

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

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In re:	:	
	:	Chapter 7
MOHAMED ALI SAMANTAR,	:	
	:	Case No. 12-11085 (BFK)
Debtor.	:	
	:	
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	:	
BASHE ABDI YOUSUF, et al.	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Adv. Pro. 12-01356 (BFK)
	:	
MOHAMED ALI SAMANTAR	:	
	:	
Debtor.	:	
	:	
-----	x	

**TORT CLAIMANTS’ MOTION FOR
SUMMARY JUDGMENT AGAINST MOHAMED ALI SAMANTAR**

Pursuant to Federal Rule of Civil Procedure 56 — made applicable to this adversary proceeding (the “Proceeding”) pursuant to Federal Rule of Bankruptcy Procedure 7056 — and Local Bankruptcy Rule 7056-1, Bashe Abdi Yousuf, Buralle Salah Mohamoud, Ahmed Jama Gulaid and Aziz Mohamed Deria, in his capacity as the personal representative of the estates of Mohamed Deria Ali, Mustafa Mohamed Deria, Abdullahi Salah Mohamoud, the deceased brother of Buralle Salah Mohamoud, and Cawil Salah Mohamoud, the deceased brother of Buralle Salah Mohamoud (collectively, the “Tort Claimants”), by and through their undersigned

counsel, hereby move this Court for summary judgment (the "Motion"), and respectfully state as follows:

1. By this Proceeding, the Tort Claimants seek a determination that their claims (the "Bankruptcy Claims") against Mohamed Ali Samantar (the "Debtor") are non-dischargeable under section 523(a)(6) of title 11 of the United States Code (the "Bankruptcy Code"). The Bankruptcy Claims are based on the Debtor's liability to the Tort Claimants arising from the Debtor's violation of the Tort Claimants' human rights.

2. The Tort Claimants file this Motion based on the opinion and order (the "District Court Judgment") entered by the United States District Court for the Eastern District of Virginia in the civil action commenced by the Tort Claimants against the Debtor. The District Court Judgment establishes that the Debtor caused willful and malicious injuries to the Tort Claimants.

3. As set forth in the memorandum of law in support of this Motion, the District Court Judgment is entitled to *res judicata* and collateral estoppel effect and resolves all issues of material fact necessary to the resolution of this Proceeding. Accordingly, the Tort Claimants are entitled to summary judgment.

WHEREFORE, the Tort Claimants respectfully request that the Court (i) grant this Motion, (ii) determine, pursuant to Bankruptcy Code section 523(a)(6), that the Debtor is not entitled to discharge the Bankruptcy Claims under Bankruptcy Code section 727, and (iii) award such other and further relief as this Court deems appropriate.

Dated: May 29, 2015

Respectfully Submitted,

/s/ J. Robertson Clarke

Steven H. Schulman, Esq. (admitted *pro hac vice*)
Kevin M. Eide, Esq. (admitted *pro hac vice*)
J. Robertson Clarke, Esq. (VSB No. 81979)
AKIN GUMP STRAUSS HAUER & FELD LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036
Tel: (202) 887-4000
Fax: (202) 887-4288

- and -

L. Kathleen Roberts, Esq. (admitted *pro hac vice*)
THE CENTER FOR JUSTICE &
ACCOUNTABILITY
870 Market Street, Suite 680
San Francisco, CA 94102
Tel: (415) 544-0444
Fax: (415) 544-0456

Counsel for the Tort Claimants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29th day of May 2015, he has filed this *Tort Claimants' Motion For Summary Judgment Against Mohamed Ali Samantar* using this court's CM/ECF filing system which will serve a copy of the pleading on opposing counsel by electronic mail.

/s/ J. Robertson Clarke

J. Robertson Clarke