

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No.: 1:25-cv-20040-JB

MATTHEW JOHN HEATH *et al.*,

Plaintiffs,

vs.

NICOLÁS MADURO MOROS *et al.*,

Defendants.

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**ORDER GRANTING DEFAULT JUDGMENT AS TO ALL DEFENDANTS**

**THIS CAUSE** comes before the Court on Plaintiffs’ Motion for Default Judgment (the “Motion”), ECF No. [61], filed against Defendants, Nicolás Maduro Moros (“Nicolás Maduro” or “Maduro”), Vladimir Padrino López (“Padrino López”), Néstor Luis Reverol Torres (“Reverol Torres”), Tarek William Saab Halabi (“Tarek Saab”), Iván Rafael Hernández Dala (“Iván Hernández”), Diosdado Cabello Rondón (“Diosdado Cabello”), Alex Nain Saab Morán (“Alex Saab”), José Miguel Domínguez Ramírez (“Domínguez Ramírez”), Cilia Adela Flores de Maduro (“Cilia Flores”), Reynaldo Hernández, Marlon Salas Rivas (“Salas Rivas”), Alexander Enrique Granko Arteaga (“Granko Arteaga”) (collectively, the “Individual Defendants”), Compañía General de Minería de Venezuela, (a.k.a. CVG Compañía General de Minería de Venezuela C.A., a.k.a. Corporación Venezolana de Guyana Minerven C.A., a.k.a. CVG Minerven, a.k.a. and hereinafter, “Minerven”), Segunda Marquetalia, Fuerzas Armada Revolucionarias de Colombia - Ejército del Pueblo (“FARC-EP”) and Cártel

de Los Soles (“Cartel of the Suns”) (together with the Individual Defendants, “Defendants”). The Court has reviewed the Motion, the pleadings, the applicable law, and is otherwise fully advised. For the reasons explained below, the Motion is **GRANTED**.

## **I. BACKGROUND**

On January 6, 2025, Mathew John Heath (“Mr. Heath”) and Osman Imran Khan (“Mr. Khan”), along with I.M.H., Robert John Heath (“Robert Heath”), Connie Demeta Haynes (“Connie Haynes”), Devin Edward Waller (“Devin Waller”), McKenzie Conneal Daniels (“McKenzie Daniels”), Tania Yudith Valdes (“Tania Valdes”), Jasmin Yudith Khan (“Jasmin Khan”), and A.I.K. (collectively, the “Family Member Plaintiffs” and together with Mr. Heath and Mr. Khan, “Plaintiffs”) filed their complaint. ECF No. [1]. The same day, Plaintiffs moved for an order granting service of process by alternate methods under Federal Rule of Civil Procedure 4(f)(3) and an order directing the U.S. Marshals Office to serve the complaint and summons on the representatives of Defendants FARC-EP and Cartel of the Suns pursuant to Rule 4(c)(3). ECF No. [6]. Plaintiffs filed their amended complaint on January 10, 2025 (“Complaint”). ECF No. [12]. On February 25, 2025, the Court granted Plaintiffs’ motion, permitting service of process through alternative methods, including via direct message on social media, text message, or email,<sup>1</sup> and directing

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<sup>1</sup> See *Alban Osio v. Moros*, No. 21-cv-20706, 2023 WL 5019877, at \*4 (S.D. Fla. July 19, 2023) (holding that notice by email, direct messaging, and publication are sufficient when traditional service is difficult or impossible), *report and recommendation adopted sub nom.*, *Osio v. Moros*, 2022 WL 17583631 (S.D. Fla. Sept., 26, 2022).

the U.S. Marshals Service to serve the Complaint and summonses on the representatives of FARC-EP and Cartel of the Suns.<sup>2</sup> ECF No. [20].

On March 13, 2025, Plaintiffs, through a third-party service processor, Global Legal Notices (“GLN”), served each of the Individual Defendants, as well as Minerven and Segunda Marquetalia, by the alternative methods permitted by the Court’s order. ECF Nos. [25], [25-1]–[25-15]. These Defendants failed to file a responsive pleading by April 3, 2025. On March 19, 2025, Plaintiffs filed a motion to extend time for service under Rule 4(m) for Defendants FARC-EP and Cartel of the Suns. ECF No. [24]. The Court granted the motion and ordered that the representatives of FARC-EP and Cartel of the Suns be served no later than May 26, 2025. ECF No. [26]. On March 21, 2025, Cartel of the Suns were served with the summons and the Complaint. ECF Nos. [27]–[28]. Cartel of the Suns failed to timely file a responsive pleading by April 11, 2025.

On April 29, 2025, Plaintiffs moved for Clerk’s Default against all Defendants except FARC-EP, ECF No. [29], which was entered on April 30, 2025, ECF No. [30]. On May 8, 2025, FARC-EP was served with the summons and Complaint. ECF No. [31]. FARC-EP did not file a responsive pleading by May 29, 2025. On May 30, 2025, Plaintiffs moved for Clerk’s Default against FARC-EP, ECF No. [32], which was entered that same day, ECF No. [33]. On July 2, 2025, the Court ordered Plaintiffs

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<sup>2</sup> Courts routinely permit service of process on an officer of a criminal enterprise as a method of service upon the enterprise itself. *See, e.g.*, Order Granting Plaintiffs’ Motion for Service, *Marron v. Maduro Moros*, No. 21-cv-23190-FAM, ECF No. [33] (S.D. Fla. Sept. 6, 2022) (granting motion to serve FARC and Cartel of the Suns through Pineda and Cordones).

to file their motion for default judgment by August 15, 2025. ECF No. [36].

On August 1, 2025, Plaintiffs discovered that the process server, GLN, inadvertently omitted the summons in the service materials for all Defendants except FARC-EP and Cartel of the Suns, who were served through the U.S. Marshals Service. In response to this discovery, Plaintiffs moved the Court to set aside entry of Clerk's Default on August 7, 2025, and requested that the Court extend time to effectuate service within seven days after entry of the Courts' Order and extend time to file a motion for default judgment against Defendants FARC-EP and Cartel of the Suns. ECF No. [51].

On August 15, 2025, the Court granted Plaintiffs' motion to set aside the default, to extend time to serve Defendants previously served through GLN, and to extend time to file a motion for default judgment against FARC-EP and Cartel of the Suns. ECF No. [52]. On August 19, 2025, the Individual Defendants, Minerven, and Segunda Marquetalia were served. ECF Nos. [56], [56-1]. However, these Defendants failed to file a responsive pleading by September 9, 2025. Plaintiffs moved for Clerk's Default against these Defendants on September 10, 2025, ECF No. [58], which was entered that day, ECF Nos. [59]–[60].

## **II. LEGAL STANDARD**

Federal Rule of Civil Procedure 55(a) provides that, “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.” A district court may enter a default judgment against a properly

served defendant who fails to defend or otherwise appear pursuant to Federal Rule of Civil Procedure 55(b)(2). *DirecTV, Inc. v. Griffin*, 290 F. Supp. 2d 1340, 1343 (M.D. Fla. 2003).

The mere entry of a default by the Clerk does not warrant the Court entering a default judgment. *See Tyco Fire & Sec. LLC v. Alcocer*, 218 F. App'x 860, 863 (11th Cir. 2007) (citing *Nishimatsu Constr. Co. v. Hous. Nat'l Bank*, 515 F.2d 1200, 1206 (5th Cir. 1975)). Rather, a court must ensure that there is a sufficient basis in the pleadings for the judgment to be entered. *Id.*

To adequately state a claim, a complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Well-pled factual allegations are deemed to have been admitted by the defaulting defendant. *Cotton v. Mass. Mut. Life Ins. Co.*, 402 F.3d 1267, 1278 (11th Cir. 2005). Once liability is established, the Court must also assess forms of relief. *See Chanel, Inc. v. French*, No. 05-cv-61838, 2006 WL 3826780, at \*2 (S.D. Fla. Dec. 27, 2006).

### **III. ANALYSIS**

Plaintiffs establish that Defendants were properly served yet failed to plead or otherwise defend the lawsuit. As stated, the Clerk entered a Default against Defendant Cartel of the Suns on April 29, 2025, ECF No. [30], against Defendant FARC-EP on May 30, 2025, ECF No. [33], and against Defendants Minerven, Segunda Marquetalia, and the Individual Defendants on September 9, 2025, ECF Nos. [59]–[60]. By defaulting, Defendants have admitted the well-pled allegations in

the complaint. *Eagle Hosp. Physicians, LLC v. SRG Consulting Inc.*, 561 F.3d 1298, 1307 (11th Cir. 2009).

**A. The Court Has Subject-Matter Jurisdiction Over This Action.**

Plaintiffs assert three distinct causes of action which are independently sufficient to establish federal question jurisdiction pursuant to 28 U.S.C. § 1331. Count I arises under the Anti-Terrorism Act (“ATA”), a federal law that provides its own cause of action. *See* ECF No. [12] at ¶¶ 197–217; 18 U.S.C. §§ 2333(a), 2339. Similarly, Count II arises under the Torture Victim Protection Act (“TVPA”), which also carries its own federal cause of action. *See* ECF No. [12] at ¶¶ 218–228; 28 U.S.C. § 1350. Lastly, Count VII arises under the Racketeer Influenced and Corrupt Organizations (“RICO”) Act, which likewise carries its own federal cause of action. *See* ECF No. [12] at ¶¶ 264–280; 18 U.S.C. §§ 1962(a)–(d), 1964.

The remaining causes of action arise under state law. *See* ECF No. [12] at ¶¶ 229–63, 281–97. However, the Court has supplemental jurisdiction over the state-law claims pursuant to 28 U.S.C. § 1367 because each claim arises out of the same “nucleus of operative facts” as the federal claims. *Parker v. Scrap Metal Processors, Inc.*, 468 F.3d 733, 743 (11th Cir. 2006) (“The constitutional case or controversy standard confers supplemental jurisdiction over all state claims which arise out of a common nucleus of operative fact with a substantial federal claim.”). Both the state and federal claims arise from the kidnapping, torture, and ransom of Mr. Heath and Mr. Khan. *See generally* ECF No. [12].

**B. Exercising Personal Jurisdiction Over Defendants Satisfies Both Florida’s Long-Arm Statute and Due Process Requirements.**

To exercise personal jurisdiction over Defendants, the Court must determine (1) whether Defendants’ activities satisfy the Florida long-arm statute, and (2) whether due process considerations are satisfied under the Fourteenth Amendment. *See Aronson v. Celebrity Cruises, Inc.*, 30 F. Supp. 3d 1379, 1385 (S.D. Fla. 2014).

**1. Florida’s Long-Arm Statute is Satisfied.**

Florida’s long-arm statute permits the exercise of jurisdiction over nonresidents defendants who commit certain specified acts, including “committing a tortious act within the state.” Fla. Stat. § 48.193. “To commit a tortious act within the State of Florida, a defendant’s physical presence is not required.” *Pelc v. Nowak*, No. 11-cv-79-T-17TGW, 2011 WL 4481571, at \*4 (M.D. Fla. Sept. 27, 2011). “[A] nonresident defendant commits ‘a tortious act within [Florida]’ when he commits an act *outside* the state that causes *injury within Florida*.” *Licciardello v. Lovelady*, 544 F.3d 1280, 1283 (11th Cir. 2008) (emphasis in original). In addition, Florida’s long-arm statute is satisfied in instances where only a single element of the tort claim occurs in Florida. *See Elandia Int’l, Inc. v. Ah Koy*, 690 F. Supp. 2d 1317, 1329 (S.D. Fla. 2010). The statute is likewise satisfied “over any alleged conspirator where any other co-conspirator commits an act in Florida in furtherance of the conspiracy, even if the defendant over whom personal jurisdiction is sought individually committed no act in, or had no relevant contact with, Florida.” *United Techs. Corp. v. Mazer*, 556 F.3d 1260, 1281–82 (11th Cir. 2009).

Here, Plaintiffs allege that Defendants committed numerous tortious acts within the state and committed tortious acts outside that state that caused substantial injury within the state. *See* ECF No. [12] ¶ 47. For instance, Plaintiffs allege that Defendants engaged in a widespread narco-terrorism scheme that targeted and infiltrated the borders of Florida. *Id.* ¶ 12. Plaintiffs allege that the Maduro Criminal Enterprise's main source of funding derives from trafficking drugs throughout the United States, particularly the State of Florida. ECF No. [12] ¶ 196. Plaintiffs also allege that the narcotics trafficking and illegal gold trade that Defendants conducted in the United States, and particularly in Florida, directly funded the Maduro Criminal Enterprise and its terrorist activities. *Id.* ¶¶ 53–54, 67–68, 106. Plaintiffs further allege that the abduction, confinement, and torture of Mr. Heath and Mr. Khan were carried out in furtherance of the Maduro Criminal Enterprise's narco-terrorism conspiracy that targeted the United States and Florida particularly, and that Defendants used Mr. Heath and Mr. Khan as ransom for the release of Franqui Flores and Efraín Campo (key players in the enterprise), who were imprisoned in the United States for their role in the conspiracy to flood the United States and Florida with drugs. *Id.* ¶¶ 108–18, 153–54, 194. The Court finds these allegations sufficient to support the exercise of personal jurisdiction under Florida's long-arm statute.

Further supporting the exercise of personal jurisdiction are Plaintiffs' allegations that Defendants committed numerous tortious acts directly against Plaintiffs in Florida, including the defamation of Mr. Heath throughout his entire

capture. *Id.* ¶¶ 286–89. Plaintiffs also allege that Defendants extorted Plaintiff Tania Valdes in Florida for payments Defendants claimed would lead to the release of Mr. Khan. *Id.* ¶¶ 164, 180, 290. The Court finds these allegations sufficient to subject Defendants to personal jurisdiction under Florida’s long-arm statute. *See Adam J. Rubinstein, M.D., P.A. v. Ourian*, No. 20-cv-21948, 2020 WL 6591559, at \*1 (S.D. Fla. Nov. 10, 2020) (tortious acts occurred in the state when the nonresident posted defamatory statements on a website accessible in Florida and accessed in Florida); *Marron v. Moros*, No. 21-cv-23190, 2023 WL 357592, at \*3 (S.D. Fla. Jan. 23, 2023) (exercising personal jurisdiction over defendants under similar facts, including extortion of the plaintiff’s family in Florida).

Finally, Defendants are also subject to personal jurisdiction in Florida because Plaintiffs allege that each Defendant committed acts in furtherance of the narco-terrorism conspiracy, even assuming a particular act was not specifically targeted at the State of Florida. *See* ECF No. [12] ¶ 12–13. As mentioned, the Florida long-arm statute confers personal jurisdiction on non-resident defendants based on the actions of co-conspirators. *See Tavakoli v. Doronin*, No. 18-cv-21592, 2019 WL 1242669, at \*8 (S.D. Fla. Mar. 18, 2019). Plaintiffs’ allegations show that the tortious acts committed in Florida were interwoven and integral to the Maduro Criminal Enterprise’s narco-terrorism conspiracy. According to Plaintiffs, narcotics trafficking and gold sales funded the acquisition of guns, soldiers, and power, which gave the Maduro Criminal Enterprise the ability to kidnap, torture, and ransom Mr. Heath and Mr. Khan for the release of high-ranking members of the criminal conspiracy.

ECF No. [12] ¶¶ 53–54, 67–68, 106, 108–18, 153–54, 194. Accepting each of the factual allegations as true, each Defendant was a key player in that conspiracy, subjecting each of them to personal jurisdiction under Florida’s long-arm statute.

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

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

For a plaintiff’s claims to arise out of the defendant’s contacts with the forum state, a plaintiff need only show “an affiliation between the forum and the underlying controversy.” *Ford Motor Co. v. Montana Eighth Jud. District Court*, 592 U.S. 351, 359 (2021). Here, the torts committed in Florida are closely related to, and indeed supported and aided, the kidnapping and torture of Mr. Heath and Mr. Khan. The allegation that Defendants used funds obtained through illegal activities in the state to support their narco-terrorism is, in and of itself, sufficient to satisfy this prong of the test. *See In re Chiquita Brands Int’l, Inc. Alien Tort Statute & S’holder Derivative Litig.*, No. 08-md-01916, 2018 WL 11251120, at \*4 (S.D. Fla. May 8, 2018) (personal jurisdiction where defendants “alleged illicit activity, which would create a realistic and foreseeable impact on the commerce of the forum state[]”). Here, the kidnapping

also served the Florida narcotics trafficking, as Mr. Heath and Mr. Khan were swapped for the release of Efraín Campo and Franqui Flores. *See* ECF No. [12] ¶¶ 53–54, 67–68, 106, 108–118, 153–54, 194.

As to the second prong, Defendants purposefully availed themselves of the laws of Florida by selling gold in Miami markets to support their narco-terrorism. *See* ECF No. [12] ¶¶ 53–54, 67–68, 106.

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

In sum, Plaintiffs have established that the Court has both subject-matter and personal jurisdiction over Defendants.

**C. The Admitted Allegations of Plaintiffs’ Complaint Prove Defendants’ Liability as to Counts I–VIII.**

Having established that the Court has both subject-matter and personal jurisdiction over Defendants, the Court now considers whether the allegations in the Complaint are adequately pled such that they are deemed admitted because of Defendants’ default and establish Defendants’ liability for each of the claims asserted. *See Lary v. Trinity Physician Fin. & Ins. Servs.*, 780 F.3d 1101, 1106 (11th

Cir. 2015) (“It is well settled that ‘[t]he defendant, by his default, admits the plaintiff’s well-pleaded allegations of fact,’ but ‘[t]he defendant is not held to admit facts that are not well-pleaded.’” (quoting *Nishimatsu Constr. Co.*, 515 F.2d at 1206)).

**1. Plaintiffs Adequately Pled Their Claims Under the Anti-Terrorism Act (ATA).**

Plaintiffs assert claims against Defendants under the ATA. See ECF No. [12] ¶¶ 197–217. The ATA provides civil remedies for “[a]ny national of the United States injured in his or her person, property, or business by reason of an act of international terrorism . . .” 18 U.S.C. § 2333(a). In order to recover under the ATA, (1) a plaintiff must be a “national of the United States;” and (2) a defendant’s conduct must constitute an act of international terrorism. See 18 U.S.C. § 2331(2); 8 U.S.C. § 1101(22).

As an initial matter, Plaintiffs allege and provide evidence establishing that they are United States citizens and nationals, thereby satisfying the first element of an ATA claim. See ECF No. [12] ¶¶ 15–24; see also ECF Nos. [62-2], [62-10], [62-12], [62-16], [62-18], [62-20], [62-22].

As to the second requisite element of an ATA claim, the phrase “international terrorism” is defined as activities that

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

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

18 U.S.C. § 2331(1). As discussed below, Plaintiffs adequately allege that Defendants committed acts of international terrorism, thereby satisfying the second element of an ATA claim.

First, Plaintiffs allege that Defendants' narco-terrorism conspiracy violates the laws of the United States. *See* 21 U.S.C. § 960(a). To establish a claim of narco-terrorism, Defendants must have (1) engaged in narcotics trafficking in violation of 18 U.S.C. § 841(a), (2) knowing or intending, (3) to provide anything of value, directly or indirectly, (4) to any person or entity that engages in terrorism or terrorist activity. *See Alban Osio*, 2023 WL 5019877, at \*6. In this context, terrorism "means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents." 22 U.S.C. § 2656(f). Plaintiffs sufficiently allege that Defendants trafficked illicit drugs into Florida in violation of 21 U.S.C. § 841(a) and intended to use the proceeds to keep funding their narco-terrorism conspiracy. *See* ECF No. [12] ¶¶ 51, 73, 91. The FARC-EP and Segunda Marquetalia are designated by the United States Government as a Foreign Terrorist Organization ("FTO") as entities that engage in terrorism. ECF No. [12] ¶¶ 27–30. Cartel of the Suns is now designated as a Specially Designated Global Terrorist entity by the Treasury's Office of Foreign Assets Control ("OFAC"), in part for activities

undertaken in the past that encompass the hostage-taking of Mr. Heath and Mr. Khan.<sup>3</sup> Similarly, the Maduro Criminal Enterprise is an entity that engages in terrorism. *See e.g.*, ECF No. [12] ¶¶ 28, 30, 51, 56, 92–94. According to the Complaint, several members of the Maduro Criminal Enterprise were indicted on drug trafficking charges. *Id.* ¶¶ 26, 31–32, 35, 58, 96–97, 209 (describing the indictments of Maduro, Padrino López, Reverol Torres, Cabello Rondón).

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

Plaintiffs also allege that the aforementioned acts are dangerous to human life. *See* ECF No. [12] ¶ 209 (“Cartel de Los Soles, under the leadership of [Maduro] and others, prioritized using cocaine as a weapon against America”); *id.* ¶ 97 (“Maduro and the other defendants expressly intended to flood the United States with cocaine in order to undermine the health and wellbeing of our nation.”); *id.* ¶ 109

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<sup>3</sup> *See* U.S. Dep’t of the Treasury, *Treasury Sanctions Venezuelan Cartel Headed by Maduro* (July 25, 2025), <https://home.treasury.gov/news/press-releases/sb0207>.

(highlighting human rights violations of detainees in Venezuela). Furthermore, the torture and threats of death made directly to Mr. Heath and Mr. Khan constitute acts that were dangerous to the lives of Mr. Heath and Mr. Khan. Accordingly, the Court finds that Plaintiffs sufficiently allege that Defendants engaged in violent acts dangerous to human life that violate the laws of the United States.

Second, Plaintiffs allege that Defendants' conduct was intended to "[i]ntimidate [and] coerce a civilian population." 18 U.S.C. § 2331(1). Specifically, Plaintiffs allege that the primary purpose of Defendants' conduct was to intimidate the civilian populations of Venezuela and the United States. *See* ECF No. [12] ¶¶ 92, 94, 204 (Plaintiffs targeted due to status as United States citizens); *id.* ¶¶ 110–18 (list of other United States citizens wrongfully detained and tortured). The Court finds that Plaintiffs sufficiently allege that Defendants' conduct was intended to intimidate and coerce civilian populations.

In addition, Plaintiffs allege that Defendants' kidnapping, confining, and torturing of United States citizens, including Mr. Heath and Mr. Khan, was intended to influence United States government policy. Defendants sought concessions from the United States Government: the loosening of sanctions including an oil embargo—by targeting United States citizens for abduction, kidnapping, torture, and arbitrary detention as leverage to effectuate prisoner swaps. *See id.* ¶¶ 11, 13, 38, 187–88, 196. The Court likewise finds that Plaintiffs sufficiently allege that Defendants' conduct was intended to influence the policy of a government by intimidation or coercion.

Finally, Plaintiffs allege that Defendants' conduct transcends national boundaries. Specifically, they allege that Defendants transported cocaine from South America to the United States. *See id.* ¶¶ 53, 73–74, 85, 91. Plaintiffs also allege that Defendants laundered proceeds from their narco-terrorism scheme in the United States and Venezuela through their individual agents, FARC, Cartel of the Suns, and cover companies, such as Minervan. *Id.* ¶¶ 54, 61-62, 73, 104–05. The Court finds that Plaintiffs sufficiently allege that Defendants' conduct transcended national boundaries. Thus, taken together with the above, Plaintiffs adequately allege that Defendants' conduct constituted an act of international terrorism.

Further, Plaintiffs detail the ways in which Defendants conspired to kidnap and torture Plaintiffs, giving rise to Plaintiffs' injuries. *See* ECF No. [12] ¶ 196. According to the Complaint, Defendants leveraged their power to abduct, detain, and torture Mr. Heath and Mr. Khan as part of the narco-terrorism conspiracy to intimidate and coerce the United States Government to effectuate a prisoner swap of Maduro family members and loyalist criminal drug traffickers. *Id.* ¶¶ 55, 134, 213. Because Mr. Heath and Mr. Khan suffered human rights abuses by Defendants, their family members each suffered severe mental and emotional anguish. *See infra* § III.D.3. The Court finds that Plaintiffs sufficiently allege that they were injured by reason of Defendants acts of international terrorism. *Marron*, 2023 WL 357592, at \*3 (“But for the narcoterrorism fundraising, Defendants would not have been able to fund the kidnapping and torture of Plaintiff.”).

Accordingly, Plaintiffs allege facts sufficient to establish violations of the ATA. Thus, the Court finds Defendants liable to Plaintiffs under Count I.

**2. Plaintiffs Adequately Pled Their Claims Under the Torture Victim Protection Act (TVPA).**

Plaintiffs Heath and Khan assert claims against the Individual Defendants under the TVPA. ECF No. [12] ¶¶ 218–28. Under the TVPA, “[a]n individual who, under actual or apparent authority, or color of law, on any foreign nation—(1) subjects an individual to torture shall, in a civil action, [be] liable for damages to that individual.” 28 U.S.C. § 1350, § 2(a). Claims under the TVPA may be based on direct liability or “theories of indirect liability, including aiding and abetting, conspiracy, agency, and command.” *Mamani v. Sanchez Bustamante*, 968 F.3d 1216, 1220 (11th Cir. 2020). Under an aiding-and-abetting theory, liability attaches when the plaintiff establishes active participation. *Cabello v. Fernandez-Larios*, 402 F.3d 1148, 1158 (11th Cir. 2005). Active participation is proven by showing the “defendants gave knowing substantial assistance to the individuals committing the wrongful act.” *Doe v. Drummond Co.*, 782 F.3d 576, 604 (11th Cir. 2015). As for conspiracy to violate the TVPA, liability is established when the plaintiff shows that “(1) two or more persons agreed to commit a wrongful act, (2) [defendant] joined the conspiracy knowing of at least one of the goals of the conspiracy and intending to help accomplish it, and (3) one or more of the violations was committed by someone who was a member of the conspiracy and acted in furtherance of the conspiracy.” *Cabello*, 402 F.3d at 1159. In addition, the Eleventh Circuit permits a victim of violations of international law to

bring a claim under the TVPA against commanders “for acts of his subordinates, even where the commander did not order those acts” if a plaintiff establishes:

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

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

Plaintiffs allege that the Individual Defendants are liable to Mr. Heath and Mr. Khan under the TVPA. The following supporting facts are set forth in Plaintiffs Complaint:

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

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

3. Tarek Saab is the de facto Attorney General and Ombudsman of Venezuela and serves the Maduro Criminal Enterprise. *Id.* ¶ 33. OFAC designated Tarek Saab on July 26, 2017, for undermining democracy and human rights in Venezuela. *Id.*

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

5. Diosdado Cabello is a member of the National Assembly of Venezuela and a powerful member in the Maduro Criminal Enterprise. *Id.* ¶ 35. Diosdado

Cabello is a leader in Cartel of the Suns and was indicted alongside Nicolás Maduro for his participation in narcotics trafficking, money laundering, embezzlement of state funds, and other corrupt activities. *Id.* ¶¶ 35, 61.

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

7. Domínguez Ramírez is the former Chief Commissioner of the Special Forces (“FAES”) and is currently the Director of the Directorate of Strategic and Tactical Actions. *Id.* ¶ 63. Under his leadership, FAES was the most lethal security force in Venezuela, routinely conducting extrajudicial killings as part of Venezuela’s policy of social control. *Id.* ¶ 37.

8. Cilia Flores is the spouse of Nicolás Maduro and served as the illegitimate first lady of Venezuela and maintains significant influence over Venezuela. *Id.* ¶64. Efraín Campo and Franqui Flores, the nephews of Cilia Flores and Nicolás Maduro, were convicted of drug trafficking conspiracy in the United States District Court for the Southern District of New York. *Id.* ¶ 38. The objective of the drug proceeds was “to prolong their family’s control of Venezuela by funding at least one political campaign for Cilia Flores.” *Id.* Mr. Heath and Mr. Khan were detained, held captive, and tortured to use as leverage against the United States in exchange for the clemency and release of the nephews. *Id.* ¶¶ 153–54.

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

The admitted allegations establish that the Individual Defendants conspired to support the Maduro Criminal Enterprise in narcotrafficking, oppression of political opposition in Venezuela, human rights violations against United States citizens, and the use of United States citizens as bargaining chips for the release of agents engaged in its illicit business selling drugs in the United States. *See e.g., id.* ¶ 51. Plaintiffs' allegations also demonstrate that each Defendant was an active participant in the Maduro Criminal Enterprise and actively participated in wrongful acts in furtherance of the conspiracy. Therefore, the Court finds that Plaintiffs pled

sufficient facts to establish liability under either aiding-and-abetting, conspiracy, or agency-and-command theory.

Moreover, Plaintiffs allege that Mr. Heath and Mr. Khan were victims of torture. Under the TVPA, torture is defined as

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

28 U.S.C. § 1350, § 3(b). Plaintiffs allege that Mr. Heath and Mr. Khan were held against their will and were subjected to heinous acts of physical and mental abuse. *See* ECF No. [12] at ¶¶119–72.

In sum, Plaintiffs allege facts sufficient to establish violations of the TVPA. Therefore, the Court finds the Individual Defendants liable to Plaintiffs Heath and Khan under Count II.

### **3. Plaintiffs Adequately Pled Their Intentional Infliction of Emotional Distress Claims.**

Family Member Plaintiffs assert claims of intentional infliction of emotion distress under the laws of the state where they reside. *Id.* ¶¶ 229–55. Plaintiffs I.M.H., Robert Heath, Connie Haynes, Devin Waller, and McKenzie Daniels assert their claims under Tennessee law, *id.* ¶¶ 229–37, Plaintiffs Tania Valdes and A.I.K assert their claims under Florida law, *id.* ¶¶ 238–46, and Plaintiff Jasmin Khan asserts her claim under Virginia law, *id.* ¶¶ 247–55.

To state a claim for intentional infliction of emotional distress under Tennessee law, a plaintiff must establish that the defendant's conduct was "(1) intentional or reckless, (2) so outrageous that it is not tolerated by civilized society, and (3) resulted in serious mental injury to the plaintiff." *Johnson v. Hamilton Cnty. Gov't*, No. 19-cv-304, 2023 WL 11979766, at \*12 (E.D. Tenn. Mar. 29, 2023) (quoting *Lemon v. Williamson Cnty. Schs.*, 618 S.W. 3d 1, 21 (Tenn. 2021)). The elements are similar for a claim under Florida law, which requires that a plaintiff must prove "(1) the wrongdoer's conduct was deliberate or reckless, that is, he intended his behavior when he knew or should have known that emotional distress would likely result; (2) the conduct was outrageous. . .; (3) the conduct caused emotional distress; and (4) the emotional distress was severe." *Saludes v. Republica de Cuba*, 577 F. Supp. 2d 1243, 1254 (S.D. Fla. 2008) (quoting *Samedi v. Miami-Dade County*, 134 F. Supp. 2d 1320, 1353-1354 (S.D. Fla. 2001)). Similarly, under Virginia law, a plaintiff must prove that (1) the wrongdoer's conduct was intentional or reckless; (2) the conduct was outrageous or intolerable; (3) there was a causal connection between the wrongdoer's conduct and the resulting emotional distress; and (4) the resulting emotional distress was severe." *Daniczek v. Spencer*, 156 F. Supp. 3d 739, 757 (E.D. Va. 2016) (quoting *Ogunde v. Prison Health Servs., Inc.*, 274 Va. 55, 65, 645 S.E.2d 520, 526 (2007)).

Here, Plaintiffs allege that Defendants acted deliberately and with reckless disregard, as it was highly probable that the family members of Mr. Khan and Mr. Heath would suffer extreme emotional distress due to their loved ones being held captive and tortured. *See, e.g.*, ECF No. [12] ¶¶ 237, 246, 255; *see also Sutherland v.*

*Islamic Republic of Iran*, 151 F. Supp. 2d 27, 50 (D.D.C. 2001) (“[W]hen an organization takes someone hostage, it is implicitly intending to cause emotional distress among the members of that hostage’s immediate family.”).

The Court has previously granted default judgments for intentional infliction of emotional distress for family members kidnapped and tortured individuals despite the family members not being present at the scene. *See, e.g., Saludes*, 577 F. Supp. 2d at 1254–55. Indeed, courts reason that “a terrorist attack—by its nature—is directed not only at the victims but also at the victims’ families.” *See Bakhtiar v. Islamic Republic of Iran*, 571 F. Supp. 2d 27, 35 (D.D.C. 2008), *aff’d*, 668 F.3d 773 (D.C. Cir. 2012). As such, defendants, in carrying out the kidnapping and torture of Mr. Heath and Mr. Khan, should have reasonably foreseen that their families would experience severe emotional distress. *See Alban Osio*, 2023 WL 5019877, at \*10 (Defendants “should have reasonably foreseen that Mr. Albán’s family members would experience this type of suffering.”).

Conduct is also considered outrageous if it is “extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.” Restatement (Second) of Torts, Section 46, Comment D; *Daniczek*, 156 F. Supp. 3d at 759; *Saludes*, 577 F. Supp. 2d at 1254; *Reagan v. City of Knoxville*, 692 F. Supp. 2d 891, 905–06 (E.D. Tenn. 2010). Plaintiffs allege that the arbitrary capture, detainment, and torture of Mr. Heath and Mr. Khan was outrageous and beyond all bounds of decency. ECF No. [12] ¶¶ 231, 240, 249. Plaintiffs also allege that Defendants Reynaldo Hernández, and Granko Arteaga

illegally detained Mr. Khan and Mr. Heath in DGCIM facilities where they were beaten, starved, dehydrated, electrocuted, waterboarded, threatened with rape, and held in solitary confinement. *See, e.g., id.* ¶¶ 127, 132–33, 161. Plaintiffs also allege that Defendant Tarek Saab issued public statements falsely accusing Mr. Heath of committing acts of terrorism. *Id.* ¶ 284. Plaintiffs also allege that Defendants also made false statements to Mr. Khan’s family to extort money from them. *Id.* ¶ 164.

Severe mental injury may be shown by evidence of several nonexclusive factors, including depression, crying spells, nightmares, weight loss, and more. *Rodriguez Ortiz v. Jefferson Cnty., Tennessee*, No. 17-cv-00401, 2019 WL 5932757, at \*17 (E.D. Tenn. Nov. 12, 2019). Plaintiffs allege and provide evidence detailing severe mental injuries in support of the Family Member Plaintiffs’ intentional infliction of emotion distress claims. Beginning with Mr. Khan’s mother, Tania Valdes, she suffered from crying spells, insomnia, anxiety, and suicidal ideation. *See* ECF No. [12] at ¶¶ 179-80. Compounding her emotional distress, Defendants extorted money from her. *Id.* ¶ 164. In addition, Jasmin Khan, Mr. Kahn’s sister, became withdrawn, developed insomnia, and abused alcohol. *Id.* ¶¶ 176–78. And Mr. Kahn’s younger brother, A.I.K., became isolated and severely anxious. *Id.* ¶¶ 173–75.

Similarly, Mr. Heath’s torture caused serious mental injury to his son, siblings, and parents. Connie Haynes, Mr. Heath’s mother, suffered from severe anxiety, depression, and severe stress, which caused her to not eat or sleep. *Id.* ¶¶ 141–42; *See* ECF No. [62-17] ¶¶ 8–9. She became malnourished and lost eighty-seven pounds. *See* ECF No. [62-17] ¶ 8. Defendant Diosdado Cabello gave a speech with a photo of

Connie in the background with a target superimposed over her face which further exacerbated her anxiety. ECF No. [12] ¶ 142. Robert Heath, Mr. Heath's father, became so consumed with researching ways to bring Matthew home that he neglected his health, resulting in him being admitted into the hospital. *See* ECF No. [62-19] ¶ 8. He "felt a sense of shock and agony for two years", and "there was not a day that passed that [he] did not grieve the absence of [his] son." *Id.* ¶ 11. Because of the previous loss of his son, Jonathan, and the loss of his mother the same year Mr. Heath was held captive, Robert Heath's grief was further compounded. *Id.* ¶¶ 8, 11. In addition, Mr. Heath's son, I.M.H., was only eleven years old when his father was taken hostage. ECF No. [12] ¶¶ 151–52. I.M.H. became aware of the details of his father's captivity and became fearful that his father could die at any moment. *Id.* McKenzie Daniels, Mr. Heath's sister, suffered physically through weight gain and elevated blood pressure which caused her to become high risk during her first pregnancy. *Id.* ¶¶ 145–48; ECF No. [62-21] ¶¶ 6–7. McKenzie also became isolated in her home, depressed, and struggled with suicidal ideation and panic attacks. ECF Nos. [12] ¶¶ 145–48, [62-21] ¶¶ 6–7. Devin Waller, Mr. Heath's brother, also suffered from anxiety, depression, inability to regularly eat or sleep, and a pervasive sense of exhaustion. ECF Nos. [12] ¶¶ 149–50, [62-23] ¶¶ 9–10.

In sum, Plaintiffs allege facts sufficient to establish an intentional infliction of emotional distress claim under Tennessee, Florida, and Virginia law. Thus, the Court finds Defendants liable to the Family Plaintiffs under Counts III, IV, and V.

#### 4. Plaintiffs Adequately Pled Their False Imprisonment Claims.

Plaintiffs Heath and Khan assert claims of false imprisonment under the laws of Florida, Tennessee, and/or Venezuela against Defendants. See ECF No. [12] ¶¶ 256-63. False imprisonment is the unlawful restraint of a person against his will. See *Cruz v. Carroll*, No. 19-cv-61160, 2019 WL 10058779, at \*3 (S.D. Fla. Sept. 12, 2019) (“A claim for false imprisonment under Florida law requires the following elements: (1) an unlawful detention and deprivation of liberty against the plaintiff’s will; (2) an unreasonable detention which is not warranted by the circumstances and (3) an intentional detention.”); *Zelaya v. Hammer*, 516 F. Supp. 3d 778, 811 (E.D. Tenn. 2021) (“[T]he plaintiff must prove (1) the detention or restraint of one against his will and (2) the unlawfulness of such detention or restraint.”); Venez. Const.. Art. 44 (“No person shall be arrested or detained except by virtue of a court order” or “must be brought before a judge within forty-eight hours” of arrest and be able to “communicate immediately with members of his or her family, an attorney or any other person in whom he or she reposes trust.”); see also *Perez v. Moros*, No. 24-cv-23719, 2025 WL 3737634 (S.D. Fla. Mar. 24, 2025), ECF No. 50 at 9 (Under Article 23 of Venezuela’s Constitution, “all international treaties and conventions regarding human rights are to be incorporated within Venezuelan law, superior to any other conflicting laws.”).

Plaintiffs allege that Defendants conspired to falsely imprison Mr. Khan and Mr. Heath for leverage against the United States Government. ECF No. [12] ¶¶ 134, 137, 203, 213. Mr. Khan and Mr. Heath did not commit a crime and were detained

against their will by Maduro's agents, including Defendants Salas Rivas, Reynaldo Hernández, and Granko Arteaga. *Id.* ¶¶ 39–41, 124–35, 159–67, 258. The fabricated charges against Mr. Khan and Mr. Heath are based on no evidence or planted evidence. *Id.* ¶¶ 128–31, 168, 201; ECF Nos. [62-1] ¶ 16, [62-9] ¶ 30. Further, Mr. Khan and Mr. Heath were not advised of the charges against them or brought before a judge until several days into their detainment. ECF Nos. [62-1] ¶ 16, [62-9] ¶ 27.

In sum, Plaintiffs allege facts sufficient to establish their false imprisonment claims. Thus, the Court finds Defendants liable under Count VI.

#### **5. Plaintiffs Adequately Pled Their Civil RICO Claims.**

Plaintiffs assert civil RICO claims against Defendants. ECF No. [12] ¶¶ 256–63. To establish a civil RICO claim, the plaintiff must allege a violation of 18 U.S.C. § 1962(c). To satisfy this provision, the plaintiff must show that the defendant (1) conducted or participated, directly or indirectly, in the conduct (2) of an enterprise, (3) through a pattern of racketeering activity. *See Durham v. Bus. Mgmt. Assocs.*, 847 F.2d 1505, 1511 (11th Cir. 1988) (quoting *Sedima S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 496 (1985)). After these elements are met, the plaintiff must then show that the unlawful racketeering activity caused injury to the plaintiff's business or property. *Walgreen Co. v. Premier Prod. Of Am., Inc.*, No. 11-cv-812, 2012 WL 527169, at \*3 (M.D. Fla. Feb. 17, 2012). As discussed below, Plaintiffs sufficiently allege their claims for civil RICO.

### a. The RICO Enterprise

First, Plaintiffs allege that the Maduro Criminal Enterprise satisfies the test for an “association-in-fact” enterprise. ECF No. [12] ¶ 268. An association-in-fact enterprise “requires (1) a purpose, (2) relationships among those associated with the enterprise, and (3) longevity sufficient to permit these associates to pursue the enterprise’s purpose.” *Alban Osio*, 2023 WL 5019877, at \*10. A group of individual entities is a RICO enterprise when “the association of individual entities, however loose or informal, . . . furnishe[d] a vehicle for the commission of two or more predicate crimes.” *United States v. Goldin Indus. Inc.*, 219 F.3d 1271, 1275 (11th Cir. 2000).

The Court has held that the Maduro Criminal Enterprise serves a common purpose to qualify as an “enterprise-in-fact” under similar facts. *Alban Osio*, 2023 WL 5019877, at \*6 (“Here, the Maduro Criminal Enterprise functions to achieve the common purpose of exerting control over the Venezuelan population by engaging in narcotics trafficking, acts of terrorism, human rights violations, and public corruption offenses.”). Like the *Alban Osio* case, Plaintiffs allege that Defendants admitted by default that their common purpose is to control power in Venezuela through their illegal activities. See ECF No. [12] ¶ 51. The Maduro Criminal Enterprise’s claim to power would not have been possible without the narco-terrorism activities of Cartel of the Suns, FARC-EP, and Segunda Marquetalia. *Id.* Each of these cartels is under the control of the Individual Defendants and perpetrates the trafficking of narcotics into the United States, and particularly Florida, and other countries to produce funds for the Maduro Criminal Enterprise in support of its grip on Venezuela. *Id.* ¶ 55.

Minerven also furthers this purpose based on the sale of “blood gold” in defiance of United States sanctions and money laundering at the service of narcotrafficking. *Id.* ¶ 54. The Maduro Criminal Enterprise includes all Defendants and uses narco-terrorism, money laundering, and intimidation to further the common purpose of remaining in power. The Court finds that these facts satisfy the purpose prong of the enterprise-in-fact test.

Similarly, the Court has held that the relationship between the Individual Defendants and the cartels is enough to allege an enterprise-in-fact. *Alban Osio*, 2023 WL 5019877, at \*6. Plaintiffs allege that the same is true here. The facts alleged in the Complaint establish that each Individual Defendant, including Maduro himself, is a leader and enforcer of the multiple cartels to keep the enterprise in power. ECF No. [12] ¶¶ 69–107. An enterprise need not have “a hierarchical structure or a chain of command, and the group need not have a name, regular meetings, dues, established rules and regulations, disciplinary procedures, or induction or initiation ceremonies.” *Al-Rayes v. Willingham*, 914 F.3d 1302, 1309 (11th Cir. 2019) (quotation marks omitted). Instead, all that is required is the “shared purpose of engaging in illegal activity.” *Id.* at 1308. Plaintiffs allege that Minerven also fits comfortably within the Maduro criminal enterprise relationship based on this test. *See* ECF No. [12] at ¶¶ 43, 54, 67–68, 104–06. The Complaint alleges that Minerven acted as a major financier of the enterprise through illegal sales of gold and money laundering. *Id.* Therefore, according to the Complaint, not only does Minerven maintain a relationship with the cartels and Individual Defendants, but it constitutes a key piece

in the enterprise. The Court finds that these facts likewise satisfy the relationship prong of the enterprise-in-fact test.

Lastly, the Court finds that Plaintiffs' allegations establish that each Defendant supported the enterprise with enough "longevity sufficient to permit these associates to pursue the enterprise's purpose." *Boyle v. United States*, 556 U.S. 938, 946 (2009). The enterprise has been committing acts of narco-terrorism, money laundering, and torture for at least twenty years. See ECF No. [12] ¶ 52. Plaintiffs allege that this is more than enough time—as shown by the continued existence of the criminal enterprise—to permit each Defendant to pursue the common purpose of the enterprise. Accordingly, the Court finds that Defendants comprise an enterprise-in-fact for the purposes of a civil RICO claim.

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

Next, Plaintiffs sufficiently allege that each Defendant either directly or indirectly conducted or participated in the affairs of the Maduro Criminal Enterprise. "[T]o conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs, one must participate in the operation or management of the enterprise itself." *Reves v. Ernst & Young*, 507 U.S. 170, 185 (1993) (internal citation omitted). Again, like the *Alban Osio* case, the Individual Defendants have admitted by default that they are the "leaders of the Maduro Criminal Enterprise, and therefore, are liable for conducting the affairs of the enterprise." *Alban Osio*, 2023 WL 5019877, at \*6.

Plaintiffs also allege that Defendants FARC-EP, Cartel of the Suns, Segunda Marquetalia, and Minerven are also liable for the affairs of the enterprise. See, e.g.,

ECF No. [12] ¶ 275. “Liability under § 1962(c) is not limited to upper management.... An enterprise is operated also by lower-rung participants in the enterprise who are under the direction of upper management or by others associated with the enterprise who exert control over it.” *United States v. Starrett*, 55 F.3d 1525, 1542 (11th Cir. 1995) (quoting *Reves*, 507 U.S. at 184). Each of these Defendants is sufficiently alleged to be “under the direction of upper management or by others associated with the enterprise who exert control over it.” *Id.* Minerven is controlled by the Individual Defendants and used as an instrumentality to launder money and sell illegal gold to support the Maduro Criminal Enterprise’s narco-terrorism and overall criminal activities. *See* ECF No. [12] ¶ 104. It plays an indispensable role and is therefore “under the direction of upper management” by the Individual Defendants. Furthermore, Cartel of the Suns and its offshoots of FARC-EP and Segunda Marquetalia have been under the leadership of the Individual Defendants to enrich themselves and their members by flooding the United States and Florida with narcotics. *Id.* ¶¶ 56, 72–79, 83–86, 90. This relationship continues to perpetuate the narco-terrorism and money laundering scheme in conjunction with the Individual Defendants. *Id.* ¶¶ 56, 91.

Accordingly, taking the facts alleged as true, Plaintiffs established that each of the Defendants has either directly or indirectly participated in the operation or management of the enterprise itself.

### c. The Pattern of Racketeering Activity

“The heart of any RICO complaint is the allegation of a pattern of racketeering” activity. *Agency Holding Corp. v. Malley-Duff & Assocs., Inc.*, 483 U.S. 143, 154 (1987). To show a pattern, the plaintiff must plead that the defendant engaged in two or more predicate RICO offenses enumerated in 18 U.S.C. § 1961(1). *See* 18 U.S.C. § 1961(5); *H.J. Inc. v. Nw. Bell Tel. Co.*, 492 U.S. 229, 237 (1989). Additionally, the offenses must be related, or have “similar purposes, results, participants, victims, or methods of commission . . . .” *Alban Osio*, 2023 WL 5019877, at \*6; *H.J. Inc.*, 492 U.S. at 240. Lastly, the pattern must reflect a threat of continuing racketeering activity, which may be established by showing that the predicate acts or offenses are part of an ongoing entity’s regular way of doing business. *Alban Osio*, 2023 WL 5019877, at \*6; *H.J. Inc.*, 492 U.S. at 240.

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

At all relevant times, each Defendant either directly participated in, or were an instrumental part in, the commission of more than two predicate offenses. The Maduro Criminal Enterprise kidnapped Mr. Heath and Mr. Khan to use them as

bargaining chips to free two high-ranking members of the narco-terrorism conspiracy. *See* ECF No. [12] ¶ 113. RICO also predicates include “any offense involving . . . the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance.” 18 U.S.C. § 1961 (1)(d). Defendants committed this predicate offense through the ongoing narco-terrorism scheme to traffic narcotics throughout the United States and Florida, and used the funds to engage in other criminal acts. *See* ECF No. [12] ¶¶ 73–75. Also, the proceeds from the criminal conspiracy were used to fund the FARC-EP, Cartel of the Suns, and Segunda Marquetalia, each of which was designated as a terrorist organization in violation of 18 U.S.C. § 2339A and 18 U.S.C. § 2339B. *See id.* ¶¶ 27–30. Moreover, “[c]ongress has recognized that money laundering and other post-investment offenses may constitute predicate acts causing racketeering injury for which damages may be recovered under § 1964.” *Maiz v. Virani*, 253 F.3d 641, 674 (11th Cir. 2001). Minerven engaged in an elaborate money laundering scheme for years to further the Maduro Criminal Enterprise. *See* ECF No. [12] ¶¶ 105–07. Thus, each Defendant has engaged in more than two predicate RICO offenses to satisfy the statute.

The predicate offenses perpetrated by Defendants are also related in that they have the purpose of maintaining the Maduro Criminal Enterprise’s power over Venezuela, which has been recognized by the Court. *See Alban Osio*, 2023 WL 5019877, at \*7 (“The foregoing RICO predicate acts are related to one another because they were committed by the same group of actors . . . and have the same purposes: to raise revenue through drug-trafficking abroad and reinforce Maduro’s authoritarian

control over Venezuela.”). The same is true here. All Defendants are integral to the Maduro Criminal Enterprise’s control over narco-terrorism and the citizenry of Venezuela. *See* ECF No. [12] at ¶ 196.

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

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

The kidnapping of Mr. Heath and Mr. Khan, each a RICO violation in its own right, has also caused injury to business or property of Plaintiffs. “To establish civil liability, the plaintiff must further allege that the unlawful racketeering activity caused damage to the plaintiff’s business or property.” *Id.* at \*5; *Walgreen Co.*, 2012 WL 527169, at \*3. For civil RICO claims that involve kidnapping, courts recognize that “alleged out-of-pocket expenses incurred as a direct result of [an] ordeal in the form of travel, lodging, telephone calls, [and] attorneys fees” are “arguably considered injury to business or property.” *Geraci v. Women’s All., Inc.*, 436 F. Supp. 2d 1022, 1039 (D.N.D. 2006). Nor is there any longer a bar under civil RICO claims for

pecuniary losses that are properly understood as derivative of a personal injury claim. *See Med. Marijuana, Inc. v. Horn*, 604 U.S. 593, 598 (2025). As a result, any losses stemming from the injuries relating to the kidnap and torture of Mr. Heath and Mr. Khan, are damages to business or property under the statute.

The Family Member Plaintiffs sustained injury in their business or property based on the kidnapping of Mr. Heath and Mr. Khan. Like the plaintiffs in *Alban Osio* and *Geraci*, Plaintiffs spent an exorbitant amount of money trying to free their loved ones from captivity. This includes close to a quarter of a million dollars spent by Mr. Heath's father for a Venezuelan lawyer, translators, and to satisfy extortionist plots by Defendants. *See* ECF No. [12] ¶140. This eventually resulted in Mr. Heath's father having to sell his farm to pay his bills. *Id.* Multiple of the Family Member Plaintiffs also traveled to Washington D.C. to advocate for Mr. Heath's freedom, incurring travel, lodging, and other expenses based on the kidnapping. *Id.* ¶¶ 141, 150. For example, Ms. Haynes spent approximately \$8,000 on travel to raise awareness of Mr. Heath's captivity. *See* ECF No. [62-17] ¶¶ 5, 8. These are the exact type of expenses stemming from a kidnapping that the Court in *Alban Osio* and *Geraci* recognized as recoverable in a civil RICO action. *Alban Osio*, 2023 WL 5019877, at \* 7; *Geraci*, 436 F. Supp. 2d at 1040.

The same is true for Mr. Khan. Following Mr. Khan's kidnapping, his mother was immediately extorted for the freedom of her son. *See* ECF No. [12] ¶ 164. She sent over \$400 dollars every week to an associate of the Maduro Criminal Enterprise that claimed the funds would be used to purchase food for her son, which Mr. Khan

never received. *Id.* ¶ 180. The money spent totaled \$20,000. *Id.* These out-of-pocket expenses are the direct result of the RICO violations and constitute damage to business or property to support a claim.

Defendants' RICO violations also caused pecuniary losses stemming from the personal injuries as a result of the kidnapping of Mr. Heath and Mr. Khan. While not traditionally sufficient to state a RICO claim in this circuit, the Supreme Court has held that injuries to business or property resulting from personal injuries caused by RICO violations are not barred. *Med. Marijuana, Inc. v. Horn*, 604 U.S. at 598. So, "a human-trafficking victim can sue for her business or property harm, even though the harm necessarily resulted from her captivity." *Id.* at 609. Like the human trafficking victim in that hypothetical, Plaintiffs here can sue under RICO for harms to their business and property stemming from the captivity of Mr. Heath and Mr. Khan. These harms include Mr. Heath's mother, Connie Haynes, missing significant swaths at work to advocate for her son's return. ECF No. [12] at ¶ 141. Due to this, she earned only about half of her wages, losing approximately \$20,000 in potential earnings over the two years Mr. Heath was held captive. *See* ECF No. [62-17] ¶ 8. They also include Mr. Heath's sister, McKenzie Daniels, who quit her job due to the anxiety and stress of waiting for the return of her brother. *See* ECF No. [12] ¶ 146. On top of this, upon his return home, Mr. Heath lost his charter business and the boats he spent his life savings purchasing to operate that business. *Id.* ¶ 156. This logic carries to Mr. Khan as well, as his kidnapping and torture created significant adverse pecuniary consequences to both him and his family. *Id.* ¶ 193.

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

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

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

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

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

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

In sum, Plaintiffs allege facts sufficient to establish their claims of civil RICO. Thus, the Court finds Defendants liable to Plaintiffs under Count VII.

#### **6. Plaintiffs Adequately Pled Their Defamation *Per Se* Claims.**

Plaintiffs Heath and Khan assert defamation *per se* claims against Defendants. See ECF No. [12] ¶¶ 281–97. “Under Florida law, to state a claim for defamation ... the plaintiff must allege that: ‘(1) the defendant published a false statement; (2) about the plaintiff; (3) to a third party; and (4) that the falsity of the statement caused injury to the plaintiff.’” *Matonis v. Care Holdings Grp., L.L.C.*, 423 F. Supp. 3d 1304, 1315 (S.D. Fla. 2019) (quoting *Alan v. Wells Fargo Bank, N.A.*, 604 F. App’x 863, 865 (11th Cir. 2015)). All that is required for a statement to be considered “published” under Florida law, is that it be communicated to a third person. See *Estes v. Rodin*, 259 So. 3d 183, 191 (Fla. 3d DCA 2018).

To step into the realm of defamation *per se*, the statements must be “so obviously defamatory” and “damaging to [one’s] reputation” that they “give[] rise to an absolute presumption both of malice and damage.” *Klayman v. Jud. Watch, Inc.*, 22 F. Supp. 3d 1240, 1247 (S.D. Fla. 2014) (quoting *Wolfson v. Kirk*, 273 So.2d 774, 776 (Fla. 4th DCA 1973)). To give rise to this presumption, the statement must “(1) charge[] that a person has committed an infamous crime; (2) tend[] to subject one to hatred, distrust, ridicule, contempt, or disgrace; or (3) tend[] to injure one in his trade

or profession.” *Aflalo v. Weiner*, No. 17-cv-61923, 2018 WL 3235529, at \*2 (S.D. Fla. July 2, 2018) (quoting *Richard v. Gray*, 62 So. 2d 597, 598 (Fla. 1953)).

Plaintiffs allege that Defendants, acting through Defendant Tarek Saab, one of the Maduro Criminal Enterprise’s senior members, defamed Mr. Heath and Mr. Khan by falsely accusing them of terrorism, espionage, and human trafficking. ECF No. [12] ¶¶ 284–90. Plaintiffs allege that Defendants engaged in defamation *per se* against Mr. Heath through Defendant Tarek Saab’s announcement on Venezuelan television that Mr. Heath was arrested for sabotage and terrorist activities. *Id.* ¶ 284. This began when Defendant Tarek Saab went on Venezuelan television to accuse the plaintiff of “plotting to attack oil refineries and electrical service” to “sow sabotage and destabilization in Venezuela.” *Id.* ¶ 130. Defendant Tarek Saab then reaffirmed these false accusations by reiterating them on his Twitter page, where they were seen by residents of Florida. *Id.* Further, the accusations were then published in multiple media outlets, as the television address was published on YouTube and a story was run in The Miami Herald. *Id.* ¶¶ 286–87. Statements such as these have been recognized to state a claim for defamation *per se*, as they were false, made with malice, published, and stated that the plaintiff committed multiple felonies (including terrorism and arms trafficking). *See Marron*, 2023 WL 357592, at \*4 (holding defendants liable for defamation *per se* with similar false accusations.). As the Court did in *Marron*, the Court finds that Plaintiffs allege sufficient facts to find Defendants liable to Mr. Heath for defamation *per se*. *See id.*

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

In sum, Plaintiffs allege facts sufficient to establish their defamation *per se* claims. Therefore, the Court finds Defendant liable to Plaintiffs under Count VIII.

**D. The Record Sufficiently Establishes Plaintiffs' Rights to Appropriate Compensatory and Punitive Damages.**

After finding in Plaintiffs' favor as to liability, the Court must still evaluate the claims for damages, which "may be awarded only if the record adequately reflects the basis for award." *Adolph Coors Co. v. Movement Against Racism & the Klan*, 777 F.2d 1538, 1544 (11th Cir. 1985). In doing so, the Court has evaluated the admitted allegations of the Complaint, ECF No. [12], as well as Plaintiffs' supporting declarations, *see, e.g.*, ECF Nos. [62-1], [62-9], [62-11], [62-15], [62-17], [62-19], [62-21], [62-23].

## 1. Mr. Heath's & Mr. Kahn's Damages

### a. Kidnapping and Torture Under the ATA: Compensatory Damages

Under the ATA, a person injured by an act of international terrorism “shall recover threefold the damages he or she sustains and the cost of the suit, including attorney’s fees.” 18 U.S.C. § 2333. Typically, courts award victims of kidnapping and hostages approximately \$10,000 per day (before trebling). *See Stansell v. Revolutionary Armed Forces of Colom. (FARC)*, No. 09-cv-2308, 2010 WL 11507790, at \*3 (M.D. Fla. June 4, 2010). The Court allows for an adjustment considering inflation and has awarded an additional lump sum where “pain and suffering is heightened by torture.” *Marron*, 2023 WL 357592, at \*5; *Alban Osio*, 2023 WL 5019877, at \*10. In similar cases, the lump sum has been calculated at \$10 million. *Marron*, 2023 WL 357592, at \*5 (finding a \$10 million-dollar lump sum appropriate after finding evidence of torture); *see also Alban Osio*, 2023 WL 5019877, at \*10. The Court also recognizes that compensatory damages are trebled under the ATA. *In re Chiquita Brands Int’l, Inc.*, 284 F. Supp. 3d 1284, 1309 (S.D. Fla. 2018).

Given the strikingly similar facts and same Defendants in these cases, there is no reason for the Court to depart from the formula previously deployed. In 2023, the per diem amount was increased to \$18,164 per day for inflation. *Marron*, 2023 WL 357592, at \*5. Today, this amounts to a \$19,764 *per diem* award.<sup>4</sup> Multiplied by the 752 days Mr. Heath was in captivity and the 259 that Mr. Khan was in captivity, this

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<sup>4</sup> Inflation Calculator [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm) (comparing July 1998 with June 2025, the most recent month with inflation figures).

amounts to \$14,862,528 and \$5,118,876, respectively. This, in addition to the \$10,000,000 lump sum that should be awarded based on the previous cases involving almost identical circumstances, amounts to compensatory damages of \$24,862,528 for Mr. Heath and \$15,118,876 for Mr. Khan. After trebling, Mr. Heath's total compensatory damages is \$74,587,584, and Mr. Khan's amount is \$45,356,628.

**b. Defamation: Compensatory Damages**

The nature of the false accusations in this case has elicited large damages for defamation under similar circumstances. *See, e.g., id.; Alban Osio*, 2023 WL 5019877, at \*10 (awarding \$1 million in defamation damages after plaintiff was labeled a terrorist by the Maduro regime); *Friedman v. Schiano*, 777 F. App'x 324, 326 (11th Cir. 2019) (awarding \$640,000 in compensatory damages and \$640,000 in punitive damages after defendant false accused the plaintiff of scams, frauds and crimes); *Lustig v. Stone*, No. 15-cv-20150, 2015 WL 13326350, at \*7 (S.D. Fla. Aug. 18, 2015) (awarding plaintiffs \$700,000 in compensatory and \$1 million in punitive damages under defamation).

Both Mr. Heath and Mr. Khan were labeled terrorists, weapons traffickers, and spies that posed a threat the government of Venezuela. *See* ECF No. [12] ¶¶ 284–90. These defamatory statements were made for the sole purpose of justifying Mr. Heath's and Mr. Kahn's detentions and were used as leverage to extort funds from their families. *Id.* Additionally, Mr. Heath and Mr. Kahn were unable to defend themselves, as they were both in captivity with no way to refute the defamation. This allowed other media outlets to refer to Mr. Khan as “an American ex-Convict” and

Mr. Heath to have the accusation reported on in the *Miami Herald*. *Id.* ¶¶ 287, 291. The statements continue to affect Mr. Heath’s and Mr. Kahn’s professional lives. Given the egregious defamation they suffered, the Court will award Mr. Heath and Mr. Khan \$1 million each.

## **2. Family Member Plaintiffs’ Damages**

### **a. Pain, Suffering, and Loss of Companionship Pursuant to the ATA: Compensatory Damages**

Since Family Member Plaintiffs all suffered extreme hardship and loss of companionship while Mr. Heath and Mr. Khan were kidnapped and tortured at the hands of Maduro Criminal Enterprise, Plaintiffs also request that Family Member Plaintiffs should be granted damages for their pain, suffering, and loss of companionship based on the abductions. *See* ECF No. [12] ¶¶ 139–140, 148–49, 152, 164, 174-75, 177-81.

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

of a single attack.” *Haim v. Islamic Republic of Iran*, 425 F. Supp. 2d 56, 75 (D.D.C. 2006). Other courts permit upward adjustments when there is evidence of “circumstances surrounding the terrorist attack which made the suffering particularly more acute or agonizing.” *Oveissi v. Islamic Republic of Iran*, 768 F. Supp. 2d 16, 26-7 (D.D.C. 2011).

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

Accordingly, the Court will award Robert Heath \$5,000,000.00, Connie Haynes \$5,000,000 with an upward departure of 25% due to her mental health diagnoses, ECF No. [62-17] at ¶ 9, for a total award of \$6,250,000, I.M.H. \$5,000,000, and McKenzie Daniels and Devin Waller \$2,500,000 each, before trebling. *See Marron*, 2023 WL 357592, at \*3 (awarding minor child \$5,000,000 for pain and suffering for a parent who was held captive and tortured for 635 days). Mr. Khan’s family members

were extorted for money by his captors. ECF No. [12] ¶164. They feared what harm would come to him if they failed to comply. *Id.* Additionally, they were sent video messages and calls from Mr. Kahn to ensure their compliance. *Id.* ¶¶ 164, 166. Consequently, the Court awards Tania Valdes \$5,000,000 with an upward departure of 25% for an award of \$6,250,000, Jasmin Khan \$2,500,000 with an upward departure of 25% for an award of \$3,125,000, and A.I.K. \$2,500,000, before trebling. All of these amounts are subject to trebling under the ATA. *See* 18 U.S.C. § 2333.

### **3. Punitive Damages**

The purpose of punitive damages is twofold. First, they serve as a tool to punish truly reprehensible conduct. *Alejandre v. Repub. of Cuba*, 996 F. Supp. 1239, 1250 (S.D. Fla. 1997). Second, punitive damages serve the purpose of remedying egregious wrongs in international law. *See id.* Significant punitive damages are awarded in cases involving acts of terrorism. *See Polhill v. Islamic Republic of Iran*, No. 00-cv-1798, 2001 WL 34157508, at \*5 (D.D.C. Aug. 23, 2001) (awarding \$300 million in punitive damages against Cuba); *Elahi v. Islamic Repub. of Iran*, 124 F. Supp. 2d 97 (D.D.C. 2000) (on default, awarding the brother of a deceased plaintiff \$300 million in punitive damages). In similar cases, courts consider the wealth of the defendants when determining whether punitive damages are appropriate. *See, e.g., Alejandre*, 996 F. Supp. at 1253; *Equal Emp. Opportunity Comm'n v. Swami Pancake, LLC.*, No. 19-cv-60714, 2019 WL 10058714, at \*2 (S.D. Fla. Oct. 15, 2019). Further punitive damage awards are tailored to the size of the organization, as a large organization will only face sufficient punishment from a significant award. *See Mehinovic*, 198 F.

Supp. 2d at 1359; *Arce*, 434 F.3d at 56. In *Perez*, for example, the plaintiffs were awarded significant punitive damages against some of the same defendants. See *Perez v. Moros*, No. 24-cv-23719, 2025 WL 3737634 (S.D. Fla. Mar. 24, 2025) (awarding “punitive damages equal to three times the compensatory damages awarded”).

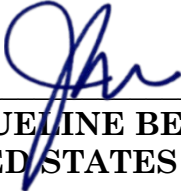
Here, Defendants, who control an oil-rich nation and an extensive illicit gold and narcotics market, have the resources to support a large punitive damage award. See ECF No. [12] ¶¶ 99–106. Accordingly, the Court finds that punitive damages of three times the actual damages is justified under the circumstances. The result is a total award of four times the actual damages for all counts.

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

#### **IV. CONCLUSION**

For the above reasons, Plaintiffs Motion for Default Judgment, ECF No. [61], is **GRANTED**. Pursuant to Rule 58 of the Federal Rules of Civil Procedure, a default final judgment will be entered by separate order.

**DONE AND ORDERED** in Miami, FL this 1<sup>st</sup> day of May, 2026.

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

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

MATTHEW JOHN HEATH *et al*,

Plaintiffs,

vs.

NICOLÁS MADURO MOROS *et al.*,

Defendants.

---

**MOTION FOR ENTRY OF FINAL JUDGMENT**

Plaintiffs' move pursuant to Federal Rule of Civil Procedure 58 for entry of a final judgment in this matter.

This Court granted Plaintiffs' Motion for Default Judgment on May 4, 2026 and found Defendants Nicolás Maduro Moros ("Nicolás Maduro" or "Maduro"), Vladimir Padrino López ("Padrino López), Néstor Luis Reverol Torres ("Reverol Torres"), Tarek William Saab Halabi ("Tarek Saab"), Iván Rafael Hernández Dala ("Iván Hernández"), Diosdado Cabello Rondón ("Diosdado Cabello"), Alex Nain Saab Morán ("Alex Saab"), José Miguel Domínguez Ramírez ("Domínguez Ramírez"), Cilia Adela Flores de Maduro ("Cilia Flores"), Reynaldo Hernández, Marlon Salas Rivas ("Salas Rivas"), Alexander Enrique Granko Arteaga ("Granko Arteaga") (collectively, "Individual Defendants"), Compañía General de Minería de Venezuela, (a.k.a. CVG Compañía General de Minería de Venezuela CA, a.k.a. Corporación Venezolana de Guyana Minerven C.A., a.k.a. CVG Minerven, a.k.a. and hereinafter "Minerven"), Segunda Marquetalia, Fuerzas Armada Revolucionarias de Colombia - Ejército del Pueblo ("FARC-EP") and Cártel de Los Soles ("Cartel of the Suns") jointly and severally liable to Plaintiffs under Counts I-VII alleged

in the Amended Complaint. ECF No. 65; ECF No. 9. The Order awarded Plaintiffs compensatory and punitive damages. *Id.* at 40-46. No issues raised by Plaintiffs' Complaint remain to be decided.

Therefore, pursuant to Rule 58, Plaintiffs request entry of the enclosed proposed final judgment, attached hereto.

Dated: May 8, 2026

Respectfully submitted,

/s/ John Thornton

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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 8, 2026, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

*s/ John Thornton*

John Thornton

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

MATTHEW JOHN HEATH *et al*,

Plaintiffs,

vs.

NICOLÁS MADURO MOROS *et al.*,

Defendants.

---

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

**THIS MATTER**, having come before the Court on Plaintiffs’ Motion for Default Judgment as to Defendants Nicolás Maduro Moros (“Nicolás Maduro” or “Maduro”), Vladimir Padrino López (“Padrino López”), Néstor Luis Reverol Torres (“Reverol Torres”), Tarek William Saab Halabi (“Tarek Saab”), Iván Rafael Hernández Dala (“Iván Hernández”), Diosdado Cabello Rondón (“Diosdado Cabello”), Alex Nain Saab Morán (“Alex Saab”), José Miguel Domínguez Ramírez (“Domínguez Ramírez”), Cilia Adela Flores de Maduro (“Cilia Flores”), Reynaldo Hernández, Marlon Salas Rivas (“Salas Rivas”), Alexander Enrique Granko Arteaga (“Granko Arteaga”) (collectively, “Individual Defendants”), Compañía General de Minería de Venezuela, (a.k.a. CVG Compañía General de Minería de Venezuela CA, a.k.a. Corporación Venezolana de Guyana Minerven C.A., a.k.a. CVG Minerven, a.k.a. and hereinafter “Minerven”), Segunda Marquetalia, Fuerzas Armada Revolucionarias de Colombia - Ejército del Pueblo (“FARC-EP”) and Cártel de Los Soles (“Cartel of the Suns”). ECF No. 61. The Court granted Plaintiffs’ Motion for Default Judgment. ECF No. 65. Pursuant to Federal Rule of Civil Procedure 58(a), the Court now enters this separate and Final Judgment.

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

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

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

This final judgment shall bear interest at the rate prescribed by 28 U.S.C. § 1961 from the date this Order is entered until the date the judgment is satisfied. Further, the Court shall assess the amount of attorney's fees at the conclusion of the Plaintiffs recovery of the damages set forth above. The Court shall retain jurisdiction of this matter for the purpose of enforcing this Judgment.

The Clerk of the Court is **DIRECTED** to enter this document on the civil docket as a final judgement pursuant to Rule 58.

**DONE AND ORDERED** in Miami, Florida this \_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Judge Jacqueline Becerra

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 1:25-cv-20040-JB**

MATTHEW JOHN HEATH *et al.*,

Plaintiffs,

vs.

NICOLÁS MADURO MOROS *et al.*,

Defendants.

---

**ORDER OF FINAL DEFAULT JUDGMENT**

**THIS CAUSE** comes before the Court on Plaintiffs' Motion for Entry of Default Final Judgment as to Defendants Nicolás Maduro Moros ("Nicolás Maduro" or "Maduro"), Vladimir Padrino López ("Padrino López), Néstor Luis Reverol Torres ("Reverol Torres"), Tarek William Saab Halabi ("Tarek Saab"), Iván Rafael Hernández Dala ("Iván Hernández"), Diosdado Cabello Rondón ("Diosdado Cabello"), Alex Nain Saab Morán ("Alex Saab"), José Miguel Domínguez Ramírez ("Domínguez Ramírez"), Cilia Adela Flores de Maduro ("Cilia Flores"), Reynaldo Hernández, Marlon Salas Rivas ("Salas Rivas"), Alexander Enrique Granko Arteaga ("Granko Arteaga") (collectively, "Individual Defendants"), Compañía General de Minería de Venezuela, (a.k.a. CVG Compañía General de Minería de Venezuela CA, a.k.a. Corporación Venezolana de Guyana Minerven C.A., a.k.a. CVG Minerven, a.k.a. and hereinafter "Minerven"), Segunda Marquetalia, Fuerzas Armada Revolucionarias de Colombia - Ejército del Pueblo ("FARC-EP") and Cártel de Los Soles ("Cartel of the

Suns”). ECF No. [66]. For the reasons set forth in the Order granting Plaintiffs’ Motion for Default Judgment, ECF No. [65], the Court now enters this separate final judgment pursuant to Federal Rule of Civil Procedure 58(a).

Accordingly, it is **ORDERED** and **ADJUDGED** that Plaintiffs’ Motion, ECF No. [66], is **GRANTED**. Final Judgment is hereby entered in favor of Plaintiffs Matthew John Heath, I.M.H., Robert John Heath, Connie Demeta Haynes, McKenzie Conneal Daniels, Devin Waller, Osman Imran Khan, Tania Yudith Valdes, Jasmin Yudith Khan, and A.I.K. for compensatory damages pursuant to the ATA and punitive damages against all Defendants, jointly and severally, in the following amount, for which sums let execution issue forthwith:

<b>DAMAGES AWARDED</b>					
<b>Plaintiff</b>	<b>Claims</b>	<b>Compensatory Damages (Actual) Amount Before Trebling</b>	<b>Total Compensatory Damages (Trebled for ATA claims only)</b>	<b>Punitive Damages<sup>1</sup></b>	<b>Total</b>
Matthew John Heath	ATA	\$24,862,528	\$74,587,584	\$24,862,528	\$99,450,112.00
Matthew John Heath	Defamation	\$1,000,000	\$1,000,000 (no trebling)	\$3,000,000	\$4,000,000.00
Osman Imran Khan	ATA	\$ 15,118,876	\$45,356,628	\$ 15,118,876	\$60,475,504.00
Osman Imran Khan	Defamation	\$1,000,000	\$1,000,000 (no trebling)	\$3,000,000	\$4,000,000.00
I.M.H.	ATA	\$5,000,000	\$15,000,000	\$5,000,000	\$20,000,000.00
Robert John Heath	ATA	\$5,000,000	\$15,000,000	\$5,000,000	\$20,000,000.00
Connie Demeta	ATA	\$6,250,000	\$18,750,000	\$6,250,000	\$25,000,000.00


<sup>1</sup> Awarded for kidnapping and torture under the TVPA to the extent that they do not overlap with ATA treble damages.

Haynes					
Devin Edward Waller	ATA	\$2,500,000	\$7,500,000	\$2,500,000	\$10,000,000.00
McKenzie Conneal Daniels	ATA	\$2,500,000	\$7,500,000	\$2,500,000	\$10,000,000.00
Tania Yudith Valdes	ATA	\$6,250,000	\$18,750,000	\$6,250,000	\$25,000,000.00
Jasmin Yudith Khan	ATA	\$3,125,000	\$9,375,000	\$3,125,000	\$12,500,000.00
A.I.K.	ATA	\$2,500,000	\$7,500,000	\$2,500,000	\$10,000,000.00
<b>Total:</b>		\$75,106,404	\$221,319,212	\$79,106,404	\$300,425,616.00

This final judgment shall bear interest at the rate prescribed by 28 U.S.C. § 1961 from the date this Order is entered until the date the judgment is satisfied. Further, the Court shall assess the amount of attorney's fees at the conclusion of the Plaintiffs recovery of the damages set forth above. The Court shall retain jurisdiction of this matter for the purpose of enforcing this Judgment.

The Clerk of the Court is **DIRECTED** to enter this document on the civil docket as a final judgement pursuant to Rule 58.

**DONE AND ORDERED** in Miami, Florida this 12th day of May, 2026.


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**JACQUELINE BECERRA**  
**UNITED STATES DISTRICT JUDGE**