

1 TODD E. GALLINGER, State Bar No. 238666  
2 GILL AND GALLINGER LLP  
3 Two Park Plaza, Suite 760  
4 Irvine, California 92614  
5 Telephone: (949) 862-0010  
6 Facsimile: (949) 862-6582

7 JOHN P. KILROY  
8 600 Broadway  
9 Lorain, Ohio 44052  
10 Telephone: (440) 244-2590  
11 Facsimile: (440) 244-0811

12 Attorneys for Plaintiffs,  
13 K.I.N.D.E.R., INC.. & DR. LAILA AL-MARAYATI, M.D.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

KIDS IN NEED OF DEVELOPMENT,  
EDUCATION, AND RELIEF, INC.;  
LAILA AL-MARAYATI, M.D.;

Plaintiffs,

vs.

YALE UNIVERSITY PRESS;  
WASHINGTON INSTITUTE FOR  
NEAR EAST POLICY; MATTHEW  
LEVITT,

Defendants.

CASE NO.:

COMPLAINT FOR DAMAGES

JURY TRIAL REQUESTED

Now come the Plaintiff, by and through its attorney and for its Complaint states the following:

1. Dr. Laila Al-Marayati, MD is a resident of Los Angeles County, California and is the Chair of the Board of Directors of Kids In Need Of Development, Education, and Relief, Inc. (hereafter, KINDER USA).

**FILED**  
LOS ANGELES SUPERIOR COURT

APR 26 2007

JOHNA CLARKE, CLERK  
BY B.M. SWAIN, DEPUTY

*Case assigned to Judge [unclear] by [unclear]*

BC370155

RECEIVED  
APR 26 2007  
CLERK OF COURT  
LOS ANGELES SUPERIOR COURT  
CENTRAL DISTRICT

1           2.     KINDER USA is a not for profit organization incorporated in Texas and  
2 recognized for exemption, by the Internal Revenue Service, as a public charity under  
3 section 501(c)(3) of the Internal Revenue Code.

4           3.     KINDER USA was founded in 2002 by a group of physicians and  
5 humanitarian relief workers. KINDER USA believes in fostering creative solutions to  
6 long-standing problems believing that all children are born with fundamental freedoms  
7 and are entitled to the rights of survival, health, and education. KINDER USA puts into  
8 action programs to ensure these rights are not forgotten.

9           4.     The mission of KINDER USA is to alleviate the suffering of children and  
10 their families - regardless of ethnicity or religious beliefs - by bringing material goods into  
11 war zones and areas of disaster, to provide material support to those living in refugee  
12 camps, to initiate educational, health, and rehabilitation programs, and to dynamically  
13 reverse the psychological damage caused to these innocent beings due to the horrors of  
14 conflict.

15           5.     Yale University Press is a publisher located in New Haven, CT. Its books  
16 are distributed in Los Angeles County, California.

17           6.     On or about April 27, 2006, Yale University Press published Hamas,  
18 Politics, Charity, and Terrorism in the Service of Jihad, written by Matthew Levitt.

19           7.     Hamas, Politics, Charity, and Terrorism in the Service of Jihad, was  
20 published in cooperation with the Washington Institute of Near East Policy.

21           8.     Hamas, Politics, Charity, and Terrorism in the Service of Jihad, was written  
22 by Matthew Levitt. Mathew Levitt is a senior fellow and director of The Washington  
23 Institute of Near East Policy's Stein Program on Terrorism, Intelligence, and Policy.

24           9.     KINDER-USA is discussed in Chapter 6, *Foreign Funding of Hamas* on  
25 pages 151 and 152 and in the related footnotes numbered 21 and 22. The text states:  
26 "Even after the closure of the Holy Land Foundation in 2001, other U.S.-based charities  
27 continue to fund Hamas. One organization that has appeared to rise out of the ashes of the  
28 HLFRD is KinderUSA."

1           10. The Defendants further falsely state that “the formation of KinderUSA  
2 highlights an increasingly common trend: banned charities continuing to operate by  
3 incorporating under new names in response to designation as terrorist entities or in an  
4 effort to evade attention. This trend is also seen with groups raising money for al-Qaeda.”  
5 The footnote to this paragraph mentions two officers of KINDER-USA at the onset and  
6 continues with an extensive discussion of al-Qaeda funding networks, without informing  
7 the reader that there is no allegation that KinderUSA is tied to al-Qaeda.

8           11. The book written by Defendant Levitt and published by Defendant Yale  
9 University Press, particularly Chapter 6, pages 151 – 152 and the respective footnotes,  
10 asserts that KINDER-USA funds Hamas; and that it implies that it is connected to the al-  
11 Qaeda funding network, I am advising the Board of Directors to consider bringing a  
12 lawsuit against the publisher for defamation.

13           12. Statements that indicate that the Plaintiff is an organization that funds  
14 terrorist or illegal organizations are false and damaging, and constitute *libel per se*. Such  
15 statements subject the organization to unfair scrutiny or suspicion, damage its ability to  
16 raise funds and to recruit and retain volunteers for its charitable mission, and cause  
17 irreparable harm to its reputation.

18           13. On or about July 27, 2006, KINDER USA, through its attorney, notified the  
19 Yale University Press and the Washington Institute for Near East Policy, as the publishers  
20 of the inaccuracies and demanded a public retraction from the Defendant Yale University  
21 Press and further demanded that distribution of the book be discontinued.

22           14. Defendant Yale University Press declined to retract the statement of  
23 otherwise mitigate damages, stating that it contacted Defendant Levitt, who stood by the  
24 claims made in his book.

25           15. Defendant Yale University Press did not conduct any fact-checking in  
26 regard to the publication of Hamas, Politics, Charity, and Terrorism in the Service of  
27 Jihad.

28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

WHEREFORE, Plaintiff demands compensatory damages in the amount of \$500,000, punitive damages in an amount to be determined by the Court plus attorneys fees, costs and expenses incurred on account of Defendant's actions, and injunctive relief.

*Dated: April 26, 2007*

*GILL AND GALLINGER LLP*

By *Todd E. Gallinger*  
Todd E. Gallinger, Esq.  
Attorneys for Plaintiffs