

**IN THE UNITED STATES COURT
OF FEDERAL CLAIMS**

RICHARD A. CHICHAKLI

PLAINTIFF

COMPLAINT

v.

PLAINTIFF DEMANDS
TRIAL BY JURY

THE UNITED STATES

DEFENDANT

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1. COMES NOW Richard A. Chichakli, a private United States Citizen and a Pro-Se Plaintiff, and asserts before this Honorable Court his claim for damages, and for recovery of his assets, and for compensation in lieu of his assets which are lost, damages, destroyed, or stolen by the federal agents and contractors working-for and on behalf of defendant, the United States government, collectively including the various departments, agencies, divisions, federal agents, and contractors of the United States Government, and all the Departments of the United States Government, including the covert operations and all those involved in the matters of this plaintiff, known and unknown; including but not limited to Federal Agents, employees, officials, custodians, and contractors of several Departments and Agencies of the United States Department of Treasury and its Office of Foreign Assets Control (OFAC); the United States Department of Justice including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA) and its Special Operations Division (SOD), the office of United States Attorney in the Southern District of New York; and all contracted by the United States government and whom on behalf of – or for the United States are involved in the handling, transportation, seizure, storage, evaluation and inspection, and disposal of the assets

of Richard Chichakli – this plaintiff known and unknown, collectively called hereinafter “the United States”

2. Complainant affirms before this Court that defendants, collectively, and each and every single one of them, have directly, intentionally and deliberately, damaged this plaintiff financially and removed all economic value from his assets, namely his ongoing business concern by (a) stealing, taking, plundering and causing the plundering of plaintiff’s assets including inventories of gold, cut and polished diamonds, collectible United States \$1,000 currency bills, original arts, and other valuables which are enumerated in details hereinafter, (b) and by plundering and misappropriating cash, revenues, and accounts receivable from plaintiff businesses, and from alleged disposal of his assets including personal business properties including the accounts receivable of Plaintiff’s Public Accounting Practices, and plaintiff’s held mortgage and notes receivable, among other assets; (c) and by refusing to release plaintiff’s assets after ordered to release such assets in 2015, and by illegally-taking and preventing Plaintiffs’ from using and benefiting from his assets and funds until 2017; nearly two additional after the funds and assets ordered released by the President of the United States in Executive order 13710; and (d) by abusing their authority and violating Executive Order 13448, and the laws and regulations of the United States to purposely and deliberately hurt this plaintiff.
3. Plaintiff further asserts that defendant the United States caused serious financial damage, and illegally taken Plaintiff property in violation of 50 U.S.C. §1601 *et seq.* and §1701 *et. seq.*, 31 C.F.R. §593.201 *et seq.*; additionally, Defendants’ deliberate delay and refusal to timely release and return Plaintiff’s assets in 2015 after the issuance of Executive Order 13710 is

illegal seizure in violation of this plaintiff's constitutional rights under the Forth, Fifth, and Fourteenth Amendments of the Constitution of United States.

4. Accordingly; Plaintiff asserts that defendant action, namely, the stealing, plundering, misappropriation, and the unconstitutional taking and unlawful depriving and seizure of Plaintiff assets, monies, valuable, and real personal property after Nov 2015 caused grave financial damages to Plaintiff; thus, this Plaintiff is entitled for damages and compensation, and all other reliefs permitted by law as this Court find just and proper.

JURISDICTION AND VENUE

5. This claim against the United States is in sum of money in excess of Ten thousand United States dollars; thus, venue is proper and this Honorable Court has exclusive jurisdiction under the Tucker Act, 28 U.S.C. § 1491
6. The Court authority to award costs and fees under 28 U.S.C. §2412, and 5 U.S.C. §504

STATEMENT OF THE ISSUE

7. The issue before this Court in this matter, is a claim against the United States for the theft, plundering, and illegal taking of Plaintiff's cash, diamonds, jewelry, original art, and other personal and real property of Richard Chichakli – the Plaintiff, while the said assets, personal and real property of Plaintiff were blocked and held by defendant, in the care custody and under the full control of defendant.
8. Defendant, the United States, in OFAC's communication in 2016 and 2017 admitted in writing to have "lost" significant part of Plaintiff assets which were originally blocked in 2005 and

must be released in 2015. Defendant inventories the blocked assets in 2006, and 2007 reporting the value of blocked assets to the United Nations Security Council as U.S. \$2 million, \$2 million, and \$1.65 million respectively (See: UN Security Council Reports S/2006/379 Table#6 Page-35; S/2006/976 Table#10 Page-37; and S/2007/340 Table#4 Page-29 – [Exhibit 1](#)).

9. The shortage variance is clearly illustrated within defendant's own records; namely between the inventory conducted by the U.S. Office of the Inspector General in 2007 and the inventory created by the U.S. Treasury in 2014; and by the further shortage illustrated between the inventory created by the US Treasury in 2017 and the actual items released to this Plaintiff in 2017. THE FACT THAT PLAINTIFF ASSETS WERE PLUNDERED, STOLEN, AND ILLEGALLY TAKEN BY DEFENDANTS IS IRREFUTABLE.

10. It is further irrefutable in accordance to Court Records, that defendant in 2013 transferred diamonds and cash from this Plaintiff's assets which were blocked in 2005, at-least from California to New York, un-inventoried, and unofficially. Then Plaintiff said diamonds and cash were handled, off-records, by certain federal agents and officials whom records reflect judicial adverse credibility finding by a Federal judge. These assets were UNOFFICIALLY transferred, and there aren't any records to "before-and-after inventory" related to the unofficial transfer. *This plaintiff uses the word "theft" in view of the elaborate deliberate efforts taken by Defendant to conceal the theft are as the records clearly proves.*

11. Defendant although admitted its failure to return the blocked assets in accordance with Executive order 13710, and 50 U.S.C. § 1701 *et. seq.* & 1601 *et. seq.*, Defendants failed to make restitution to this plaintiff despite Plaintiff's demand for restitution.
12. Plaintiff asserts that defendant, the United States Government is liable for its failure to comply with Executive Orders 13448, and 13710; and 50 U.S.C. §1601 *et seq.*, and 31 C.F.R. §593.201 *et seq.* 50 USC 1601 *et Seq.*; and for violating this Plaintiff's Constitutional Right under the Fourth, Fifth, and Fourteenth Amendments; and for its careless indifference, and criminal negligence, theft, plundering, and destruction of Plaintiff's assets; and therefore, this Plaintiff is entitled to full compensation plus damages.

STATEMENT OF THE CASE

13. Plaintiff, Richard Ammar Chichakli, is a decorated and honorably served and discharged; disabled veteran of the United States Army with compensable service-related disability; and a former full-time employee of the United States Department of Justice. Plaintiff is also a former Certified Public Accountant (CPA) licensed in several states, including the state of Texas; and former Part-time professor of accounting at various colleges and universities in Texas. Plaintiff is also a former licensed Real Estate Professional, and the owner and operator of several small businesses in the Dallas-Fort Worth area.
14. Plaintiff has long been associated with and in service of defendant, the United States Government. Plaintiff has served the United States as Uniformed Soldier, and civilian employee; in official and unofficial capacity, in several countries beside the United states,

including various places in Europe, Africa, and the Middle East. Plaintiff certain service to defendant required maintaining relations with officials, influential persons, and persons of interest to the United States.

15. In 1995 This plaintiff was an economic advisor to a head of state in the United Arab Emirates (UAE), and he was then appointed to create a 100,000,000 Square Feet (10 million Sq. meter) “Free Economic Trade Zone” in the State of Sharjah-UAE. See: [Exhibit-2](#). It was then in UAE, in July of 1995 when this Plaintiff first met a person of interest to the United States, a 27 years-old Russian and alleged arms trafficker named Victor Bout who was a person of interest to the United States, the defendant.

16. Victor Bout had, since befriended by this plaintiff in 1995, assisted the Defendant – the United States government in places like Afghanistan in 2001, as the attached publicly available United Nations document published by IPIS Research reveals. See: [Exhibit-3](#)

17. On April 26, 2005 pursuant to Executive Order 13348 defendant the United States Government abruptly designated Plaintiff, Richard Chichakli, as “Specially Designated National” for allegedly violating the International Economic Power Act through his association with Victor Bout. The Designation was decided by the United States Treasury – Office of Foreign Assets Control (OFAC), pursuant to authority delegated to the Secretary of Treasury by the President of the United States through Executive Order 13348 signed by the President on July 22, 2004 under authority granted to the president by the International Economic Power Act (IEEPA) 50 U.S.C. §1701 *et seq.*

18. Defendant tried to justify the 2005 designation of Plaintiff by attempting a criminal case against this Plaintiff, as the 2005 designation and blocking of this plaintiff was quickly molded into three Grand Jury investigations into Plaintiff's personal and business affairs in three states; namely Texas, Virginia, and Washington DC, on the account of an FBI investigation identified as Case No. 315N-DL-982050-CRIM. ALL of the said three Grand Jury investigations were dismissed with no finding of any wrongdoing by Plaintiff as defendant testified in Federal Court in 2013, and the attempted 2005 creation of case no. 315N-DL-982050-CRIM was also dismissed by the Grand Jury on all of the invented charges without any indictment.
19. Pursuant to the Designation of Plaintiff on April 26, 2005 Defendant the United States Government blocked all of the assets of Richard Chichakli – personal and real, took his home, his vehicle, monies and bank accounts; blocked Plaintiff's business assets which included among other things, funds in several banks, accounts receivable, vehicles, passenger and cargo airplanes, airplanes engines and spare parts, inventory of cut and polished diamonds, business equipment and furniture, and collection of original arts. Defendant also completely blocked and denied this plaintiff access to his paper and documents in order to hinder his ability to defend himself.
20. The unprecedented action defendant took against this plaintiff included Defendant barring plaintiff from working or creating business to earn living, and barring Plaintiff from transacting within the United States and with any US person; effectively, denying Plaintiff the ability to purchase food and sustain life without the prior written approval of the defendant. This

unprecedented act clearly described in the attached Court transcript of Federal Judge William Pauley colloquy with Defendant the United States See: [Exhibit – 4](#)

21. On May 2nd 2005 Plaintiff, being prevented from sustainment of life in the United States by defendant, left the US and travelled abroad. *No charges or indictment existed against this plaintiff in 2005 when this plaintiff left the United States.* Plaintiff travelled outside the United States in 2005 **AFTER** discussing his intention to leave the U.S. with the U.S. DOJ Official in-charge of the investigation; namely with John Cox III, and with the FBI, namely Dennis Brady the special agent in-charge. John Cox judicially admitted in Federal Court that this plaintiff was not subject to any arrest or indictment; thus, this plaintiff did not flee the United States as defendant falsely publicized (See: [Exhibit -5](#))

22. Plaintiff unsuccessfully challenged his designation in 2005-2006; thus, he remained under the political economic sanctions which imposed in April 2005, until the said sanctions were abolished and terminated on November 11, 2015 by the President of the United States through Executive Order 13710.

23. On January 2nd, 2013 the United states government issued an indictment against this plaintiff where he was named as the ONLY defendant, alleging he *conspired* to violate the political economic sanction imposed upon him pursuant to Executive Order 13448. Plaintiff was arrested one week later by the INTERPOL in Australia, namely on January 9, 2013 ([See: Exhibit – 6](#)) and was extradited to the United States where he was convicted in the Southern District of New York and sentenced to 5-years imprisonment. Plaintiff served the imposed sentence and was released from prison in February 2017.

24. This plaintiff demanded inventory of his blocked assets from the Defendant, the United States Government as soon as the blockage took place in 2005; Plaintiff's demand for inventory was addressed namely to the U.S. Treasury – Office of Foreign Assets Control (OFAC), Robert Werner the Head of OFAC at that time; and to the Federal Bureau of Investigation (FBI), more particularly to William Hoffman and Dennis Brady the Agents in Charge located in Texas, and John Cox, II of the United States Department of Justice, in Washington DC. For the ensuing nine years 2005-2013 inclusive, Defendant refused to release inventory of plaintiff's asserts blocked in 2005. Noted that the search warrant authorized the FBI only to search-for and seize records, and the FBI's search return did not list any cash, jewelry, or valuable (See: [Exhibit: 7a and 7b](#))

25. In 2013, Defendant - OFAC was ordered by the Court in Sothern District of New York to provide inventory of Plaintiff's blocked assets while plaintiff was on trial; accordingly, Defendant, manufactured and issued the hand-written inventory (attached herein as [Exhibit – 8](#)). The useless list provided by defendant did not include any of Plaintiff's real or personal assets, other than partial list Plaintiff's inventory of diamonds, and the content of only one of the several bank deposit boxes which were maintained by this plaintiff's. It is NOTED that defendant deliberately, with malice, and for the purpose of concealing the ongoing theft, plundering, and destruction of Plaintiff's assets, hid the lists of the inventory which was conducted earlier in 2007 by the Treasury-OIG (attached herein as [Exhibit-10](#))

26. On November 12, 2015 The President of the United States Signed and issued Executive Order 13710 which effectively, and immediately removes all the political economic sanctions against

Plaintiff; thus, unblocked Plaintiff assets, the subject of this lawsuit. (See: Federal Register Vol 80, No. 233, Page: 75897 dated 12/4/2015, [Exhibit – 9](#))

27. The official Unblocking of the assets of this plaintiff is dated November 12, 2015 as stated in the Federal Register ([Exhibit-9](#)); thus, this action is within the applicable statute of limitation of such claim, which is 6-years.

28. Upon the removal of the sanctions against and blocking, Plaintiff who was still then incarcerated, communicated with the government – namely with OFAC and assigned two representatives to receive on his behalf the assets unblocked pursuant to Executive Order 13710 (EO-3710) of November 2015 and must be returned. Defendant deliberately failed to communicate with Plaintiff’s legal representatives, refused to issue accounting of Plaintiff’s blocked assets, and did not release Plaintiff’s assets. *As such*, the Defendant has taken, held, and illegally seized without a cause or warrant Plaintiff’s assets for nearly two years, on each and every single day from November 11, 2015 through May 16, 2017 in violation of Executive Order 13710; and the Forth and Fourteenth Amendments of the United States Constitution.

29. On May 22, 2007 and upon the repeated complaint by this Plaintiff concerning the lack of accountability for his assets, the Inspector General of the United States Treasury ordered an inventory be conducted. This result of this inventory is unquestionable proof of Plaintiff’s assets in the possession defendant – the United States Government “OFAC” in 2007, two years after such assets were blocked in 2005, and from which Diamonds, Gold, and cash are being later stolen by the federal agents who supposed to guard these assets. Plaintiff will use the Government inventory dated May 22, 2007 as the ground upon which this claim is based. The OIG inventory is attached herewith as [Exhibit-10](#)

30. On April 20, 2017 the Defendant US Government through OFAC, notified Plaintiff that his assets will be released and turned over to him on May 17, 2017; which is more than One year and one-half of a year after EO-13710 ordering the removal of sanction and return of plaintiff properties was issued. Defendant also provided “Listing” of the items to be returned on May 17, 2017 which attached herein as [Exhibit-11](#)
31. On May 17, 2017 Defendant FAILED to return all of the properties included in Defendant’s own list dated April 20, 2017. Assets that were stolen and missing from Defendant’s May/2017 list included Collectible US Currency \$1,000 notes, all men’s jewelry, and various Gold items; which are all disappeared from “Defendant’s Box” while the property in the hands of the federal agents whom are tasked to bring and deliver to Plaintiff the said assets in Dallas. The few items which are stolen from Plaintiff’s property in the three weeks between 4/20/2017 and 5/17/2017 are valued in excess of Ten Thousand (\$10,000) U.S. Dollar. Defendant acknowledged in writing his failure to deliver the items referenced in the Paragraph above which include cash, Gold, and men’s jewelry, as clearly indicated in items number 33, 34, and 35 of defendant’s “Receipt of Returned Property” marked herein as [Exhibit-12](#)
32. Further inspection of the returned items indicated that Plaintiff’s returned Diamonds inventory is missing approximately 20 carats of unmounted, cut, and polished diamonds. The stolen stone are the entire inventory of One (1) carat or larger diamonds, and almost all the stones of VVS-clarity higher than 0.7 carat in weight. A complete list of the missing stones is provided in [Appendix-A](#).

33. The determination of stolen diamonds has been determined by comparing the list of diamonds inventories by the Office of the Inspector General in 2007 (market here as Exhibit-10) to the inventory delivered by the US Treasury-OFAC in 2017. The comparison includes the counts of stones in each of the pre-numbered and labeled packets, as well as the number of packets of diamond; the comparison also includes the count of US Currency \$1,000 notes, and the count of the foreign currencies notes, as well as the items of Jewelry.
34. Plaintiff firmly asserts that the missing diamonds stones were present in defendant's inventory of 2007, and they were after that date stolen the agents of defendant.
35. Plaintiff further asserts that the cash estimated at \$40,000 was present in Plaintiff assets until Plaintiff's box of diamonds which was blocked in 2005, and the said amounts of cash; in violation of E.O. 13348 and 31 C.F.R. §593.201 *et seq.*, were unofficially and illegally transferred from California to New York, and were off-records insecurely handled by the former US Attorney Preet Bharara and his assistants Ian McGinley, and Christopher Everdell, as they attempted to invent a violation of IEEPA by offering the said items to Plaintiff in 2013 (through his stand-by attorney Marlon Kirton), while plaintiff was still under sanction and incarcerated. The Court transcripts in the US v Chichakli, clearly documents these indisputable facts.
36. Plaintiff further asserts that his collection of US \$1,000 notes, men's jewelry in diamonds rings, and heavy chains in 22Karat gold, all identified, inventoried, and indicated in the 2007 UDS Treasury OIG inventory, and OFAC April 2017 inventory were stolen from his property by defendant during the period April/2017 through May/2017; thus, the defendant US Government failed to deliver these items to Plaintiff on May 17, 2017

37. - cash estimated at \$40,000 was present in Plaintiff assets until Plaintiff's box of diamonds which was blocked in 2005, and the said amounts of cash; in violation of E.O. 13348 and 31 C.F.R. §593.the said money has also disappeared, as well as the proceed from the sale of two real estate properties that were blocked in 2005, as well more than \$80,000 in accounts receivable, and unknown sum of money defendant receive from the sale of the business assets of this plaintiff.

38. Defendant, the United States represented by its federal agents and contractors went into elaborate and deliberate criminal acts to cover-up and conceal the theft of Plaintiff's diamonds. Defendant deliberately tried to conceal the government stealing and plundering Plaintiff's diamonds, by replacing the large very-expensive stones of diamonds they took with the small and inexpensive diamonds taken from Plaintiff's inventory. For example, the OIG inventory dated May 22, 2007 of Plaintiff's diamonds ([Exh-10](#)) reveals in item no- 48, page-2 that Five (5) diamonds existed in Plaintiff's packet #39. The government agents took four of the five stones in packet#39 and used them to replace the large stones they have stolen from other packets such as Packets #165, 163, 148, 152, 106, etc. (see [Appendix-A](#) for complete list of diamond stolen by federal agents). Plaintiff asserts that the extensive and elaborate efforts, and the planned deliberate acts taken by defendant, the United States, to cover-up the crime of its agents, and the theft of Plaintiff's assets leaves no doubt about the nature and extent of the shameful criminal act of defendant's agents. **THUS**; this plaintiff is entitled for full restitution for the current market value assets stolen and plundered by the federal agents, plus interest, plus damages for illegal taking and loss of use.

39. The records further proves that defendant the US Government directly through its Federal Agents at various branches, namely the United States Treasury – OFAC including Adam Szubin and current officials, the FBI - namely Special Agent William Hoffman, and the US Attorney in the Southern District of New York - namely Former US Attorney Preet Bharara, assistant US Attorney Christian Everdell, and Assistant US Attorney Ian McGainley, and the DEA’s Special Operation Division (SOD) - namely Agent Paul Larsen; all of them, individually and collectively; working for and serving defendant; have participated-in, committed, and caused the theft of Plaintiff’s property directly or indirectly; and have acted with careless indifference, violated the law, and abused authority; thus, causing the loss and destruction of Plaintiff’s assets, and the loss millions of dollars as the records shall prove.

40. Plaintiff communicated with OFAC and raised the issue of his missing and stolen property, and Defendant acknowledged receiving Plaintiff’s demand for restitution. Defendant ADMITTED IN WRITING his failure to return Plaintiff’s property and ADMITTED IN WRITING that variances in his own inventories from 2007 to 2014 indicate the theft of Plaintiff’s blocked property (see: OFAC Letter to Plaintiff in [Exhibit 12](#))

41. On January 2018 Plaintiff notified defendant of his intent to file a lawsuit unless defendant receives adequate compensation for his stolen, destroyed, and missing properties. As of date, which is one year since Plaintiff demanded recovery from Defendant in 2017, and six months after Plaintiff notified defendant of his intention to take legal action to recover the property stolen by Defendant’s agents; Defendant – the United States, arrogantly refused to respond while pressuring, intimidating, and harassing this Plaintiff through its various departments including the Office of the U.S. Attorney in Southern New York, and the US Probation, in an

attempt to hush-up this plaintiff, to conceal the theft of plaintiff's property, and to protect the criminal acts of its Federal Agents, Government officials, and contactors. (See: [Exhibit – 13](#))

ARGUMENT

42. Pursuant to 50 U.S.C. §1701 *et seq.* Plaintiff's assets were blocked on April 26, 2005. Title-50, known as "The International Economic Emergency Power Act (IEEPA)" DOES NOT authorize, nor operationally transfers the title of blocked property to the the government of the United States – the defendant; thus. The title of Plaintiff's property which was blocked by Defendant in 2005 remain vested in this plaintiff until such blockade is removed. The head of US Treasury - OFAC judicially declared, under oath, in his affidavit that the blocking is temporary, and it is used as bargaining chip to induce cooperation with the government. (See the declaration of Adam Szubin, Chichakli v. Szubin 3-06-CV01546, Page-3, at #9 and #10, attached herein as [Exhibit- 14](#))

43. Defendant, the United States collectively through all of its departments, agencies, and contractors is obligated pursuant to EO 13348 and 31 C.F.R. 593.201 *et seq.* to safekeep and maintain the blocked assets; defendant is particularly required to report and account for such blocked assets pursuant to 31 C.F.R. §593.601. (See: [Exhibit -15](#))

PLAINTIFF'S FIRST CLAIM

THEFT AND PLUNDERING OF PLAINTIFF'S ASSET BY DEFENDANT

44. Defendant the United States, collectively through its departments, agencies, and contractors has stolen, embezzled, plundered, or otherwise illegally took, and failed to return to plaintiff diamonds with an estimated value in excess of one hundred thousand dollar (US \$100,000), cash and disregard of one million dollar (\$1,000,000) including revenues from disposal of plaintiff's real properties, U.S and Foreign collectible currencies and bank notes valued at more than Seventy thousand dollar (\$70,000), business accounts receivable of approximately \$80,000, Mortgage note receivable of more than \$20,000 as lien held in favor of Plaintiff was removed (See: Navaro Note, Exhibit- 16), original arts from Plaintiff's public accounting Office with verifiable acquisition value of \$320,000, in addition to \$45,000 in jewelry, gold and other property.

45. Defendant admitted his failure to return plaintiff property as he must do in accordance with the law, and as mandated by executive order 13710. Plaintiff asserts that Defendant violated 31 C.F.R. 593.201 *et seq* and Executive Order 13348 by failing to account for the assets of this plaintiff since the blockade of the said assets in 2005 and until the blockaded was terminated in 2015. Defendant failure to account is a clear violation of 31 C.F.R. §593.601, 31 C.F.R. §593.504, and 31 C.F.R. §501.603

46. The loss and destruction of plaintiff's assets although mainly done through the direct theft and embezzlement of cash, diamonds, Gold, Jewelry, and other valuable; it was further aggravated

due to the “careless indifference” and deliberate neglect of duty. For example; Defendant’s special agent William Hoffman of the FBI judicially admitted, under oath, in Federal Court to have “left half of million-dollar (\$500,000) worth of Diamonds, Gold, Jewelry, cash, and valuables which he found in Plaintiff’ Safe unattended, un-inventories, and undocumented (See: Exhibit 17, page 540 #7). It was from Plaintiff’s security safe in his office 20 bills of 1933 US \$1,000 currency notes purchased for 68,000 in 2005 were stolen, along with all men’s gold and diamond jewelry, and \$38,000 Gold Breitling Emergency Transmitter watch registered to Plaintiff’s name.

47. Knowing for a fact that agents of defendant have stolen diamond, and cash from plaintiff’s assets when it was brought from California to Dallas between April/20/2017 and May/17/2017; this plaintiff believes that the it was defendant’s agents who had stolen from the safe in plaintiff’s office the assets mentioned above (in 46-supra).

48. Theft by Defendant’s agents - rather than accidental loss or misplacement is clearly manifested here by the extraordinary measures, and the calculated efforts taken by Defendant to conceal the theft of plaintiff’s diamonds, and to protect those who committed the stealing. Defendant deliberately moved smaller diamonds from packets with multiple stones to replace the one the defendant has stolen in an attempt to cover-up the criminal activities defendants had committed against this plaintiff’s property as the records clearly prove.

PLAINTIFF'S SECOND CLAIM

REMOVAL OF ECONOMIC VALUE FROM PLAINTIFF'S ASSET BY DEFENDANT

49. Defendant has deliberately caused the loss of economic value of plaintiff's monetary asset of nearly one million dollars in cash deposits at various US banking institution by failing its OBLIGATION to place Plaintiff's blocked fund in interest-bearing account as MANDATED-BY, and in accordance with 31 C.F.R. §593.203 which obligate defendant to hold blocked funds in interest-bearing accounts. This plaintiff asserts that defendant intended to destroy Chichakli's assets in clear violation of 31 C.F.R. §593.203, and disregard to the law; thus, defendant is liable and must pay restitution and damages.

50. Defendant has further intentionally destroyed the blocked assets of Plaintiff by irrationally disposing all of the income generating blocked property; namely, the rental properties held by Plaintiff Chichakli while at the same time creating financial obligations to drain cash from plaintiff's account. For example, Defendant STORED plaintiff's personal vehicle, a \$110,000 Vehicle, exposed to Texas sun and unprotected, for 12 YEARS at the expense of plaintiff, and at an astronomical cost which exceeded the cost of the vehicle as new; purposely to drain plaintiff's cash in banks, and waste plaintiff's financial resources to enrich Defendant's business associates. At the same time defendant refused to allow renting the income-generating investment rental properties held by Plaintiff in order to hurt plaintiff, as clearly described in the communication of Plaintiff's attorney to the United States Secretary of Treasury, attached herein as Exhibit-18. Defendant knew that Plaintiff's vehicles will have zero-dollar value and be absolutely worthless when returned to Plaintiff after being stored without being run or maintained for 12 years. The intentional destruction is vividly clear and obvious.

51. Plaintiff asserts that Defendant has intentionally destroyed Plaintiff's assets and deliberately removed the economic value from such assets in violation of 31 C.F.R. 593.201 *et seq.*, failed to comply with 31 C.F.R. §593.203 and Executive Order 13348, and failed to account for the assets of this plaintiff since the blockade of the said assets in 2005 and until the blockaded was terminated in 2015 in violation of 31 C.F.R. §593.601, 31 C.F.R. §593.504, and 31 C.F.R. §501.603; Therefore, Defendant is liable to Plaintiff and should compensate Plaintiff in restitution and damages.

PLAINTIFF'S THIRD CLAIM

ILLEGAL TAKING AND SEIZURE OF PLAINTIFF'S ASSET BY DEFENDANT FOR ONE AND ONE-HALF YEAR AFTER THE REMOVAL OF SANCTIONS

52. The Fourth Amendment of the United States Constitution Declares and Grants that:

"The right of people to be secured in their person, houses, papers, and effects, against unreasonable search and seizures, shall not be violated"

(Fourth Amendment of the United States Constitution)

53. The Fourteenth Amendment of the United States Constitution Declares and Grants that:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction

the equal protection of the laws” (Fourteenth Amendment of the United States Constitution, Section-1)

54. The Fifth Amendment of the United States Constitution Declares and Grants that:

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.” (Fifth Amendment of the United States Constitution)

55. Plaintiff asserts that Defendant has violated constitutional rights guaranteed to this plaintiff under the Fourth, Fifth, and Fourteenth Amendments of the Constitution of the United States; as defendant has Deprived Plaintiff from his property without just compensation in violation of the Fifth and Fourteenth Amendments, and by unlawfully and unreasonably seizing Plaintiff’s asset and property after the removal of sanctions.

56. On November 12, 2015 the President of the United States signed in Executive Order 13710 the revocation of Executive Order 13348, and the termination of sanctions imposed upon this plaintiff in 2005. The Termination of Sanctions in E.O. 13710 terminate any legal cause upon which defendant could block, seize, hold, search, or maintain the property and assets of

Plaintiff Richard Chichakli; this is incontrovertible constitutional right; THUS, Defendant's refusal to release Plaintiff's property to those designated by plaintiff; namely His daughter and his former spouse, is illegal seizure of Plaintiff's assets, and a clear violation of the Plaintiff's guaranteed Constitutional rights under the Fourth Amendment.

57. Defendant has illegally and unconstitutionally deprived this Plaintiff from his property for more than 18 month, precisely, for the period November/2015 through May/2017. Defendant the United States Government – OFAC, has no right, and has no legal ground upon which it delayed the release of Plaintiff's assets and property from the blockade. A delay of a year and half is a clear illegal taking in according to the mandate of the United States Court of Appeals in the Ninth Circuit where it found, this particular defendant OFAC in violation of the Fourth Amendment and decided:

“[I]n summary, no Exception applies to OFAC's warrantless seizure of AHIF-Oregon's assets, and the seizure is not justified under the “general reasonableness” test. We therefore hold that OFAC violated AHIF-Oregon's Fourth Amendment right to be free of unreasonable seizure. Because the district Court did not reach the issue of remedy and because the parties did not brief the issue before us, We remand to the District Court to determine, in the first instance, what remedy, if any is available.” *AHIF*, 686 F.3d at 995

Here; the remedy sought is set forth in “Wherefore” Clause

58. Defendant, namely OFAC of the US Treasury, an affirmed violator of constitutional rights as determined by the United States Court of Appeals for the Ninth Circuit, has in violation of the

US Constitution, plundered Plaintiff's assets while illegally held Chichakli's diamonds, cash, and other valuable for one and one-half year without legal basis, and after the sanction was long gone, purposely to hurt Plaintiff by depriving him from the use of his property and its benefits. The notorious practices of intentional delay, in this instance case more than 18-months of delayed release of Plaintiff's property, by Defendant – OFAC has been ruled unconstitutional by the United States Court of Appeals for the 9th Circuit in *Alharamain*, 585 *F. Supp. 2d* 1263, where the Court decided “[E]ven a temporary deprivation of property, as blocking is, constitute meaningful interference with property and qualifies as “seizure” for the purpose of the Fourth Amendment”; in accordance with decision of the United States Supreme Court where the Court Decided “Holding Luggage for 90 minutes constitute Seizure”, See: *United States V. Place*, 462 *U.S.* 696, 103 *S. Ct.* 2637, 77 *L. Ed. 2d* 110 (1983); *Flores V. United States*, 551 *F. 2d* 1169, 1175n. 6 (9th *Cir.* 1977) (Seizure can Ripen into permanent taking)

59. WHEREFORE;

Plaintiff respectfully request judgment, and all of the foregoing, declaring that:

- a. Defendant own records prove beyond any doubt, and with absolute certainty that Defendant failed to return, at-least, Plaintiff' assets which defendant himself had inventoried in his possession and under his control in 2007, and which defendant further admitted that his failure to return to plaintiff and account for; and
- b. Defendant has clearly, unconstitutionally, and without any legal cause or ground, seized Plaintiff's assets for more than one and one-half year after

the removal of sanction, and has deprived Plaintiff from having and benefiting from his property, as defendant refused and failed to timely return Plaintiff assets; thus, violating Plaintiff's Constitutional Rights; and

- c. Defendant has deliberately damaged Plaintiff by clearly violating 31 C.F.R. §593.203 which obligate defendant to hold blocked funds in interest-bearing accounts, and unlawfully cancelled notes receivable and accounts receivable due to Plaintiff; among the multitude of other intentional destructives schemes defendants used to remove the economic value from the blocked assets of Plaintiff;

60. Plaintiff asserts that he is entitled to a full and complete restitution in the entire amount Defendant has estimated, assessed, and officially reported to the United Nation through the United States Department of State, in the sum of One million Six hundred and fifty thousand US dollar (US \$1,650,000) or any greater amount, in addition to 18-month interest on the said principal, being interest this Plaintiff has been deprived from due to defendant unlawful seizure-of, and refusal to release Plaintiff's assets for an extra one and one-half of a year after the removal of sanction; and

61. Such other and further damages for defendant's failure to comply with 31 C.F.R. §593.203 which obligate defendant to hold blocked funds in interest-bearing accounts, and for the theft and destruction of plaintiff's assets, and for loss of use as may be awarded a Jury in

the time of trial as being, just, proper, and equitable, and specifying that all damages shall be joint and several.

Dated: July 4th, 2018
Plano, Texas

Respectfully Submitted

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