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(continued from first page)

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6
7 On information and belief, Plaintiffs, by their attorneys, allege as follows:

8 **ADDRESSES**

9 1. Pursuant to Local Civil Rule 10.1(a), all Plaintiffs can be contacted through their counsel,
10 EarthRights International, 1612 K Street NW #401, Washington, DC 20006. The street and postal
11 addresses of the individual Plaintiffs cannot be made public due to the substantial risk of violent
12 reprisals against them. The street and postal address of Defendant Chiquita Brands International, Inc.
13 (CBI), is 250 East Fifth Street, Cincinnati, Ohio 45202; their local office in New Jersey is 20 Berry Place,
14 Glen Rock, New Jersey 07452. The street and postal addresses of Defendants Moe Corporations 1-10
15 and Moes 11-25 are presently unknown to Plaintiffs.

16 **INTRODUCTION**

17 2. This case arises as a result of the actions of Defendant Chiquita Brands International, Inc.,
18 and its subsidiaries and affiliates (collectively, "Chiquita"), in funding, arming, and otherwise supporting
19 terrorist organizations in Colombia, in order to maintain its profitable control of Colombia's banana-
20 growing regions. Plaintiffs are family members of trade unionists, banana workers, political organizers,
21 social activists, and others targeted and killed by terrorists, notably the paramilitary organization United
22 Self-Defense Committees of Colombia (*Autodefensorias Unidas de Colombia*, or AUC), during the
23 1990s through 2004. In order to operate its banana production in an environment free of labor
24 opposition and social disturbances, Chiquita funded, armed, and otherwise supported the AUC and other
25 terrorist groups during this period. The deaths of Plaintiffs' relatives were a direct, foreseeable, and
26 intended result of Chiquita's illegal and tortious actions. Chiquita's actions violated not only Colombian
27 law and U.S. law, but also international law prohibiting crimes against humanity, extrajudicial killing,
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1 torture, war crimes, and other abuses.

2 **JURISDICTION**

3 3. The Court has jurisdiction over this case under 28 U.S.C. §1331 (federal question
4 jurisdiction); 28 U.S.C. §1350 (Alien Tort Claims Act); 18 U.S.C. § 1964(c) (Racketeer Influenced and
5 Corrupt Organizations Act); and 28 U.S.C. §1332 (diversity jurisdiction). Plaintiffs and Defendants are
6 citizens of different states and the damages sought by this Complaint exceed the jurisdictional minimum
7 for this Court.

8 4. In addition, Plaintiffs invoke the supplemental jurisdiction of this Court with respect to
9 claims based upon laws of the State of New Jersey or any other applicable jurisdiction pursuant to 28
10 U.S.C. § 1367.

11 **PARTIES**

12 5. The term "Plaintiffs" herein includes the named plaintiffs and the decedent on behalf of
13 whom they bring this action.

14 6. Plaintiff John Doe 1 is a resident and citizen of Colombia. He brings this action
15 individually and as representative of his deceased father, John Doe 2.

16 7. Plaintiff Jane Doe 1 is a resident and citizen of Colombia. She brings this action
17 individually and as representative of her deceased mother, Jane Doe 2.

18 8. Plaintiff John Doe 3 is a resident and citizen of Colombia. He brings this action
19 individually and as representative of his deceased brother, John Doe 4.

20 9. Plaintiff Jane Doe 3 is a resident and citizen of Colombia. She brings this action
21 individually and as representative of her deceased husband, John Doe 5.

22 10. Minor Does 1-4 are residents and citizens of Colombia. They are all minor children, who
23 prosecute this action by and through their guardian John Doe 6. They bring this action individually and
24 as representatives of their deceased mother, Jane Doe 4.

25 11. Plaintiff John Doe 7 is a resident and citizen of Colombia. He bring this action
26 individually and as representative of his deceased son, John Doe 8.

27 12. Defendant Chiquita Brands International, Inc., is a United States-based corporation
28 organized under the laws of the State of New Jersey. Its corporate headquarters are located in

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1 Cincinnati, Ohio. CBI is a leading international producer, distributor, and marketer of bananas and other
2 produce; it is one of the largest banana producers in the world and a major supplier of bananas in Europe
3 and North America. The company was founded in 1899 as the United Fruit Company, became the
4 United Brands Company in 1970, and changed its name to Chiquita Brands International in 1990.

5 13. On information and belief, at all times relevant herein, CBI wholly owned, dominated and
6 controlled C.I. Bananos de Exportación, S.A. ("Banadex"), headquartered in Medellín, Colombia.
7 Banadex produced bananas in the Urabá and Santa Marta regions of Colombia and, by 2003, was
8 Chiquita's most profitable banana-producing operation. At all times material herein, Banadex was an
9 agent, alter ego, co-conspirator, and joint tortfeasor with CBI, with whom it cooperated in a joint
10 criminal enterprise.

11 14. Plaintiffs are ignorant of the true names and capacities of the Defendants who are sued
12 herein as Moe Corporations 1-5 and Moes 6-25, and Plaintiffs sue these Defendants by such fictitious
13 names and capacities. Plaintiffs will amend this Complaint to allege the Moes' true names and
14 capacities when ascertained. Plaintiffs are informed and believe, and on that basis allege, that each
15 fictitiously named Defendant is responsible in some manner for the occurrences herein alleged and that
16 the injuries to Plaintiffs herein alleged were proximately caused by the conduct of such Defendants, in
17 that each caused, conspired to cause, worked in concert to cause, participated in a joint criminal
18 enterprise that caused, or aided and abetted the injuries complained of, and/or was the principal,
19 employer, or other legally responsible person for the persons who caused, conspired to cause, worked in
20 concert to cause, participated in a joint criminal enterprise that caused, and/or aided and abetted such
21 injuries. Whenever and wherever reference is made in this Complaint to any conduct committed by CBI,
22 and/or Banadex, such allegations and references shall also be deemed to mean the conduct of CBI and
23 Banadex, acting individually, jointly and severally, through personnel working in the United States and
24 Colombia for the benefit of CBI and Banadex.

25 15. At all times herein material, with respect to the events at issue, CBI, Banadex, Moe
26 Corporations 1-5 and Moes 6-25 conspired with each other, and/or participated in a joint criminal
27 enterprise with each other, and/or acted in concert, and/or aided or abetted each others' actions, and/or
28 were in an agency or alter ego or joint venture relationship, and were acting within the course and scope

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1 of such conspiracy, joint criminal enterprise, concerted activity, aiding and abetting, and/or agency or
2 alter ego or joint venture relationship. As described herein, "agency" includes agency by ratification.
3 Whenever reference is made in this Complaint to any conduct by a defendant, such allegations and
4 references shall be construed to mean the conduct of each of the defendants, acting individually, jointly,
5 and severally.

6 16. At all times herein material, with respect to the events at issue, Chiquita conspired with,
7 worked in concert with, participated in a joint criminal enterprise with, acted as the principal of,
8 employed, and/or aided and abetted the violent terrorist organizations responsible for Plaintiffs' injuries,
9 including but not limited to the AUC, and the terrorist organizations were acting within the course and
10 scope of such agency, employment, and/or concerted activity. The wrongful conduct alleged herein was
11 perpetrated by Chiquita management and personnel both in Colombia and the United States.

12 17. Plaintiffs are informed and believe and based upon such information and belief allege that
13 CBI management and other personnel in the United States and in Colombia were informed of the
14 ongoing events complained of herein and personally participated in the decision making, planning,
15 preparation, ratification, and/or execution of the acts complained of.

16 STATEMENT OF FACTS

17 The Colombian Conflict and Paramilitary Terrorist Organizations

18 18. In the early 1980s, Colombia saw a vast expansion in trade in illegal drugs, particularly
19 cocaine. An emerging class of drug barons began to create private armies to combat left-wing guerrilla
20 forces, including the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarios de*
21 *Colombia*, or FARC) and the National Liberation Army (*Ejercito Nacional de Liberacion*, or ELN), who
22 were engaged in terrorist activities such as extortion, kidnappings, and assassinations. These
23 paramilitaries acted autonomously and were dispersed, and their influence was reduced to the local scale.

24 19. In 1981, the Medellín cartel created a death squad, *Muerte a Secuestradores* ("Death to
25 Kidnappers"), that targeted guerillas for elimination and adopted brutal, terrorist tactics. As the 1980s
26 progressed, paramilitaries maintained links with drug barons, large landowners, industrialists, and
27 bankers who funded them, although in some cases they achieved some autonomy in their violent
28 activities.

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