape, battery, and other acts of torture and further intimidation on the plaintiffs to force plaintiffs to relocate, and force plaintiffs and others to work without just compensation on the Yadana Pipeline and related Projects, and the making of material misrepresentations and omissions in the sale of securities. Members of the public have been in the past and will in the future likely be damaged by these practices.

228. The conduct as alleged herein constitutes a violation of Burmese laws relating to labor practices and criminal conduct, as well as obligations under customary international law. The use of such unfair, illegal, and forced labor creates an unfair business advantage over competitors within California and the United States.

229. The acts described herein constitute unfair business practices in violation of California Business & Professions Code §§ 17200 et seq.

230. The conduct as alleged herein constitutes a violation of California laws relating to labor practices, criminal statutes, as well as obligations under customary international law. The use of such unfair and illegal forced labor creates an unfair business advantage over competitors within California and the United States.

231. Plaintiffs seek injunctive relief, disgorgement of all profits resulting from these unfair business practices, restitution

and other appropriate relief on behalf of themselves and members of the general public as provided in Business and Professions Code § 17203.

EIGHTEENTH CLAIM FOR RELIEF

(Injunctive and Declaratory Relief)

[All Plaintiffs Against All Defendants and Moes 1-500]

232. The allegations set forth in paragraphs 1 through 155 of this complaint are realleged and incorporated by reference as if fully set forth herein.

233. As a result of defendants' conduct, plaintiffs have been injured, and in the absence of injunctive relief, will be irreparably harmed. Plaintiffs have no adequate remedy at law. Plaintiffs therefore seek injunctive relief under the laws of equity to remedy their injuries and prevent any future injury to their persons, or to all those similarly situated.

234. There is an actual controversy between all plaintiffs and the defendants, and plaintiffs seek a declaration of their rights to be free of coercion by the defendants, and each of them.

PRAYER FOR RELIEF WHEREFORE, each and every plaintiff prays for judgment against defendants Unocal Corporation and/or Union Oil Company of California, Total, John Imle and Roger C. Beach in excess of \$50,000, as follows:

(a) for compensatory damages;

(b) for punitive damages;

(c) for treble damages;

(d) for injunctive and declaratory relief, including, but not limited to, an order directing defendants to cease payment to SLORC, and an order directing defendants to cease their participation in the joint enterprise until the resulting human rights violations in the Tenassarim region cease, and such other injunctive relief as this Court deems appropriate;

(e) for costs of suit, attorneys fees and such other relief as the Court deems just and proper.

JURY TRIAL DEMAND

Plaintiffs hereby demand a jury trial on all issues so triable.

Respectfully submitted,

By

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