

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IFTIKHAR SAIYED

Address: POB 801, Hopewell, VA 23869

Plaintiff,

-v.-

**COUNCIL ON AMERICAN-ISLAMIC
RELATIONS ACTION NETWORK, INC.**

Address: 453 New Jersey Ave SE, Wash., DC 20003

Defendant.

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CASE NO: 1:10-cv-00022 (PLF)

FIRST AMENDED COMPLAINT

ALLEGING:

FRAUD

DC CONSUMER PROT PROC ACT

VA CONSUMER PROT ACT

BREACH OF FIDUCIARY DUTY

INFL OF EMOTIONAL DISTRESS

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

Plaintiff, by his attorneys, alleges on information and belief based, *inter alia*, on the investigation of his legal counsel, except as to those allegations which pertain to Plaintiff, which are based upon personal knowledge and belief, as follows:

NATURE OF THE ACTION

1. This is a diversity action alleging fraud, breach of fiduciary duty, intentional infliction of emotional distress, and violations of the District of Columbia Consumer Protection Procedures Act (“DCCPPA”) and the Virginia Consumer Protection Act (“VCPA”) on behalf of Plaintiff who sought legal representation from Defendant Council on American-Islamic Relations Action

Network, Inc., formerly known as Council on American-Islamic Relations, Inc. (“CAIR”). CAIR represents itself to the public as a public interest law firm representing Muslim Americans in matters relating to civil rights violations, employment discrimination, and immigration issues. In fact, CAIR is not a law firm and it does not provide licensed legal services to its clientele. Rather, CAIR uses the veneer of a Muslim civil rights organization to carry out its principle purposes as a criminal organization. Specifically, CAIR has been identified in several federal prosecutions as a co-conspirator in the financing and support of international terrorism (i.e., jihad) operating as a covert front group for Hamas and the Muslim Brotherhood, organizations with a long history of terrorism through jihad.

2. Plaintiff contacted CAIR through its Herndon, Virginia branch office (“CAIR-VA”) from January 2007 through August 2008. Plaintiff alleges that CAIR, through its officers, directors, and executives, engaged in common law fraud and state statutory fraud, thereby damaging Plaintiff. These fraudulent acts also amounted to breach of fiduciary duty and intentional infliction of emotional distress, further damaging Plaintiff.

3. This action arises out of a scheme by CAIR, a criminal organization which fraudulently purports to be a national public interest law firm, to conceal a wide-reaching fraud conducted by and through CAIR-VA, a CAIR branch office in Herndon, Virginia. Upon information and belief, CAIR opened up its CAIR-VA office sometime in December 2004.

4. In or about in June 2006, CAIR-VA employed Morris J. Days III (“Days”) as its “resident attorney” and “manager” of its civil rights department to provide legal representation to Muslims complaining of various civil rights abuses.

5. Days was not and never has been an attorney. CAIR knew or should have known that Days was committing fraud by holding himself out as a CAIR attorney. CAIR knew or should have known that it was committing fraud by representing to the public, including Plaintiff, that Days was a licensed attorney.

6. CAIR also knew, at least by November 2007 that Days fraudulently obtained money from CAIR clients for CAIR’s legal representation notwithstanding CAIR’s stated policy to provide *pro bono* legal services to the public and CAIR also knew or had reason to know that CAIR and Days were fraudulently representing to the public that CAIR and Days were providing legal services to their clients. Subsequent to this time and for months thereafter, CAIR made absolutely no attempt (1) to contact its clients, including Plaintiff, to inform them of this fraudulent conduct; (2) to make restitution to its clients for these fraudulent legal fees; or (3) to make any effort to investigate the legal matters CAIR-VA was conducting for its clients to determine what remedial steps, if any, needed to be undertaken. Further, CAIR made no effort to contact any government authorities regarding Days’ fraudulent conduct, thereby further ratifying the scheme.

7. After many complaints and threats of litigation by CAIR clients charging inadequate representation, CAIR finally terminated Days' employment in February 2008. At all relevant times, CAIR knew or should have known that Days had never been to law school and was not an attorney. By November 2007, CAIR knew or should have known that Days had criminally defrauded at least 30 clients by taking funds on behalf of CAIR under false pretenses. Further, CAIR knew that Days had represented over 100 CAIR clients as CAIR's "resident attorney" even though he was not licensed to practice law.

8. Upon discovering Days' fraudulent actions, CAIR made no effort to contact any government agencies to report the criminal fraud, nor did CAIR make any effort to contact its clients to inform them of the fact that Days was not a licensed attorney. CAIR made no effort to inform their clients orally or in writing that they should seek independent legal counsel to ascertain if they had viable claims against CAIR and/or Days nor did CAIR attempt to provide restitution to their clients. Instead, CAIR and its employees, officers, and directors conspired to defraud their clients by telling them that Days was never an employee of CAIR, that he was acting on his own or as an "independent contractor", and that they (i.e., the defrauded clients) should seek redress from Days himself.

9. CAIR and its employees knew that the representations set forth above were false insofar as CAIR's publicity and representations about Days was intended to and did in fact establish in the minds of both the general public and

Plaintiff that CAIR was a legally authorized PILF and Days was an employee and/or agent of CAIR acting in his capacity as both a “resident” CAIR attorney and the “Civil Rights Manager” of CAIR-VA. Days in fact acted as an employee of CAIR-VA. CAIR intended that Plaintiff would in fact rely upon these false representations.

JURISDICTION AND VENUE

10. This Court has federal subject matter jurisdiction of the state law claims alleged herein pursuant to 28 U.S.C. § 1332 in that this action is between parties who are citizens of different states and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs.

11. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(a) (1)-(2) in that the sole defendant, CAIR, is a corporate entity formed and doing business in the District of Columbia.

12. This Court has personal jurisdiction over the Defendant CAIR pursuant to, *inter alia*, D.C. Code § 13-422 in that CAIR is organized under the laws of, and maintains its principle place of business in, the District of Columbia.

PARTIES

13. Defendant CAIR has at all relevant times been a not-for-profit company formed and conducting its affairs principally in the District of Columbia.

14. Plaintiff Iftikhar Saiyed is currently and has been at all relevant times a citizen of the Commonwealth of Virginia.

FACTUAL BASIS FOR CLAIMS

Fraud and Conspiracy to Commit Fraud

15. CAIR represents itself to the public and purports to operate as a public interest law firm (hereafter “PILF”), providing *pro bono* legal services nationally through regional and local branch offices (collectively referred to as “CAIR”). It purports to advocate and litigate on behalf of Muslims in the U.S. to protect their civil liberties.

16. Days was initially employed by CAIR-VA in June 2006. CAIR-VA was a subsidiary or entity controlled by CAIR and/or acted as CAIR’s alter ego.

17. Beginning at least in or about March 2007, CAIR promoted Days to the public through various publications distributed through the United States Postal Service (hereafter “USPS”) and through CAIR’s web site as a well-respected and publicly honored “resident attorney,” and as the “manager” of the CAIR-VA “civil rights department.” (Attached hereto as Exhibit I is a true and correct copy of one such publication distributed to the public through the USPS in or about March – May 2007 by CAIR-VA; attached hereto as Exhibit II are true and correct copies of two articles published on the CAIR website posted in or about December 2007 and remaining on the CAIR website until at least September 2, 2008.)

18. At all relevant times, CAIR knew or should have known by the exercise of ordinary due diligence that Days was not actually a lawyer and that CAIR was perpetrating a massive fraud on the readers of its website and promotional materials.

19. Beginning in June 2006, Days worked at the CAIR-VA office, conducted client intake for CAIR-VA to provide legal representation as a licensed attorney to the aggrieved members of the public, entered into agreements to represent clients on behalf of CAIR as a CAIR attorney, and corresponded by use of the USPS and interstate facsimile transmissions and by telephone utilizing interstate wires with a variety of government agencies, private corporations, and individuals as a CAIR attorney on behalf of CAIR clients utilizing CAIR-VA stationery and identifying himself as a CAIR attorney.

20. According to CAIR's public representations, Days, as an attorney employed by CAIR, represented well over 100 individual clients on behalf of CAIR.

21. Days, however, was not and is not a lawyer. He never attended law school nor was he licensed as an attorney to practice law in any jurisdiction in the United States. CAIR knew or should have known that Days was not a lawyer when it hired him. The unauthorized practice of law is a criminal offense in the Commonwealth of Virginia.

22. In addition, Days charged money for the CAIR legal services rendered by him and CAIR-VA staff from no less than 30 CAIR clients. CAIR

had actual and constructive knowledge of this fraudulent conduct by no later than November 2007.

23. Days knowingly, willfully, and with the specific intent to defraud CAIR clients, represented that he was a competent, licensed attorney.

24. CAIR knowingly and with the specific intent to defraud CAIR clients, or with a reckless disregard of the truth, represented that Days was a competent, licensed attorney employed by CAIR to provide these legal services.

25. The clients who retained CAIR and Days to represent them as legal counsel, including Plaintiff, reasonably and justifiably relied upon CAIR and Days' public representations that CAIR and Days would competently represent them in their legal matters.

26. At all relevant times, Khalid Iqbal ("Iqbal") was an official, authorized representative, and managing director of CAIR-VA and Defendant CAIR. At all relevant times, Iqbal worked out of the CAIR-VA office and was Days' superior. Iqbal in turn reported to his superiors at CAIR in the D.C. offices and his actions as the authorized representative of CAIR-VA were controlled by CAIR.

27. Iqbal knew or should have known that Days was not a licensed attorney when he hired him. Iqbal knew in fact that Days illegally collected attorneys' fees and legal costs from CAIR clients in violation of CAIR's policy to represent its clients *pro bono* at least by November 2007. Neither Iqbal nor CAIR made any effort at that time or in the months following this discovery to

inform CAIR clients that they had been defrauded into retaining CAIR to represent them insofar as CAIR did not employ a licensed attorney.

28. After learning of the financial fraud, Iqbal and CAIR immediately entered into a conspiracy with Days to have Days continue to act as an attorney representing CAIR clients and to take affirmative steps to cover-up the fraud even though Iqbal and CAIR knew of Days' fraudulent conduct in charging legal fees and they also knew or should have known that Days was not a licensed attorney.

29. At this time, CAIR-VA intentionally, recklessly, and/or negligently continued to employ Days and CAIR and CAIR-VA intentionally, recklessly, and/or negligently continued to represent to the public and to the Plaintiff that Days was a competent, professional, and accomplished attorney.

30. CAIR-VA did not terminate Days' employment until February 10, 2008.

31. Throughout Days' employment at CAIR-VA, Iqbal and other employees of CAIR-VA had received many complaints from CAIR clients about Days' malfeasance and performance in handling their respective cases. By November 2007, the complaints increased and CAIR had substantial and overwhelming evidence that Days was not a lawyer and that he had taken legal fees from CAIR clients during his employment as a CAIR attorney and had performed no legal services or had inadequately represented their interests

32. At all relevant times, Nihad Awad aka Nihad Hammad (“Awad”) was an employee and the executive director of CAIR. At all relevant times, Parvez Ahmed (“Ahmed”) was the chairman of the board of CAIR. At all relevant times, Tahra Goraya (“Goraya”) was an employee and the national director of CAIR. At all relevant times, Khadijah Athman (“Athman”) was an employee and the manager of the “civil rights” division of CAIR. At all relevant times, Nadhira al-Khalili (“Al-Khalili”) was an employee and in-house legal counsel for CAIR. At all relevant times, defendant Ibrahim Hooper (“Hooper”) was an employee and the director of communications of CAIR. At all relevant times, Amina Rubin (“Rubin”) was an employee and coordinator of communications of CAIR. Defendants Iqbal, Awad, Goraya, Athman, Al-Khalili, Hooper, and Rubin shall be referred to collectively as “CAIR Management”.

33. Various defrauded clients of CAIR-VA informed CAIR Management in November and December 2007 of the fraudulent conduct of Days and CAIR-VA. On each occasion and pursuant to the conspiracy entered into between Days and CAIR, CAIR Management failed to inform the complaining clients that Days was not a lawyer and that he had obtained legal fees and costs fraudulently.

34. By several interstate emails and telephone calls from CAIR-VA to CAIR, and in furtherance of the fraud and conspiracy to commit fraud as set forth above, on February 8, 2008 and continuing for several weeks thereafter Iqbal informed Ahmed, Awad, Goraya, and other officials of CAIR that some CAIR clients were now threatening legal action against CAIR arising out of the

fraud perpetrated by Days and CAIR. Iqbal also asked CAIR for instructions on how to proceed. Ahmed, Awad, Goraya and/or other officials of CAIR informed Athman and Al-Khalili of these developments soon thereafter.

35. Between February 8 and 10, 2008, Iqbal, Ahmed, Awad, Goraya, Athman, and Al-Khalili agreed to terminate Days' employment and to take additional steps to further the fraud conspiracy. Specifically, CAIR Management took affirmative steps to conceal the fraud from their clients, including Plaintiff, by failing to inform them of the facts and to make false representations to the victims to lull them into a false sense of security about the status of their pending legal matters and not to report CAIR's fraud to state or federal authorities or to the media.

36. Accordingly, CAIR Management agreed to mislead the victims, including Plaintiff, of the fraud perpetrated by Days and CAIR by simply telling them that Days was never actually employed by CAIR but rather worked as an independent contractor and that any complaints they might have they must take up with Days.

37. Thus, during the months February through September 2008, CAIR Management further conspired to advance the fraud by knowingly concealing and misrepresenting material facts from its clients with the specific intent that these clients, including Plaintiff, would reasonably rely on these misrepresentations and omissions of material fact to their detriment. Specifically, CAIR Management knew that Days was in fact an employee of

CAIR, that during his employment he was not an attorney, and that he had failed to handle the legal matters entrusted to him. Notwithstanding this knowledge, CAIR Management fraudulently informed the CAIR victims, including Plaintiff, that Days was never an employee of CAIR or CAIR-VA; rather that he was an independent contractor of CAIR and as such the victims, including Plaintiff, had to take up their complaints with Days. CAIR Management also fraudulently represented to the CAIR victims, including Plaintiff, that Days was an attorney during his employment with CAIR.

38. Upon information and belief, during this time period, as the complaints mounted over time, CAIR Management further agreed (a) to ignore the least vocal and threatening CAIR victims-clients; (b) to tell the more vocal and persistent CAIR victims-clients (seeking some responsible and professional legal representation or recompense) only that Days was “no longer at the CAIR-VA office” and that their only recourse was to contact Days; (c) to appease the most adamant and threatening CAIR victims-clients with partial restitution of their legal fees; and (d) not to disclose the criminal fraud of its CAIR clients to any law enforcement or other government agency.

39. As set forth above, CAIR Management agreed to pay restitution to the most vocal, angry, and threatening CAIR clients-victims for their actual out-of-pocket expenses incurred in paying legal fees but demanded that the CAIR clients-victims execute a document titled “Voluntary Agreement and Release of Claims” (hereinafter the “Release of Claims Document”). A true and correct copy

of the form of the Release of Claims Document is attached hereto as Exhibit III and incorporated herein by this reference. The Release of Claims Document purports to release CAIR from any and all liability arising out of its prior or future representation of former or current clients.

40. Upon information and belief, various former or current clients who received some amount of restitution from CAIR signed the Release of Claims Document (the “Settling Clients”).

41. Upon information and belief, at no time did CAIR advise the Settling Clients in writing in advance of entering into the Release of Claims Document that they should seek independent legal counsel or that CAIR and its attorneys were in an adversarial position to the Settling Clients.

42. The Release of Claims Document purports to impose a duty on the Settling Clients not to disclose to any third party the content of the Release of Claims Document or the events relating to the above-described criminal fraud which led to the signing of the Release of Claims Document (the “Silence Clause”). The Silence Clause on its face prohibits the Settling Clients from disclosing the criminal fraud to law enforcement personnel and even to their own retained independent legal counsel if retained subsequent to signing the Release of Claims Document.

43. The Silence Clause is unlike almost all typical confidentiality provisions in settlement agreements. First, the Silence Clause relates not to a typical contract or tort claim affecting only the private, civil interests of the

parties at loggerheads but to the criminal fraud arising out of a fiduciary relationship between Days, CAIR, and the client/victims, including Plaintiff.

44. Second, the Silence Clause provides no exceptions for responding to governmental or court-authorized legal inquiries or in the event the information subject to the Silence Clause is otherwise made public by a third party.

45. Third, the Silence Clause is imposed by CAIR in an adversarial setting on former and current clients-victims to which CAIR had a fiduciary duty.

46. Fourth, CAIR knew that many of its aggrieved Settling Clients were in desperate situations and that they were in manifestly unequal bargaining positions and, upon information and belief, unrepresented by independent legal counsel.

47. Fifth, the Silence Clause is a classic case of overreaching by a fiduciary in a position to take advantage of a lesser informed client in that the Silence Clause is part of an agreement that purports to release CAIR as a PILF for future claims of breach of contract, malpractice, or breach of fiduciary duty arising out of the subject matter of the Release of Claims Document.

48. And sixth, the Silence Clause effectively prevents the Settling Clients from disclosing this matter publicly and thereby triggering the discovery of the full breadth of the criminal fraud to the CAIR clients victimized and silently suffering the consequences because they have relied on CAIR's false

representations that their only recourse was to track down “attorney” Days and seek relief from him.

49. The Release of Claims Document further states that the Settling Clients agree that if the Settling Clients breach the Silence Clause, CAIR will be entitled to “Damages in the amount of \$25,000.00” (the “Liquidated Damages Clause”). The Liquidated Damages Clause was inserted by CAIR to concretize the fear and intimidation experienced by the Settling Clients so that they would not expose the criminal fraud publicly all in an effort to conceal the fraud from other CAIR clients-victims, including Plaintiff.

50. The Silence Clause is Draconian and unconscionable in its scope and in its intended effect to frighten and intimidate the Settling Clients-victims who were not represented by independent legal counsel.

51. CAIR decided to close down CAIR-VA to further the cover-up of the criminal fraud.

52. On or about June 2, 2008, just prior to the final closing of the CAIR-VA offices, Al-Khalili, who acts as CAIR’s “national legal counsel”, came to the offices at CAIR-VA, met with Iqbal and discussed with Iqbal and other CAIR-VA personnel various legal matters relating to CAIR clients and specifically about the criminal fraud. Al-Khalili then had various files and computer discs, including the legal files of the CAIR clients-victims and other evidence and documents relating to the criminal fraud loaded into her car and drove off with them in order to further the fraudulent conspiracy.

53. At all relevant times, CAIR neither continued to represent the CAIR clients-victims (or to obtain legal counsel for them), nor returned their legal files to them, all in further of the conspiracy to commit fraud.

PLAINTIFF WAS VICTIMIZED BY THE CRIMINAL FRAUD AND CONSPIRACY

54. Plaintiff Saiyed came to CAIR-VA offices on January 8, 2007 to obtain legal representation relating to his claim that his then employer, Enterprise Rent-a-Car (“Enterprise”), had discriminated against him and permitted his immediate supervisor to harass him dating back to an incident in 2005, at which time Plaintiff had filed a complaint with the Virginia Human Rights Commission (“HRC”) and the U.S. Equal Employment Opportunity Commission (“EEOC”) alleging race discrimination and harassment.

55. At that meeting, Days represented to Plaintiff that he was a licensed attorney employed by CAIR. Days listened to Plaintiff’s presentation of the facts underlying his dispute with Enterprise and informed Plaintiff that he had a good case for harassment and discrimination and that CAIR would provide Plaintiff with legal representation by filing a formal complaint with the HRC and the EEOC. Days also assured Plaintiff that following the administrative procedure, CAIR would file a federal lawsuit against Enterprise for damages suffered by Plaintiff as a result of the hostile work environment at Enterprise. During this meeting, Days represented to Plaintiff that CAIR was a nationally-recognized PILF specially designed to represent Muslim-Americans in these kinds of disputes and that Days, acting as CAIR’s “civil rights manager” and a

licensed attorney, would represent Plaintiff on a contingency basis as long as Plaintiff paid some of the legal costs. Plaintiff reasonably relied on these representations based upon what he had heard about CAIR from CAIR itself, and agreed to retain CAIR and Days to represent him.

56. On February 24, 2007, Enterprise wrongfully terminated Plaintiff's employment in retaliation for filing his earlier 2005 complaint with the HRC and EEOC. Subsequently, Plaintiff communicated with Days to inform him of this new development by telephone, by letters sent through the USPS, and by facsimile transmissions. Plaintiff also met with Days on several occasions after his termination. Days confirmed on several occasions that Plaintiff "had a very good case against Enterprise for harassment, retaliation, and discrimination". Days informed Plaintiff that CAIR, through Days' legal representation, would represent Plaintiff on a contingency basis but that Plaintiff would have to pay some of the costs.

57. At all relevant times, CAIR-VA, CAIR, and Days were in fact not acting as legal counsel to Plaintiff and were not authorized by law to do so.

58. On or about January 31, 2007, Days mailed Plaintiff a copy of a letter dated that same date on CAIR stationary which Days represented was a letter Days had mailed to the chairman and chief executive officer of Enterprise, Mr. Andrew Taylor, wherein Days explained Plaintiff's claims against Enterprise. (Attached hereto as Exhibit IV is a true and correct copy of the January 31, 2007 letter.)

59. Over the next 15 months, Days assured Plaintiff that his case was proceeding well through the administrative process and that soon CAIR would be filing a complaint in federal court. In this context, Days mailed Plaintiff a copy of a letter that he had purportedly mailed on May 2, 2007, to a Michelle B. Radcliffe, whom Days had identified as an authorized representative of Enterprise to deal with Plaintiff's wrongful termination. In this letter, Days, writing on CAIR stationary and signing his name as CAIR's Civil Rights Manager, informed Ms. Radcliffe that he was acting as Plaintiff's attorney and representative. (Attached hereto as Exhibit V is a true and correct copy of the May 2, 2007 letter.)

60. During this time, in an apparent effort to assure Plaintiff of CAIR's and Days' legal professional competency, Days showed Plaintiff brochures such as Exhibit I. Plaintiff continued to reasonably rely on these representations of professional competency.

61. In or about May 2008, Plaintiff visited Days on several occasions at his home, at the library, and at the hospital. Days was very ill at the time but assured Plaintiff that he and others at CAIR were handling his case with due care. At that time, Days assisted Plaintiff in filing a harassment, discrimination and retaliation complaint with the EEOC and the HRC on or about May 6, 2008 ("the May 6, 2008 EEOC Complaint"). Days told Plaintiff that these complaints were in fact a second filing of the original complaints filed by Days in this matter

over a year ago. (Attached hereto as Exhibit VI is a true and correct copy of the May 6, 2008 EEOC Complaint.)

62. Days also instructed Plaintiff to mail the federal complaint Days had prepared against Enterprise to the federal court in Virginia. Days provided Plaintiff with the court's mailing address. Plaintiff did as Days had instructed. At about that time, Days asked for funds for legal costs on two separate occasions, which Plaintiff paid totaling approximately \$300.

63. After mailing the federal complaint Days had prepared for filing against Enterprise, the envelope was returned to Plaintiff on or about May 23, 2008, due to an improper address. (Attached hereto as Exhibit VII is a true and correct copy of the returned envelope addressed to the United States District Court, Eastern District of Virginia.)

64. Plaintiff telephoned Days about this immediately and Days said he would take care of it himself and not to worry. Days told Plaintiff that there was "plenty of time to file" but that he would attend to it "immediately".

65. By mid-July 2008, when Plaintiff was unable to reach Days to confirm he had filed the federal complaint against Enterprise, Plaintiff telephoned CAIR's main offices in Washington, D.C. At the time, Plaintiff spoke first to Athman, who identified herself to Plaintiff as CAIR's National Civil Rights Division Manager.

66. During that telephone conversation, Plaintiff explained the situation about his lawsuit against Enterprise to Athman and that Days was handling the

matter out of the CAIR Herndon offices. Athman assured Plaintiff that she would look into it and get back to Plaintiff immediately.

67. After not hearing from Athman for over a week, Plaintiff again telephoned CAIR during the week of July 21, 2008, and spoke to Al-Khalili, who informed Plaintiff that she was CAIR's general counsel. After Plaintiff explained the situation to Al-Khalili, she told Plaintiff that while Days was an attorney, he was no longer one, that he had in fact not filed any HRC, EEOC, or federal complaints. Al-Khalili informed Plaintiff not to speak further with Days and reassured Plaintiff that CAIR would look into his case and make sure it was properly pursued.

68. On July 29, 2008, Plaintiff received a facsimile transmission from Athman at CAIR simply attaching a copy of Plaintiff's original hand-written complaint dated April 27, 2005, addressed to Mr. Matt Bedois, Plaintiff's Enterprise Assistant Manager, with a cover sheet asking Plaintiff to "Please Reply". (Attached hereto as Exhibit VIII is a true and correct copy of the July 29, 2008 facsimile transmission.)

69. On the one hand, the fact that CAIR had this document indicated to Plaintiff that his legal file had been transferred from CAIR-VA to the D.C. offices and CAIR was proceeding on the matter. On the other hand, Plaintiff was confused by this communication and on July 31, 2008 he sent a letter by facsimile transmission to Al-Khalili at CAIR explaining the situation that he had first been wronged by Enterprise and subsequently by CAIR and Days, and

seeking her advice. (Attached hereto as Exhibit IX is a true and correct copy of Plaintiff's July 31, 2008 letter.)

70. On August 7, 2008, Plaintiff received a letter by mail from Al-Khalili on CAIR stationary informing Plaintiff that CAIR was not able to assist Plaintiff because the HRC had found no discrimination, neither in Plaintiff's original complaint nor in Plaintiff's appeal. Plaintiff was further confused because he knew of no appeal. (Attached hereto as Exhibit X is a true and correct copy of Al-Khalili's August 7, 2008 letter.)

71. Further, Al-Khalili stated in her August 7 letter that Days was never employed by CAIR but only acted as an "independent contractor" out of the CAIR Herndon offices, which Al-Khalili claimed conducted its business separate and apart from CAIR. Both statements were false and Al-Khalili knew them to be false.

72. Plaintiff made several attempts to settle the matter with CAIR by letter but CAIR refused to put anything further in writing and only offered to meet with Plaintiff in CAIR's D.C. offices. Plaintiff was afraid to do so given CAIR's past fraudulent behavior and therefore declined.

73. On or about August 5, 2008, Plaintiff received a "Dismissal and Notice of Rights" form letter from the EEOC indicating that his file setting forth a complaint against Enterprise was being closed because Plaintiff's complaint was not timely filed. The Dismissal and Notice of Rights letter also informed Plaintiff that he had 90 days during which to file any legal action in federal

court. (Attached hereto as Exhibit XI is a true and correct copy of the Dismissal and Notice of Rights letter.)

74. Unable to find *pro bono* counsel, and unable to afford private counsel, Plaintiff filed a federal complaint *pro se* against Enterprise on October 31, 2008 with the United States District Court, Eastern District of Virginia, No. 1:08cv1147 (“Enterprise Complaint”). (Attached hereto as Exhibit XII is a true and correct copy of the Enterprise Complaint.)

75. On January 13, 2009, the District Court for the Eastern District of Virginia granted Enterprise’s motion for summary judgment dismissing Plaintiff’s Enterprise Complaint on the grounds that Plaintiff had not filed the May 6, 2008 EEOC Complaint against Enterprise within 300 days of his termination and as a result Plaintiff was barred from bringing the lawsuit. (Attached hereto as Exhibit XIII is a true and correct copy of the District Court’s Memorandum Opinion granting Enterprise summary judgment.)

76. December 21, 2007 was the 300th day from the date of Plaintiff’s termination and was therefore the last day to file his complaint with the HRC/EEOC.

77. Plaintiff, again *pro se*, appealed the District Court’s grant of the motion for summary judgment to the United States Court of Appeals for the Fourth Circuit. On August 24, 2008, the Court of Appeals, in an unpublished *per curiam* opinion, denied Plaintiff’s appeal. Plaintiff has no further appeal as of

right. (Attached hereto as Exhibit XIV is a true and correct copy of the Court of Appeals' opinion denying the appeal.)

78. Plaintiff relied on CAIR and Days to file his administrative and legal complaints in a timely fashion. But for their failures and fraudulent conduct, Plaintiff would have filed a timely complaint with the EEOC and HRC and would have had a valid claim in federal court against Enterprise for wrongful and retaliatory termination.

79. CAIR's conduct as set out above has caused Plaintiff direct and consequential monetary damages, including, but not limited to, \$300 paid to CAIR for legal costs, at least \$600 for travel expenses incurred during Plaintiff's meetings with Days, and damages relating to Plaintiff's claims against Enterprise which were dismissed by the U.S. District Court for the Eastern District of Virginia.

80. In addition, Plaintiff has suffered severe emotional, mental, and physical distress resulting from CAIR's breach of fiduciary duty owed to him, including anxiety, lack of appetite, inability to sleep, relationship problems with his friends and family, inability to sustain employment resulting from his anxiety, and other manifestations, resulting in damages not yet quantified but no less than \$75,001.

81. At all relevant times, CAIR carried out the fraud and the conspiracy to commit fraud described herein knowingly, willfully, and with the specific intent to defraud Plaintiff and further acted knowingly and willfully to

conceal the fraud. But for CAIR's concealment of the fraud and the conspiracy to commit a fraud, which CAIR was aware of and had fully joined by December 21, 2007, Plaintiff could have taken steps to preserve his claims against Enterprise.

82. All of the acts described above and attributed to Days were carried out in his capacity as an employee and/or agent of CAIR-VA and carried out within and arising from the ordinary course of Days' responsibilities and employment at CAIR-VA and/or within the scope of his authority as the "manager" and "resident" attorney in the CAIR-VA civil rights department.

83. CAIR-VA was operated and controlled ultimately by CAIR and treated as a wholly owned subsidiary and/or related entity and/or alter ego. Upon information and belief, decisions relating to the opening of CAIR-VA, its funding, the staffing of its executives, promotional materials, its operations, its closing, and the transfer of the client files from CAIR-VA to CAIR's offices in D.C. were ultimately controlled by CAIR.

CAUSES OF ACTION

COUNT ONE—VIOLATIONS OF DCCPPA: D.C. CODE § 28-3901 ET SEQ.

84. Plaintiff repeats and realleges all of the allegations above as if fully alleged herein.

85. This count is brought by Plaintiff against Defendant CAIR alleging a cause of action under the DCCPPA, D.C. Code § 28-3905(k)(1). Specifically, Plaintiff alleges that he has been damaged as a result of the fraudulent acts as set forth above and that this Count One arises from the purchase of, transfer of,

and/or providing information about the offering of consumer services in the ordinary course of business as those terms are defined by the DCCPPA.

86. Plaintiff is a “person” within the meaning of D.C. Code § 28-3901(a)(1).

87. At all relevant times, CAIR operated as a “person” within the meaning of D.C. Code § 28-3901(a)(1).

88. At all relevant times, CAIR-VA and CAIR represented to the public and to Plaintiff that CAIR was providing legal services as a PILF in the “ordinary course of business” as that term is generally used in the DCCPPA. Plaintiff retained CAIR to provide legal services. But, in fact, CAIR was not a PILF and was not authorized by law to provide legal services as a PILF.

89. CAIR conducted trade practices in violation of the law of the District of Columbia. Specifically, defendants violated D.C. Code §§ 28-3904(a), (b), (d), (e), (f), (g), (h), (i), (m), (s), (u), and (v).

90. As a result of CAIR’s violation of the DCCPPA, Plaintiff has suffered financial damages and other damages arising from the conduct described herein.

91. As a result of its misconduct, the Defendant CAIR is liable to Plaintiff for his losses in an amount to be determined at trial.

92. Pursuant to D.C. § 28-3905(k)(1)(A), Plaintiff is entitled to recover threefold their respective damages, or \$1,500 per violation, whichever is greater, from the Defendant.

93. Pursuant to D.C. § 28-3905(k)(1)(B), Plaintiff is entitled to recover reasonable attorney's fees from the Defendant.

94. Pursuant to D.C. § 28-3905(k)(1)(C), Plaintiff is entitled to recover punitive damages from the Defendant insofar as the fraudulent acts set forth above amounted to egregious and intentional and/or reckless conduct carried out by the Defendant as a fiduciary against Plaintiff who was in a far inferior position of knowledge and experience and who entrusted his most important legal matters to the Defendant under false pretenses.

95. Pursuant to D.C. § 28-3905(k)(1)(D), Plaintiff is entitled to seek an injunction against the use of the unlawful trade practices set forth above.

96. Pursuant to D.C. § 28-3905(k)(1)(E), Plaintiff is entitled to such other additional relief as may be necessary to restore to the Plaintiff's money or property, which may have been acquired by means of the unlawful trade practices set forth above.

97. Pursuant to D.C. § 28-3905(k)(1)(F), Plaintiff is entitled to any other relief which the Court deems proper.

COUNT TWO—VIOLATIONS OF VCPA: VA. CODE ANN. § 59.1-196 ET SEQ.

98. Plaintiff repeats and realleges all of the allegations above as if fully alleged herein.

99. This count is brought by Plaintiff against Defendant CAIR alleging a cause of action under the VCPA, Va. Code Ann § 59.1-204. Specifically, Plaintiff alleges that he has been damaged as a result of the fraudulent acts as

set forth above and that this Count Two arises from the advertisement, sale, or offering for sale of services to be used primarily for personal, family, or household purposes as those terms are defined by the VCPA.

100. At all relevant times, Defendant was a “person” within the meaning of Va. Code Ann. § 59.1-198.

101. Plaintiff Saiyed is a “person” within the meaning of Va. Code Ann. § 59.1-198.

102. At all relevant times, CAIR operated as a “supplier” within the meaning of Va. Code Ann. § 59.1-198.

103. At all relevant times, Defendant CAIR represented to the public and purportedly conducted its affairs directly and through CAIR-VA as a PILF which advertised, offered for sale, and in fact purportedly provided legal services to be used primarily for personal, family, and/or household purposes as those terms are defined and used in the VCPA. In fact, however, neither CAIR nor CAIR-VA provided such legal services.

104. At all relevant times, Defendant CAIR conducted consumer transactions as that term is defined in Va. Code Ann. in § 59.1-198.

105. At all relevant times, Defendant CAIR, engaged in unlawful fraudulent acts and/or practices in violation of the VCPA. Specifically, Defendant violated §§ 59.1-200(A)(1)-(3), (5)-(6), (8), and (14).

106. As a result of Defendant CAIR's violation of the VCPA, Plaintiff has suffered financial damages and other damages arising from the fraudulent conduct set forth herein.

107. As a result of its misconduct, Defendant CAIR is liable to Plaintiff for his losses in an amount to be determined at trial.

108. Pursuant to Va. Code Ann. § 59.1-204(A), because the fraudulent acts set forth above were carried out by Defendant willfully, Plaintiff is entitled to recover threefold his damages, or \$1,000 per violation, whichever is greater from Defendant CAIR.

109. Pursuant to Va. Code Ann. § 59.1-204(B), Plaintiff is entitled to recover reasonable attorneys' fees and court costs from Defendant CAIR.

COUNT THREE—COMMON LAW FRAUD AND CONSPIRACY TO COMMIT FRAUD

110. Plaintiff repeats and realleges all of the allegations above as if fully alleged herein.

111. This count is brought by Plaintiff against Defendant CAIR alleging a cause of action for common law actual fraud, constructive fraud, conspiracy to commit actual fraud and/or conspiracy to commit constructive fraud under the common law of the Commonwealth of Virginia and/or the District of Columbia.

112. As set forth above, Defendant CAIR damaged Plaintiff through its fraudulent acts.

113. In addition, Defendant CAIR conspired with Days by entering into an agreement with Days to engage in the fraudulent conduct described herein

above and because Defendant CAIR provided substantial assistance in carrying out the fraudulent conspiracy.

114. Defendant CAIR is liable for all of the damages caused by its own fraudulent acts and, as a result of the conspiracy to commit fraud, for all of the damages caused to Plaintiff by any member of the conspiracy.

115. Defendant CAIR is liable for punitive damages arising from its fraudulent acts insofar as its conduct in furtherance of the fraudulent acts as set forth above amounted to egregious and intentional and/or reckless conduct carried out by the Defendant CAIR and other members of the conspiracy to commit fraud against Plaintiff. Defendant CAIR was a fiduciary to Plaintiff in that Plaintiff had entrusted his confidential legal affairs to CAIR and he was in a far inferior position of knowledge and experience relative to CAIR.

COUNT FOUR—BREACH OF FIDUCIARY DUTIES

116. Plaintiff repeats and realleges all of the allegations above as if fully alleged herein.

117. This count is brought by Plaintiff against Defendant CAIR alleging a cause of action for breach of fiduciary duties under the common law of the Commonwealth of Virginia and/or the District of Columbia.

118. As set forth above, Defendant CAIR purported to act as a nationwide PILF and was in the position of a fiduciary to Plaintiff insofar as Plaintiff, who was in a far inferior position of knowledge and experience to CAIR, accepted CAIR's offer to provide legal services in a matter of great importance to

Plaintiff. As such, Plaintiff reposed trust and confidence in Defendant CAIR and CAIR agreed with Plaintiff to act as a fiduciary.

119. As set forth above, Defendant CAIR's wrongful conduct arising out of the fraud set forth herein breached this duty of care. Specifically, Defendant CAIR's wrongful conduct constituted the unauthorized practice of law and criminal fraud.

120. As set forth above, Defendant CAIR damaged Plaintiff through its breach of fiduciary duties.

121. As set forth above, Defendant CAIR conspired with and aided and abetted others to breach its fiduciary duties insofar as it knew of the fraudulent conduct described herein, it agreed to join the conspiracy to commit fraud, and it provided substantial assistance in carrying out fraud.

122. Defendant CAIR is liable for all of the damages caused by the breach of fiduciary duties owed to Plaintiff.

123. Defendant CAIR is liable for punitive damages arising from its wrongful acts constituting breach of fiduciary duties insofar as its conduct in furtherance of its wrongful acts as set forth above amounted to egregious and intentional and/or reckless conduct carried out by Defendant CAIR as a fiduciary against Plaintiff who was in a far inferior position of knowledge and experience and who entrusted his most important legal matters to Defendant CAIR under false pretenses.

COUNT FIVE—INFLICTION OF EMOTIONAL DISTRESS

124. Plaintiff repeats and realleges all of the allegations above as if fully alleged herein.

125. This count is brought by Plaintiff against Defendant CAIR alleging a cause of action for intentional infliction of emotional distress under the common law of the Commonwealth of Virginia and/or the District of Columbia.

126. As set forth above, the wrongful conduct of Defendant CAIR giving rise to the fraud described herein was (a) intentional and/or reckless and (b) outrageous and intolerable.

127. At all relevant times, Plaintiff had entrusted sensitive, personal, and potentially valuable legal matters to the Defendant CAIR, which had held itself out to Plaintiff as a PILF and as fiduciary to Plaintiff. As set forth above, Plaintiff was defrauded by Defendant CAIR.

128. As a direct result of the Defendant CAIR's outrageous and intolerable wrongful conduct described above, Plaintiff has suffered severe emotional, mental, and physical distress and has been damaged thereby.

129. Defendant CAIR is liable for punitive damages arising from its wrongful acts constituting intentional infliction of emotional distress insofar as its conduct in furtherance of the wrongful acts as set forth above amounted to egregious and intentional and/or reckless conduct carried out by Defendant CAIR as a fiduciary against Plaintiff who was in a far inferior position of

knowledge and experience and who entrusted his most important legal matters to Defendant CAIR under false pretenses.

PRAYERS FOR RELIEF

130. **WHEREFORE**, Plaintiff Saiyed prays for judgment and relief as follows, where applicable:

131. Awarding compensatory damages in favor of Plaintiff against Defendant for the damages sustained as a result of the wrongful conduct alleged and as will be established through discovery and/or at trial, together with interest thereon, in an amount in excess of \$75,000.

132. Awarding treble damages, attorneys' fees, and costs in favor of Plaintiff against Defendant for the damages sustained in violation of the DCCPPA and the VCPA as alleged herein.

133. Awarding punitive damages to Plaintiff against the Defendant for the egregiously wrongful conduct alleged herein.

134. Granting declaratory and/or injunctive relief as appropriate.

135. Imposing a constructive trust as appropriate.

136. Awarding attorneys fees and legal costs.

137. And, such other and further relief as the Court may deem just and proper.

JURY TRIAL DEMANDED

138. Plaintiff hereby demands a jury trial.

Dated: January 11, 2010.

Respectfully submitted,

LAW OFFICES OF DAVID YERUSHALMI, P.C.

By: /s/
David Yerushalmi

David Yerushalmi
District of Columbia Bar No. 978179
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LIST OF EXHIBITS

<u>EXHIBIT NO.</u>	<u>DOCUMENT DESCRIPTION</u>
I	CAIR-VA Publication, March – May 2007
II	CAIR Web Site Posting, December 2007
III	Release of Claims Document
IV	January 31, 2007 Letter from Days to Andrew Taylor
V	May 2, 2007 Letter from Days to Michelle B. Radcliffe
VI	May 6, 2008 EEOC Complaint
VII	Returned Envelop Addressed to D.Ct., E.D. Va.
VIII	July 29, 2008 CAIR Fax from Athman to Plaintiff
IX	July 31, 2008 Letter from Plaintiff to Al-Khalili
X	August 7, 2008 Letter from Al-Khalili to Plaintiff
XI	August 5, 2008 Dismissal and Notice of Rights Letter
XII	Complaint re: <i>Saiyed v. Enterprise</i>
XIII	Opinion Granting Enterprise Summary Judgment
XIV	Fourth Circuit Denial of Plaintiff's Appeal

EXHIBIT I

EXHIBIT I

CAIR-VA Publications re: Morris Days and Activities as PILF

CAIR-VA PUBLICATION MAILED VIA UNITED STATES POSTAL SERVICE



March/April, 2007

Volume 1, Issue 1

Council on American Islamic Relations MD/VA Chapter

Message from the Board & Executive Director Khalid Iqbal

Assalamu Alaikum! Welcome to our first bi-monthly newsletter! We are excited about the opportunity to share our achievements with you and provide you with an overview of our activities and programs.

Our chapter has come a long way in the past year! We have introduced several empowerment programs for our community, a few of which are mentioned in this newsletter. We think that our Youth Leadership Training Program will help our youth become better citizens. We are also launching the "Legal Literacy Program" that will educate and empower our community members in the American legal system. CAIR MD & VA has acquired the assistance of a number of local attorneys who will give workshops and seminars on topics that are important to our community. (con't p.3)

Meet Our Resident Attorney!

Attorney Morris Jamil Days, Civil Rights Manager of CAIR MD/VA is at the front lines of this chapter's effort to protect civil liberties and empower American Muslims to invoke legal protections afforded to them by local, state, federal and constitutional legislations.

Days, a graduate of Temple University Law School, joined the organization in June, 2006. He specializes in Criminal Law and Civil Rights/Social Service Advocacy Law. He has been a member of the Philadelphia Bar Association and the American Bar Association since 1997.

His professional achievements include receiving the Rosa Parks Wall of Tolerance Award in 2005 given by the Southern Poverty Law Center.

"I am proud to work for an organization that has done so much for the American Muslim community. Now when Muslims are targeted, there is a unified and powerful voice that responds. Never before have corporate America, small business, and large media organizations alike had to contend with the Muslim community on an activist and legal level," Days says. (con't p.2)

Youth Leadership Program

CAIR MD/VA kicks off its first annual Young Muslims Leadership Program (CYMLP) this summer! For one week, students age 16 and up will be immersed in our American political system, learning first hand from senators, congressmen and women, and leaders from our Muslim community who have had years of experience working with the system. (con't p.3)

Some highlights in this issue:

- Meet our Resident Attorney, Morris Jamil Days, p.1
- Local Civil Rights Cases- p.2
- Free Law Clinic- p.2
- Youth Leadership Program- p.1

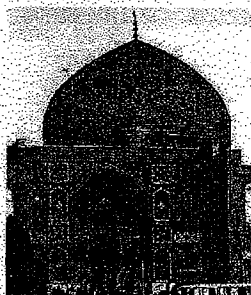


In Every Issue:

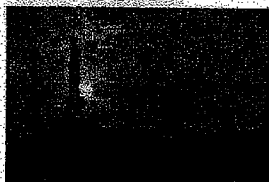
- Civil Rights Watch 2
- Volunteer Highlights 4
- Message from the Board 1
- Civil Rights FYI 4



Meet Our Resident Attorney (con't)



"Being an American Muslim in the United States places you in the legal arena from the moment you step out of your house." Morris Days



Leading the civil rights division for such an active chapter keeps Days extremely busy. An average day for him entails meeting with community members about their discrimination concerns, following up on formal complaints filed with the Human Rights Commission, the EEOC, and federal district court, and training volunteers to become civil rights activists.

Even with such a heavy load, Days still manages to find time to organize and lead monthly legal literacy classes offered free to the community. He feels that when an individual or community utilizes the American legal system in the defense of their

civil liberties, they are making a substantial investment in their future. "Without legal literacy, a person is not able to make informed decisions and is not aware of the implications of his or her actions. They find themselves in the legal arena without any knowledge of what is going on. (con't p.4)



Legal Literacy Program

The Council of American-Islamic Relations MD/VA (CAIR-MD/VA) is partnering with Legal Services of Northern Virginia (LSNV) to offer community members access to free legal services and education. Such programs are to include free legal consultation and representation, legal workshops and

seminars, and legal education.

LSNV, a non-profit public interest law firm that provides free legal assistance to low-income residents of Northern Virginia, receives most of its funding from state sources, making this American-Muslim legal partnership the first of its kind. (con't p.3)

Civil Rights Watch

The month of February kept our civil rights team extremely busy! Attorney Morris Days took on 8 new discrimination cases (bringing the total to 20 for 2007), worked with the Human Rights Commission and the Equal Employment Opportunity Commission on existing cases, and successfully closed one case involving Hertz Rental Car. After receiving a call from CAIR MD/VA, Hertz management agreed to accommodate a Muslim whom they were about to fire for taking time for prayer.

A few notable cases Days opened in February include the following:

- ❖ CAIR-MD/VA has filed a complaint with Internal Affairs of the Fairfax County Police Department after they sponsored a 'safety' meeting for all county bus drivers, alerting them to the potential signs of an imminent terrorist attack... by American Muslim children. A video depicting young Palestinian children being trained to become suicide bombers was shown to 1700 Fairfax County bus drivers, as a warning of what they may encounter among the American Muslim youth population. (con't p. 3)

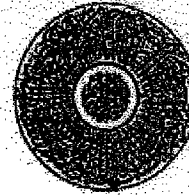


Legal Literacy Program (con't)

So far, eight volunteer attorneys and six law students have signed on to launch this ground-breaking project under the direction of attorney Morris Days, Civil Rights Manager of CAIR-MD/VA's Northern Virginia office.

Days himself kicked off the new project with a 2-hour *Introduction to American Law* class last month.

The aim of this class is to provide community members with a solid background of civil rights, local and national law. An additional class covering topics relevant to the Muslim and immigrant community will be offered monthly, InshaAllah.



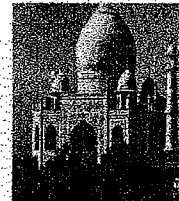
Civil Rights Watch (con't)

CAIR-MD/VA has filed a complaint with both the Virginia Department of Labor and the Virginia Human Rights Commission on behalf of a local driver for being discriminated against by his former employer, a high-profile Virginia-based government contractor.

The complaints detail that the driver, the only Muslim employee, was illegally withheld 8 years of overtime and other federal and state sanctioned benefits and was then inappropriately fired by the transportation company once he became cognizant of and began pursuing his right to receiving such benefits. The complaint further alleges that he was unfairly singled out as a Muslim, as no other employee. CAIR has confirmed, was denied such benefits.

Over the duration of his 8 years employment, the driver, an immigrant from Palestine, worked an average of 120 hours per week for the transportation company.

CAIR-MD/VA has filed a complaint with IHOP Corporate Headquarters on behalf of a Muslim family of 26 who was removed from IHOP in Alexandria, VA by the manager. The complaint alleges that his motives were unfounded, biased and discriminatory, as witnesses confirm. IHOP Corporate has since fired the manager but has denied further responsibility for the incident.



Youth Leadership Program (con't)

Emphasis will also be placed in understanding democracy within the wider context of Islam and Prophet Mohammad's (PBUH) demonstrated style of leadership.

In addition to the multidimensional experience students will receive when witnessing our political system in action, they will also learn how to research, interview, lobby, and debate topics of public importance. A model congress will be formed by the participants, and students will also host a town hall meeting.

If interested in applying for this exciting program, please contact our office for application details as soon as possible at: 703.689.3100.

Message from the Board (con't)

Our resident attorney, Br. Morris Jamil Days and volunteer staff have worked diligently to process over 100 civil rights cases that we have received in the past year. Our goal is to give personal attention to each case, as this is one of our main functions in supporting our community.

We want to thank you for supporting our programs during the past year and urge you to continue to support us with your volunteer time and financial contributions. CAIR MD & VA is eligible to receive zakat funds and your contributions are tax deductible. (Tax I.D. # 04 361 7757). Please contribute generously!

The CAIR MD & VA Board of Directors would like to thank you for the opportunity to serve you! We are proud to be part of the mission of advancing and supporting the rights of all our community members.



**Council on
American Islamic
Relations
MD/VA Chapter**

585 N. Grove Street
Suite G10
Herndon, VA 20170

Phone:
703.689.3100

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703.689.9858

E-Mail:
morrisdays@aba.net

We're on the Web!

See us on:

www.cairmdva.com

Upcoming Events:

Free Legal Literacy Seminars
(2 Hours Each, Lunch Included)

American Legal System (VA) 3/17

Wills & Estates (MD) 3/31

Employment Law (VA) 4/14

Please RSVP as soon as possible as
classes fill up quickly. 703.689.3100

Volunteer Highlights

Special thanks goes out to Mohammad Farooq, who has tirelessly supported Attorney Morris Days in the civil rights division. Sister Aisha Feliciano has also dedicated herself to assisting the organization's daily office operations and has helped out tremendously with food preparations for our weekend seminars. Sister Iman, new to CAIR MD/VA, is now helping the chapter with various office tasks as well as weekend events.

Intern Mehwish Khalil, a senior high school student from Herndon High School, has recently joined the team and has already put in many hours arranging programs and projects for us!

In addition to giving a presentation at a local Jewish community center and assisting with our Legal Literacy Seminars, she is now working on developing our new Young Muslims Leadership Program to take place this summer.



(from left: Mehwish, Nida, Iman, Aisha, Morris, and Mohammad)

We also appreciate the Bangladeshi Women's Group for helping us with a large mailing in February! Our success depends on all our volunteers! If interested, please contact us at 703.689.3100



Resident Attorney (con't)

This, in my mind, is equivalent to being incompetent to stand trial. Being an American Muslim in the United States places you in the legal arena from the moment you step out of your house. You can be profiled, targeted, attacked, denied access to services, cheated, harassed and those empowered to protect your rights can even demonstrate hostility towards you. That is why it is imperative that our community develop a

sophisticated level of legal literacy. We cannot protect ourselves and our families without it."

Days welcomes community members to come by the chapter office anytime and is available for appointment from 10-5 everyday except Friday's and Sundays.

Civil Rights FYI

According to the US Department of Labor *Fair Labor Standards Act*,
"Unless specifically exempted, employees covered by the Act must receive overtime pay for hours worked in excess of 40 in a workweek at a rate not less than time and one-half their regular rates of pay."

About Our Organization...

The Council on American-Islamic Relations (CAIR) is a non-profit grassroots organization dedicated to presenting an Islamic perspective on issues of importance to the American public. CAIR is the largest American Muslim civil rights and advocacy organization in the United States, serving the interests of more than seven million American Muslims with 32 chapters and offices nationwide and in Canada.

CAIR's vision is to be a leading advocate of social justice and mutual understanding. It is our mission to enhance a general understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims and build coalitions that promote justice and mutual understanding.

EXHIBIT II

EXHIBIT II

CAIR Publications re: Morris Days and Activities as PILF



Council on American-Islamic Relations

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In the Name of God, the Compassionate, the Merciful

Article Details

September 02, 2009

» CAIR-MD/VA: Lawsuits End Citizenship Delays

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CAIR-MD/VA: Lawsuits End Citizenship Delays

Posted 12/24/2007 5:41:00 PM

Issues

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Related Information

Source: [Associated Press](#)

Author: [Matthew Barakat](#)

Newly minted U.S. citizen Issameldin Mohamed, a native of Egypt, wasn't entirely sure that suing the U.S. government was a good idea.

"In (Egypt), if you sue the government, there's something wrong here," he said, pointing to his head to indicate how foolhardy it would be.

But Mohamed, 45, of Owings Mills, Md., was out of patience, having waited the better part of 10 years to obtain citizenship. Since 2005, he had passed his citizenship test, and waited only for his name to be cleared in a government background check.

Finally, after filing a lawsuit in October at U.S. District Court in Baltimore that named Department of Homeland Security Secretary Michael Chertoff, FBI Director Robert Mueller and other top government officials as defendants, his naturalization application was approved. On Dec. 14, he became a citizen.

"I believed it only when they called my name and gave me my certificate," Mohamed said.

Mohamed and an increasing number of immigrants have decided to sue in federal court to force the government to take action on their citizenship applications.

At the U.S. District Court in Alexandria, roughly 100 lawsuits have been filed in 2007 demanding action on stalled citizenship applications. That represents roughly 8 percent of the entire civil docket at the courthouse, which is among the busiest in the nation.

The lawsuits cite federal law requiring agencies to act on a petition within 120 days after it has been reviewed. Rarely do the lawsuits go before a judge, according to a review of court records. Usually, the plaintiff agrees to drop the case after receiving assurances that it will be resolved quickly and favorably.

Morris Days, an attorney with the Maryland-Virginia chapter of the Council on American-Islamic Relations, has helped Mohamed and 15 others file similar petitions at federal courthouses in the region in recent months.

Days said six already have received citizenship papers or are about to, and he's optimistic that all the applications will be approved.

The holdup invariably is the name check, Days said. Muslims are particularly vulnerable to delays, he said, because names of innocent immigrants get confused with those on terror watch lists. . .

Delays of two, three or four years are not uncommon, he said.

U.S. Citizenship and Immigration Services, or USCIS, the federal agency responsible for processing citizenship applications, has acknowledged that hundreds of thousands of applicants have experienced unacceptable delays because of backlogs in the background checks, which are conducted by the FBI. . .

Shazia Naz, 34, of Fairfax, also received her citizenship earlier this month after suing the government in July in federal court in Alexandria. She had passed her citizenship test in February 2006 but never received final approval; immigration officials told her the delay was because of her name and the inability to complete the background check.

She said it would have cost her as much as \$5,000 to hire an immigration lawyer, but she filed the suit herself with assistance from the **Council on American-Islamic Relations**.

[Return](#)

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CAIR

Council on American-Islamic Relations

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In the Name of God, the Compassionate, the Merciful

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September 02, 2009

» Video: CAIR-MD/VA: Muslims Granted Citizenship

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Video: CAIR-MD/VA: Muslims Granted Citizenship

Posted 12/20/2007 3:38:00 PM

Issues



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To view the video, click [here](#).

The husband of an Iraq war veteran has received the green light to join her on U.S. soil, and the route to U.S. citizenship also has ended in triumph for two more local immigrants, News4's Cheryl Butler reported.

It was a long, rocky journey from Egypt to the United States, but Sgt. Vanessa Kirk finally has her husband by her side.

The two fell in love in Iraq. Kirk worked in a hospital south of Baghdad and her husband, Leo, an Egyptian citizen, was a translator there.

First came love, then came marriage and a 10-month-long battle to bring Leo to the United States.

Finally, his visa was granted, thanks in part to the Council on Islamic-American Relations.

"We petitioned the courts, and they've had a change of heart," said CAIR's Morris Days.

This year CAIR filed 22 lawsuits in federal court against the FBI, the Department of Homeland Security and other agencies on behalf of Muslim immigrants stuck in limbo.

Issameldin Mohamed came to the United States in 1997 from Egypt in search of citizenship. He left his two kids at home with hopes of sending for them later, but the process of gaining citizenship, including an FBI background check, took years.

"My kids would call, 'Baba, when do you get your citizenship? When can we come over?'" Mohamed said. "I have no answer."

Four years and one lawsuit later, on Dec. 14, Mohamed achieved his dream.

"I felt, 'OK, this is mine now,'" Mohamed said.

Shazia Naghmi shared a similar saga of delays and triumph.

She came to the United States in 1999 on a student visa from Pakistan.

An FBI background check took 22 months.

"I think it's because I'm from Pakistan," Naghmi said.

Then Shazia filed a lawsuit through CAIR. Three days later, on Dec. 5, Shazia became a U.S. citizen.

"I was just so excited. I was telling everyone I was going to be naturalized," Shazia said.

Six of CAIR's immigrant plaintiffs will be granted citizenship after review. Sixteen cases are still pending.

"We're very, very elated, appreciative of that," Days said.

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Related Information

Source: NBC4

Author: Cheryl Butler

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EXHIBIT III

EXHIBIT III
Form of Release of Claims Document

VOLUNTARY AGREEMENT and RELEASE OF CLAIMS

This voluntary agreement and release of Claims ("Agreement") is entered into between the Council on American-Islamic Relations and:

Name: (hereinafter, "Recipient") Social Security or ID No.:

Address: Date and Location of Birth:

For the sum of _____ dollars, the delivery, receipt and sufficiency whereof is hereby acknowledged, Recipient _____ hereby completely releases and forever discharges the Council on American-Islamic Relations ("CAIR"), their heirs, executors, administrators, agents and assigns, and all their other chapters, firms or corporations liable or who might be claimed to be liable, none of which admit any liability to the undersigned but all expressly deny any liability, of and from any and all past, present or future claims, demands, obligations, actions, causes of action, rights, damages, costs, loss of services, expenses and compensation which the undersigned now has or which may hereafter accrue or otherwise be acquired, on account of, or in any way growing out of my contacting CAIR on or about the day of _____ to handle my case regarding

The undersigned agree that the receipt of funds in the amount set forth in this agreement does not constitute the admission of liability, direct or vicarious, or violation of any applicable law, contract provision or any rule or regulation.

Recipient hereby declares that the terms of this release have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and release of any and all claims arising out of the aforesaid incident and for the express purpose of precluding forever and further additional claims arising out of the aforesaid incident.

Recipient further states that this Release has been reviewed by Recipient's own privately retained counsel, or that Recipient has had the opportunity to retain counsel for this purpose and knowingly and voluntarily

EXHIBIT IV



585 N. Grove St Suite G-10
Herndon, Virginia 20170
Tel: 703.689.3100 Fax: 703.689.9858
E-mail: info@cairdva.com, URL: www.cairmdva.com

January 31, 2007

To: Andrew Taylor Chairman/CEO
600 Corporate Park Dr.
St. Louise, MO 63105

Dear Mr. Taylor

I hope that everything is fine. Let me First start by thanking you for taking the time to read my concerns.

I am writing in response to a letter dated January 22, 2007 From Mr. Kris Stuber Group Human Resources Manager.

This letter was sent to an employee, one Iftikhar Saiyed of Enterprise leasing Company a Maryland Corporation headquartered in Rockville Maryland.

Mr. Saiyed has been employed since May 2003, he has maintained his present position since August 2004. Since that time Mr. Sayed has related to me that he has endured very hostile treatment from his then supervisor Kevin Terne.

Mr. Saiyed bore this treatment until it cumulated in a very explosion setting in 04-23-2005.

After the incident Mr. Sayed reported his complaint to Mr. Matt Bedois the assistant Manager. Mr. Saiyed never heard, or was it ever again referred to. Therefore, the harassment, the disrespect continued.

At this point Mr. Taylor I would like to point out that:

- 1) There appears to be no formal complaint procedure being instituted, which is a violation of several directives of the EEOC for large companies to institute.

In a Supreme Court Case the Court said "...these employee harassment complaints must use the employers complaint process ("preventive or corrective opportunity provided by the employer..."

Further for your consideration, The Supreme Court's affirmative defense in "hostile work environment case requires proof by the employer that the employee unreasonably failed to use the available complaint procedure...

Mr. Taylor as Civil Rights Director of the Virginia and Maryland chapter of nationally known organization such as CAIR. It is my earnest duty to seek justice for American Muslims and resolve these issues through education, mediation, and forge understanding between cultures at every instance.

It appears, I present for your consideration that Mr. Saiyed inability to understand how to effectively express himself and his lack of knowledge, was no reason for the ignoring of the many "inferences his complaint indicated." During meetings with corporate personell.

At those meetings Mr. Saiyed emphatically expressed that this conduct had continued from the time he met Kevin in the Arlington Branch. He also stated that at no time during his hiring or training was he ever introduced to a complaint procedure, or instructed in the way that Enterprise institutes or enforces and discrimination policies.

Although the Vice Presidents met with Mr. Saiyed and feel they have finalized it.

I would suggest that they reconsider addressing these concerns we are now verbalyzing. These concerns are not new. They were in the Original Complaint filed by Mr. Saiyed with The Arlington VA Human Rights Commission and The EEOC filed the same time in 2005 as it was given Mr. Bedois. If you or your representative did review it, once again there is a reason for concern regarding the complaint process. Please once again thank you for your time I look forward to hearing from the appropriate representatives of your organization.

Sincerely,



Mr. Morris L. Days J.D.
Civil Rights Manager
Council of American Islamic Relations
Maryland and Virginia

EXHIBIT V

**CAIR**

Maryland and Virginia

585 N. Grove St Suite G-10

Herndon, Virginia 20170

Tel: 703.689.3100 Fax: 703.689.9858

E-mail: info@cairmdva.com URL: www.cairmdva.com

To: Michelle B. Radcliffe
1919 Gallows Road
Suite 320
Tysons Corner
Vienna, Virginia 22182

May 2, 2007

From: Mr. Morris L. Days, J.D.
Civil Rights Manager, CAIR
585 N. Grove Street
Suite: G-10
Herndon, Virginia 20170

Re: Iftikhar Saiyed

Dear Ms. Radcliffe,

This is to inform you that Mr. Iftikhar Saiyed, a former employee of Enterprise Rent-A-Car has decided to diligently pursue remedy and redress to the discrimination he received while employed at this firm. Also, in that regard I will be acting as his attorney and representative.

Under these circumstances I am hoping that we can discuss the matter further as you indicated in your letter February 21, 2007. I am certain that you as a representative for Enterprise Rent-A-Car also would like to resolve this matter as expeditiously as possible and to as satisfactory level to all parties involved.

I look forward to resolving the issue as expeditiously as possible and I look forward to hearing from you soon.

Sincerely,

Morris L. Days
Civil Rights Manager
CAIR

EXHIBIT VI

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: _____ Agency(ies) Charge No(s): _____

☐ FEPA

☒ EEOC

570-2008-01153
Arlington Human Rights Commission

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Iftikhar H. Saiyed

Home Phone (Incl. Area Code)

(703) 379-0405

Date of Birth

02-28-1951

Street Address

City, State and ZIP Code

P. O. Box 1451, Woodbridge, VA 22195

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

ENTERPRISE CAR RENTAL

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(703) 553-7744

Street Address

City, State and ZIP Code

2000 Jefferson Davis Highway, Arlington, VA 22202

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

 DATE(S) DISCRIMINATION TOOK PLACE
 Earliest Latest

02-22-2007
02-23-2007
☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

In 2005, I filed a discrimination complaint with the Arlington Human Rights Commission (Charge No. 10B-2005-00045). On or about February 22 or 23, 2007, I was discharged from my job in retaliation for the discrimination complaint that I filed.

I believe I have been retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
 SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)

5/6/08

Date

Iftikhar H. Saiyed

Charging Party Signature

EXHIBIT VII

1-H
P.O. Box 1451
Woodbridge
VA 22195

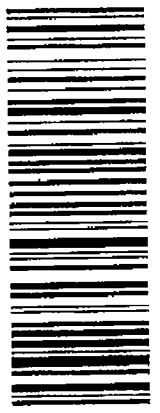
U.S.D. Court 107
203-299-5198
U.S. District Court
Alexandria, VA
22314-5198

ALBERT V. BYRNE
U.S. Court House
401 Court House
Alexandria, VA

To

United States District
Eastern District of Virginia
James Byrne Court House
Office of Clerk Civil Div's
ALEXANDRIA, VA 22305

CERTIFIED MAIL[®]



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0000 22305

U.S. POST
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VA 20170
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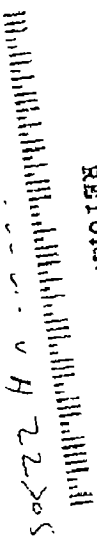
NIXIE 3098 1 19 05/23/08

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

98



RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed In: 3098 1 19 05/23/08

COMPLETE THIS SECTION ON DELIVERY

A. Signature	<input type="checkbox"/> Agent
<input checked="" type="checkbox"/> B. Received by (Printed Name)	<input type="checkbox"/> Addressee
C. Date of Delivery	

Is different from item 1? ☐ Yes
any address below: ☐ No

<input type="checkbox"/> Registered	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> Return Receipt for Merchandise
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

2. Article Number

(Transfer from service label)

7006 2150 0001 9363 5044

Domestic Return Receipt

PS Form 3811, February 2004

102595-02-M-1540

EXHIBIT VIII



433 New Jersey Ave S.E.
Washington, D.C. 20003
Tele 202 488 8787 Fax 202 488 0833
E-mail: info@cair.com, URL: www.cair.com

#3

To: Mr. Bedo's From: ~~Mr. Bedo's~~ Leah's Attorney
Fax: 202-452-4053 Pages: 5
Phone: 202-646-6033 Date: 7/29/08
Re: CC:

Urgent ☐ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

The information contained in this facsimile message is privileged and confidential. It is intended solely for the use of the individual named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication in any way, shape or form is strictly prohibited. If you have received this in error, please immediately notify us by telephone and return this original message to us at the above address by mail. Thank you.

Comments:

4-27-05
MATT BEDOIS, Assistant Manager
Enterprise
2000 Jefferson Davis HWY
Arlington, VA 22202

Dear Mr. Bedois,

As I talked to you today about Rude
& crude behavior of Kevin C. Terne.

I am giving you in writing about
his rude behavior towards me.

4-27-05
on last Saturday I came to work
few minutes late, then Kevin start
yelling & screaming at me at office
door. There was a lady customer
who heard all that his rude behavior
I said to Kevin that office clock
is fast. Then he put out his
Radio clock & put too close to my
face & ask read this time. He
talked to me in a very sarcastic & way
[rude behavior] He is constantly

4/23/05

(2)

on last SATURDAY morning he came too close to my nose & start yelling & screaming at me. When you are too close & yell at someone then your SALIVIA falls on other persons face & that can be assault. Kevin's saliva did fall on my face. His behavior is too rude & abnormal towards me. I do not appreciate that he came too close to me & yell at me on last SAT morning ⁴⁻²³⁻⁰⁵. Customers hear that rude behavior & that is not for good for business.

Kevin had been yelling & screaming on me for long time.

Leon [Car wash gentleman] heard that Kevin did yell at me, when I was moving car downstairs. He still has Master & Slave behavior towards me. To run a business, you have to be polite with everyone.

(3)

For me From my point of view he does
do not seems to ~~was~~ be capable to
run a business. HE FROWNS at me all the time.

He spit on the floor when customers
put their luggage. Customers are
also not ~~happy~~ happy for his

spitting on FLOOR. Since spit transfer
from FLOOR to luggage of customers &
transfer from luggage to people's
hands. That is not Hygienic

He had been constantly aggravating
me for several months. I try
to ignore it, but he seems to

Constantly harassing & bothering me.

4/23/05

On Saturday Brownson was late. Brownson
came after me. But Kevin did not yell &
scream at Brownson like he did to
me. I also told to Deryl Carr
about his Rude behavior of Kevin.

4/23/05

On SAT morning Melinda Macdessi &
~~Crystal~~ Crystal Lonberger did heard Kevin's
Rude behavior in your front office

4/23/05 SAT

(4)

At about 9:Am Kevin told order me to go back home. crystal & Melinda did heard his very rude & negative behavior. On Sunday Driver Mary ~~Mary~~ came to work late. Kevin did not yell & scream at Mary like he yell at me. Kevin is very nice too towards lady employees.

Kevin told me on several time in very rude voice "I do not need you". His behavior is very discriminating towards me. Kevin's work at work is not professional on several occasion he he had been too rude & humiliating towards me. He did insult me on several occasion. please let me know my options & CHAIN ~~change~~ of commands for reporting

Kevin's rude [obnoxious, harassing, insulting] behavior to which authority

If you have any question then please contact me. on SAT 4/23/05 customer did refuse & heard that Kevin did harassed me & yell at me.

Kevin always comes too strong on me just let nothing

#8 IF you have any question
then please contact me.

(5)

I will cooperate with you. Kevin
do needs to be removed a discipline
Kevin's behavior is abnormal

very sincerely

Iftikhar H. Saied

IFTIKHAR H. SAIED

707-379-0405

P.O. Box 1451

Woodbridge, VA 22195

p.s → If Kevin talks to me then
he should talk to me with other
employees so I have uniform for
his Ride behavior. If I was a few
minutes late for customer on 4/23/05 then
he could have given ride to customer
some time I stay longer past my hours
of work to give Ride to customer. His behavior
is not acceptable & not professional for this

EXHIBIT IX

Dated 7-31-08

Attorney,
Nadhria Al-Khalili
202-646-6034 Phone Number
202-488-0833 Fax
453-New Jersey Ave, SE
Washington DC 20003

(Handwritten initials: NP and RK inside a circle)

Dear Ms. Al-Khalili

I talked to you last week and you told me that Jamil Morris Days is not an attorney
And you told me not to talk to him about my legal issue of employment
Discrimination, retaliation and harassment, (Enterprise, car leasing company
Arlington, 2020 Jefferson Davis Hwy, Arlington, VA 22202).

Jamil told me that he did file my appeal to Federal Court in Alexandria, Virginia
About a month ago, from today, but you found out that above said appeal has not been
filed. So Jamil lied to me. I gave all paper work about EEOC and Human Right
Counsel in Arlington, Virginia. He did not file any appeal to any of above said
Office. And time run out. I was fired on Feb22, 07 from enterprise as retaliation,
Since I file discrimination. Kevin Ternee was harassing me. He always frowns
On me. He always yells and screams on me. He came too close to my face and yell
Scream on as loud as he can. His saliva was falling on me. He knows that but him
Did not back off and kept on yelling at me. So that breaks the space rights spit
Falling on my face, should be as assault. So what if I reported it to his supervisor
Kevin Terne does not yell and scream at any other employees. So that creates
Discrimination case.

At this point Jamil Morris Days is at fault. Where should I file complain
About him. Can you please file a complain about Jamil, misrepresentation and
Loss of my appeal and case. I was told by your office that I have 2 years from the
Day I was fired (2-22-07) to go to Court for Discrimination, Retaliation, and
Harassment case.

Based on the issue that Jamil messed up my whole case, then can EEOC,
And Human Right Counsel gives me enough time to file my appeal or Court
Can give me another statue of limitation (extra time) to take care this case.

Can you find me an attorney who can take this case on Contingency basis?

If you have any question then please contact me. Thanks.

I WOULD TO KNOW THAT WHO IS RESPONSIBLE FOR MY DAMAGES
AND LOSS OF TIME, (MENTAL ANGUISH, PAIN AND SUFFERING OR
ANY OTHER DAMAGES.)

(Handwritten signature: Iftikhar H. Saiyed. 7/31/08)

Iftikhar H Saiyed
(703)379-0405
(804)452-1975 Message
P.O Box 1451
Woodbridge, VA 22195

FAX 804-452-4053

EXHIBIT X

In the Name of God, the Compassionate, the Merciful



Council on American-Islamic Relations
453 New Jersey Avenue, S.E. Washington, DC 20003
Tel 202.488.8787 Fax 202.488.0833

August 7, 2008

Iftikhar Saiyed
P.O. Box 1451
Woodbridge VA 22195

Dear Mr. Saiyed:

Thank you for contacting CAIR National regarding your complaint. Unfortunately, we are unable to assist you at this time. The Virginia Human Rights Council did not find any discrimination in regards to your complaint. In addition, on appeal they came to the same decision.

Please note that Jamil Days was never employed by CAIR National. Mr. Days was an independent contractor at a CAIR chapter in Herndon, which conducted its business separately from our offices here in Washington DC. If you wish to file a complaint against Mr. Days please contact the Virginia Bar Association.

If you have any questions or complaints in the future, please do not hesitate to contact us.

Sincerely,

Nadhira Al-Khalili
National Legal Counsel

NA/fq

WASHINGTON D.C.

ARIZONA CALIFORNIA CONNECTICUT FLORIDA GEORGIA ILLINOIS KENTUCKY MARYLAND MASSACHUSETTS MICHIGAN
MISSOURI NEW JERSEY NEW YORK OHIO PENNSYLVANIA SOUTH CAROLINA TEXAS VIRGINIA WASHINGTON



Council on American-Islamic Relations
433 New Jersey Avenue, S.E.
Washington, DC 20003

Iftikhar Saayed
P.O. Box 1451
Woodbridge VA 22195

221951451 8043

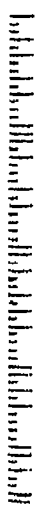


EXHIBIT XI

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Iftikhar H. Saiyed
P. O. Box 1451
Woodbridge, VA 22195

From: Washington Field Office
1801 L Street, N.W.
Suite 100
Washington, DC 20507



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

570-2008-01153

Janet Stump,
Enforcement Supervisor

(202) 419-0736

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Enclosures(s)

Dana Hutter,
Director

AUG 05 2008

(Date Mailed)

cc:

Department Human Resources
Human Resources Director
ENTERPRISE
2273 Research Blvd.
Suite 600
Rockville, MD 20850

Enclosure with EEOC
Form 161 (2/08)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit **before 7/1/02 -- not 12/1/02** -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

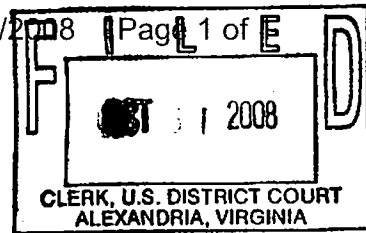
If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

EXHIBIT XII



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

Iftikhar H. Saiyed
804-452-1975
P.O.Box 1451
Woodbridge, VA 22195
Plaintiff,

V.

Civil Action No. 1:08 cv 1147 Jcc/JFA

Enterprise Rent-A-Car
301-731-7275
8100 Professional Place.
Suite 306
Landover, MD 20785

Defendant

COMPLAINT

Plaintiff believes that he has been discriminated against in violation of Title VII Of the Civil Rights Act of 1964, because of his race (GROUNDS/ REFERENCE TO LAWS OR STATUTES IN FEDERAL COURT.)

Plaintiff believes that his supervisor Kevin Ternee was constantly Harassing him, and he came too close to plaintiff and he yell and scream too Much. Keven Ternee was not harassing to other employees.

Plaintiff filed a complain to Human Right Counsel in Arlington Virginia. As long As H.R Counsel was doing their investigation, Enterprise left him alone. As soon As Employer won the case of discrimination, then Employer fired, plaintiff by Finding lame excuses, that Plaintiff was sleeping on job. And plaintiff was not Sleeping on job, Driver Brownson is always sleeps on job. And Airport police Officer did saw that. Double Tree driver, Zaffer, has seen many times that Driver Brownson sleeps in his bus on duty. And he never got fired from job.

This case is Discrimination and Retaliation, (for filing Discrimination in Arlington County)

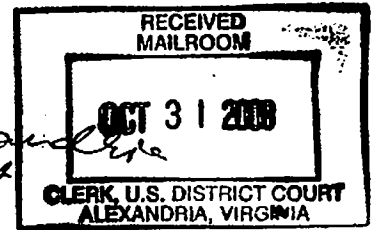
Plaintiff is requesting back wages, job back, and damages for mental anguish, pain and suffering.

(Relief you are requesting, include for jury if desired)

804-452-1975 Res.
703-379-0405 message
804-691-7836 cell

Iftikhar H. Saiyed.
PRO SE
Iftikhar H. Saiyed Pro se 10/28/2008
P.O. Box 1451
Woodbridge, VA. 22195

10/28/08



U.S. District Court, Alexandria
VA

Dear Sir/Mam

1:08 CV 1147

please keep however what ever
many copies for you + for
defendant.

please mail me back
all signed, dated, stamped
+ court no. copies ~~etc~~ at
my address

If you have any rumor
then please call me
Thanks.

Jeffrey Seiyed

804-452-1975 Rm
804-691-7836 cell

P.O. Box 1451

Woodbridge, VA 22195

1. SAILED
PO Box 1451
Woodbridge
VA 22195

PLEASE STICK TAPE TO TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLLOW DOTTED LINE.
CERTIFIED MAIL



7007 2680 0003 0058 9980



0000



22314

70

United States District Court
For Eastern District of Virginia
Alexandria, Division
civil section of the clerk office
401 COURT HOUSE SQUARE

1/A 22 314 -

EXHIBIT XIII

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

IFTIKHAR H. SAIYED,)	
)	
Plaintiff,)	
)	
v.)	1:08cv1147 (JCC)
)	
ENTERPRISE RENT-A-CAR,)	
)	
Defendant.)	
)	

M E M O R A N D U M O P I N I O N

_____This matter is before the Court on Defendant Enterprise Rent-A-Car's (Defendant's) Motion to Dismiss or, Alternatively, for Summary Judgment. For the following reasons, the Court will deny Defendant's Motion to Dismiss and grant its Motion for Summary Judgment.

I. Background

The facts alleged in Plaintiff Iftikhar H Saiyed's (Plaintiff's) Complaint are as follows. Plaintiff was employed by Defendant. During his employment, Plaintiff's supervisor Kevin Ternee (Ternee) constantly harassed him and yelled at him. Ternee did not harass other employees.

Plaintiff filed a complaint against Defendant with the Human Rights Council in Arlington, Virginia. Documents submitted by Defendant show that this allegation likely refers to a Charge

of Discrimination (Charge) that he filed with the Arlington Human Rights Commission (HRC) and the United States Equal Employment Opportunity Commission (EEOC) in 2005, alleging race discrimination by Defendant. Def.'s Mot. at Ex. 2.

During the HRC's investigation, Plaintiff was not subjected to discrimination. After the investigation was complete, and the HRC cleared Defendant of liability, Defendant fired Plaintiff. Documents submitted by Defendant show that Defendant terminated Plaintiff's employment on February 24, 2007. *Id.* at Ex. 3.

Defendant's stated reason for firing Plaintiff was that Plaintiff slept on the job. Plaintiff did not sleep on the job, but another employee, Brownson, did. Several people witnessed Brownson sleeping, but Defendant did not fire Brownson. Defendant actually fired Plaintiff because of his race and in retaliation for the discrimination complaint that Plaintiff filed with the HRC. Documents submitted by Defendant show that Plaintiff filed a second Charge with the HRC and EEOC on May 6, 2008, alleging retaliatory discharge. *Id.* at Ex. 2.

On October 31, 2008, Plaintiff filed a complaint in this Court alleging racial discrimination and retaliation under the Civil Rights Act of 1964. On December 10, 2008, Defendant filed a Motion to Dismiss or, Alternatively, for Summary Judgment. A proper Roseboro notice accompanied this motion [12].

See *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975).

Plaintiff has not opposed the motion. This matter is currently before the Court.

II. Standard of Review

A Rule 12(b)(6) motion to dismiss tests the legal sufficiency of the complaint, see *Randall v. United States*, 30 F.3d 518, 522 (4th Cir. 1994). In passing on a motion to dismiss, "the material allegations of the complaint are taken as admitted." *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1969) (citations omitted). Moreover, "the complaint is to be liberally construed in favor of plaintiff." *Id.* In addition, a motion to dismiss must be assessed in light of Rule 8's liberal pleading standards, which require only "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8. Nevertheless, while Rule 8 does not require "detailed factual allegations," a plaintiff must still provide "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 554, 127 S. Ct. 1955, 1964-65 (2007) (citation omitted).

Summary judgment is appropriate only if the record shows that "there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c); see also *Anderson v. Liberty Lobby*,

Inc., 477 U.S. 242, 247-48 (1986); *Evans v. Techs. Apps. & Serv. Co.*, 80 F.3d 954, 958-59 (4th Cir. 1996). The party seeking summary judgment has the initial burden to show the absence of a material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986). A genuine issue of material fact exists "if the evidence is such that a reasonable jury could return a verdict for the non-moving party." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). To defeat a properly supported motion for summary judgment, the non-moving party "must set forth specific facts showing that there is a genuine issue for trial." *Id.* (quotation omitted). The facts shall be viewed, and all reasonable inferences drawn, in the light most favorable to the non-moving party. *Id.* at 255; see also *Lettieri v. Equant Inc.*, 478 F.3d 640, 642 (4th Cir. 2007).

In addition, complaints filed by *pro se* plaintiffs are construed more liberally than those drafted by an attorney. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); see also *Khozam v. LSAA, Inc.*, 2007 WL 2932817 at *3 (W.D. N.C. Oct. 5, 2007). While a court is not expected to develop tangential claims from scant assertions in a complaint, if a *pro se* complaint contains potentially cognizable claims, a plaintiff should be allowed to particularize these claims. *Treadwell v. Murphy*, 878 F. Supp. 49, 51-52 (E.D. Va. 1995) (citing *Beaudett v. City of Hampton*,

775 F.2d 1274 (4th Cir. 1985); *Coleman v. Peyton*, 340 F.2d 603, 604 (4th Cir. 1965)).

III. Analysis

Defendant argues that Plaintiff's claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (Act), is time-barred because Plaintiff failed to file a Charge of Discrimination (Charge) with the EEOC within 300 days of the allegedly discriminatory or retaliatory act. The Complaint does not specify the date on which Plaintiff was fired or the date on which Plaintiff filed a Charge with the HRC and the EEOC. Defendant, however, submits that it fired Plaintiff on February 24, 2007 and that Plaintiff filed a Charge for retaliation on May 6, 2008, 437 days later. Defendant contends that Plaintiff's Charge was untimely filed and the Court must dismiss his Complaint.

The Act requires that a petitioner with an employment discrimination claim file a Charge "within [180] days after the alleged unlawful employment practice occurred" or 300 days after the unlawful practice when "the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice." 42 U.S.C. § 2000e-5(e)(1).

Fourth Circuit precedent is clear that "fil[ing] a charge with the [] EEOC within 300 days of the alleged violation"

is a mandatory statutory prerequisite to any Title VII claim. *Venkatraman v. REI Sys., Inc.*, 417 F.3d 418, 420 (4th Cir. 2005) (citing *Edelman v. Lynchburg Coll.*, 300 F.3d 400, 404 (4th Cir. 2002)). "[A] violation not made the subject of a timely charge is 'the legal equivalent of a discriminatory act which occurred before the statute was passed' and is 'merely an unfortunate event in history which has no present legal consequences.'" *Id.* (quoting *United Air Lines v. Evans*, 431 U.S. 553, 558 (1977)).

The Complaint does not provide any additional information or supporting documentation pertaining to either the Charges that Plaintiff filed or Plaintiff's dismissal by Defendant. Defendant, however, has submitted a stamped copy of a Charge that Plaintiff submitted to the HRC and the EEOC on May 6, 2008, claiming retaliatory discharge under Title VII. Def.'s Mot. to Dismiss at Ex. 2. Defendant also submitted the Notice of Charge of Discrimination issued by the EEOC to Defendant, dated May 23, 2008, and the Dismissal and Notice of Rights issued by the EEOC on August 5, 2008, finding that Plaintiff's "charge was not timely filed with EEOC." *Id.* at Ex. 2. Finally, Defendant submitted a memorandum from Defendant to Plaintiff, terminating Plaintiff's employment "effective today." *Id.* at Ex. 3. This letter was signed by Plaintiff and is dated February 24, 2007. *Id.*

It is "well-established that a district court ruling on a 12(b)(6) motion to dismiss may consider documents 'sufficiently referred to in the complaint' whose authenticity is not disputed, even if such documents are not attached to the complaint." *Koken v. Aon Risk Serv., Inc.*, 2006 WL 90068, *3 (E.D. Va. 2006) (citations omitted). Plaintiff has not disputed the authenticity of the documents submitted by Defendant with its motion.

Nevertheless, the Court declines to rely on these documents in the context of a motion to dismiss because the Complaint does not directly refer to them. In the Complaint, Plaintiff only refers to the first Charge that he filed, alleging race discrimination, but Defendant did not submit that document to the Court. Instead, Defendant offers Plaintiff's second Charge, in which Plaintiff alleges that he was discharged in retaliation for his first Charge. The Complaint does not refer to this document. Viewing the allegations in the Complaint in the light most favorable to Plaintiff, *pro se*, and not considering the documents that Defendant attached to its motion, the Court will deny Defendant's Motion to Dismiss.

The Court will also evaluate the merits of Defendant's alternative Motion for Summary Judgement. The Court notes that Defendant has complied with the requirements of Federal Rule of Civil Procedure 56. Further, the following facts are clear from the exhibits submitted by Defendant and are undisputed by

Plaintiff: (1) Defendant terminated Plaintiff's employment on February 24, 2007, (2) Plaintiff acknowledged this termination on February 24, 2007, (3) Plaintiff filed a Charge with the HRC and EEOC alleging that his termination was the result of retaliation on May 6, 2008, and (4) the EEOC dismissed the Charge because it was untimely filed.

Based on these undisputed facts, and drawing all inferences in Plaintiff's favor, it is clear that Plaintiff filed his Charge more than 300 days from the date of the conduct of which he complains. Because of this delay, Plaintiff's Title VII claim fails to comply with the mandatory requirements of 42 U.S.C. § 2000e-5(e)(1). The Court will dismiss this claim.

IV. Conclusion

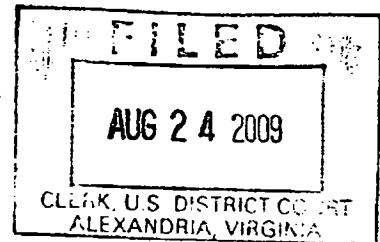
For these reasons, the Court will deny Defendant's Motion to Dismiss and grant its Motion for Summary Judgment.

An appropriate Order will issue.

January 13, 2009
Alexandria, Virginia

_____/s/_____
James C. Cacheris
UNITED STATES DISTRICT COURT JUDGE

EXHIBIT XIV



UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1137

IFTIKHAR H. SAIYED,

Plaintiff - Appellant,

v.

ENTERPRISE RENT-A-CAR,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. James C. Cacheris, Senior District Judge. (1:08-cv-01147-JCC-JFA)

Submitted: August 20, 2009

Decided: August 24, 2009

Before WILKINSON and MICHAEL, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Iftikhar H. Saiyed, Appellant Pro Se. Edward Lee Isler, ISLER, DARE, RAY, RADCLIFFE & CONNOLLY, PC, Vienna, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Iftikhar H. Saiyed appeals the district court's order denying Defendant's motion to dismiss and granting Defendant's summary judgment motion on his race discrimination and retaliation claims, brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e to 2000e-17 (2006). We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. See Saiyed v. Enterprise Rent-A-Car, No. 1:08-cv-01147-JCC-JFA (E.D. Va. Jan. 13, 2009). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED